ORDER 16.09.2021 Mr. Zahanat Ullah, Advocate, for the appellant present. Mr. Tariq Umer, Inspector (Legal) alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present. 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.

(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE) (SALAH-UD-DIN) MEMBER (JUDICIAL) 01.06.2021

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

(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE) (SALAH-UD-DIN) MEMBER (JUDICIAL)

05.07.2021

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

Learned Additional Advocate General sought time for submission of comments. Last opportunity is granted with the direction to the respondents to positively submit comments on behalf of respondents No. 1 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 (JUDI<del>CIAL)</del>

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 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 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

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

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 **MEMBER**

21.04.2020

Due to public holidays on account of COVID-19, the case is adjourned. To come up for the same on 21.07.2020 as before.

Reader

21.07.2020

Hant Deposited

Mr. Zahanat Ullah, Advocate for the appellant is present.

This appeal is also admitted for regular hearing in the light of order sheet recorded in Service Appeal No. 1411/2019 titled Gulzar Hussain Versus Provincial Government through Chief Secretary, Civil Secretariat Peshawar, KPK and three others instituted on 17.07.2019, as common questions of law and facts are. involved in the appeal. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 25.09.2020 before S.B.

(MUHAMMAD-JAMAL KHAN)

## Form- A

## FORM OF ORDER SHEET

Court of	·
Case No	1414/ <b>2019</b>

	Case No	1414/ <b>2019</b>
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/10/2019	The appeal of Mr. Mushtaq 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.  REGISTRAR
2-	28/10/19.	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/12/18</u> .  CHAIRMAN
1		
. 0	9.12.2019	Appellant present in person.
		Requests for adjournment due to general strike of the Bar. Adjourned to 14.01.2020 for preliminary hearing before S.B.  Chairman
:		
);	14.01.2020	Junior to counsel for the appellant present.  Requests for adjournment due to general strike of the Bar. Adjourned to 25.02.2020 before S.B.  Chairman

The appeal of Mr. Mushtaq Hussain son of Muhammad Ali 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.(2.2015 in respect of appellant mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- $\sqrt{2}$ -) 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- Page no. 41 of the appeal is illegible which may be replaced by legible/better one.

No. 1299 /S.T,

Dt. <u>3/ - 7 -</u> /2019

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Zahanatuliah Adv. Pesh.

objections removed and re-Submitted today.

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

No. 1808 /S.T.

Mr. Zahanatullah Adv. Pesh.

**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 is removed and copy of order passed by FST has been placed on file.

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	
Mushtaq Hussain		(Appellant)
	<i>.</i> •	
na i	VERSUS	

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

#### **INDEX**

S.No	Description of Documents	Annex	Pages
1.	West Petition Appeal		1-7
2.	Affidavit		8-88
3.	Copy of circular dated 09/12/2015	A	9-22
4.	Copy of writ petition and order	В	23-38
5.	Copies of the departmental appeals	С	39-41
6.	Copy of the comments filed by the	D	1 - 1
	respondents with WPNO.4311/2017		91: 63
7.	Copy of the judgment dated	E,F	66-70
	15/01/2019 and order of Federal service		
8.	Wakalat Nama		577

Appellant

Through

Dated: 09/07/2019

Zahanat Ullah

Advocate High Court,

Peshawar.

Cell No. 0315-0266166

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

#### VERSUS

- 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)

Registrar
/7/7//
Prayer:

APPEAL UNDER SECTION 4 OF

SERVICE TRIBUNAL ACT 1974.

On acceptance of this Appeal, the impugned recovery

Re-submitted to -day order dated: 09/02/2015 may kindly be set-aside being illegal and the respondents may further be directed to release the pension of the petitioner along

with interest.

### Respectfully Sheweth:



The Brief facts of the case are:-

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

superannuation, and were paid for the same as well.

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

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

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



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 Khasadar force stand Federal levies and provincialized, so the appeal of the appellant was returned for seeking remedy at appropriate forum, hence the present service appeal on the following grounds:

### **GROUNDS:**

10.

- 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 pensionery benefits since their retirement.

  Consequently the appellant along with their families are facing huge financial problems. The same pensions need to paid along with the interest to the petitioner.
- F. That the appellant has now been retired but he has been deprived of his pension.
- G. That other colleagues of the petitioner who were on the same footings as that of the appellant moved a writ petition in the Honorable Peshawar High Court, Peshawar wherein the said recovery order was setaside 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.

Appellant

Through

Dated: 09/07/2019

Zahanat Ullah

Advocate High Court,

Peshawar.

#### <u>CERTIFICATE:</u>

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

ADVOCATE

## 8

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal. No.	/2019	)		•	
Mushtaq H	ussain	• • • • • • • • • • • • • • • • • • • •	**********	(Арре	llant)
	V E				
Provincial Provincial	Government	through	Chief	Secretary,	Civil
Secretariat	Peshawar, KPk	K. and othe	rs	(Respond	ents)

### **AFFIDAVIT**

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

000

THE RAWARIES

**DEPONENT** CN<del>IC: 21303-2241918-</del>9

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No/20	19	. *			
Mushtaq Hussain					(Appellant)
		RSUS	}		
Provincial Government	through	Chief	Secretary,	Civil	Secretariat
Peshawar, KPK and othe	rs			.(Resp	ondents)
				ř	

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 where 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.

Appellant, Through

Zahanat Üllah

Advocate, High Court

Peshawar

Date: 09/07/2019

Anx- &"

OFFICE OF THE

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.

Kindly 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

ATTESTEL TO BE TRUE COPY

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

	Name	E/Name	Rank the Date of Rifrement	лоа	Date of Appointment	Date Retirment as per Rules	Date Which Retired	Excess Period Served	Last pay Drawn	Total pay Drawn in
{ -	∫∧li Gul	Dost Ali	Subedar	1963	<del></del>		31.12.2014	<u>-</u>		excess (7 *8
<u>-</u>	Lal Gul	Bad Shah Gul	N/Sub	1962	<del> </del>	<del> </del>	31.12.2014	<del>                                     </del>		1
3	Rajab Ali	Gulab Hussein	N/Sub:	1959		•	31.12.2014		 	<u> </u>
4	Nazir Hussain	Taj Muhammad	N/Sub:	1963			31.12.2014			<u> </u>
5	Sarwar Ali	Safdar Ali	Havaldar	1959	01.04.1983	01.04.2014	31.12.2014	09 menths	i). 25053x3=75159 ii). 27065x6=162390	2,37,549
i 	Shan Ali	Noor Muhammad	Havaldar	1966	01.03.1983	01.03.2014	31.12.2014	10 months	i). 24054x4= ii).1 25996x6=	252,192
	S. Jawad Hussain	S. Lal Hussain	Havaldar	1968	<u> </u>		31.12.2014		11).1 2.547080-	<del> </del>
	S. Adil Hussain	Syed Asghar	Havaldar	1966	01.10.1983	01.10.2014	31.12.2014	03 months	i). 25961x3= 77,883	77,883
	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
o ·	Ali Mat Khan	Syed Ghulam	Naik	1966	<del></del> .		31.12.2014		· · · · · · · · · · · · · · · · · · ·	
1	Abid Hussein	Ahmad Ali	Naik	1969	<del> </del> ,	<u>-</u>	31.12.2014			
2	Nabi Hussain	Noor Khan	Naik	1974			11.12.2014			
3	Noor Qamber	Ali Mardan	Naik	1969		<del></del>	31.12.2014	<del> </del>		
4	Jan Muhammod	Chakir Khan	Naik	1936	01.03.1984	01.03.2013	31.12.2014	13 months	i). 22926x7 ii). 24310x5	3.05.790/-
5	Sadaf Ali	Gul Ali	L/Naik	1973			31.12.20.14		iii). 24758=	
<u>.</u>	Muhamad Hussain	Sefat Ali	L/Naik	1969			31.12.2014		<del>-  </del>	
	Ali Akber	Mir Akber	L/Naik	1969	21 04.1987	21.04.2014	31.12.2014	08 months	i). 21908x2=43816 ii). 23224x5=116120	1,83,566/-
	Hakim Khan	Amir Khan	L/Naik	1969	01.04.1987	01.04.2014	31.12.2014	09 months	(ii), 23630 i), 21908x3=65724 ii), 23224x5=116120	2,05,474/-

ATTESTED TO BEYRUE COPY

ATTESTED

					(	( i	•			
مهر	! Syed Hussain	Muhamad Hussain	UNaik	1963	01.06.1987	01.05.2014	31.12.2014	07 months	i) 71908x1 21908	1.61.6580
20	Shan Ali	Noor Mulid	Havaddar	1966		· · · · · · · · · · · · · · · · · · ·	51.12.2014		ii), 3224x5=116120 iii), 136330	
21	Ghulam Akber	Ali Ghulam	Havaldar	1963	14 00 1005		1-			
					15.01.1982	15.04.2013	31 17.2014	13 months	i). 24598x7 = 172 186 ii). 26575x5~132875	3,32,1267
22	Noor Afzal	Hussein Afzal	, Havaldar	- 1050					m). 27065	
<u> </u>	ì	The same of the sa	Havaiuar	1959	20.01.1983	20.01.2014	31.12.2014	11 months	i). 24598x5 = 122990 ii). 26575x5=132875	2,82930/-
23(	Syed Hanif	Ali Ghulam	Havaidar		: 	!	<u>i</u>		iii) 27065	
			110 ACI (CEIL	5.2.1964	01.03.1983	01.03.2014	31.12.2014	10 months	i). 24721x4 = 98884 ii). 26698x5= 133490	2,59562/-
24	Subhan Ali	Mardan Ali	Havaldar	1963	Q1.02.1983	01.02.2014	31.12.2014	11 months	iii). 27188 i). 24019x5 =120095 ii). 25961x5 = 129805	2,76,351/-
25	I Chule - Day	 							ii). 26451	
ر ت	Ghulam Hussein	Ghazi Marjan	Havaldar	1958	01.05.1982	01.05.2013	31.12.2014	13 months	i). 24055x7 = 168385 ii). 25997x5 = 129985	3,24,857/-
26	. Shah Mchmood	Fazal Jan	Havaklar	01.08.1962	1 01 02 1002	-	<u>i</u>		iii). 26487	
			1127424	01.08.1982	01.02.1982	01.02.2013	31.12.2014	13 months	i). 24598x7 = 172186 ii). 26575x5 = 132875	1,32,126/-
27	Khwajakhel	Sharin	Havaldar	1961	15.03.1982	15.03.2013		<u> </u>	iii). 27065	į į
			<u> </u>	· · · · ·	13.03.1742		31.+2.2014	13 months	i). 24143x7 - ii) . 26085x5 =	3,26,001/-
28	Noor Muhd	Salih Muhd	Havaldar	1959	. 01.08.1982	01.08.2013	31.12.2014	13 months	iii). 26575	
					ļ	:		(5 moridis	i). 24143x7 = 169001 ii). 26085x5 = 130425	3.26.001/-
29	Noor Faraz	Syed Sharif	Havaldar	1961	21.04.1982	21.04.2013	31.12.2014	13 months	(i). 26575 (i). 24598x7 = 172186	3,32,126/-
				j .					ii). 26575x5 = 132875	J.J., (20/-
0	Sharab Khan	Fazlai	Havaldar	1961	11.02.1982	11.02.2013	31.12.2014	13 months	iii) 27065	<u> </u>
	! <del> </del>							FIDHOM CI	i). 24513x7 - 171391 ii). 26490x3 = 132450 iii). 26980	3.31.021/-
ij			,	411	TED		!		Total	32,84,759

Sardar Gludam	, Musam Khan I	1		1 .	· ( )				
		Havaldar	1957	01.03.1982	01.03.2013	31.12.2011	1 i months	i). 2/1174×7 = 171718	3.27.574
<u>-</u>				!				ii). 25961x5 - 129805	3.21.374
Inavat Husein	Muhammad Anwar	Naik	<del> </del>	<del>_</del>				m). 26451	-
۴-	The same of the sa	IVAIK	1964	04.01.1985	01.01.2014	31.12.2014	12 months	0. 22556x6 - 135336	Z.8 I.92
	·			•	i	ı		ut. 24356x5 = 121780	1
Asglur Hussein	Gulab Husein		1967	16 07 1005	1200000000000000	<del></del>		iii), 24804	1
	,		,,,,,	10.03.1985	16.03.2014	31.12.2014	09 months	1). 2255tex3 = 67668	2,14,25
	•					<b>;</b>		ii). 24356x5 = 121780	
S. Sajad Husein	S. Badshah	Naik	1969	15/03/1985	11502 2011			iii). 24804	;
3		1		10.03.1703	10.03.2014	0.11.12.2014	09 months	1	2,14.25
		j	1 .		i	į		1	
Ajceb Hussein	Muhammad Hassan	Naik	1964	15.10.1984	15 10 2013	121127014	13		
	!	_	ļ		15:10:2015	31.12.2(1)4	15 months	•	3,04,47
			i	<b>,</b> -				1	1
Ramazan Ali	Qurban Ali	Naik	1963	01.11.1984	01.11.2013	31 12 2014	13 months	_	
	; }					31.12.2014	13 months	•	3,06,79
Muhamala ICE					,		į	;	
muoaraic Milan	Sardar Khan	Naik	1958	01 09.1983	01.09.2012	31.12.2014	13 months	_	1 2 20 4
								r	3,09,44
Muhd Rehman	Mir Alam VI	<u> </u>			_	1		iii). 24962	
,	Atam Kn	Naik	1963	01.03.1984	01.03.2013	31.12.2014	13 months	i). 23130×7 = 161910	3,09,44
		ĺ	:					ii). 24514x5 = 122570	, 2,02,44
Muhd Jan	Gul Bat Khan	Nuite	1062	1		· · · · · · · · · · · · · · · · · · ·	_ \	iii). 2496 <b>2</b>	į
		i Naik	1902	01.08.1984	01.08.2013	31.12.2014	13 months	i). 23131x7 = 161917	3,09,45
		1		1	<b>[</b>		ļ	ii) 24515v5 =	
	I		• .				: :	122575	
Khezullah Khan	Althor VI	<u> </u>			1		İ	iii). 24963	,
- Aller Chieff	TRUCT ILIAN	Naik	1967	01.08.184	01.08.2013	31.12.2014	13 months	_ ! _ '	3,09,47
<del>-</del> -			-				<u>-</u>	160482	7,07,47
			1				1		
,		<del></del>	_ <del></del>	_ <u></u>	<u> </u>		; 	iii). 25206	
Ī	S. Sajad Husein  Ajceb Hussein  Ramazan Ali  Mubarak Khan  Muhd Rehman	S. Sujad Husein  Ajeeb Hussein  Muhammad Hassan  Ramazan Ali  Qurban Ali  Mubarak Khan  Sardar Khan  Muhd Rehman  Mir Alam Kh  Muhd Jan  Gul Bat Khan	S. Sajad Husein S. Badshah Naik  Ajceb Hussein Muhammad Hassan Naik  Ramazan Ali Qurban Ali Naik  Mubarak Khan Sardar Khan Naik  Muhd Rehman Mir Alam Kh Naik  Muhd Jan Gul Bat Khan Naik	S. Sujad Husein  S. Badshah  Nuik  1969  Ajceb Hussein  Muhammad Hassan  Naik  1964  Ramazan Ali  Qurban Ali  Naik  1963  Mubarak Khan  Sardar Khan  Naik  1958  Muhd Rehman  Mir Alam Kh  Naik  1963  Muhd Jan  Gul Bat Khan  Nuik  1962	S. Sujad Husein  S. Badshah  Naik  1969  10.03.1985  Ajceb Hussein  Muhammad Hassan  Naik  1964  15.10.1984  Ramazan Ali  Qurban Ali  Naik  1963  01.11.1984  Mubarak Khan  Sardar Khan  Naik  1958  01 09.1983  Muhd Rehman  Mir Alam Kh  Naik  1963  01.03.1984  Muhd Jan  Gul Bat Khan  Naik  1962  01.08.1984	S. Sajad Husein S. Badshah Naik 1969 16.03.1985 16.03.2014  Ajceb Hussein Muhammad Hassan Naik 1964 15.10.1984 15.10.2013  Ramazan Ali Qurban Ali Naik 1963 01.11.1984 01.11.2013  Mubarak Khan Sardar Khan Naik 1958 01 09.1983 01.09.2012  Muhd Rehman Mir Alam Kh Naik 1963 01.03.1984 01.03.2013  Muhd Jan Gul Bat Khan Naik 1962 01.08.1984 01.08.2013	S. Sajad Husein  S. Badshah  Nuik  1969  16.03.1983  16.03.2014  31.12.2014  Ajceb Hussein  Muhammad Hassan  Naik  1964  15.10.1984  15.10.2013  31.12.2014  Agrazan Ali  Qurban Ali  Naik  1963  01.11.1984  01.11.2013  31.12.2014  Mubarak Khan  Sardar Khan  Naik  1958  01 09.1983  01.09.2012  31.12.2014  Muhd Rehman  Mir Alam Kh  Naik  1963  01.03.1984  01.03.2013  31.12.2014  Muhd Rehman  Mir Alam Kh  Naik  1963  01.03.1984  01.03.2013  31.12.2014  Muhd Jan  Gul Bat Khan  Naik  1962  01.08.1984  01.08.2013  31.12.2014	S. Sajad Husein S. Badshah Naik 1969 16.03.1985 16.03.2014 31.12.2014 09 months  Ajceb Hussein Muhammad Hassan Naik 1964 15.10.1984 15.10.2013 31.12.2014 13 months  Ramazan Ali Qurban Ali Naik 1963 01.11.1984 01.11.2013 31.12.2014 13 months  Mubarak Khan Sardar Khan Naik 1958 01.09.1983 01.09.2012 31.12.2014 13 months  Muhd Rehman Mir Alam Kh Naik 1963 01.03.1984 01.03.2013 31.12.2014 13 months  Muhd Rehman Mir Alam Kh Naik 1963 01.03.1984 01.03.2013 31.12.2014 13 months  Muhd Jan Gul Bat Khan Naik 1962 01.08.1984 01.08.2013 31.12.2014 13 months	Asgler Hussein   Gulab Husein   Naik   1962   16.03.1985   16.03.2014   31.12.2014   09 months   12.22586.3 = 07668   13.24586.5 = 121780   10.25586.3 = 07668   13.24586.5 = 121780   10.24586.3 = 121780   10.24586.5 =

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	• .•	Gul Mat Khan	Ismail Khan	! Naik	1966	01.08.1984	01.08.2013	31.17.2014	13 months	0. 27976×7 - 160482	3.06,790/-
 L				!	,			-		ii). 24310x5 - 121550 iii). 24758	
	 	Azeem Khan	Nat Khan	Naik	1964	01.09 1984	01.09,2013	31.12.2011	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). 23805	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 = 151550 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 = (\$7\$70 ii), 24310x5 = 121550 iii), 24758	3,03,87&-
	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	Nasrulfah Jan	L/Naik	1967	07.01.1986	01.07.2013	31.12.2014	13 months	i). 21335x7 = ii). 23630x5 = iii). 24036	2,91,531/-
	49	Din Bat 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/-
增	50	Muha 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/-
.a				-						Total	30,27,58

	5	Shahzada	itement	Showin	3 1h	detail	f Kec	SOUS ELDK HUSI	KAM <b>EVY</b> I	PERSONNEL.	6
65		i	Habib Gul	U/Naik	1967	01.09.1985	01.09.2012	31.12.2014	1 i months	0. 22017x7 - (\$1084	2.46,894/-
7,-	i	ļ		1		i		1		ii). 23734x5 - 118670	21.000,000
	$\frac{1}{52}$	Moeen Shah	-		i	1	1	İ	ļ	iii). 24140 b	
:	<u> </u>	Moech anan	Merak Shah	L/Naik	1968	01.08.1984	01.08.2011	<sup>-1</sup> 31.12.2014	: 13 months	i). 22012x? = 154084	2,26,894/-
•	· -	İ	<b>}</b> .	İ				. 1		ii). 23734x5 = 118670	-1300030
	53	Itibar Gul								iii). 24140	1
;	1	, moar sar	Khyal Gul	L/Naik	1965	01.03.1985	01.03.2012	31.12.2014	13 months	i).22012x7 = 154084	2,96,894/
		,			,	Ţ,				ii). 23734x5 = 118670	
	54	Pehlawan	Vhuning	<del></del>		i ·	İ	1		iii). 24(40	
		,	Khwajamat Khan	L/Naik	1966	01.08.1985	01.08.2012	31.12.2014	13 months	i). 22012x7 = 15408/4	2,96,894/-
¥										ii). 23734x5 = f 18670	
	55	Khana Gul	Hamid Gul							iii). 24140	
		Tanana Coi	Hamid Offi	L/Naik	1970	01.02.1986	01.02.2013	31.12.2014	13 months	i). 22012x7 = 15408/4	2,96,894/-
N				İ	:	i		! .		ii). 23734x5 = 118670	
1	56	Wali Shah	Gulab Shah					1	ļ	iii). 24140	
i ii			Guido Silaji	LNaik	1967	12.03.1987	12.03.2014	31.12.2014	. 10 months	i). 21531x4 = 86124	2,25,874/-
,			1	1	ŀ		!			ii). 23224x5 = 116120	į
اً '	57	Raham Noor	Muhd Noor	L/Naik	1 1050					iii). 23630	1
] [				Livark	1960	01.08.1982	01.08.2009	31.12.2014	15 months	i). 22974x7 = 160818	3,09,748/-
İ				İ		·				ii). 24754x5 = 123770	Í
ſ	58	Habib Shah	Syed Wazir	L/Naik	1963	1.501.1005				ii). 25160	
ļ					1303	15.01.1982	15.01.2009	31.1.2.2014	13 months	i). 22974x7 = 160818	3,09,748/-
!	_	ļ				ļ			İ	ii). 24754x5 = 123770	
	59	Wazir Khari	Adam Khan	L/Naik	1965	16.08.1983	16.09.3010	13.15.55		iii). 20160	. <b>i</b>
		<u> </u>		~	1903	. 10.08.1783 j	16.08.2010	31.1.2.2014	13 months	i). 22012x7 - 154084	2.96,894/-
,	`		,	. }					· .	ii). 23734x5 = 118670	
	60	Muhammad	Syed Mulid	L/Naik	1962	28.08.1981	29.09.2000	21 12 00-	<u> </u>	iii). 24140	
ļ				J. Will	1702	20.00.1981	28.08.2008	31.12.2014	: 13 months	i). 22971x7 = 160797	3,09,709/-
********* <b>]</b> _			ľ	1		ĺ				ii). 24751x5 = 123755	, J
~ <b>=</b>					l_	_	1		<u> </u>	iii). 25157	
٠_								·		Total	29,36,443

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•										(g)
hl	Talak Naz	Matanat	I /Naik	1960	01.09.1982	01.09.2009	31.12.2014	13 months	i). 22974x7 - 160818 ii). 24754x3 123770	3,09,7487-
		b-		. ,				·	iii), 25160 i), 22974x7 = 160818	3,09,748/-
62	Noor ul Haq	Haji Ahinad	L/Naik	1965	16.11.1982	16.11.2009 -	31.12.2014	13 months	i), 219/487 = 160818 ii), 24754x5 = 123770	7:09.142:-
		-		`		<u> </u>			iii), 25160	
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	2,93,449/-
		3					-		iii). 23805	_
64	Igbai Shah	Khelwat Shah	LNaik	1955	01.12.1985	01.12.2012	31.12.2014	13 months	i). 21777x7 = 152439	2,93,449!-
			:		•				· ii). 23441x5 = 117205 · iii). 23805	
65	Islam Muhd	Ghulam Muhammad	L/Naik	1965	10.02.1985	10.02.2012	31.12.2014	13 months	i). 22012x7 = 154084	2,96,894/-
			•	·					ii). 23734x5 = 118670	
			1	1067	01 101093	01.10.2010	31.12.2014	13 months	iii), 24140 i), 22012x7 =154084	2,96,894/
66	Sadaat Klian	Batokai	L/Naik	1967	01.101983	01.10.2010	31.12.2014	15 mondes	ii). 23734x5 = 118670	
		;							iii). 24140	
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	2.05,081
								•	23712	Ì
68	Kamil Jan	Sarwar Khan	L/Naik	1960	01.02.1986	01.02.2013	31.12.2014	13 months	i). 21613x7 = 151191	2,91,533
<u> </u>	!								ii) 23306+5 = 116530 iii), 23712	
69	Hayat Gul	Syedmar Gul	L/Naik	1968	01.06.1986	01.06.2013	31.12.2014	13 months	i). 21777x7 = 152439	2,93,085
								:	ii). 23441x6= 140616	
70	Muhd Sharif	Mir Muhammad	L/Naik	1959	01.08.1986	01.08.2013	11.12.2014	13 months	i). 2153 (x7 = 150717 ii). 23224x5 = 116120	2,90,467
				1				-	iii), 23630	
-			1	<del>:</del>			— . <del>4</del>	_1	Total	28,80,

										Total	l
, 							! :			ii). 22973x5 = 114865 iii). 22337	*
86	Ð	Dildar Hussein	Mohib Ali -	Scpoy	1960	09.12.1987	09.12.2012	31.12.2014	13 months	22337 i). 21335x7 — 149345	2,86,547
<b>!</b>		1	istat riusem	Sepoy	1958	01.07.1986	01.07.2011	31.12.2014	13 months	i). 21335x7 = 149345 ii). 22973x5 = 114865	2,86,547
7	19	Iqbal Hussein	Israr Husein			12.04.1784	12.04.2009	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23303	2,93,449
7	78	Yousaf Ali	Manzar Ali	Sepoy	1974	12.04.1984	12.01.206	!		ii). 23441x5 = 117205 iii). 23805	
	77	Ashiq Hussein	Relimat Ali	Sepoy	1964	12.04.1984	12.04.2009	31.12.2014	13 months	iii). 24741 i). 21777x7 = 152439	2,93,449
:			-5 vs andiant	Sepoy	1967	01.05.1982	01.05.2007	31.12.2014	13 months	i). 22061x7 = 158627 ii). 24377x5 = 121885	3,05,25
-	76	Sher Ghulam	Syed Ghulam	Same			<u> </u>			ii). 24377x5 = 121885 iii). 24741	3,05,25
,	75	Jamai Husein	Ali Ghulam	Sepoy	1958	01.02.1983	01.02.2008	. 31.12.2014	13 mondis	iii). 24140 i). 22661x7 = 158627	3.06.75
	, T	Noor Islam	Guldali	L/Naik	1958	02.01.1986	02.01.2013	31.12.2014	13 months	<ul> <li>iii). 24140</li> <li>i). 22012x7 = 154084</li> <li>ii). 23734x5 = 118670</li> </ul>	2.96,89
<u> </u>	74	Nesstal					01.07.2012	31,12,2014	13 months	i). 22012x? = 154084 ii). 23734x5 = 118670	2,96,89
.	73	Gul Badar	Sycd Sharif	L/Naik	1965	01.07,1985	01.07.2012			ii). 23734x5 = 118670 iii). 24140	·
	72	Khyal Bat Khan	Adam Khan	L/Naik	1957	6891.80 10	01.03.2012	31.12.2011	13 months	iii). 23630 i). 22012x7 - 154084	2.96,89
2				Lonaik	1961	01.08.1986	01.03.2013	31.12.2014	13 months	i), 23224x5 = 116120	2.90,46

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	81	Hashim Ali	T-55 ": .	-						` `	
ď.	01	Hasnim An	Ghulam Jan	Scpoy	1955	01.10.1986	01.10.20(1	31.12.2014	13 months	i). 21101x7 = 147707	2.84,3492
-					. !	İ	:	ļ	į	ii). 22713x5 + 113565	"~
- <u>i</u> i	82	; Munawar ≜li	Qamber Ali			<u>-</u>		j		23077	=
1 11			Qualitier All	Sepoy	1958	23.07.1985	23.07.2010	31.12.2014	13 months	i). 21777x7 - 152439	2.93,449/-
				1	: .		;	ļ		ü). 23441x5 = 117205	ļ ·
	83	Sohail Masih	Gulfam Masch							üi). 23805	
		·	Odnam Masch	Sepoy	1963	01.09.1984	01.09.2009	31.12.2014	13 months	i). 21673x7 - 151711	2.92097/-
, į			-							· ii). 23337x5= 116685	
}	84	Sharbat Ali	Shenkai						1	į iii). 23701	•
,		oliaioai Ali	Sueukai	Sepay	1.11.1957	01.03.1988	01.03.2013	31.12.2014	13 months	). 21335x7 - 149345	2,86,547/-
					:			1		ii). 22973x5 = 114865	1
	85 —	Muhd Shafiq	V D .							iii). 22337	
	0,5	ividid Sharid	Karim Dad	Sepoy	1974	01.12.1985	01.12.2010	31.12.2014	13 months	i). 21777x7 - 152439	2,93,449/
, !					;	•				ii). 23441x5 = 117205	
	86	j Nexon Maseh	i famos Mos t							iii). 23805	
!	,	· ·	James Maseh	Sepoy	1976	01.04.1987	01.04.2012	31.12.2014	i 13 months	i). 20893x7 = 146251	2,81,645/
					•			:		ii). 22505x5 = 112525	
-	87	Abdullah Khan	Ashraf Khan						] ;	iii). 22869	
İ		Troduital Kilali	Asinai Kuan	Sepoy	1960	1984	2009	31.12.2014	13 months	i). 21777x7 = 152439	2,93,449/
ļ				· ·						ii). 23441x5 = 117205	
F	88	Mehtab Ali	Nawab Ali		1				:	iii). 23805	:
1		Memay An	Mawao VII	Sepoy	3.4.1968	01.08.1988	01.08.2013	31.12.2014	13 months	i). 32219x7 = 155533	2,99,351
İ		ĺ	<b>!</b> :	!	;		ļ	; •	i	iin 7390975 = 119545	
-	89	Ashiq Hussein	10-1- 11	÷		<u> </u>	·			iii). 24273	
		Asing Hussem	Qadam Ali	Sepoy	1968	01.03.1984	01.03.2009.	31.12.2014	13 months	i). 22661x7 = 158627	3,05,253/
		<u> </u>		* 1	į		-	-	-	ii). 24377x5 = 121885	
70 P	90	Mushtaq Husein	I TOTAL	···	<u> </u>					iii). 24741	
	$\mathcal{I}$	osmay nusem	Lal Hussein	Sepoy	1975	09.12.1987	09.12.2012	31.12.2014	13 months	i). 21777x7 = 152439	2,93,449/
'. Î	_	.~			}				:	ii). 23441x5 = 117205	
<u> </u> -			<u> </u>							iii). 23805	
4			•		TESTED	- · · - <del></del>				Total	26,29,5

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•	Zahir Shah	Mehmod Jan	Sepoy	D.O.B	Date it is	/~ -	Refront	EXCEN penid se	8420	
			Lapery	1900	01.10.1987	01.10.2012	31.12.2014	t3 months	i). 20775x7 145425	
					1.				ii). 22439x3 + 112195	
92	Gulzar Husein	Muhd Husein	Setxiy =	15.3.1955	01.03.1986	01.03.2011	31.12.2014		iii), 22803	
						. 61.03.2411	31.12.3014	13 months	i). 22219x1 = 155533	2,97,
93	()					<u> </u>			ii). 23545x5 - 1177 <u>25</u> iii). 23909	
,	Mushtaq Husain	Muhd Ali	Sepoy	28.3.1965	01.01.1987	01.01.20123	31.12.2014	13 months	i). 23172x7 = 162204	
		!	,			-		12 Health?	ii). 24914x5 = 124570	3,12,0
94	Rehman Gul	Eadat Khan		:	_			;	iii).25278	
•	distance Gal	Cadar Khan	Sepny	1960	01.07.1986	01.07.2011	31.12.2014	13 months	i). 20893x7 = 146251	2.81.0
•							1		ii). 22505x5 = 112525	-
95	Muhammad Akbar	Khaista Khan		1963			<u> </u>		iii). 22869	
		,	Naib Subedar	1703	15.02.1982	15.02.2015	31.03.2015	01 month	i). 28007	42,01
96	Munir Hussain	Hussain Gul	· · · · · · · · · · · · · · · · · · ·	1962	01.06.1981	101.06.7014	1	(15) days	ii). 14004	
					01.00.1981	01.06.2014	31.03.2015	10 months	ij. $25995x1 = 25993$	2,82
97			Naib Subedar	1					ii). 28185 x5 = 140925	
71	M. Rshid Khan	Pir Badshah	Naib Subedar	1960	20.08.1981	20.08.2014	31.03.2015	07 months	iii). 28829x4 = 115316 i). 27363x3 = 82089	1.94.
98	Yousuf Ali	l						i a months	ii). 28007x4= 112028	1.94,
	rousar Ali	Dost Ali	, The state of the	1957	01.06.1981	01.06.2014	31.03.2015	10 months	i). 26669x1 = 26669	2.83.
		•	Naib Subedar						ii). 28263x5 = 141215	
99	S. Arbab Hussain	S. Amir Mian		11 12 1000	[		<u> </u>	i	iii). 28907x4= 115628	
		· · · · · · · · · · · · · · · · · · ·	Naib Subedar	11.12.1958	11.02.1982	11.02.2015	31.03.2015	01 month	i). 28830	47,3
100	Rahman Gul	Pir Ghulam	Naib Subedar	03.02.1965	1501 1000	<u> </u>	<u> </u>	(18) days	ii). 18534	
·				ina	15.01.1982	15.01.2015	31.03.2015	2 1/2 months		69,80
-								<u> </u>	ii). 13962	
				51 yers		$\vee$	3		Total	23,1

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				(	
-	15.01.2015	31.03.2015	2 1/2 months	i). 27923x2 = 55846	69.808/-
_	15.07.2015	11.05.2015	01 month (15)	ii). 13962	
	101.12.2.77.5		days	i), 27923 ii), 13962	41,885/-
	15.02.2015	31.03.2015	1 ½ months	i). 29214	43,8217
_	10100 7017	 	<u>,</u>	ii). 14607	
	01.02.2015	31.03.2015	02 months	i). 29214x2	58,428/-
_	01.05.2014	31.03.2015	11 months	i). 24143x2 = 48282	2,85,011/-
			-	ii). 26085x5 = 140425	
_	1511 5015	<u> </u>		iii). 26575x4= 106300	1
	16.11.2013	31.03.2015	. 16 months	i). 24598x7 = 172186	4,13,321/-
	,			ii). 26575x5 = 132875	
		: :		iii). 27065x4 ≃ .	·
	01.04.5014	21.02.201-		108207	!
	01.04.2014	31.03.2015	12 months	i). 23564x3 = 70692	3,11,827/-
				îi). 26575x5 = 132875	. İ
_	01.10.7014	31.03.2015		27065x4= 108207	
	V1.10.4014	31.03~5017	vo months	i). 25348x2 = 50696	1,54,048/-
i	01.05.2014	31.03.2015		ii), 25838x4 = 103352	
	4102.2014	31.03.Z013	11 months	i)-24598x2 - 49196	2,99,321/-
				ii). 26575x5 = 132875	
			i	iii). 27065x4 =	
-	01.06.2014	71.07.701-		108207	•
	01.00.2014	31.03.2015	10 months	i).24054	2,59,97\$/-
-	j,		j	ii).25996x5 = 129980	

iii). 26486x4= 105944 Total 17,47,278

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Nijat Hussain

Abdul Karim

Noor Akbar

Magsood Khan

Badshah Jan

S. Abid Hussain

Iqbal Hussain

Jamil Hussain

Abdul Jalil

Muhammad Wazir

Sahib Khan

Saifullah

Janat Mir

Piow Khan

S. Abdul Hussain

Muhd Yousuf

Mohamad Akbar

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J	1 111	Sultan Ali — —	Mardan Ali	Havaldar	<del>- 1965</del> —	01.09.1983	01.09.1983	31.03.2015	07 months	(i) 75348x3 66044		i di à
	112	Multan Jan	Sayed Baz	Havaklar	1964	01.05.1983		31.03.2015	110 months	ii). 25838x4-101752 i). 24054x2-48108	1.74,396/- 2,84.032/-	Be True Copy
			j		`					ii). 25996x5 ÷ 129980		1
	113	Niaz Hussain	Dost Muhammad	Havaldar	1958	01.01.1984	01.01.2015	31.03.2015	02	iii). 26486x4 = 105944		
9	114	S. Noor Hussain	S. Ali Akbar	Havaldar	1960	01.02.1984	<u>:</u>		03 months	i). 25838x3 - 77514	77.514/-	
7/	115	Syed Ghulam	Abbas Ghulam	Havaldar	1962	<u>i</u>		31.03.2015	02 months	i). 25838x2= 51676	51,676/-	7
7,					1702	15.01.1983	15.01.2014	31.03.2015	2 ½ months	D. 26575x2 = 53150	66,438/-	1
	116	Abid Hussain	Sanjab Khan	Havaldar	1958	01.05.[983	01.05.2014	31.03.2015		ii). 13288		•
å		,					01.05.2014	31.03.2013	11 months	i). 23962x2 = 47924 ii). 26486x5 = 132430	2,88,258/-	-
	117	Noor Ali				į	: :			üi). 26976x4= 107904	•.	
	118	<u> </u>	Mird Ali	Havaldar	1963	01.11.1983	01.11.2014	31.03.2015	04 months	i). 25838v4=	1,03.352/-	
•	1	Said Marjan	Asghar Khel	Havaldar	1965	01.06.1983	01.06.2014	31.03.2015	10 months	i). 24598x1 = 24598	2,65,733/-	U
								1		ii). 26575x5 = 132875	7	1001
	119	Kamal Hussain	Mir Muhamad Jan	   Naik	1963	·-				iii). 27065x4= 108260		į
	į	! 		l	1763	15.05.1984	15.05.2013	31.03.2015	16 months	D. 22556x7 = 157892	3.78.888/-	b.
į	<u> </u>	- <u></u> -								ii). 24356x5 = 121780	37	7
j	120	S. Muhamad Afzal	S. Muhd Asgher	Naík	1963	01.01.1985	01.01.2014	31.03.2015	15 months	iii). 24804x4= 92216 i). 22556x6 = 135336		
77	;		;		;				, a monma	ii).24356x5 = 121780	3,56,332/-	1
a .								,		ili). 24804x4= 922 16		\
ا <u>د په</u> تا	ا_نــــــــــــــــــــــــــــــــــــ		<u>^</u>	<u> </u>						L	19,55,265	ĺ
			1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1				<del></del>		<del></del>	Total		į

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	, ,								)	•	(FEE)
	120	Gul Muhammad	Ghulam Muhamad	Naik	1968	01.11.1984	01.11.2013	31.03.2015	16 months	i). 22556x7 157892	3.78.888/-
<b>}</b> `	}							-		ii). 24356x5 ~ 1217801	II fo
						7				iii). 27065x4= 108260	DE
	122	S. Sabir 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	2.5781
	123	Saeed Khan	Gul Nazir	Naik	1967	01.10.1985	01.10.2014	31.03.2015	ปิธี months	i). 24310x2 =48620	1,47.652/-
	-								3	ii). 24758x4= 99032	i i
\	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	2,12,235/-
	<u>.</u>					į			i	iii). 12379	
	125	Akbar Ghulam	Ali Ghulam	Naik	1967	01.12.1985	01.12.2014	31.03.2015	04 months	24736x4= 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	3,61,357/-
		•						1		iii). 23630x4= 94520	3
•	127	Fazal Mir	Fazal Gul	Lance Naik	1968	09.12.1987	09.12.2014	31.03.2015	03 months (22) days	i). 24036x3 = 72108	39,10
	128	Werhmin Khan	Janat Mir	Lance Naik	1962	09.12.1987	09.12.2014	31.03.2015	03 months (22) days	i). 24036x3 = 72108	39.166/-
	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 Klian	Ali Sarwer	Lance Naik	1968	12.12.1987	12.12.2014	31.03.2015	03 months (19) days	i). 24036x3 = 72108	86,840/-

ii). 14732

Total

: 20,74,158





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131	Gul Mai Khan	Juna Khan	Lance Naik	1962	01.12.1987	01.12.2014	31.03.2015	04 months	2403654*	96,144/-
132	Abdullah Shah	Halcem Shah	Lance Naik	1969	12.12.1987	12.12.2014	31,03,2015	03 months (19) days	i). 24036x3 + 72108 ii). 14732 = 1	86,340:-
133	Muhamad Ishaq	Hussain Khan	Lance Naik	1969	12.12.1987	12.17.2014	31.03.2015	03 months (19) days	i), 24036x3 ii), 14732	86,840-
134	Muhmmad Ayub	Shehzad Khan	Levy Scpoy	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	1,33,67%/-
136	Hayet Ullah	Samand Khan	Levy Sepoy	1974	18.06.1989	18.06.2014	31.03.2915	09 months	i). 22037x5 = 110185 ii). 22401x4= 89604	1,99,789/-
37	Dildar Hussain	Gul Din	Levy Sepoy	1963	04.10.1989	04.10.2014	31.03.2015	06 months	i). 22975x2 = 4594 <b>6</b> ii). 23337x4= 9334 <b>8</b>	1,39,294/-
138	Intizar Hussain	Gul Dîn	Levy Sepoy	1965	24.04.1987	24.04.2012	31.03.2915	16 months	i).21335x7 = 149345 ii). 22973x5 ≈ 114865 iii). 23337x4= 93348	3,57,558/-
			· !	<u>.</u>		<del></del>	<u> </u>		Total	: 15,44,541
					<u> </u>				G- Total	3,16,01,076/-

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Annex B

## BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

## W.P. No. WWS V2015

- 1. Rehman Gul S/o Pir Ghulam (Naib Subedar)
- 2. Muhammad Rashid Khan S/o Pir Badshah Na 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 Husssain
- 17. Ramzan Ali S/o Qurban Ali
- 18. Sycd 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

Yousaf Ali S/o Dost Ali

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- 27. Ghulam Akbar S/o Ali Akbar
- 28. Shan Ali S/o Ghulam Muhammad
- 29. Iqbal Hussain S/o Muhammad Yousaf
- 30. Hashim Ali S/o Ghulam Jan
- 31. Nijat Hussain S/o Sahib Shah
- 32. Shah Mehmood Khan S/o Fazal Jan
- 33. Noor Faraz S/o Syed Sharif
- 34. Sharab Khan S/o Fazalay
- 35. Sardar Ghulam S/o Mosam Khan
- 36. Khwaja Khel S/o Sharif Khan
- 37. Musa Khan S/o Meman Khan
- 38. Mubarak Khan S/o Sardar Khan
- 39. Noor Muhammad S/o Saleh Muhammad
- 40. Habib Shah S/o Syed Zahid
- 41. Raham Noor S/o Muhammad Noor
- 42. Muhammad Sharif S/o Muhammad Habib
- 43. Muhammad Ishaq S/o Hussain Khan
- 44. Ali Akbar S/o Mir Akbar
- 45. Islam Muhammad S/o Ghulam Muhammad
- 46. Khiyal Muhammad S/o Jan Muhammad
- 47. Gul Bhadur S/o Syed Sharif
- 48. Nabi Khan S/o Jehangir Khan
- 49. Kabal Khan S/o Sardar Jan
- 50. Muhammad Khan S/o Said Muhammad
- 51. Moin Shah S/o Nawak Shah
- 52. Falak Naz S/o Matanay
- 53. Lal Badhsh 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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- 59. Noor Islam S/o Noor Wali
- 60. Noor ul Haq S/o Ali Ahmad Khan
- 61. Saadat Khan S/o Batokay
- 62. Wali Shah S/o Gulab Shah
- 63. Muhammad Rehman S/o Mir Alam Khan
- 64. Noor Zaman S/o Shehzada
- 65. Muhammad Jan S/o Gulbat Khan
- 66. Abdullah Khan S/o Ashraf Khan
- 67. Hayat Ullah S/o Muhammad Khan
- 68. Wazir Khan S/o Muhammad Adam Khan
- 69. Muhammad Rasool S/o Rasool Khan
- 70. Syed Hussain S/o Muhammad Hussain
- 71. Badshah Jan S/o Piao Jan
- 72. Pehalwan S/o Khwaja Mat Khan
- 73. Din Bat Khan S/o Rasool Khan
- 74. Munir Hussain S/o Hassan Gul (Naib Subedar)
- 75. Zakhmeen Khan S/o Janat Mir
- 76. Syed Abid Hussain S/o Syed Abdul Hussain
  All employees of Federal Levy Force, Kurram Agency.
  .....(Petitioners)

#### VERSUS

- 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)

Deputy Registrar 23 DEC 2015

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# 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.

That during the entire period of their services they performed their duties hopestly and courageously.

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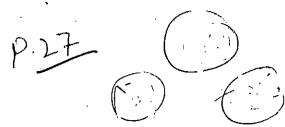
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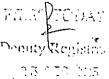
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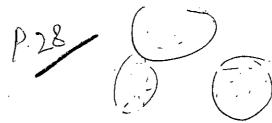


- 3. That in the year 2013 when the law and order situation in the Kurram Agency including other parts of the country were tense due to Talibanization and anti state elements the petitioners performed their duties valiantly and fearlessly.
- 4. That on dated 23/04/2013 the FATA Secretariat Narcotics 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").



- 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.
- That it is pertinent to mention here that in the 7. Kurram Agency the Law and order situation was tense enough and for the reason some of the attained petitioners who had the age 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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fast time of law and order situation. (Copy of letter circular dated 09/12/2015 is attached as aenxnure "C").

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

#### GROUNDS:

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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- That all the Levy Personals who were performing В. their duties in other agencies were given promotion according 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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- 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 pensionery 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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- h. To give one step promotion to the senior most and allegeable 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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ADVOCATE

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## BEFORE THE PESHAWAR HIGH COURT

W.P. No. WNSS

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.

DEPONENT

Identified by:

Zahanat Ullah Advocate High Court, Peshawar.

Certified that the above was verified on solemnly day of Dec 200 1) Rehman for who was identified by ...... 24h. d. w. ...... Walleft A Who is personally known to me:

> Cath Cammissioner Poshawic rec

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JUDGMENT SHEET

# IN THE PESHAWAR HIGH COURT, PESHAWAR.

### JUDICIAL DEPARTMENT

#### W.P No. 4485-P of 2015.

JUDGMENT

Date of hearing		19-05-201				
Petitioner (s) [Ref	man Gu	l) by my	14. Zd	hani	Aullah,	D'Eyocate.
Respondent (s)	le clieb S	egs by s	14.99	1 bul	Abmod 1	Advant
•	L	1 - UMI	KIfai	(ulluh)	DAG.	700000000
YAHYA AFRID	<u>l:]:-</u>	Rehman	Gul	and		
seventy five oth	ners, the p	etitioners,	seek	the		

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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- 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 superarmuation 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 inceting 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 Afridi J

Announced. Dated.19.5.2016.

S.d. j. Rook-ul-Amin Khan. J

JUDGÉ

JUDGE.

Date of Preparedies Date Given For Oelis Buse of Bellevy of

5/NUG 2016

و. كنيمت جناب ايق ـــ ميف سيترزى خاخ عردن ماغن ما مورن عرون ما بالله ما بال سالة كرم بيوى اينفادن

د) ہے کہ ہے سائلان نے عم کی مرکی سے امنای مدانست نبی ی مله موست که مرای به امای مدنست کی ۱۵/۹ منعل شاران وقب من ابعة نرالفني اي ديا ع. د) ہے ہے سائل عرب لوگ ہو اور بالی المدار ہے م، ہے کے یو بیٹھل ایسٹ نے . و فکم صور ہے کا 2015 میں و کہا ہے ہتی و موی کا رکودی کا وہ فالماتے ہے اور أس كو متم أيها جائے

الله عمید بود میشه ریانی دیگ

ناللفي ان لاس 50-136 いししかしまかかれ、 افسطارمس All Geo بولزا ايمركم المحنى ائتراكل رم بوی فورس سررند فال 16.12.2015 (3)

من مربعها للمنظم الخيط معا دروم درفودست برادرهم اس الفعاف بسسلم شنواه دملوری سامنم کوم تعوی ایسکادان جونیشی وطفتی برشکت مر وران مع مر مليان كوم ليوي فورس ميں فوليفن مرد نيام ديئے -مورض 14/18 كومع بنشن رفقي ترك كريد إلى دراما مركورين بنتى مني مدين. المنام مناف الري كا مروون عنه حاور سو تحا والروس مروون عنه مرسساري الع من مل في على در رُ مدسون . فر معرب ركوري فريث منه ركي منسق رُفون المراس ما فی ار موشن کلم مبر عمل ورم مدسن مور - اگرز - هامان انحنی مجمی مردش منم ها در کرمین . رد عبر معی میم رکوری سے ، بیسکت میں نا من الرسال من واراد گرفت من الرست وارد من الرست وارد من ال يُبكن مضمي مجعد مسنس بين . میں ترب معامان سے رص والعا ف کی رسم کرتے ہیں کم ترب رک رہے رام کرا گائی۔ میں دی وکوری معاف کو حاما حاسک ، سے ومعیار تحدث میں کم ترب رہے فرصالید 25/15 200 30 what is the

P.41

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

#### REQUEST FOR REDRESSAL OF GREVIENCE REQUEST FOR KEINSTATEMENT AND PRMOTION

ORDER No.CSF/N/4-Levy/Appeal/2-015 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 appellant were in Sequel 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 113 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 been held in 1985 SCMR 1391, 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.

Those in view, appeal of the appealants being logical, factual and supported by relevant rules is accepted. The appealants are reinstated on the grounds quoted above and they may be promoted.

Canadipart their respectives next shigher ranks, subject to seniority cump fitness otherwise, their

Asterirement as per rules would becomeet wy

an open disposed of hip to subove terms

Announced 29.005.2015

Socretary (Law & Order)/ Appellate Authority

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 431/1/2017

APP. No. 392 (P) 9/2019

Ashiq Hussain.....(Petitioners)

#### VERSUS

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

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13.	Wakalat Nama		
			)

Petitioners

Through

Dated: 23/10/2017

Zahanat Ullah

Advocate High Court,

Peshawar.

Cell No. 0315-0266166

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24 OCT 2017



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



Date of Filing: 23/10/2017 District: <u>Kurram Agency</u>

Case Type: Writ Petition

Nature of Original Proceeding:

Category Code: 50735

Review/Contempt of Court in respect of:

Writ of:

Heabus	Prohibition	Mandamus	 Quo	Certiorari	
Corpus			Warranto		

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	Zahanat Ullah Advocate High Court,
Petitioner (s)	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

#### Prauei

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

Signature

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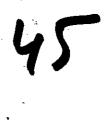
BEFORE THE PESHAWAR HIGH COURT, PESHAWAR APP. No 3926P 1. Ashiq Hussain S/o Qadam Ali 2. Gulzar Hussain S/o Muhammad Hussain 3. Mushtaq Hussain S/o Muhammad Ali 4. Mehtab Ali S/o Nawab Ali 2 6 APR 2019 5. Niaz Hussain S/o Dost Muhammad 6. Magsood Khan S/o Janat Mir 7. Sarwar Ali S/o Safdar Ali Ex-employees of Federal Levy Force, Kurram Agency.....(Petitioners) VERSUS 1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar. 2. Secretary Law and Order FATA, FATA Levy Force, FATA Secretariat, Warsak Road, Peshawar. 3. Political Agent Kurram Agency. 4. Assistant Political Agent, Kurram Agency. 5. Section Officer (L&K) FATA, FATA Secretariat, Warsak Road, Peshawar. Agency Account Officer, Kurram Agency. 6. 7. Secretary SAFRON Division, Pak Secretariat Islamabad.....(Respondents) WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC

REPUBLIC OF PAKISTAN, 1973.

24 OCT 2017







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



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 post of Junior Clerks arising the establishment of Political Agent, Kurram Agency Office will be filled out of the Sepoy/ Clerk paid out of the Benevolent Fund on the basis of respective seniority i.e. the senior most of the each list will be taken in the PAs establishment having due regard to their length of service and inter-se. in the light of the said policy number of Seopy/ Clerks who were junior to the petitioners were promoted to the post of Junior Clerk while the petitioners were discriminated. (Copies of the Office Order and Seniority List is attached as annexure "B" & "C"
- 4. That the petitioners moved several applications/
  departmental appeals regarding their seniority on
  different occasions but the respondents turn deaf
  ear to the requests of the petitioners. (Copies of the

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departmental appeals are attached as annexure "D").

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- 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 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

TELEVISION

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

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

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

A

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

#### **GROUNDS**:

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

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

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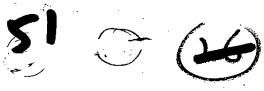
- D. That the act of the respondent No. 3 by not giving back benefits and releasing pension is also illegal and against the law and facts.
- E. That the petitioners have not been paid their pensionery benefits since their retirement.

  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.
- 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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24 OCT 2017



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

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

Petitioners

Through

Dated: 23/10/2017

Zahanat Ullah

Advocate High Court,

Peshawar.

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#### **CERTIFICATE:**

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

ADVOCATE

### LIST OF BOOKS:

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

ADVOCATE

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24 OCT 2017

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#### BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 43//-/2017

Ashiq Hussain....(Petitioners)

#### VERSUS -

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

#### **AFFIDAVIT**

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

DEPONENT

CNIC: 21303-8061464-9

Identified by:

**Zahanat Ullah** Advocate High Court Peshawar. in the design of the design of the Definition of the Section of th

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W.P. No. 43//- 2017

Ashiq Hussain.....(Petitioners)

#### VERSUS

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

#### **ADDRESSES OF THE PARTIES**

#### **PETITIONERS:**

- 1. Ashiq Hussain S/o 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.

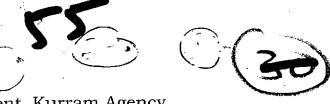
#### **RESPONDENTS:**

 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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- '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.

**Petitioners** 

Through

Dated: 23/10/2017

Zahanat Ullah

Advocate High Court,

Peshawar.

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#### BEFORE THE HONOURABLE PESHAWAR HIGH COURT, PESHAWAR

	W.P.No. 4311-	<u>P</u> / 2017.	
Ashiq Hussain	••••••		Petitioner
	Vs		•
Additional Chief Sec	retary & others	***************************************	Respondents

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

Respectfully Sheweeth:

#### **Preliminary Objections:**

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

#### ON FACTS:

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

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

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

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

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

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

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

#### **GROUNDS:**

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

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

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

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

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

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

through

Respondent No.3 & 4

Sikandar Rashid, Advocate, Supreme Court of Pakistan.

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Deputy Registrar

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# BEFORE THE HONOURABLE PESHAWAR HIGH COURT, PESHAWAR

n Re:	W.P.No. 4311-P	/ 2017.	· · · · · · · · · · · · · · · · · · ·
Asıng Hussam			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

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## \* SFORE THE PESHAWAR HIGH COURT PESHAWAR

#### 1n 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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Deputy Secretary Levy & Khassadar)

Law & Order Department

FATA Secretariat

Respondents No. 1, 2 & 5

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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 of Levy Force Change of Cadre From Levy Force to clerical staff of Political Agent Kurram of Levy Force Change of Cadre as illegal and void by the Honorable Supreme Court of





# BEFORE THE PESHAWAR HIGH COURT PESHAWAR

In W.P Nos. 4311-P/2017

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

Versus

Federation of Pakistan & Others----

Respondents

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

#### RESPECTFULLY SHEWTH:

The answering respondents most respectfully submit the following

#### PRELIMINARY OBJECTIONS:

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

#### FACTS:

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

Force was as such:-

From Levy Sepoy to Lance Naik From Lance Naik in Havaldar From Havaldar to Naib Subedar

From Naib Subedar to subedar and

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Annual budget of Levy Force was prepared by 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.





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 prontation 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 dulies 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

09 JUL 2018

Respondent No. 5

Section Officer (Levy & Khassadar)

BEFORE THE PESHAW ... I COURT PESHAWAR

#### In W.P Nos. 4311-P/2017

Mr. Ashiq Hussain s/o Qadam Ali Caste, Duperzai Resident of Village	Shakh	Uppei
Kurram Agency & others of Kurram Agency	Petition	rers
Versus		
Federation of Pakistan & Others	Resnon	idents

### **AFFIDAVIT**

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

Deputy Secretary Levy & Khassadar)

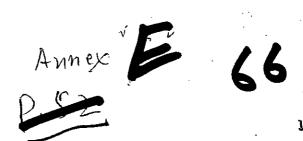
Law & Order Department

FATA Secretariat

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# PESHAWAR HIGH COURT, PESHAWAR ORDER SHEET



Date of Order or Proceedings	Order or others Proceedings with Signature of Indge 2
15.01.2019	W.P No.4311-P/2017.
	Present: Mr. Zahanatullah, Advocate, for the petitioners.
	Mr. Sikandar Rashid, for the respondents.
	******** -
	MUSARRAT HILALI, 1- Through this single
	judgment, we propose to decide connected Writ
	Petition bearing No. 302-P/2018 (Khaczullah
	Khan etc. Vs. Chief Secretary FATA etc), as
Waw.	both the matters have common questions of law
	and facts involved therein.
	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

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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.

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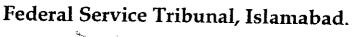
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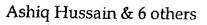
(OB) Hon ble Justice Musarrat Hilali Hon ble Mr. Justice Muhammad Ayub Khan

Noor Shah, PS





Appeal No. 392(P)CS/2019



Vs

Secy. FATA & 5 others



23.05.2019

BEFORE:

Mr. Muhammad Jahangir Mir and

Mr. Muhammad Humayun, Members.

PRESENT: Mr. Ashiq Hussain, appellant in person.

#### **ORDER**

### Muhammad Jahangir Mir, Member:

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

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

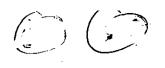
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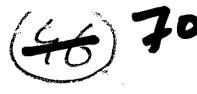
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Registrar Federal Service Tribunal Islamabad









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

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D. No. 5255

Dated 2 8 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

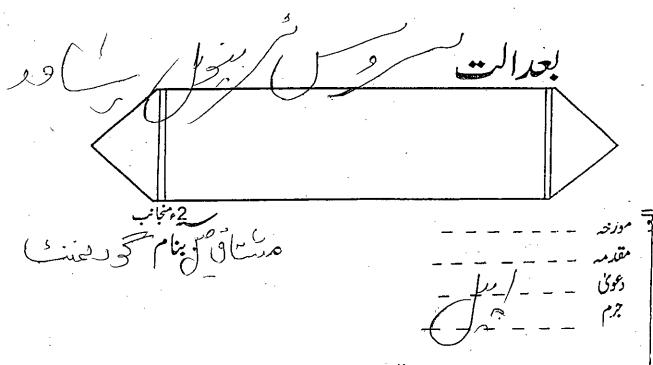
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- 1. Mr. Ashiq Hussain S/o Qadam Ali,
- 2. Mr. Gulzar Hussain S/o Muhammad Hussain
- 3. Mr. Mushtaq Hussain S/o Muhammad Ali,
- 4. Mr. Mehtab Ali S/o Nawab Ali,
- 5. Mr. Niaz Hussain S/o Dost Muhammad
- 6. Mr. Magsood Khan S/o Janat Mir
- 7. Mr. Sarwar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

ATTESTE SUPPLIES



# باعث تحريريا نكه

All All