


FORM OF ORDERSHEET

Court of _____

Misc. application No. 315/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/05/2023	<p>The Misc. application in appeal no. 25/2019 submitted today by Syed Dawran Shah Advocate. It is fixed for hearing before Division Bench at Peshawar on _____ Original file be requisitioned.</p> <p>By the order of Chairman  for REGISTRAR</p>

BEFORE THE LEARNED SERVICE
TRIBUNAL KPK PESHAWAR

CM NO. 315 /2022

IN:

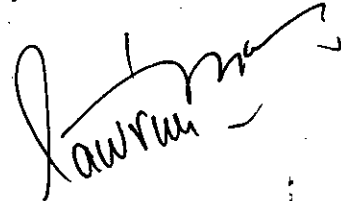
SERVICE APPEAL NO. 25/2019

Muhib UllahAppellant / Petitioner
Versus
Commandant Dir Levies & othersRespondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for Suspension		1-3
2.	Affidavit		4
3.	Copy of the Application of the Appellant and impugned Notifications dated 18.05.2023	A	5-8

Applicant / Petitioner
Through



SYED DAWRAN SHAH
Advocate, High Court
Peshawar

(1)

**BEFORE THE LEARNED SERVICE
TRIBUNAL KPK PESHAWAR**

CM NO. 315 /2022

IN:

SERVICE APPEAL NO. 25/2019

Khyber Pakhtukhwa
Service Tribunal

Diary No. 5429

Dated 18/5/2023

**Muhib Ullah S/o Jamrooz Khan (Naib Subidar)
Dir Levies District Upper Dir KPK**

.....Appellant / Petitioner

Versus

- 1. Commandant Dir Levies / Deputy Commissioner
District Upper Dir.**
- 2. Gul Badshah S/o Khaist Muhammad (Naib
Subidar) District Upper Dir.**
- 3. Jehanzeb S/o Bacha Sardar (Naib Subidar) Dir
Levies District Upper Dir.**

.....Respondents

**APPLICATION FOR SUSPENSION OF
OPERATION OF THE IMPUGNED
NOTIFICATIONS NO. 7510-
18/DC/DIR(L)/LHC AND 7546-
53/DC/DIR(L)/LHC DATED 18.05.2023
WHEREBY THE RESPONDENT NO 1
ISSUED PROMOTION ORDER OF
OTHER COLLEAGUES OF THE
APPELLANT, TILL THE FINAL
DISPOSAL OF THE INSTANT SERVICE
APPEAL.**

Respectfully Sheweth:

1. That the above noted Appeal is pending adjudication before this Hon'ble Court, which is fixed for 22/05/2023.

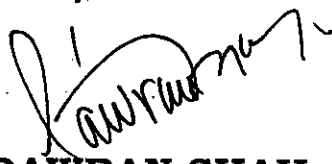
2. That the instant Appeal was filed by the Petitioner / Appellant for promotion, which is pending since long before this Hon'ble Tribunal.
3. That now the Appellant / Petitioner came into knowledge that the Respondent No 1 is going to issue further promotions and the process of promotion is going to be completed very soon.
4. That the Appellant / Petitioner submitted an Application before the respondent No 1 on 15.05.2023 for cancellation of DPC, which was duly received by the Respondent No 1, but in spite of the fact the respondent No 1 did not consider the Application of the Appellant / Petitioner and the DPC was held on 16.05.2023 and now the respondent No 1 issued impugned Notifications NO. 7510-18/DC/DIR(L)/LHC AND 7546-53/DC/DIR(L)/LHC Dated 18.05.2023 Whereby The Respondent No 1 Issued Promotion Order Of Other Colleagues Of The Appellant and deprived the Appellant from his legal and valuable rights.
(Copy of the Application of the Appellant and impugned Notifications dated 18.05.2023 are attached herewith)
5. That the petitioner has got a good prima facie case in his favour, and is sanguine about its success.

6. That the balance of convenience also lies in favour of the petitioner.
7. That if the impugned Notifications NO. 7510-18/DC/DIR(L)/LHC AND 7546-53/DC/DIR(L)/LHC DATED 18.05.2023_ where by the respondent no 1 issued promotion order of other colleagues of the appellant are not suspended and respondent No 1 is not restrained from further promotion process, then the Petitioner would suffer irreparable loss.
8. That the facts and grounds of the Appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the Impugned Notifications NO. 7510-18/DC/DIR(L)/LHC AND 7546-53/DC/DIR(L)/LHC DATED 18.05.2023 whereby the respondent no 1 issued promotion order of other colleagues of the appellant may kindly be suspended, furthermore the promotion ^{process} initiated by the respondent No 1 may kindly be put in abeyance and the same may be suspended, till the final disposal of the instant Appeal.

Any other relief deems fit and appropriate, not specifically been prayed for may also be granted in favour of the Appellant / petitioner.

**Applicant / Petitioner
Through**



**SYED DAWRAN SHAH
Advocate, High Court
Peshawar**

BEFORE THE LEARNED SERVICE TRIBUNAL KPK PESHAWAR

CM NO. 315 /2022

IN:

SERVICE APPEAL NO. 25/2019

**Muhib UllahAppellant / Petitioner
Versus
Commandant Dir Levies & othersRespondents**

AFFIDAVIT

I, **Muhib Ullah S/o Jamrooz Khan (Naib Subidar) Dir Levies District Upper Dir KPK**, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

D E P O N E N T



کہ جس کے ذریعے گورنمنٹ آف پاکستان کو

درویشوں کو قسوع و محرومیت سے
عوامی اداروں میں روزگار فراہم کرنے
کیلئے سروس ٹریویننگ

C.H.C.
Put up a file
in the committee
of the government
15.5.73

گورنمنٹ آف پاکستان

درویشوں کو قسوع و محرومیت سے
عوامی اداروں میں روزگار فراہم کرنے
کیلئے سروس ٹریویننگ

گورنمنٹ آف پاکستان
کیلئے سروس ٹریویننگ
درویشوں کو قسوع و محرومیت سے
16/5/2023

Affirmed
Lawrence

گورنمنٹ آف پاکستان
کیلئے سروس ٹریویننگ
درویشوں کو قسوع و محرومیت سے
15/5/2023

(6)
حکومت جناب ڈی پی کنٹینر صاحب کمانڈنٹ ڈیر لیویز

درخواست مراد منسوخ کرنے مجوزہ DPC صاحب
صوبہ ایوان ڈیر لیویز جوہ زیر سماعت کیس
بعدالت سروس ٹریبونل

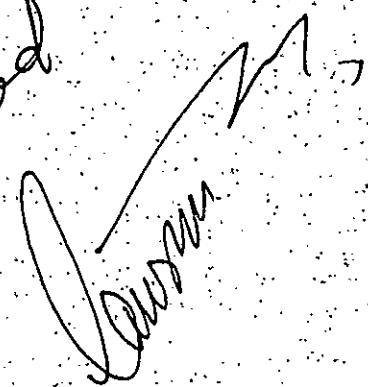
جناب عالی! گزارش حسب ذیل ہے
یہ کہ سائل کو معلقاً ہو چکا ہے کہ کچھ نامب صوبہ ایوان
کی پروموشن کیلئے DPC تیار کی جا رہی ہے۔

یہ کہ سائل نے پہلے ہی سفارشی ڈیر ٹریبونل کیلئے سروس ٹریبونل
میں کیس دائر کیا ہے جو کہ اس میں 22.5.2023 تاریخ پیشی
مقرر ہے۔

یہ کہ سائل نے پہلے ہی سابقہ DC صاحب کو درخواست
دیا تھا جس نے DPC کنسل کیا تھا۔ نقل لف ہے۔

لہذا عرض ہے کہ سروس ٹریبونل کے فیصلہ تک
DPC کنسل کیا جائے المرفوع نم 1505
2023

Attested



(7)

OFFICE OF THE
DEPUTY COMMISSIONER/COMMANDANT DIR LEVIES
DIR UPPER.

No 7510-18/DC/Dir(U)/LHC:

Dated 18/05/2023

OFFICE ORDER.

Consequent upon the recommendations of the Departmental Promotion Committee meeting held on 16-05-2023, in the office of the undersigned, the following Naib Subidar (BPS-11) of Dir Levies are hereby promoted to the rank of Subidar (BPS-14) on the basis of seniority cum fitness w.c.f 10-11-2021:-

S. No	Name	Father Name	Belt No.	Present Rank	Rank to be promoted to	Remarks
01	Raza Ullah	Amir Muhammad Khan	1509	Naib Subidar BPS-11	Subidar BPS-14	--
02	Gul Badshah	Khaista Muhammad	1515	Naib Subidar BPS-11	Subidar BPS-14	--
03	Jehan Zeb	Badshah Sardar	1516	Naib Subidar BPS-11	Subidar BPS-14	--

Terms & Conditions:

1. The promotees will be on probation for a period of one year.
2. The confirmation on post will be subject to satisfactory performance during the probation period, otherwise, will be liable to reversion to the old post/rank.
3. Promotion of the above personnel to the next higher rank shall be strictly conditioned to their performance/efficiency and will be dealt on case to case basis.
4. The subject promotions are conditional with reference to the outcome of this office letter No. 6617/DC/LHC/Misc dated 03-05-2023 forwarded to Home Department. If the outcome of the said letter is adverse then the subject promotions shall be reverted back to their original status and the promotion order will deem to be withdrawn.
5. The subject promotions are conditional to the pending CPLAs before the apex Supreme Court of Pakistan and/or pending cases in Service Tribunal Khyber Pakhtunkhwa. If the outcome in any of these cases is adverse the subject promotions shall be reverted back to their original status and the promotion order will deem to be withdrawn.

COMMANDANT DIR LEVIES/
DEPUTY COMMISSIONER
DIR UPPER

Even No & date

Copy forwarded to:-

1. The Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa Peshawar.
2. The Commissioner Malakand Division Saidu Sharif Swat.
3. Additional Deputy Commissioner (General) & F&P Dir Upper.
4. All Assistant Commissioner in Dir Upper.
5. All Additional Assistant Commissioner in Dir Upper.
6. The District Account Officer Dir Upper.
7. Accountant Local Office.
8. Subidar Major Dir Levies.
9. For information/necessary action.
9. Official concerned for compliance.

COMMANDANT DIR LEVIES/
DEPUTY COMMISSIONER
DIR UPPER

Attested

17/05/2023

(8)
OFFICE OF THE
DEPUTY COMMISSIONER/COMMANDANT DIR
LEVIES UPPER DIR



No 7546-53 DC Dir(U), LHC

Dated Dir the 16/05/2023

OFFICE ORDER.

Consequent upon the recommendations of the Departmental Promotion Committee meeting held on 16-05-2023, in the office of the undersigned, the following Sepoys (BPS-07) of Dir Levies are hereby promoted to the rank of Lance Naik (BPS-08) on the basis of seniority cum fitness with immediate effect:-

S. No	Name	Father Name	Belt No.	Present Rank	Rank to be promoted to	Remarks
01	Tariq Ahmad	Asfandyar	116	Sepoy BPS-07	Lance Naik BPS-08	--
02	Sajad Ali	Muhammad Islam	117	Sepoy BPS-07	Lance Naik BPS-08	--
03	Imran Ali	Yaqoob Khan	119	Sepoy BPS-07	Lance Naik BPS-08	--
04	Muhammad Aziz Khan	Muhammad Akbar Khan	120	Sepoy BPS-07	Lance Naik BPS-08	--
05	Farman Ullah	Muhammad Zahir	121	Sepoy BPS-07	Lance Naik BPS-08	--
06	Nadeem Khan	Hashtamand Khan	122	Sepoy BPS-07	Lance Naik BPS-08	--

Terms & Conditions:

- The promotees will be on probation for a period of one year.
- The confirmation on post will be subject to satisfactory performance during the probation period, otherwise, will be liable to reversion to the old post/rank.
- Promotion of the above personnel to the next higher rank shall be strictly conditioned to their performance/efficiency and will be dealt on case to case basis.
- The subject promotions are conditional with reference to the outcome of this office letter No. 6617/DC/LHC/Misc dated 03-05-2023 forwarded to Home Department. If the outcome of the said letter is adverse then the subject promotions shall be reverted back to their original status and the promotion order will deem to be withdrawn.
- The subject promotions are conditional to the pending CPLAs before the apex Supreme Court of Pakistan and/or pending cases in Service Tribunal Khyber Pakhtunkhwa. If the outcome in any of these cases is adverse the subject promotions shall be reverted back to their original status and the promotion order will deem to be withdrawn.

COMMANDANT DIR LEVIES/
DEPUTY COMMISSIONER
DIR UPPER
17/05/2023

Even No & date

Copy forwarded to:-

- The Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa Peshawar.
- The Commissioner Malakand Division Saidu Sharif Swat.
- Additional Deputy Commissioner (General) & F&P Dir Upper.
- All Assistant Commissioner in Dir Upper.
- All Additional Assistant Commissioner in Dir Upper.
- The District Account Officer Dir Upper.
- Accountant Local Office.
- Subidar Major Dir Levies.
- For information/necessary action.
- Official concerned for compliance.

Attested
[Signature]

COMMANDANT DIR LEVIES/
DEPUTY COMMISSIONER
DIR UPPER
17/05/2023

BEFORE THE HONORUABLE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Services appeal No. 25 /2019

1. MuhibUllah S/O Jamrooz Khan (naib subidar)
Dir Levies District Upper Dir KPK



Commandant.....

Versus

1. Commandant Dir Levies/Deputy Commissioner District Upper Dir

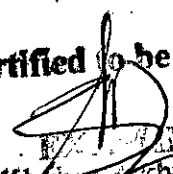
2. Gul Badshah S/O Khaist Muhammad (naib subidar) District
Upper Dir

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

Respondents.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 2016
AGAINST THE OFFICE ORDER/CORRIGENDUM
NO:7375-80/DC/LHC DATED:27/03/2018 ISSUED BY
DEPUTY COMMISSIONER/COMMANDANT DIR
LEVIES DISTRICT UPPER DIR WHEREBY OFFICE
ORDER NO:16059-63/DC/LHC/OFFICE ORDER
DATED 14/11/2016 WAS ORDERED TO BE RECALLED AS
9/11/2016 INSTEAD OF 14/11/2016 FROM SERIAL
NO.1 TO SERIAL NO.3 I.E IN RESPECT OF
RESPONDENT NO.2 AND 3

Certified to be true copy


MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

S.A No. 25/2019

Muhibullah vs Govt

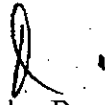


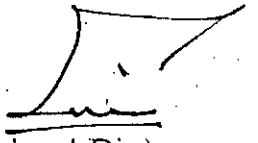
15.02.2023

Appellant alongwith junior of his counsel present. Mr. Ghulam Mustafa, Superintendent alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondent present. Learned counsel for private respondents No. 2 & 3 also present.

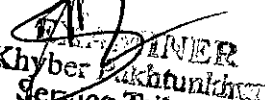
Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 22.05.2023 before the D.B.

SCANNED BY KIPST Peshawar


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

Certified to be true copy


OFFICER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 17/5/23
Number of Words 27
Copying Fee 10/-
Urgent: _____
Total 10/-
Name _____
Date of _____
Date of Delivery of Copy 18/5/23