


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 779/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 18.10.2023 | <p>The implementation petition of Mr. Saif Ullah 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>By the order of Chairman  REGISTRAR</p> |

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWAPESHAWAR

Execution Petition No. 779 /2023, In Service appeal No. 660 of 2023

Saif ullah S/o Sarwar Khan R/o PO Sabir Abad, Buland kala, Tehsil and
District Karak,

.....Decree Holder/Petitioner

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary, and others
Judgment Debtor/Respondents

c Index

| S. No | Description of Documents | Annex | Pages |
|-------|--|-------|-------|
| 1. | Execution Petition | | 1-4 |
| 2. | Copy of Attested Judgments dated 24.08.2023 | "A" | 5-9 |
| 3. | Copy of other documents | | 10 |
| 4. | Wakalatnama | | 11 |

W. ev

Petitioner

Through

Syed Roman Shah

Syed Roman Shah

Advocate High Court

①

BEFORE THE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWAPESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8397

Execution Petition No. 779 /2023, In Service appeal No. 660 of 2023 Dated 18-10-2023

Saif ullah S/o Sarwar Khan R/o PO Sabir Abad, Buland kala, Tehsil and
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/Respondents

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

Respectfully Sheweth;

Applicants 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

3

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)

3. That the petitioner has approached time and again to the respondents to implement the judgment of this hon'ble tribunal but the respondent deaf eared to the petitioner.

(4)

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.

W. Khan
Petitioner

Through

Syed Roman Shah
Syed Roman Shah
Advocate High Court

AFFIDIVIT

I Saif ullah S/o Sarwar Khan R/o PO Sabir Abad, Buland kala, Tehsil and District Karak, do hereby solemnly affirm and declare 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.

W. Khan DEPONENT





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Annex "A"

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. 660 /2022

Saif Ullah S/o Sarwar Khan R/o, P/o Sabir Abad, Buland Kala, 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 ORDER DATED 25/04/2022 PASSED BY
RESPONDENT NO. 5 BY WHICH THE APPELLANT HAS BEEN
RETIRED AS PER NOTIFICATION DATED 22/03/2021, AND AGAINST
THE 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 45
YEARS OF AGE WHICHEVERE IS EARLIER FROM THE AGE OF
SUPERNUATION.**

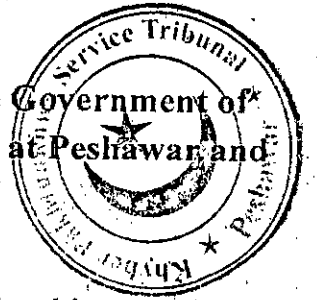
PRAYER

On accepting this service appeal, the impugned retirement order dated 25/04/2022 and notification dated 22/03/2021 along with 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 and appellant is entitled for reinstatement in service with all back benefits of pay and service from the date of impugned retirement order.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

6

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



ORDER

24th 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,

7

48/2023, 49/2023, 50/2023, 51/2023, 52/2023, 53/2023, 54/2023,
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 644/2023, 645/2023, 646/2023, 659/2023, 660/2023, 661/2023,
 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

[Handwritten signature]
 29/08/23

ATTESTED
[Signature]
 EXAMINER
 Khairpur Pakhtunkhwa
 Service Tribunal
 Peshawar

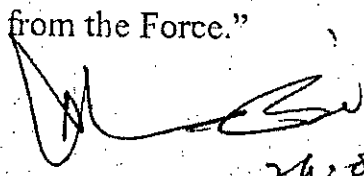
8

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."



24.08.2023


Secretary
Khyber Pakhtunkhwa
Tribal Affairs Department

9

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 24th day of August, 2023.*


(Salah-Ud-Din)
Member (J)

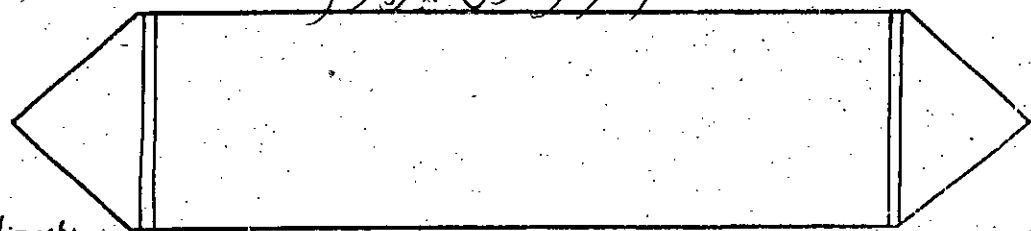

(Kalim Arshad Khan)
Chairman

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 31/08/2023
 Number of Words 201
 Copying Fee 3/-
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 Date of Delivery of Copy _____

Date of Presentation of Application _____
 Number of Words _____
 Copying Fee _____
 Urgent _____
 Total _____
 Name of Copyist _____
 Date of Completion of Copy _____
 Date of Delivery of Copy _____

بعدالت سرپرستوں کے لئے درخواستیں



Petitioner: 2، منجانب
سید اللہ بنام
حکومت وائی

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام سجاول کیلئے سید محمد روحان

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائس پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

Attest
&
Dated

المرقوم 18 _____ ماہ 10 _____ 2023

بمقام _____ کے لئے منظور ہے۔