

## Form- A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 750/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.10.2023	<p>The implementation petition of Mr. Shah Nawaz Khan submitted today by Syed Roman Shah Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha peshi is given to the counsel for the petitioner.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

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

Execution Petition No. 750 /2023

**Shah Nawaz Khan**  
**V E R S U S**  
**Govt of KPK & others**

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Execution Petition		1-4
2.	Application		5-6
3.	Copy of Appeal and Judgment	A	7-11
4.	Wakalat Nama		12



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

①

**BEFORE THE SERVICE TRIBUNAL KHYBER**

Khyber Pakhtunkhwa  
Service Tribunal

**PAKHTUNKHWAPESHAWAR**

Diary No. 8239

Dated 11/10/23

Execution Petition No. 750/2023, In Service appeal no. 603 of 2023

Shah Nawaz Khan S/o Meer Nawaz Khan R/o Aral Adam Banda P/o  
Latambar, Tehsil & District Karak.....Decree Holder/Petitioner

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
2. Government of Khyber Pakhtunkhwa, through, Secretary Home and Tribal Affairs, Peshawar.
3. Deputy Commissioner, Karak/ commandant Levies Force Karak

.....Judgment

Debtor/Respondent

**PETITION FOR DIRECTING THE RESPONDENT TO IMPLEMENT THE JUDGMENT AND ORDER DATED 24/08/2023 OF THIS HONORABLE TRIBUNAL, IN THE ABOVE NOTED APPEAL.**

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Respectfully Sheweth;

Applicant humbly submits as under

1. That the above noted appeal has been decided on 24/08/2023, by this honorable tribunal in favor of the petitioner.
2. That the appeal of the petitioner has been disposed of in the following manner, the Judgment is re-produced below;

"In some of the appeals learned counsel for the appellants are present while some appellants are in person present. Mr. Muhammad Jan, District Attorney along with M/s Liaqat Ali DSP, Hakim Zada Superintendent, Muhammad Asim Khan Assistant, Parvez Khan Assistant and Sharif Ullah Assistant for respondents present.

It is noted with serious concern that nobody from the Home Department put appearance. Copy of this order be thus sent to the Worthy Chief Secretary Khyber Pakhtunkhwa and Worthy Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa for information.

The matter was heard on more than one dates and could not be decided because of pendency of a CP No.818/2023 before the august Supreme Court of Pakistan. During the course of arguments on some previous dates, Dr. Adnan Khan learned counsel for some of the appellants had informed the Tribunal that the petitioners, who had approached the august Supreme Court of Pakistan, against the judgment of Hon'ble Peshawar High Court, in Writ Petition No.363-M of 2021 dated 29.11.2022, had submitted application for withdrawal of the CP from the august Supreme Court of Pakistan. The august Supreme Court was pleased to dismiss the CP as withdrawn on 07.06.2023. Today, Mr. Taimur Haider, Advocate/counsel for the appellant in Service Appeal No. 162/2023, produced copy of an Act of the Provincial Assembly named "The Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021" in to which a new section, Section-11 was added, which is reproduced as under: All levies

"11. Reinstatement of the levies personnel--- All levies personnel, who have been retired from the Force, with effect from 22.03.2021, till the

commencement of the Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021 shall be reinstated in the Force as regular employees, with effect from their respective dates of retirement and they shall be deemed as never retired from the Force."

When confronted with the provisions of the newly added Section-11 of the Act of 2021, whereby, all Levies personnel, who had retired from the Force w.e.f 22.03.2021 till the commencement of the Act i.e. 30.11.2021, were reinstated as regular employees w.e.f respective dates of retirement and were deemed to have never retired from the Force, the learned counsel was very fair to say that there was nothing more to be resolved by this Tribunal in these appeals, so is the agreement of other learned counsel as well as appellants present before the Tribunal, because by promulgation of the above Act especially insertion of new Section-11, where after, both the impugned Notifications no more remained effective. They, however, contend that even the provisions of the Act were not be complied with/implemented by the respondents. They say they would approach the proper forum for giving effect to/implementation of the provisions of Section-11 of the Act of 2021 and in case their grievances are not addressed in accordance with the terms of the Act, they would recourse to further legal remedies available to them. Disposed of in the above terms. (Copies of this order be placed in all connected appeals).

Consign.

Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 24th day 2023." (Judgment is Attached As Annexure-A)

(4)

3. That the petitioner had approached time and again to the respondent to implement the judgment of this hon'ble tribunal but the respondent deaf eared to the petitioner.
4. That now the petitioner has no other remedy but to approach this Hon'ble tribunal for the implementation of this tribunal Judgment/Order dated 24/08/2023.
5. That there is no bar in filing of this petition, and this petition is well within time.

**It is therefore most humbly prayed that upon acceptance of this petition, the respondents may please be directed to implement the Judgment and order of this Hon,ble tribunal Dated 24/08/2023, and to punish the respondents for defiance of this Hon'ble tribunal Judgment and order.**

شاہ نواز خان  
Petitioner

Through



Syed Roman Shah  
Advocate High Court

**AFFIDIVIT**

I, Shah Nawaz Khan S/o Meer Nawaz Khan R/o Aral Adam Banda P/o Latambar, Tehsil & District Karak, do hereby solemnly affirm and declare on oath that the contents of the above petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable tribunal.



شاہ نواز خان  
**DEPONENT**

5

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWAPESHAWAR**

CM in Execution Petition No. /2023,

Shah Nawaz Khan .....Decree Holder/Petitioner

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar

**APPLICATION FOR MAINTAINING STATUS QUO  
TO THE EXTEND OF PETITIONER BY NOT  
RETIRING THE PETITIONER TILL THE FINAL  
DISPOSAL OF EXECUTION PETITION**

---

Respectfully sheweth.

Petitioner humbly submits as under,

1. That the petitioner has submitted the instant execution petition for implementation of the judgment Dated 24-08-2023, the contents of which may please be read as part and parcel of this application.
2. That the petitioners are the serving employees of Levies Force Karak, and have obtained the Judgment in their favor.
3. That now the respondents are going to retire the petitioner from the service in violation of judgment dated 24/08/2023.
4. That, if the status Quo is not maintained, the execution of petitioner would become infructuous, and the petitioner will suffer irreparable loss.

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It is therefore most humbly prayed that upon acceptance of this application status quo to the extent of retiring the petitioner may please be maintained till the consignment of execution petition.

petitioner  
through  
Syed Roman Shah

**AFFIDIVIT**

I, Shah Nawaz Khan S/o Meer Nawaz Khan R/o Aral Adam Banda P/o Latambar, Tehsil & District Karak, do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable tribunal.

شاہ نواز خان  
DEPONENT





Annexure - A



7  
12

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No. 603 /2023

Shah Nawaz Khan S/o Meer Nawaz Khan R/o Aaral Adam Banda, P/o  
Latambar, Tehsil & District Karak..... Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, Home and Tribal Affairs Civil Secretariat, Peshawar.
  2. Provincial Police officer /Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
  3. Regional Police Officer Kohat region Khyber Pakhtunkhwa
  4. Deputy commissioner, Karak/commandant levies force Karak
- ....., Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST THE NOTIFICATION DATED 22/03/2021, AND AGAINST THE  
AMENDED NOTIFICATION NO.SO(POLICE-II)/HD/1-3/2020/MKD/  
LEVIES DATED 21-10-2021 WHEREBY THE RETIRING AGE FOR THE  
APPELLANT HAS BEEN REDUCED TO 25 YEARS OF SERVICE OR 42  
YEARS AND FURTHER 45 YEARS OF AGE WHICHEVER IS EARLIER  
FROM THE AGE OF SUPERNUATION 60 YEARS.

PRAYER

On accepting this service appeal, the impugned notification Dated  
22/03/2021 and the amended notification dated 21/10/2021 may  
graciously be set aside by declaring it illegal, unlawful, without  
authority, based on mala fide, void abinitio and thus not  
sustainable in the eyes of law.

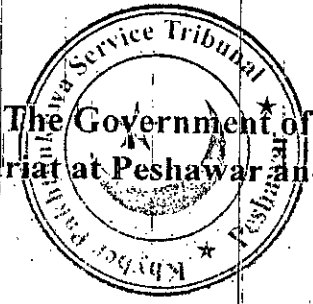
Respectfully Sheweth;

1. That the petitioner was appointed on 23/02/2007 as levy Sepoy BPS-5 in District Karak. (Copy of appointment letter is attach as Annexure "A")

ATTACHED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

8



Service Appeal No.1916/2022 titled "Muhammad Salim Vs. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat at Peshawar and others"

ORDER

24<sup>th</sup> Aug. 2023

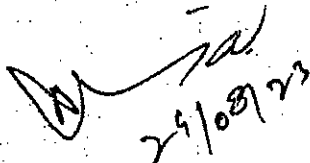
Kalim Arshad Khan, Chairman: Through this single order this appeal and all the following connected appeals are being decided as all are against the same impugned Notifications No.SO(Police-II)HD/MKD/Levies/Misc./2020 dated 22.03.2021 and No.SO(Police-II)HD/1-3/FEDERAL LEVIES 2021 dated 20. 10.2021. Appeal Nos:1916/2022, 1917/2022, 1918/2022, 1919/2022, 1920/2022, 1921/2022, 1922/2022, 1923/2022, 1924/2022, 1925/2022, 1926/2022, 1927/2022, 1928/2022, 1929/2022, 1930/2022, 1931/2022, 1932/2022, 1933/2022, 1934/2022, 1935/2022, 1936/2022, 1937/2022, 1938/2022, 1939/2022, 1940/2022, 1941/2022, 1942/2022, 1943/2022, 1944/2022, 1945/2022, 1946/2022, 1947/2022, 1948/2022, 1949/2022, 1950/2022, 1951/2022, 1952/2022, 1953/2022, 1954/2022, 1955/2022, 1956/2022, 1957/2022, 1958/2022, 1959/2022, 1960/2022, 1961/2022, 1962/2022, 1963/2022, 1964/2022, 1965/2022, 1966/2022, 1967/2022, 1968/2022, 1969/2022, 1970/2022, 1971/2022, 1972/2022, 1973/2022, 1974/2022, 1975/2022, 1976/2022, 1977/2022, 1978/2022, 1979/2022, 1980/2022, 1981/2022, 1982/2022, 1983/2022, 1984/2022, 1985/2022, 1986/2022, 1987/2022, 1988/2022, 1989/2022, 1990/2022, 1991/2022, 1992/2022, 1993/2022, 1994/2022, 1995/2022, 1996/2022, 1997/2022, 1998/2022, 1999/2022, 2000/2022, 2001/2022, 2002/2022, 2003/2022, 2006/2022, 34/2023, 35/2023, 36/2023, 37/2023, 38/2023, 39/2023, 40/2023, 41/2023, 42/2023, 43/2023, 44/2023, 45/2023, 46/2023, 47/2023,

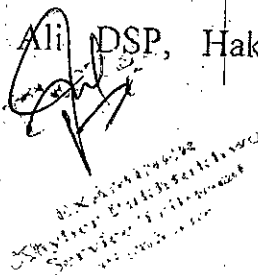
ATTESTED  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

9

48/2023, 49/2023, 50/2023, 51/2023, 52/2023, 53/2023, 54/2023,  
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682/2023, 793/2023, 870/2023, 1175/2023, 1258/2023, 1259/2023,  
1288/2023, 1289/2023, 1300/2023, 1372/2023 and Service Appeal No.  
1538/2023,

2. In some of the appeals learned counsel for the appellants are present while some appellants are in person present. Mr. Muhammad Jan, District Attorney alongwith M/S Liaqat Ali DSP, Hakim Zada

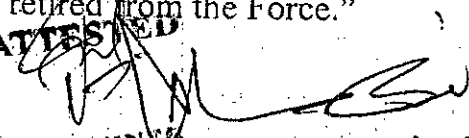
  
29/08/23

  
District Attorney  
District Attorney  
District Attorney

Superintendent, Muhammad Asim Khan Assistant, Parvez Khan Assistant and Sharif Ullah Assistant for respondents present.

3. It is noted with serious concern that nobody from the Home Department put appearance. Copy of this order be thus sent to the Worthy Chief Secretary Khyber Pakhtunkhwa and Worthy Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa for information.
4. The matter was heard on more than one dates and could not be decided because of pendency of a CP No.818/2023 before the august Supreme Court of Pakistan. During the course of arguments on some previous dates, Dr. Adnan Khan learned counsel for some of the appellants had informed the Tribunal that the petitioners, who had approached the august Supreme Court of Pakistan, against the judgment of Hon'ble Peshawar High Court, in Writ Petition No.363-M of 2021 dated 29.11.2022, had submitted application for withdrawal of the CP from the august Supreme Court of Pakistan. The august Supreme Court was pleased to dismiss the CP as withdrawn on 07.06.2023. Today, Mr. Taimur Haider, Advocate/counsel for the appellant in Service Appeal No. 162/2023, produced copy of an Act of the Provincial Assembly named "The Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021" in to which a new section, Section-11 was added, which is reproduced as under:


"11. Reinstatement of the levies personnel. --- All levies personnel, who have been retired from the Force, with effect from 22.03.2021, till the commencement of the Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021 shall be reinstated in the Force as regular employees, with effect from their respective dates of retirement and they shall be deemed as never retired from the Force."


  
 ATTESTED  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar  
 24.08.2023

(11)

When confronted with the provisions of the newly added Section-11 of the Act of 2021, whereby, all Levies personnel, who had retired from the Force w.e.f 22.03.2021 till the commencement of the Act i.e. 30.11.2021, were reinstated as regular employees w.e.f respective dates of retirement and were deemed to have never retired from the Force, the learned counsel was very fair to say that there was nothing more to be resolved by this Tribunal in these appeals, so is the agreement of other learned counsel as well as appellants present before the Tribunal, because by promulgation of the above Act especially insertion of new Section-11, whereafter, both the impugned Notifications no more remained effective. They, however, contend that even the provisions of the Act were not be complied with/implemented by the respondents. They say they would approach the proper forum for giving effect to/implementation of the provisions of Section-11 of the Act of 2021 and in case their grievances are not addressed in accordance with the terms of the Act, they would recourse to further legal remedies available to them. Disposed of in the above terms. (Copies of this order be placed in all connected appeals).  
Consign.

5. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 24<sup>th</sup> day of August, 2023.*

  
(Salah-Ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

**Certified to be true copy**  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

Representation of Application 31/08/2023  
Number of Words 9/-  
Copying Fee 20/-  
Rent 5/-  
Total 25/-  
Date of Copyiest \_\_\_\_\_  
Date of Completion of Copy \_\_\_\_\_  
Date of Delivery of Copy 31/08/2023

بعد الت سپرو سز سز رگنول WPK



Petitioner  
سہ ماہ لوہا جالکینام گورنمنٹ وائٹ ہاؤس

موزونہ  
مقدمہ  
ذاتی  
جیم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام سہ ماہ لوہا جالکینام کیلئے سپرو سز سز رگنول

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر و ثالثہ فیصلہ بر عطف دینے جواب دہی اور اقبال دعویٰ اور  
پیسورٹ ڈگری کرنے اجراء اور وصولی چیک۔ درو پیہ از عیشی دعویٰ اور در خواست ہر قسم کی تصدیق  
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مشارق قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو کسی دہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساتھ  
پر واضح منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے رہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہر یا حدیث سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
نکاز کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

الرقوم 11 ماہ 10 2023

جستجو  
سہ ماہ  
Altested  
to fed  
Accept  
2/8/23