


S.A No. 1411/2019

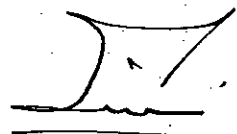
ORDER
16.09.2021

Mr. Zahanat Ullah, Advocate, for the appellant present. Mr. Tariq Umer, Inspector (Legal) alongwith Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General for the respondents present. 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


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

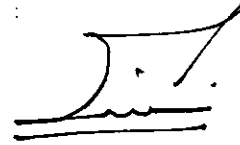
26.07.2021

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 to 3 not submitted despite last opportunity being given, therefore, to come up for arguments before the D.B on 16.09.2021.




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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

01.06.2021

Learned counsel for the appellant present. Mr. Riaz Anmad 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)

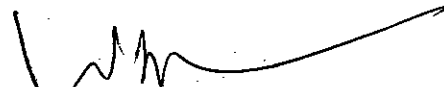


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.07.2021

Appellant alongwith his counsel Mr. Zahanat Ullah, Advocate, 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 to 3 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. 4 has already been submitted. Neither written reply on behalf of remaining respondents submitted nor any representative on their behalf is present, therefore, learned Additional Advocate General is directed to contact the remaining 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 remaining respondents.

(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. 4 has already been submitted while neither written reply on behalf of respondents No. 1 to 3 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.

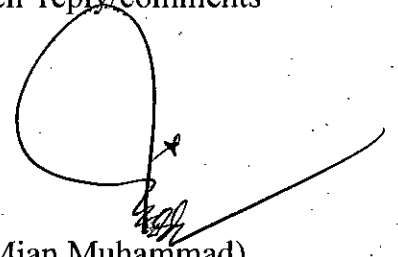
(Muhammad Jamal Khan)
Member

25.09.2020

Neither appellant nor his counsel is present, however, clerk to counsel for the appellant is present. 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. 4 has been submitted to Registrar of this Tribunal through Register^{ed} Post. Placed on record. Representative of respondent No.3 seeks time to submit written reply/comments. Learned AAG is required to contact respondent No. 2 and facilitate the submission of reply/comments on 07.01.2021 before S.B.



Chairman

21.07.2020

Mr. Zahanat Ullah, Advocate, for appellant is present. The learned counsel for the appellant contends that appellant was inducted as Sepoy/Soldier Clerk in the office of Political Agent now Deputy Commissioner, and he has served as such at different places, that due to deteriorated law and order situation in the Kurram District (then Kurram Agency) appellant was not retired inspite of reaching the age of superannuation however, he was directed to continue his duties by the government till appointment of new sepoies and clerks and therefore, rendered duties/services accordingly.

2. By virtue of the order dated 09.12.2015 issued by the Secretary Law and order it was demanded from the appellant to pay back salaries paid to him. This issue was challenged by some of his colleagues in the Hon'ble Peshawar High Court in a Writ Petition Bearing No. 4485-P/2015, which was ultimately allowed whereby respondents were directed not to demand salaries/payments made to the appellants beyond their length of service. He continued that his movements for redressal of his grievance from pillar to post proved abortive followed by institution of aforesaid Writ Petition in the august High Court wherein it was observed that another Writ Petition Bearing No. 345-P/2017 dated 01.03.2018 all employees of Levy Force were declared Civil Servants. Accordingly, on the direction of the Hon'ble High Court he made recourse to the Federal Services Tribunal Islamabad, whereby the appeals were not entertained due to promulgation of the Khyber Pakhtunkhwa Ordinance No. 1 of 2019 whereby the subject of Levy Force was Provincialized hence, institution of appeal in this Tribunal.

3. The perusal of record would reveal that important issues factual as well as legal are involved besides valuable rights requiring resolution in the light of law on the subject and unless and until the respective point of views of the parties are not heard and the grain is not sifted from the chafe in the light of legal enactments, the bulging issues reflected in the appeal could not be satisfactorily resolved calling for due consideration hence, this appeal is 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.

Appellant Deposited
Security Process Fee

21/7/20

(MUHAMMAD JAMAL KHAN)
MEMBER

21.07.2020

Mr. Zahanat Ullah, Advocate, for appellant is present. The learned counsel for the appellant contends that appellant was inducted as Sepoy/Soldier Clerk in the office of Political Agent now Deputy Commissioner, and he has served as such at different places, that due to deteriorated law and order situation in the Kurram District (then Kurram Agency) appellant was not retired inspite of reaching the age of superannuation however, he was directed to continue his duties by the government till appointment of new sepoies and clerks and therefore, rendered duties/services accordingly.

2. By virtue of the order dated 09.12.2015 issued by the Secretary Law and order it was demanded from the appellant to pay back salaries paid to him. This issue was challenged by some of his colleagues in the Hon'ble Peshawar High Court in a Writ Petition Bearing No. 4485-P/2015, which was ultimately allowed whereby respondents were directed not to demand salaries/payments made to the appellants beyond their length of service. He continued that his movements for redressal of his grievance from pillar to post proved abortive followed by institution of ~~the~~ aforesaid Writ Petition in the august High Court wherein it was observed that another Writ Petition Bearing No. 345-P/2017 dated 01.03.2018 all employees of Levy Force were declared Civil Servants. Accordingly, on the direction of the Hon'ble High Court he made recourse to the Federal Services Tribunal Islamabad, whereby the appeals were not entertained due to promulgation of the Khyber Pakhtunkhwa Ordinance No. 1 of 2019 whereby the subject of Levy Force was Provincialized hence, institution of appeal in this Tribunal.

3. The perusal of record would reveal that important issues factual as well as legal are involved besides valuable rights requiring resolution in the light of law on the subject and unless and until the respective point of views of the parties are not heard and the grain is not sifted from the chafe in the light of legal enactments, ^{the matter issue} ~~What is the~~ legal phenomenon of the matter? The bulging issues reflected in the appeal could not be satisfactorily resolved calling for due consideration hence, this appeal is 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.

~~Cannot be resolved conclusively~~

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.



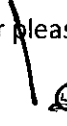



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1411/2019

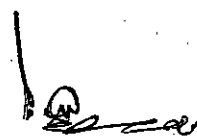
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/10/2019	<p>The appeal of Mr. Gulzar Hussain resubmitted today by Mr. Zahanat Ullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 25/10/19</p>
2-	28/10/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/12/19</u></p> <p> CHAIRMAN</p>
	09.12.2019	<p>Appellant present in person.</p> <p>Requests for adjournment due to general strike of the Bar. Adjourned to 14.01.2020 for preliminary hearing before S.B.</p> <p> Chairman</p>
	14.01.2020	<p>Junior to counsel for the appellant present.</p> <p>Requests for adjournment due to general strike of the Bar. Adjourned to 25.02.2020 before S.B.</p> <p> Chairman</p>

The appeal of Mr. Gulzar Hussain son of Muhammad Hussain Ex-Employee of Federal Levy Force Kurram Agency received today by 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.

- ① Copy of departmental appeal against the impugned recovery order dated 09.12.2015 in respect of appellant mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- ② Copy of Writ Petition no. 4311-P/2017 mentioned in 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.
- ③ Copy of order passed by the FST on the appeal of the appellant mentioned in para-10 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ⑤ Copy of order of this Tribunal mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 1300 /S.T,

Dt. 31-7- /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zahanatullah Adv. Pesh.

objections removed and re-submitted today.

Zah
17/10/19.

Objection nos. 1, 2,3 and 5 are still stand. Therefore, the present appeal is returned again to the counsel for the appellant for completion and resubmission within 15 days.

No. 1806 /S.T,

Dt. 18/10 /2019.

Mr.Zahanatullah Adv. Pesh.


REGISTRAR

Objection No.1: Objection No.1 is removed and departmental appeal against the impugned recovery order has been placed on file.

Objection No.2: Objection No.2 is removed and copy of Writ Petition No.4311-P/2017 has been placed on file.

Objection No.3: Objection No.3 has been removed and copy of FST has been placed on file.

Objection No.5: Objection No.5 is removed and the same Para has been corrected now.

All objections are removed and re-submitted today.


Zahanat Ullah/

Advocate High Court,
Peshawar.

Dated: 25/10/2019

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)

INDEX

S.No	Description of Documents	Annex	Pages
1.	Writ Petition		1-7
2.	Affidavit		8-8B
3.	Copy of circular dated 09/12/2015	A	9-22
4.	Copy of writ petition and order	B	23-38
5.	Copies of the departmental appeals	C	39-41
6.	Copy of the comments filed by the respondents with w.p 4311/2017	D	42-65
7.	Copy of the judgment dated 15/01/2019 and orders of Federal Service Tribunal	E, F	66-70
8.	Wakalat Nama		71

Gulzar Hussain
Appellant

Through

Dated: 09/07/2019

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

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal. No. 1411 /2019

Khyber Pakhtukhwa
Service Tribunal

Diary No. 995

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. Secretary Law and Order FATA, FATA Levy Force, FATA Secretariat, Warsak Road, Peshawar.
3. Inspector General of Police Khyber Pakhtunkhwa, Police Lines Peshawar.
4. Deputy Commissioner Kurram Agency.

.....(Respondents)

Filed to-day

Q. A. U.
Registrar

Prayer:

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

On acceptance of this Appeal, the impugned recovery

Re-submitted to -d order dated: 09/02/2015 may kindly be set-aside and filed.

being illegal and the respondents may further be directed to release the pension of the petitioner along with interest.

Respectfully Sheweth:

The Brief facts of the case are:-

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

superannuation, and were paid for the same as well.

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

the respondents turn deaf ear to the requests of the appellant. (Copies of the departmental appeals are attached as annexure "C").

8. That thereafter the petitioner along with his colleagues filed a writ petition No.4311-P/2017 in the Peshawar High Court, Peshawar for the readressal of his grievances, wherein comments were called from the respondents and the same were submitted by them. (Copy of the comments filed by the respondents is attached as annexure "D").

9. That on the date of hearing of the above mentioned writ petition, it was observed that the Honorable Peshawar High Court has passed another judgment dated 01/03/2018 in writ petition No.345-P/2017 titled "Gul Munir Vs Govt. of Pakistan through secretary" wherein all the employees of levy force were declared civil servants. Consequently the appellant was directed to approach the Federal service tribunal, so the writ petition of the appellant was sent in original to the Federal Service Tribunal at Islamabad. (Copy of the judgment dated 15/01/2019 is attached as annexure "E").

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

GROUND:

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

- B. That the respondents violated their own rules and promoted Junior Sepoy/Clerks by ignoring and discriminating the appellant, which is clear cut violation of the rules, policy and even against the fundamental rights of the appellant guaranteed by the Constitution of Islamic Republic of Pakistan.

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

(7)

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

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

Gulzar Hussain

Appellant

Through

Zahanat Ullah

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.

Zahanat Ullah

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)

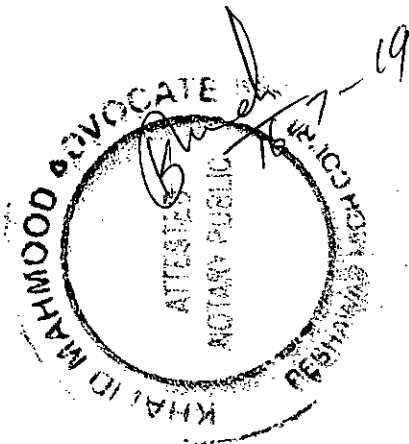
AFFIDAVIT

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. 21588-2243599-9~~



8A

**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.

Gulzar Hussain

Appellant

Through

Zahanat Ullah

Zahanat Ullah

Advocate, High Court
Peshawar

Date: 09/07/2019

Annex- 1

P-9

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

To

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

Subject:-

REDRESSAL OF GRIEVANCES

Memorandum.

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

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

Political Agent, Kurram

ATTESTED
TO BE TRUE COPY

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

S.No	Name	F/Name	Rank the Date of Retirement	DOB	Date of Appointment	Date Retirement as per Rules	Date Which Retired	Excess Period Served	Last pay Drawn	Total pay Drawn in excess (7 * 8)
1	Ali Gul	Dost Ali	Subedar	1963	---	---	31.12.2014	---	---	---
2	Lal Gul	Bad Shah Gul	N/Sub:	1962	---	---	31.12.2014	---	---	---
3	Rajab Ali	Gulab Hussein	N/Sub:	1959	---	---	31.12.2014	---	---	---
4	Nazir Hussain	Taj Muhammad	N/Sub:	1963	---	---	31.12.2014	---	---	---
5	Sarwar Ali	Safdar Ali	Havaldar	1959	01.04.1983	01.04.2014	31.12.2014	09 months	i). 25053x3=75159 ii). 27065x6=162390	2,37,549
6	Shan Ali	Noor Muhammad	Havaldar	1966	01.03.1983	01.03.2014	31.12.2014	10 months	i). 24054x4= ii). 25996x6=-	252,192
7	S. Jawad Hussain	S. Lal Hussain	Havaldar	1968	---	---	31.12.2014	---	---	---
8	S. Adil Hussain	Syed Asghar	Havaldar	1966	01.10.1983	01.10.2014	31.12.2014	03 months	i). 25961x3= 77,883	77,883
9	Musa Khan	Mohsin Khan	Havaldar	1964	01.09.1983	01.09.2014	31.12.2014	04 months	i). 25838x4=1,03,352	1,03,352
10	Ali Mat Khan	Syed Ghulam	Naik	1966	---	---	31.12.2014	---	---	---
11	Abid Hussein	Ahmad Ali	Naik	1969	---	---	31.12.2014	---	---	---
12	Nabi Hussain	Noor Khan	Naik	1974	---	---	31.12.2014	---	---	---
13	Noor Qamber	Ali Mardan	Naik	1969	---	---	31.12.2014	---	---	---
14	Jen Muhammad	Shakir Khan	Naik	1956	01.03.1984	01.03.2013	31.12.2014	13 months	i). 22926x7 ii). 24310x5 iii). 24758=-	3,06,790/-
15	Sadaf Ali	Gul Ali	L/Naik	1973	---	---	31.12.2014	---	---	---
16	Muhamad Hussain	Sefat Ali	L/Naik	1969	---	---	31.12.2014	---	---	---
17	Ali Akber	Mir Akber	L/Naik	1969	21.04.1987	21.04.2014	31.12.2014	08 months	i). 21908x2= 43816 ii). 23224x5=116120 iii). 23630	1,83,566/-
18	Hakim Khan	Amir Khan	L/Naik	1969	01.04.1987	01.04.2014	31.12.2014	09 months	i). 21908x3=65724 ii). 23224x5=116120 iii). 23630	2,05,474/-

ATTESTED

ATTESTED
A. TRIPATHI

ATTESTED

19/

	Syed Hussain	Muhamad Hussain	L/Naik	1965	01.06.1987	01.06.2014	31.12.2014	07 months	i) 71908x1 = 21908 ii). 3224x5 = 16120 iii). 236330	1,61,658/-
20	Shan Ali	Noor Muhd	Havaldar	1966			31.12.2014			
21	Ghulam Akber	Ali Ghulam	Havaldar	1963	15.01.1982	15.01.2013	31.12.2014	13 months	i). 24598x7 = 172186 ii). 26575x5 = 132875 iii). 27065	3,32,126/-
22	Noor Afzal	Hussein Afzal	Havaldar	1959	20.01.1983	20.01.2014	31.12.2014	11 months	i). 24598x5 = 122990 ii). 26575x5 = 132875 iii). 27065	2,82,930/-
23	Syed Hanif	Ali Ghulam	Havaldar	5.2.1964	01.03.1983	01.03.2014	31.12.2014	10 months	i). 24721x4 = 98884 ii). 26698x5 = 133490 iii). 27188	2,59,562/-
24	Subhan Ali	Mardan Ali	Havaldar	1965	01.02.1983	01.02.2014	31.12.2014	11 months	i). 24019x5 = 120095 ii). 25961x5 = 129805 iii). 26451	2,76,351/-
25	Ghulam Hussein	Ghazi Marjan	Havaldar	1958	01.05.1982	01.05.2013	31.12.2014	13 months	i). 24055x7 = 168385 ii). 25997x5 = 129985 iii). 26487	3,24,857/-
26	Shah Mahmood	Fazal Jan	Havaldar	01.08.1962	01.02.1982	01.02.2013	31.12.2014	13 months	i). 24598x7 = 172186 ii). 26575x5 = 132875 iii). 27065	3,32,126/-
27	Khwajakhel	Sharin	Havaldar	1961	15.03.1982	15.03.2013	31.12.2014	13 months	i). 24143x7 = ii). 26085x5 = iii). 26575	3,26,001/-
28	Noor Muhd	Salih Muhd	Havaldar	1959	01.08.1982	01.08.2013	31.12.2014	13 months	i). 24143x7 = 169001 ii). 26085x5 = 130425 iii). 26575	3,26,001/-
29	Noor Faraz	Syed Sharif	Havaldar	1961	21.04.1982	21.04.2013	31.12.2014	13 months	i). 24598x7 = 172186 ii). 26575x5 = 132875 iii). 27065	3,32,126/-
30	Sharab Khan	Fazlai	Havaldar	1961	11.02.1982	11.02.2013	31.12.2014	13 months	i). 24513x7 = 171591 ii). 26490x5 = 132450 iii). 26980	3,31,021/-
									Total	32,84,759

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	Sardar Ghulam	Musam Khan	Havaldar	1957	01.03.1982	01.05.2013	31.12.2014	13 months	i). 21174x7 = 171318 ii). 25961x5 = 129805	3,27,574/-
32	Inayat Hussain	Muhammad Anwar	Naik	1964	01.01.1985	01.01.2014	31.12.2014	12 months	iii). 26451 i). 22556x6 = 135336 ii). 24356x5 = 121780	2,81,920/-
33	Asghar Hussain	Gulab Hussain	Naik	1962	16.03.1985	16.03.2014	31.12.2014	09 months	iii). 24804 i). 22556x3 = 67668 ii). 24356x5 = 121780	2,14,252/-
34	S. Sajad Hussain	S. Badshah	Naik	1969	16.03.1985	16.03.2014	31.12.2014	09 months	iii). 24804 i). 22556x3 = 67668 ii). 24356x5 = 121780	2,14,252/-
35	Ajeeb Hussain	Muhammad Hassan	Naik	1964	15.10.1984	15.10.2013	31.12.2014	13 months	iii). 24804 i). 22556x7 = 157892 ii). 24356x5 = 121780	3,04,476/-
36	Ramazan Ali	Qurban Ali	Naik	1963	01.11.1984	01.11.2013	31.12.2014	13 months	iii). 24804 i). 22926x7 = 160482 ii). 24310x5 = 121550	3,06,790/-
37	Mubarak Khan	Sardar Khan	Naik	1958	01.09.1983	01.09.2012	31.12.2014	13 months	iii). 24758 i). 23130x7 = 161910 ii). 24514x5 = 122570	3,09,442/-
38	Muht Rehman	Mir Alam Kh	Naik	1963	01.03.1984	01.03.2013	31.12.2014	13 months	iii). 24962 i). 23130x7 = 161910 ii). 24514x5 = 122570	3,09,442/-
39	Muht Jan	Gul Bar Khan	Naik	1962	01.08.1984	01.08.2013	31.12.2014	13 months	iii). 24962 i). 23131x7 = 161917 ii). 24515x5 = 122575	3,09,455/-
40	Khezullah Khan	Akber Khan	Naik	1967	01.08.184	01.08.2013	31.12.2014	13 months	iii). 24963 i). 22926x7 = 160482 ii). 24758x5 = 123790	3,09,478/-
									iii). 25206	
									Total	28,87,081

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	Gul Mat Khan	Ismail Khan	Naik	1966	01.08.1984	01.08.2013	31.12.2014	13 months	i). 22926x7 = 160482 ii). 24310x5 = 121550 iii). 24758	3,06,790/-
42	Azeem Khan	Nat Khan	Naik	1964	01.09.1984	01.09.2013	31.12.2014	13 months	i). 22926x7 = 160482 ii). 24310x5 = 121550 iii). 24758	3,06,790/-
43	Noor Zaman	Shehzad Gul	Naik	1966	01.11.1984	01.11.2013	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 25805	2,93,449/-
44	Jan Muhd	Shakir Muhd	Naik	1956	01.05.1984	01.05.2013	31.12.2014	13 months	i). 22926x7 = 160482 ii). 24310x5 = 121550 iii). 24758	3,06,790/-
45	Noor Jan	Habib Gul	Naik	1962	01.07.1984	01.07.2013	31.12.2014	13 months	i). 22510x7 = 157570 ii). 24310x5 = 121550 iii). 24758	3,03,878/-
46	Khyal Muhd	Jan Muhd	Naik	1958	01.03.1982	01.03.2011	31.12.2014	13 months	i). 23550x7 = 164850 ii). 25415x5 = 127075 iii). 25862	3,17,782/-
47	Alam Gul	Khyal Gul	Naik	1966	01.09.1983	01.09.2012	31.12.2014	13 months	i). 22926x7 = 160482 ii). 24310x5 = 121550 iii). 24758	3,06,790/-
48	Rasul Khan	Nasrullah Jan	L/Naik	1967	07.01.1986	01.07.2013	31.12.2014	13 months	i). 21335x7 = ii). 23630x5 = iii). 24030	2,91,531/-
49	Din Bar Khan	Sewal Khan	L/Naik	1964	22.07.1984	22.07.2011	31.12.2014	13 months	i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
50	Muhd Rasol	Rasol Khan	L/Naik	1958	01.08.1985	01.08.2012	31.12.2014	13 months	i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
Total										30,27,588

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Statement Showing the detail of Recoverable amount from RETIRED PAKISTAN AIR FORCE PERSONNEL.

Sl. No.	Station/Address	Name	Rank	Year of Birth	Retirement Date	Final Date	Duration	Calculation	Amount
52	Moeen Shah	Merak Shah	L/Naik	1967	01.09.1985	01.09.2012	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
53	Itibar Gul	Khyal Gul	L/Naik	1968	01.08.1984	01.08.2011	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
54	Pehlwan	Khwajamat Khan	L/Naik	1965	01.03.1985	01.03.2012	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
55	Khana Gul	Hamid Gul	L/Naik	1966	01.08.1985	01.08.2012	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
56	Wali Shah	Gulab Shah	L/Naik	1970	01.02.1986	01.02.2013	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
57	Raham Noor	Muht Noor	L/Naik	1967	12.03.1987	12.03.2014	31.12.2014	10 months i). 21531x4 = 86124 ii). 23224x5 = 116120 iii). 23630	2,25,874/-
58	Habib Shah	Syed Wazir	L/Naik	1960	01.08.1982	01.08.2009	31.12.2014	13 months i). 22974x7 = 160818 ii). 24754x5 = 123770 iii). 25160	3,09,748/-
59	Wazir Khan	Adam Khan	L/Naik	1963	15.01.1982	15.01.2009	31.12.2014	13 months i). 22974x7 = 160818 ii). 24754x5 = 123770 iii). 25160	3,09,748/-
60	Muhammad	Syed Muht	L/Naik	1965	16.08.1983	16.08.2010	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
				1962	28.08.1981	28.08.2008	31.12.2014	13 months i). 22971x7 = 160797 ii). 24751x5 = 123755 iii). 25157	3,09,709/-
Total									29,36,443

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61	Falak Naz	Matanat	L/Naik	1960	01.09.1982	01.09.2009	31.12.2014	13 months	i). 22974x7 = 160818 ii). 24754x5 = 123770 iii). 25160	3,09,748/-
62	Noor ul Haq	Haji Ahmad	L/Naik	1965	16.11.1982	16.11.2009	31.12.2014	13 months	i). 22974x7 = 160818 ii). 24754x5 = 123770 iii). 25160	3,09,748/-
63	Muhd Yousuf	Zar Khan	L/Naik	1955	01.12.1985	01.12.2012	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23805	2,93,449/-
64	Iqbal Shah	Khelwat Shah	L/Naik	1955	01.12.1985	01.12.2012	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23805	2,93,449/-
65	Islam Muhd	Ghulam Muhammad	L/Naik	1965	10.02.1985	10.02.2012	31.12.2014	13 months	i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
66	Sadaat Khan	Batokai	L/Naik	1967	01.10.1983	01.10.2010	31.12.2014	13 months	i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
67	Sharif Khan	Shabaz Khan	L/Naik	1966	18.03.1987	18.03.2014	31.12.2014	09 months	i). 21613x3 = 64839 ii). 23306x5 = 116530 23712	2,05,081/-
68	Kamil Jan	Sarwar Khan	L/Naik	1960	01.02.1986	01.02.2013	31.12.2014	13 months	i). 21613x7 = 151191 ii). 23306x5 = 116530 iii). 23712	2,91,533/-
69	Hayat Gul	Syedmar Gul	L/Naik	1968	01.06.1986	01.06.2013	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x6 = 140646	2,93,085/-
70	Muhd Sharif	Mir Muhammad	L/Naik	1959	01.08.1986	01.08.2013	31.12.2014	13 months	i). 21531x7 = 150717 ii). 23224x5 = 116120 iii). 23630	2,90,467/-
Total										28,80,348

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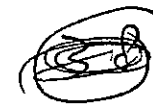
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	Nabi Khan	Jhangir Khan	L/Naik	1961	01.08.1986	01.03.2013	31.12.2014	13 months	i). 21531x7 = 150717 ii). 23224x5 = 116120 iii). 23630	2,90,467/-
72	Khyal Bat Khan	Adam Khan	L/Naik	1957	01.03.1985	01.03.2012	31.12.2014	13 months	i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
73	Gul Badar	Syed Sharif	L/Naik	1965	01.07.1985	01.07.2012	31.12.2014	13 months	i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
74	Noor Islam	Guldali	L/Naik	1958	02.01.1986	02.01.2013	31.12.2014	13 months	i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
75	Jamat Husein	Ali Ghulam	Sepoy	1958	01.02.1983	01.02.2008	31.12.2014	13 months	i). 22661x7 = 158627 ii). 24377x5 = 121885 iii). 24741	3,05,253/-
76	Sher Ghulam	Syed Ghulam	Sepoy	1967	01.05.1982	01.05.2007	31.12.2014	13 months	i). 22661x7 = 158627 ii). 24377x5 = 121885 iii). 24741	3,05,253/-
77	Ashiq Hussein	Relumat Ali	Sepoy	1964	12.04.1984	12.04.2009	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23805	2,95,449/-
78	Yousaf Ali	Manzar Ali	Sepoy	1974	12.04.1984	12.04.2009	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23805	2,95,449/-
79	Iqbal Hussein	Israr Husein	Sepoy	1958	01.07.1986	01.07.2011	31.12.2014	13 months	i). 21335x7 = 149345 ii). 22973x5 = 114865 22337	2,86,547/-
80	Dildar Hussein	Mohib Ali	Sepoy	1960	09.12.1987	09.12.2012	31.12.2014	13 months	i). 21335x7 = 149345 ii). 22973x5 = 114865 iii). 22337	2,86,547/-
Total										29,51,647

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81	Hashim Ali	Ghulam Jan	Sepoy	1955	01.10.1986	01.10.2011	31.12.2014	13 months	i). 21101x7 = 147707 ii). 22713x5 = 113565 23077	2,84,349/-
82	Munawar Ali	Qamber Ali	Sepoy	1958	23.07.1985	23.07.2010	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23805	2,93,449/-
83	Sohail Masih	Gulfam Maseh	Sepoy	1963	01.09.1984	01.09.2009	31.12.2014	13 months	i). 21673x7 = 151711 ii). 23337x5 = 116685 iii). 23701	2,92,097/-
84	Sharbat Ali	Shenkai	Sepoy	1.11.1957	01.03.1988	01.03.2013	31.12.2014	13 months	i). 21335x7 = 149345 ii). 22973x5 = 114865 iii). 22337	2,86,347/-
85	Mulki Shafiq	Karim Dad	Sepoy	1974	01.12.1985	01.12.2010	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23805	2,93,449/-
86	Nexon Maseh	James Maseh	Sepoy	1976	01.04.1987	01.04.2012	31.12.2014	13 months	i). 20893x7 = 146251 ii). 22505x5 = 112525 iii). 22869	2,81,645/-
87	Abdullah Khan	Ashraf Khan	Sepoy	1960	1984	2009	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23805	2,93,449/-
88	Mehtab Ali	Nawab Ali	Sepoy	3.4.1968	01.08.1988	01.08.2013	31.12.2014	13 months	i). 22219x7 = 155533 ii). 23009x5 = 115045 iii). 24273	2,99,351
89	Ashiq Hussein	Qadam Ali	Sepoy	1968	01.03.1984	01.03.2009	31.12.2014	13 months	i). 22661x7 = 158627 ii). 24377x5 = 121885 iii). 24741	3,05,253/-
90	Mushtaq Husein	Lal Hussein	Sepoy	1975	09.12.1987	09.12.2012	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23805	2,93,449/-

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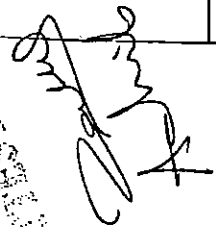
Total 26,29,589

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	Zahir Shah	Mehmod Jun	Sepoy	D.O.B	Date of appointment	Date of nullity Return as per	Date of Retirement	Excess period served		
				1966	01.10.1987	01.10.2012	31.12.2014	13 months	i). 20775x7 = 145425 ii). 22439x5 = 112195 iii). 22803	2,81,923/-
92	Gulzar Hussain	Muht Hussain	Sepoy	15.3.1955	01.03.1986	01.03.2011	31.12.2014	13 months	i). 22219x7 = 155533 ii). 23545x5 = 117725 iii). 23909	2,97,167/-
93	Mushtaq Hussain	Muht Ali	Sepoy	28.3.1965	01.01.1987	01.01.2012	31.12.2014	13 months	i). 23172x7 = 162204 ii). 24914x5 = 124570 iii). 25278	3,12,052/-
94	Rehman Gul	Fadat Khan	Sepoy	1960	01.07.1986	01.07.2011	31.12.2014	13 months	i). 20893x7 = 146231 ii). 22505x5 = 112525 iii). 22869	2,81,645/-
95	Muhamamad Akbar	Khaista Khan	Naib Subedar	1963	15.02.1982	15.02.2015	31.03.2015	01 month (15) days	i). 28007 ii). 14004	42,010/-
96	Munir Hussain	Hussain Gul	Naib Subedar	1962	01.06.1981	01.06.2014	31.03.2015	10 months	i). 25993x1 = 25993 ii). 28185 x5 = 140925 iii). 28829x4 = 115316	2,82,234/-
97	M. Rshid Khan	Pir Badshah	Naib Subedar	1960	20.08.1981	20.08.2014	31.03.2015	07 months	i). 27363x3 = 82089 ii). 28007x4 = 112028	1,94,117/-
98	Yousuf Ali	Dost Ali	Naib Subedar	1957	01.06.1981	01.06.2014	31.03.2015	10 months	i). 26669x1 = 26669 ii). 28263x5 = 141215 iii). 28907x4 = 115628	2,83,612/-
99	S. Arbab Hussain	S. Amir Mian	Naib Subedar	11.12.1958	11.02.1982	11.02.2015	31.03.2015	01 month (18) days	i). 28830 ii). 18224	47,364/-
100	Rahman Gul	Pir Ghulam	Naib Subedar	03.02.1965	15.01.1982	15.01.2015	31.03.2015	2 1/2 months	i). 27923x3 = 55846 ii). 13962	69,808/-
									Total	23,15,573

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لغات اعداد ۰۰۰۰

اپریل 2013 میں
 promotion
 دی گئی
 کہ اسے در سال کوہری پور تعیناتی

101	Nijat Hussain	Sahib Khan	Naib Subedar	1964	15.01.1982	15.01.2015	31.03.2015	2 1/2 months	i). 27925x2 = 55846 ii). 13962	69,808/-
102	Abdul Karim	Saifullah	Naib Subedar	1961	15.02.1982	15.02.2015	31.03.2015	01 month (15) days	i). 27923 ii). 13962	41,885/-
103	Noor Akbar	Khaista Khan	Naib Subedar	1965	15.02.1982	15.02.2015	31.03.2015	1 1/2 months	i). 29214 ii). 14607	43,821/-
104	Maqsood Khan	Janat Mir	Naib Subedar	1956	01.02.1982	01.02.2015	31.03.2015	02 months	i). 29214x2	58,428/-
105	Badshah Jan	Piow Khan	Havaldar	1963	01.05.1983	01.05.2014	31.03.2015	11 months	i). 24143x2 = 48282 ii). 26085x5 = 140425 iii). 26575x4 = 106300	2,85,017/-
106	S. Abid Hussain	S. Abdul Hussain	Havaldar	1963	16.11.1982	16.11.2013	31.03.2015	16 months	i). 24598x7 = 172186 ii). 26575x5 = 132875 iii). 27065x4 = 108207	4,13,321/-
107	Iqbal Hussain	Muht Yousuf	Havaldar	1965	01.04.1983	01.04.2014	31.03.2015	12 months	i). 23564x3 = 70692 ii). 26575x5 = 132875 27065x4 = 108207	3,11,827/-
108	Jamil Hussain	Mohamad Akbar	Havaldar	1964	01.10.1983	01.10.2014	31.03.2015	06 months	i). 25348x2 = 50696 ii). 25838x4 = 103352	1,54,048/-
109	Muhammad Wazir	Ali Wazir	Havaldar	1966	01.05.1983	01.05.2014	31.03.2015	11 months	i). 24598x2 = 49196 ii). 26575x5 = 132875 iii). 27065x4 = 108207	2,99,321/-
110	Abdul Jalil	Habib Khan	Havaldar	1961	01.06.1983	01.06.2014	31.03.2015	10 months	i). 24054 ii). 25996x5 = 129980 iii). 26486x4 = 105944	2,59,978/-
Total										17,47,278

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111	Sultan Ali	Mardan Ali	Havaldar	1965	01.09.1983	01.09.1983	31.03.2015	07 months	i) 25348x3 = 66044 ii) 25838x4 = 101752	1,74,396/-
112	Mulraj Jan	Sayed Baz	Havaldar	1964	01.05.1983	01.05.2014	31.03.2015	110 months	i) 24054x2 = 48108 ii) 25996x5 = 129980 iii) 26486x4 = 105944	2,81,032/-
113	Niaz Hussain	Dost Muhammad	Havaldar	1958	01.01.1984	01.01.2015	31.03.2015	03 months	i) 25838x3 = 77514	77,514/-
114	S. Noor Hussain	S. Ali Akbar	Havaldar	1960	01.02.1984	01.02.2015	31.03.2015	02 months	i) 25838x2 = 51676	51,676/-
115	Syed Ghulam	Abbas Ghulam	Havaldar	1962	15.01.1983	15.01.2014	31.03.2015	2 ½ months	i) 26575x2 = 53150 ii) 13288-	66,438/-
116	Abid Hussain	Sanjab Khan	Havaldar	1958	01.05.1983	01.05.2014	31.03.2015	11 months	i) 23962x2 = 47924 ii) 26486x5 = 132430 iii) 26976x4 = 107904	2,88,258/-
117	Noor Ali	Mird Ali	Havaldar	1963	01.11.1983	01.11.2014	31.03.2015	04 months	i) 25838x4 =	1,03,352/-
118	Said Marjan	Asghar Khel	Havaldar	1963	01.06.1983	01.06.2014	31.03.2015	10 months	i) 24598x1 = 24598 ii) 26575x5 = 132875 iii) 27065x4 = 108260	2,65,733/-
119	Kamal Hussain	Mir Muhammad Jan	Naik	1963	15.05.1984	15.05.2013	31.03.2015	16 months	i) 22556x7 = 157892 ii) 24356x5 = 121780 iii) 24804x4 = 92216	3,78,888/-
120	S. Muhammad Afzal	S. Muhd Asghar	Naik	1963	01.01.1985	01.01.2014	31.03.2015	15 months	i) 22556x6 = 135336 ii) 24356x5 = 121780 iii) 24804x4 = 92216	3,56,332/-
Total										19,55,265

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121	Gul Muhammad	Ghulam Muhammad	Naik	1968	01.11.1984	01.11.2013	31.03.2015	16 months	i). 22556x7 = 157892 ii). 24356x5 = 121780 iii). 27065x4 = 108260	3,78,883/-
122	S. Subir Hussain	S. Shah Hussain	Naik	1957	15.05.1985	15.05.2014	31.03.2015	10 months (16) days	i). 23095x1 = 23095 ii). 24927x5 = 124635 iii). 25375x4 = 101500 iv). 11548	2,57,378/-
123	Saeed Khan	Gul Nazir	Naik	1967	01.10.1985	01.10.2014	31.03.2015	06 months	i). 24310x2 = 48620 ii). 24758x4 = 99032	1,47,652/-
124	Ali Naqi	Eid Akbar	Naik	1967	15.07.1985	15.07.2014	31.03.2015	08 months (16) days	i). 24758x4 = 99032 ii). 25206x4 = 100824 iii). 12379	2,12,235/-
125	Akbar Ghulam	Ali Ghulam	Naik	1967	01.12.1985	01.12.2014	31.03.2015	04 months	24756x4 = 98944	98,944/-
126	Lal Badshah	Niaz Badshah	Lance Naik	1968	01.12.1985	01.12.2012	31.03.2015	16 months	i). 21531x7 = 150717 ii). 23224x5 = 116120 iii). 23630x4 = 94520	3,61,357/-
127	Fazal Mir	Fazal Gul	Lance Naik	1968	09.12.1987	09.12.2014	31.03.2015	03 months (22) days	i). 24036x3 = 72108 ii). 17058	89,166/-
128	Werhmin Khan	Janat Mir	Lance Naik	1962	09.12.1987	09.12.2014	31.03.2015	03 months (22) days	i). 24036x3 = 72108 ii). 17058	89,166/-
129	Abdul Malik	Itebar Khan	Lance Naik	1966	12.12.1987	12.12.2014	31.03.2015	03 months (19) days	i). 24036x3 = 72108 ii). 14732	86,840/-
130	Yaqoob Khan	Ali Sarwer	Lance Naik	1968	12.12.1987	12.12.2014	31.03.2015	03 months (19) days	i). 24036x3 = 72108 ii). 14732	86,840/-
Total										20,74,158

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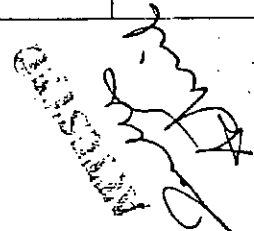
P. 21

20/11/15
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131	Gul Mat Khan	Juma Khan	Lance Naik	1962	01.12.1987	01.12.2014	31.03.2015	04 months	24036x4	96,144/-
132	Abdullah Shah	Haleem Shah	Lance Naik	1969	12.12.1987	12.12.2014	31.03.2015	03 months (19) days	i). 24036x3 = 72108 ii). 14732	86,840/-
133	Muhamad Ishaq	Hussain Khan	Lance Naik	1969	12.12.1987	12.12.2014	31.03.2015	03 months (19) days	i). 24036x3 ii). 14732	86,840/-
134	Muhammad Ayub	Shehzad Khan	Levy Sepoy	1965	01.12.1988	01.12.2013	31.03.2015	16 months	i). 21335x4 = 85340 ii). 22973x5 = 114865 iii). 23337x4 = 93348	3,57,558/-
135	Tariq Masih	Lal Masih	Levy Sepoy	1960	23.09.1989	23.09.2014	31.03.2015	06 months	i). 22037x2 = 44074 ii). 22401x4 = 89604	1,33,678/-
136	Hayat Ullah	Samand Khan	Levy Sepoy	1974	18.06.1989	18.06.2014	31.03.2015	09 months	i). 22037x3 = 110185 ii). 22401x4 = 89604	1,99,789/-
137	Dildar Hussain	Gul Din	Levy Sepoy	1963	04.10.1989	04.10.2014	31.03.2015	06 months	i). 22973x2 = 45946 ii). 23337x4 = 93348	1,39,294/-
138	Intizar Hussain	Gul Din	Levy Sepoy	1965	24.04.1987	24.04.2012	31.03.2015	16 months	i). 21335x7 = 149345 ii). 22973x5 = 114865 iii). 23337x4 = 93348	3,57,558/-
Total										15,44,541
G- Total										3,16,01,076/-

P.22

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 GENERAL MANAGER
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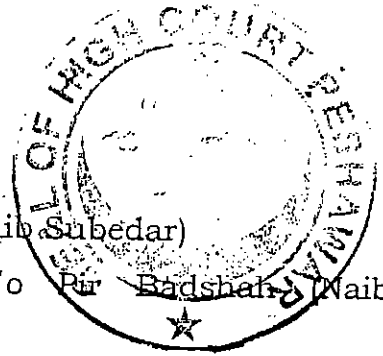

 GENERAL MANAGER

Annex B

P.23

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4485 P/2015



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

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Peshawar High Court
12 AUG 2016

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23 DEC 2015

P. 24

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

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Peshawar High Court
12 AUG 2016

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P-25

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

VERSUS

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

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P. 26

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

Prayer:

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

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

Respectfully Sheweth:

The Brief facts of the case are:-

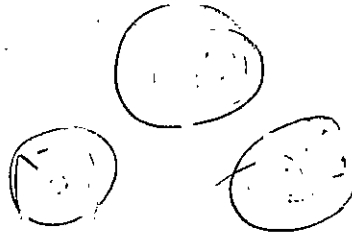
1. That the petitioners were employees of Federal Levy Force and were servicing on different posts/ ranks at Kurram Agency.
2. That during the entire period of their services they performed their duties honestly and courageously.

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Deputy Registrar
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P.27



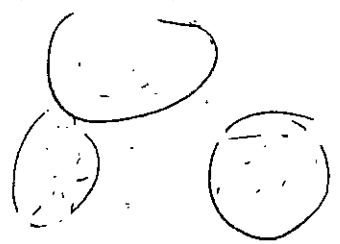
3. That in the year 2013 when the law and order situation in the Kurram Agency including other parts of the country were tense due to Talibanization and anti state elements the petitioners performed their duties valiantly and fearlessly.
4. That on dated 23/04/2013 the FATA Secretariat Narcotics Section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

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

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

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

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

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

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6. That despite the clear cut directions of respondent No. 2 to reinstate and give one step promotions to the petitioner, but the respondent No. 3 compulsorily retired the petitioners from their services.

7. That it is pertinent to mention here that in the Kurram Agency the Law and order situation was tense enough and for the reason some of the petitioners who had attained the age of superannuation were not called from the trenches and they continued their duties with the employed consent of respondent No. 2 with all their logistic support and for the reasons the respondents continuously paid their monthly salaries to the petitioners even thereafter.

8. That now after spending hard time for the protection of mother land and maintaining the law and order situation astonishingly the respondent No. 2 issued a letter/ circular dated 09/12/2015 demanding the petitioners to pay back the salaries paid to them for the duties they performed with the implied consent of the respondent in the hard and

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EXAMINER
Peshawar High Court
12 AUG 2016

P.30



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

9. That the petitioners have asked time and again respondent No. 3 to implement the decision of respondent No. 2, but respondent No. 3 failed to do so, and even not releasing the pension of some petitioners who's age of superannuation nor giving them beck benefits and promotion/ reinstatement.

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

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.

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Peshawar Court

12 AUG 2016
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- B. That all the Levy Personals who were performing their duties in other agencies were given promotion according to the letter No. CS (F)/N/4-Levies/Concept Paper/825 dated 23/04/2013 except the present petitioner which clear cut violation of the fundamental rights of the petitioners guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
- C. That the demand of arrears in respect of salaries from the petitioners for which they have rendered their services/ sacrifices during the bad law and order situation is illegal and against norms of natural justice.
- D. That the act of the respondent No. 3 by not obeying the decision of respondent No. 2 dated 11/10/2015 is against the law.
- E. That the act of the respondent No. 3 by not giving back benefits and releasing pension is also illegal and against the law and facts.

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Punjab
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P. 32

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

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

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

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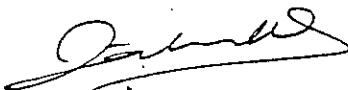
P.33

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

Petitioners

Through

Dated: 23/12/2015


Zahanat Ullah
Advocate High Court,
Peshawar.

CERTIFICATE:


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


ADVOCATE

LAW BOOKS:

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

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23 DEC 2015


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EXAMINER
Peshawar High Court
12 AUG 2016


ADVOCATE

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P.34

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4485/2015

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

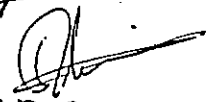
VERSUS

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

AFFIDAVIT

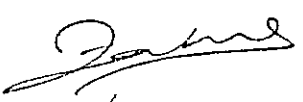
I, Rehman Gul S/o Pir Ghulam (Naib Subedar) Federal
Levy Force, Kurram Agency, do hereby solemnly affirm and
declare that the contents of the accompanying **Writ Petition**
are true and correct to the best of my knowledge and belief
and nothing has been concealed from this Hon'ble Court.

21303-2257130-7



DEPONENT

Identified by:



Zahanat Ullah
Advocate High Court,
Peshawar.

no.....	<u>7642</u>
Certified that the above was verified on solemnly	
affirmation before me in office, this.....	<u>23rd</u>
day of.....	<u>Dec</u> 2015
at.....	<u>Peshawar</u>
who was identified by.....	<u>Zahanat Ullah</u>
Who is personally known to me:	

Oath Commissioner
Peshawar

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Peshawar High Court

12 AUG 2016

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P. 35

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, PESHAWAR.

JUDICIAL DEPARTMENT

W.P No. 4485-P of 2015.

JUDGMENT

Date of hearing 19-05-2016

Petitioner (s) (Rehman Gul) by Mr. Zaharutullah, Advocate
Respondent (s) (Addl. Chief Secy) by Mr. Gajdar Ahmad Durrani, Advocate
Mr. Kifayatullah, D.A.G.

YAHYA AFRIDI:-J:- Rehman Gul and
seventy five others, the petitioners, seek the
Constitutional jurisdiction of this Court praying
that:

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

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

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Peshawar High Court

12 AUG 2016

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P.36

superannuation) along with back benefits."

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

"ORDER NO.CSF/N/4-Levy/Appeal/2015.

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

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

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

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

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

Appeal disposed of in the above terms.

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

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

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

This petition is disposed of, in the above terms.

S.d = Yahya Afidi. J

Announced.
Dated. 19.5.2016.

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

JUDGE

JUDGE

1290
 Date of Presentation of Application 13/8/16
 No of Pages 10
 Copying fee
 Urgent Fee 287
 Total 1218/16
 Date of Preparation 13/8/16
 Date Given For Delivery 13/8/16
 Date of Delivery of Copy 13/8/16
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 Authorised Officer
 The Customs Station

19 AUG 2016

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دو نو است برخلاف حکم مورخہ ۹.۱۲.۲۰۱۵ سلسلہ تنخواہ ریگوری

مسائلہ کرم بیوی ایفکاران

جناب عالی:

۱۔ یہ کہ حکم مرحلہ طراز سے بیوی فورس میں خدمت انجام

دینے سے ہے

۲۔ یہ کہ حکم مسائلک نے حکم کی مرضی سے اصناف ملازمت سے

کی بلکہ حکومت نے فرمایا ہے اصناف ملازمت کی ہے اور

مشکل تبدیل وقت میں اپنے نرائس انجام دیا ہے

۳۔ یہ کہ حکم سائنڈان مرتب لوگ ہے اور بلکہ ایف دار ہے

۴۔ یہ کہ یو ایسٹل اینسٹ نے حکم مورخہ ۹.۱۲.۲۰۱۵

کیا ہے شش و صوبی مکا ریگوری کا وہ ظالمانہ ہے اور

اسی کی حکم نیا جائے

حکم مرتب لوگ ہمیشہ دعا گوہ رہے

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سائلان / ایفکاران

گولڈا - صحیح

ریٹائرڈ ہو گیا ایفکاران

افستار حسین

لوٹرا ایف کرم ایف کرسی

ضیاء اللہ

کرم بیوی فورس

اکتیار گل

شیر نواز خان

مشیاہ حسین

المرفوعہ 16.12.2015

علاء الدین پور پٹنہ صاحب: معادرتیہ درم اقبالہ
دروست بلادرصم رسول - القاصف. بسلسلہ متفواہ دیکوری
سابقہ کرم لیبوی ایسکاران جو پیشی رضعتی برکت

علاء علی

گورنمنٹ جے. پی. سائمن کرم لیبوی فورس میں فوائضی سرانجام دیتے -
مورخہ 12/14 181 کو ہم پیشی رضعتی برکت. برکت ال گورنمنٹ. ما حال میں کو رہنا پیشی میں مددیں.
معاذہ پیجیب متفواہ دیکوری کا حکم صادر ہے.
علاء جاہ! ہم گورنمنٹ میں رضعتی ملوڑت میں کی ہے. بسنن حکومت نے ہم
بریں رضعتی ملوڑت کی ہے. ہم نے حکومت کا سامنا دیا ہے. متخل کرن وقت

میں دیتے فوائضی سرانجام دی ہیں.
حکومت میاں گورنمنٹ کا پروڈیوشن حکم صادر ہوا تھا. اگر میں پروڈیوشن حکم بریں سیدار کی
لے کے مطابق عمل درآد ہوتا. تو پھر یہ دیکوری کی ٹوٹ نہ آئی. بسنن ترسوں
کہ میں مالی پروڈیوشن حکم پر عمل درآد نہیں ہوا - اگر آپ صاحبان اچھی بھی
ہم پروڈیوشن حکم صادر کریں. تو پھر بھی ہم دیکوری سے بچے سکتے ہیں.
علاء جاہ! ہم غریب باہل بچہ دار گوف ہیں. اگر میں سے دیکوری سے صاحبان کو سیدار
پیشی رضعتی گچو سنس بیٹا.
میں آپ صاحبان سے رحم و انصاف کی اپیل کرتے ہیں کہ آپ ایک رحم دل حکم
میں دیکوری معاف فرمایا جائے. میں زبردستی میں کہ آپ رحم فرمائیں
میں قیامت تک دعا گو رہتا ہوں.

فقو مورخہ 25/15

سائمن گورنمنٹ لیبوی ایسکاران نوٹس (کرم لیبوی)
کرم لیبوی فورس

L. Chak

what is the
issue?
Report.

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P.41

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

88

**REQUEST FOR REDRESSAL OF GREVIENCE
REQUEST FOR REINSTATEMENT AND PRMOTION**

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

Vs

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

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

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

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

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

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

Announced
29.005.2015

Saeed Khan
Secretary (Law & Order)/
Appellate Authority

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Saeed Khan
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Annex D (7) 42

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4311-P/2017

APP. No. 392 (P) S/2019

Ashiq Hussain.....(Petitioners)

V E R S U S

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

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Petitioners

Through

Dated: 23/10/2017

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

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SCANNED

RE-FILED TODAY
Deputy Registrar
27 OCT. 2017.

FILED TODAY
Deputy Registrar
24 OCT 2017

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43

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:

Heabus Corpus	Prohibition	Mandamus	√	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 petiotners

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

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

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2017-10-23
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44

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

APP. No 392(P)CS/193

W.P. No. 4311/P 2017

Presented by Poll
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

[Signature]
Registrar
26/04/2018

26 APR 2018

DAY

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

V E R S U S

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

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WRIT PETITION UNDER ARTICLE 199

OF THE CONSTITUTION OF ISLAMIC

REPUBLIC OF PAKISTAN, 1973.

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Prayer:

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

- A. To give proforma promotions with all back benefits to the 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.

Respectfully Sheweth:

The Brief facts of the case are:-

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

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

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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

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departmental appeals are attached as annexure "D").

to

5. That in the year 2013 when the law and order situation in the Kurram Agency including other parts of the country were tense due to Talibanization and anti state elements the petitioners performed their duties valiantly and fearlessly.

6. That it is pertinent to mention here that in the Kurram Agency the Law and order situation was tense enough and for the said reason the petitioners who had attained the age of superannuation were not retired and were directed by the respondents to continue their duties till the appointment of new Sepoy/Clerks, consequently the petitioners perform their duties even after reaching the age of superannuation, and were paid for the same as well.

7. That now when the petitioners were retired, the respondent No. 2/ Secretary Law and Order issued letter/ circulation dated 09/12/2015 demanding

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

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

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

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49 (24)

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

A

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

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

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50 (25)

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

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

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

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

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

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Petitioners

Through

[Handwritten signature]

Zahanat Ullah
Advocate High Court,
Peshawar.

Dated: 23/10/2017

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CERTIFICATE:

52 (7)

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


ADVOCATE

LIST OF BOOKS:

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


ADVOCATE


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3

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4311-1/2017

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.

[Handwritten signature]

DEPONENT

CNIC: 21303-8061464-9

Identified by:

[Handwritten signature]

Zahanat Ullah
Advocate High Court
Peshawar.

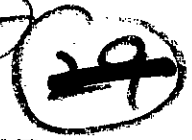
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Subscribed that the above deponent has affirmed on solemnly affirmation before me on the day of Oct 12 2017 at Kurram Agency who was identified by Zahanat Ullah who is personally known to me.

[Handwritten signature]
Oath Commissioner
Peshawar High Court, Peshawar. 23/10/17

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4311/2017

33

Ashiq Hussain.....(Petitioners)

V E R S U S

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

ADDRESSES OF THE PARTIES

PETITIONERS:

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

RESPONDENTS:

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

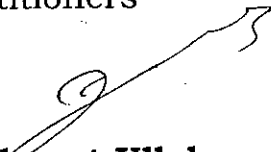
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- 55
- 30
4. Assistant Political Agent, Kurram Agency.
 5. Section Officer (L&K) FATA, FATA Secretariat, Warsak Road, Peshawar.
 6. Agency Account Officer, Kurram Agency.
 7. Secretary SAFRON Division, Pak Secretariat Islamabad.
- 34

Petitioners

Through

Dated: 23/10/2017


Zahanat Ullah
Advocate High Court,
Peshawar.

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24 OCT 2017


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~~Amir D~~
~~PC 12~~

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BEFORE THE HONOURABLE PESHAWAR HIGH COURT, PESHAWAR

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

Ashiq Hussain.....Petitioner

Vs

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

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

Respectfully Sheweeth:

Preliminary Objections:

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

ON FACTS:

- 1. In reply to Para No.1, it is humbly submitted that the instant Para is wrong and misleading. Levy Force was raised and established in Kurram Agency in the 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 Sepoy were entrusted with the responsibilities to perform duties as

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~~P/13~~

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

3. In reply to the instant Para, it is respectfully submitted that all the Petitioners got retired from service long before and never agitated that their right of promotion has been curtailed and that they have been discriminated. Now in the year 2018 i-e after a lapse of almost four years of their retirement, are asking for their promotion which is not tenable in the eye of law.

4. In reply to Para 4, it is humbly submitted that the instant Para is incorrect. If the Petitioners appeals were not decided by the respondents then they should have approached the proper remedy at that particular time and not at this belated stage.

5 & 6. In reply to the instant Paras, it is respectfully submitted that in the year 2013, unprecedented law and order situation prevailed in Kurram Agency in the shape of militancy/terrorism and sectarian clashes. A large number of Levy Personal who were about to retire on attaining the age of superannuation were asked by the political authorities to continue their duties even beyond their retirement to maintain sufficient strength of Levy Force which was direly needed in the wake of worst Law & order situation. All those Levy personal were regularly paid their salaries. When the law & order situation in the agency became normal, all the levy personal who performed their duties beyond the age of superannuation were retired and their pension cases were processed and the FATA Secretariat was asked to give ex-post facto sanction of payments of salaries. In the meantime some of the Levy Personal filed a W.P.No.4485-P/2015 before this Honourable Court and that Writ Petition was accepted by this Honourable Court vide Order dated.19.05.2016 in the following terms:

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

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

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

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

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

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.

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27 JUN 2018

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~~P 15~~

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

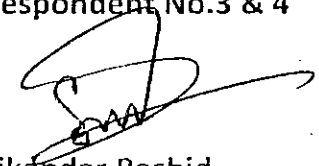
D. In reply to Para D, it is humbly submitted that detailed reply to the instant Para has already been given in the preceding Paras.

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

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

through

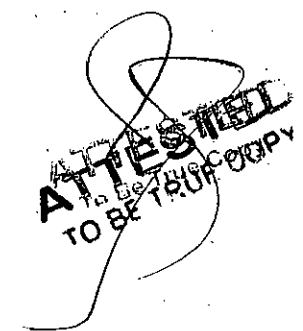
Respondent No.3 & 4



Sikandar Rashid,
Advocate, Supreme
Court of Pakistan.

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~~P-76~~

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, PESHAWAR

In Re:

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

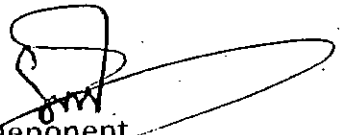
Ashiq Hussain.....Petitioner

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

1708
day 18
Legal Advisor
Sikandar Rashid
27/6
27/6

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27 JUN 2018

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BEFORE THE PESHAWAR HIGH COURT PESHAWAR

In W.P No. 4311-P/2017

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

Versus

Federation of Pakistan & Others----- Respondents

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Respondents No 1, 2 & 5

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

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09 JUL 2018

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

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~~P 18~~

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.

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.

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

Para wise Comments:

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

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- 6. As already submitted, the petitioners were due to for retirement at the time when 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.

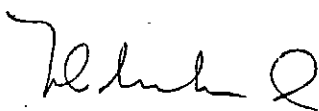
Grounds:

- 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)

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

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~~PST~~

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 paravise 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.

Miraj Muhammad
 Deputy Secretary Levy & Khassadar)
 Law & Order Department
 FATA Secretariat

2641
 I, Miraj Muhammad
 Deputy Secy
 Peshawar
 do hereby solemnly
 affirm and declare
 that the contents
 of this affidavit
 are true and correct
 to the best of my
 knowledge and belief
 and nothing has been
 concealed from this
 Honorable court.

Miraj Muhammad
 9/2/18

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Annex ^v **E 66**
~~P 52~~

PESHAWAR HIGH COURT, PESHAWAR
ORDER SHEET

2019
15

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
15.01.2019	<p data-bbox="614 802 925 840"><u>W.P No.4311-P/2017.</u></p> <p data-bbox="614 866 1228 942">Present: Mr. Zahanatullah, Advocate, for the petitioners.</p> <p data-bbox="774 980 1228 1057">Mr. Sikandar Rashid, for the respondents.</p> <p data-bbox="837 1095 997 1121">*****</p> <p data-bbox="614 1184 1228 1668"><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 data-bbox="614 1719 1228 2293">2. Petitioners in both the petitions have sought similar prayer that they may be given proforma promotion with all back benefits by declaring the recovery order dated 09.02.2015 of respondent No.2 as null and void. They have also prayed that the respondents may be directed to release the pension of the petitioners</p>

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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

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photocopy of memo of Petition for the purpose of record.

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

[Signature]
JUDGE

[Signature]
JUDGE

Announced
15.01.2019

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Federal Service Tribunal, Islamabad.

Appeal No. 392(P)CS/2019

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

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

PRESENT: Mr. Ashiq Hussain, appellant in person.

ORDER

Muhammad Jahangir Mir, Member:

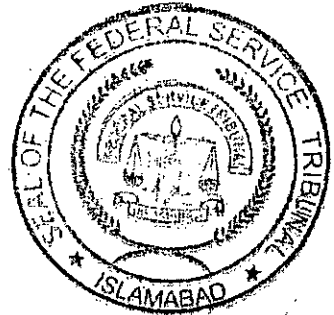
The appeal is at pre-admission stage. It has been observed that a notification No. LEGIS 1(14) 2012-Vol.II dated 12.03.2019, whereby the Federal Levies Force Regulation, 2012 has been repealed through Khyber Pakhtunkhwa Ordinance No. 1 of 2019. According to which the Federal Levies and Khassadar Forces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

In the above circumstances the present appeal is ~~to be~~ returned ^{for} seeking remedy at appropriate forum. Therefore, the appeal is disposed of accordingly.

sd-
MEMBER

sd-
MEMBER

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Federal Service Tribunal
Islamabad



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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

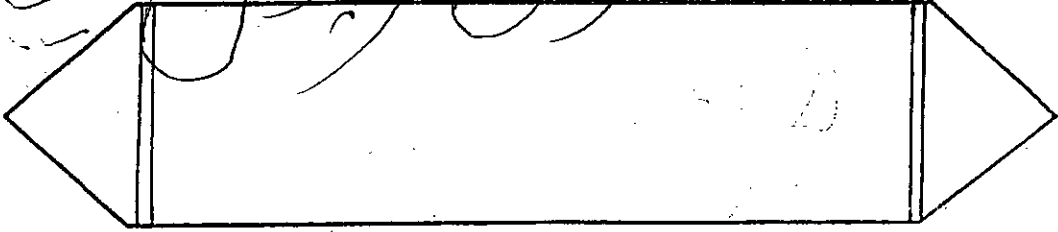

REGISTRAR

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.


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بعدالت سرکل ٹریبونل ساور



گلزار حسن بنام گورنمنٹ

2، منجانب

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

آن مقام ~~گورنمنٹ~~ کے لیے ~~ذیانت اللہ ایجوکیشنل سوسائٹی~~ کے متعلقہ مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک دروپیدار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ 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 وکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted

المرقوم 16 ماہ 07 2019

العبد _____ واہ العبد _____

Accepted

کے لئے منظور ہے۔

بمقام ساور

جلد

Galaxy Station

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 1411/2019

Gulzar HussainAppellant

VERSUS

Provincial Government through Chief Secretary Civil Secretariat Peshawar, Khyber Pakhtunkhwa
.....Respondents

APPEAL U/S 4 OF CIVIL SERVICE TRIBUNAL ACT 1974.

Respectfully Shewith:

The requisite comments are under:

It is humbly submitted that during the tenure of Erst while FATA and due to shortage of Ministerial staff the then Political Agent's being Commandant of Kurram Levy Force, some educated levy sepoy's including the petitioner were entrusted the duties of soldier clerks to cope the offices requirements who were later on retired from their services as per rules framed for the purpose.

Now, after merger of Erst while FATA , the levy/Khasadars have been adjusted in Khyber Pakhtunkhwa Police, hence has no concern with this office, therefore, it is humbly prayed that the concerned authorities of the Police Department may please be asked for the purpose who will be in better position to through light over it.


Deputy Commissioner
District Kurram