BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

Service Appeal No.15294/2022

Syed Mustafa Khan s/o Fazal Alam r/o Kutab Khel, Badan, District Orakzai......**Petitioner**

VERSUS

1.0

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DEPUTY COMMISSIONER DISTRICT ORAKZAI Deputy Commissioner Orakzai District *

SALEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.15294/2022

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Sved Mustafa Khan s/o Fazal Alam r/o Kutab Khel, Badan, District Orakzai.....Petitioner

VERSUS

Senior Superintendent of Police and Others.....Respondents

PARA-WISE COMMENTS ON BEHALF OF DEPUTY COMMISSIONER, ORAKZAI ARE AS UNDER:-Khyber Pakhtukhwa

RESPECTFULLY SHEWETH:-

PRELIMINARY OBJECTIONS:-

- 1. That the appellant has got no cause of action.
- 2. That the appellant has got no locus standi to file the instant appeal.
- 3. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- 4. That the appeal is bad in eyes of law and not maintainable.

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- 5. That the appellant without approaching the competent authority in appeal approached this Hon'ble Tribunal, thus the appeal is not maintainable.
- 6. That the appellant didn't challenge the order of termination dated 06-02-2018 before the appellate authority i.e Commissioner, Kohat Division, Kohat.

FACTS: -

- 1. Pertains to record.
- 2. No comments. However, the appellant was terminated by the then Political Agent, Orakzai due to absence from duty for long time without prior permission (copy of termination order attached as annexure-A).
- 3. The appellant was terminated by the then Political Agent, Orakzai due to absence from duty for long time without prior permission and the then Assistant Political Agent Upper Orakzai reported that the appellant is absent from duty and does not join his duty despite repeated notices (copy of Assistant Political Agent Upper Orakzai alongwith notices are attached as annexure-B, C, D, E, F & G). However, the appellant didn't challenge the order of termination dated 06-02-2018 before the appellate authority i.e Commissioner, Kohat Division, Kohat.
- 4. Incorrect. As explained in above No.2 & 3.
- 5. Pertains to record.
- 6. Correct.
- 7. No comments.
- 8. No comments.
- 9. No comments.
- 10.No comments.
- 11.No comments.

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Mary No. 8427 Dated 19-10-23

Covice Tributant

GROUNDS:-

- a. Incorrect. As explained in Para No.2 & 3.
- b. Incorrect. As explained in para No.2 & 3.
- c. Incorrect. The termination order was issued by the then Political Agent, Orakzai as per Federal Levies Force (Amended) Service Rules, 2013 Schedule-II.
- d. Incorrect. As explained in para No.2 & 3.
- e. Incorrect. As explained in para No.2 & 3.
- f. Incorrect. As explained in para No.2 & 3.
- g. Incorrect. As explained in para No.2 & 3.
- h. No comments.

PRAYER:-

As already explained in para No.2 & 3, that the appellant was terminated by the then Political Agent, Orakzai due to absence from duty for long time without prior permission and the then Assistant Political Agent Upper Orakzai reported that the appellant is absent from duty and does not join his duty despite repeated notices. Therefore, the instant service appeal may kindly be dismissed with cost.

DEPUTY COMM SSIDNER District ORAKZAL Deputy Commissioner **District** Orakzai

[©]<u>BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,</u> P<u>PESHAWAR</u>

Service Appeal No.15294/2022

Syed Mustafa Khan s/o Fazal Alam r/o Kutab Khel, Badan, District Orakzai......**Petitioner**

VERSUS

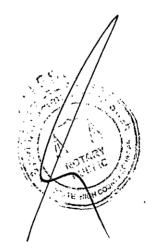
<u>AFFIDAVIT</u>

I, Asfandyar Khalid, Additional Assistant Commissioner (Revenue), District Orakzai,

do hereby affirm and declare on oath that the **para-wise comments** are true, correct to the best of my knowledge/belief and nothing has been kept concealed. It is further

Stated on oath that in this appeal, the onswerin Despondent has neither been placed nos their defence is Struck off. ex-pon

DEPONENT CNIC#17301-4267158-9 Cell# 0336-1888456





OFFICE OF THE DEPUTY COMMISSIONER DISTRICT ORAKZAI

No_1942_/DC-Ork/Litigation Cell Dated_17/_10_/2023

AUTHORITY LETTER

Mr. Asfandyar Khalid, Additional Assistant Commissioner (Revenue), District Orakzai is hereby authorized to submit the parawise comments in Service Appeal No.15294/2022 titled "Syed Mustafa Khan VS Deputy Commissioner, Orakzai & Others" in Hon'ble Service Tribunal, Khyber Pakhtunkhwa, Peshawar on my behalf.

DEPUTY COMMISSIONER DISTRICT ORAKZAI Deputy Commissioner • Orakzai District

OFFICE OF THE POLITICAL AGENT ORAKZAI AGENCY

ORDER

As reported Levy Sepoy Said Mustafa Khan s/o Fazal Alam of Malla Khel tribe has been absent from duty for long time. Notices were served upon him to attend the duty but he failed. He is therefore terminated from service under the Federal Levy Force rules 2013 with immediate effect.

GENT ZAI AGENCY

No_3//_/PA/LK

Copy forwarded to:-

- 1. Assistant Political Agent, Upper Orakzai
- 2. Accountant PA's office for necessary action.
- 3. Incharge Subedar Malla Khel tribe

Dated 07 162 12018

Attest

Deputy nmissioner A District Ora

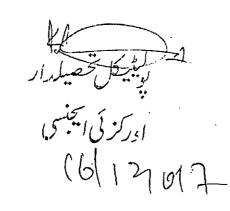
ORAKZAI AGENCY

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محمد الأرام حعازان الخصر مدهين م الم الم م الم الم الم الم شیل فار، ولا اشروالش_{ول} ۲ 2 interfact and antida & مع أثراب المر مورعان م is presented and party as · · · نقب عان وللروس فان ا 2 عمر العقور وم عقيركان -معلى بياجان مندرم بال ليرى / خاصردر سابون في در شان مراح سے ٢٠٠٠٠ علمو جرم من ملاق که من مین آب شاس در ای معان 20, 10 to 19 4. a de Con 11.12 4 Sych dre de sie Brage Attested 286 منكم الالميني ومحبك مب المدتري ومجنى X Man فنسفور) منتری ۲۶ ی تقد کے غسر اور مدم ۲۹ ی تقدر ۶۵ و Cripi Cy Cjust Son ? 10:30 AM 20,4

نوش بنام: سوى مصلفى ومرضى مالم قرار فال

اب كو بذرىجەنونس ھذا مطلح كىاجاتاب كەلپ كى ۋىيۇنى مورخە 05/12/2017 كومىلكو مى كوارىر بابر مىلەيى لكانى كى تىقى اوراب کومورخہ 11/12/2017 کو حاضر ہونے کا کہا گیا تھا مگرتم حاضر ہونے میں ناکا سرب لہذا ہمورجہ 18/12/2017 کواپنی جا شرکی یقینی بنا تیں بصورت دیگراپ سے خلاف محکمانہ قانونی کاروائی مل میں لائی جائی گی اور بعد میں تمہارا کوئی عذر قابل قبول نہ ہوگی۔



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Attestell

Oranzai District

. E Cleve Ulde Considering مریکی جربی ما مجربی جربی و می و ایم با مریکی ها میں میں میں میں یکی یکی ایک میں و ایم با مریکی ها G. O. M. S. M. S. M. J. S. auto Marino Gibber ins 236610061900 Peeire supparts. nunchi. AMATI118 Attested 0/A G19 (3, 33, 10, 10, 2) (2) Deputy

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OFFICE OF THE ASSISTANT POLITICAL AGENT. UPPER ORAKZAI AT HAGNU.

No 198 /APA(U) Dated 2.2 /01/2018

Political Agent. Orakzai Agency.

Subject: ABSENCE FROM LEVY DUTY AT AHQ BABER MELA HANGU.

As reported by Subedar Major Orakzai Levy forces the following Levy/Khassadars are absent from duty during the month of January 2018 and they did not reported for duty inspite of repeated notice (copy enclosed):-

- 1. Ksd Shahid Ali s/o Arbab Ali
- 2. Ksd Muhammad Tariq s/o Samander Shah
- 3. Sep: Mustafa s/o Fazal Alam
- 4. Sep: Muhammad Umar s/o Muhammad Ghani
- 5. Ksd Abdul Jalal s/o Awal Jan
- 6. Ksd Kalimullah s/o Aitbar Gul
- Ksd Muhammad Israr s/o Inayatullah
- 8. Ksd Zia-u-Rehman s/o Inayat Rahman

Submitted for onward legal action please

Ali Khel Mula Khel

Ali Khel

- Mamozai
- Mamozai
- Biland Khel
- Sheikhan

Mishti

ASSISTANT POLITICAL AGENT UPPER OBAKZAI

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Orakzai District

KZALAGENCY 01-2018

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جنور جها استنا مج معنی الحنام جاج / ادایز از باط de cip - مدر ش می یی بع کم مندرج ذیل لین / ماحدد مر می ور بابر المراس ما و جذبری قام با کودیویی تقانی تنی می . فاخال عاره را عمر الح كمر مد مم خاجتر مي الم رور در مرحم در سی سی مسلس غیر خاصر اس ص من من من من من . بن من من من من له فاجه در من هد على دم ترب على - قرم عريش - تحدی رض ور من مندر ی د - مر رو رو مرمع ور مغرب مام - سرا غر - 10.00 ,3 - تمديم الد تمرينى - 10 ما ورزى. 4 - سرالحال در اول جن - رر رر ر KSD Ĵ - ملم الله مد اعتبار من - المالا في " 6 - حمد الممرار الد عن ب الله الم 7 11 فه الترف ، مناب مي مد منا در مشيس در Ŀ, 19/01/18. 19/01/18. ۱۱، ۱۱، ایجر کر» فرارس A 19-01-2218 nmissiono Ofakzai District