

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

Execution Petition No. 155/2024 in Service Appeal No. 1030/2018- Shah  
Faisal..... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa..... (Respondent)

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Section Officer (Lit-II)  
Home & Tribal Affairs Department  
Khyber Pakhtunkhwa  
Section Officer (Litigation II)  
Home & Tribal Affairs Deptt:  
Khyber Pakhtunkhwa

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

**Execution Petition No. 155/2024**

**In**

**Service Appeal No. 1030/2018.**

1. Shah Faisal.

(PETITIONER)

**VERSUS**

1. Government of Khyber Pakhtunkhwa etc.

(RESPONDENTS)

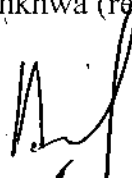
**APPLICATION FOR RELEASE OF SALARIES OF THE**  
**CHIEF SECRETARY, KHYBER PAKHTUNKHWA**  
**(RESPONDENT NO. 1) AND ADDITIONAL CHIEF**  
**SECRETARY, HOME DEPARTMENT (RESPONDENT NO. 2).**


**RESPECTFULLY SHEWETH:**

1. That the above captioned execution petition is pending adjudication before this Hon'ble Tribunal in which hearing is fixed on 25-07-2024.
2. That this Hon'ble Tribunal attached the salary of the respondents on 24-05-2024 in lieu of Implementation of the judgment.
3. That the order of this Hon'ble Tribunal was complied with and a Summary in this regard has been forwarded to the Finance Department for its placement before the Provincial Cabinet for the creation of five (05) Supernumerary posts of Subedars, in BPS-14 in Upper Dir. (Copy of Summary is appended as Annex-A)
4. That the Summary for the creation of five (05) Supernumerary posts of Subedars, in BPS-14 in Upper Dir has been initiated in compliance with the direction of this Hon'ble Tribunal passed in the service appeal. Hence, the instant execution petition may graciously be turned down.

**PRAYER:**

In view of the above factual aspect of the case and in light of the directions of this Hon'ble Tribunal, it is, therefore, most humbly prayed that judgment/order of this Hon'ble Tribunal has been complied with in letter and spirit, hence, the salaries of the Chief Secretary, Khyber Pakhtunkhwa (respondent No.1) and Additional Chief Secretary, Khyber Pakhtunkhwa (respondent No.2) may graciously be released in the interest of justice, please

  
Chief Secretary,  
Govt. of Khyber Pakhtunkhwa  
(Respondent No.1)

  
Additional Chief Secretary  
Govt. of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department  
(Respondent No.2)  
Additional Chief Secretary  
Home & T.As Department  
Khyber Pakhtunkhwa.



Annex-"A"

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

2

SUMMARY FOR THE CHIEF MINISTER

Subject: CREATION OF 05 SUPERNUMERARY POSTS OF SUBEDAR BPS-14  
IN DIR UPPER LEVY (PROVINCIAL)

The Government of Khyber Pakhtunkhwa Finance Department has advised the Home & Tribal Affairs Department that a Summary be moved for the Hon'ble Chief Minister, Khyber Pakhtunkhwa for creation of 5 x Supernumerary posts of Subedar BPS-14 in Dir Upper Levy (Provincial) (Annex-I).

2- The background of the case is as under:

(a) Mr. Shah Rafi Uddin, Subedar, BS-14; Mr. Lal Bahadar, Subedar, BS-14; Mr. Mahid Ullah, Subedar, BS-14; Mr. Zafar Khan, Subedar, BS-14; and, Mr. Shah Faisal, Subedar, BS-14 of Provincial Levy Force had been retired by Commandant Dir Levies / Deputy Commissioner, Dir Upper, separately, on 27.02.2019 and 12.11.2019;

(b) Aggrieved with the Order of Commandant Dir Levies / Deputy Commissioner, Dir Upper, they instituted a Service Appeal No. 1026/2018 in the Service Tribunal, Khyber Pakhtunkhwa. Consequently, the Service Tribunal vide judgement in the said Service Appeal had reinstated these Subedars; the operative part of the judgement is reproduced below (Annex-II):

'[...] the instant appeals are accepted. The appellants as well as other similarly placed employees stand reinstated in service, who will retire on attaining the age of 60 years or they may opt for retirement after completion of 25 years regular service.'

(c) In pursuance of the judgment of the Tribunal, the above 05 x Subedars, BS-14 were conditionally re-instated on 01.07.2022 (Annex-III) subject to the final decision of Supreme Court of Pakistan in the Civil Petition for Leave to Appeal (CPLA);

(d) However, as a consequence of retirement order mentioned above, the 5 x posts of Subedar became vacant that were filled by promotions. And, now, no vacant post of Subedar, BS-14 is available to adjust the above mentioned 5 x Subedars, as per Service Tribunal judgement;

(e) Owing to the non-availability of vacant posts of Subedar, BS-14 for the adjustment of the said Subedar, the the Commandant Dir Levies / Deputy Commissioner, Dir Upper has requested for creation of 05 x posts of Subedars, BS-14 in Dir Provincial Levy Force (Annex-IV);

*A. Hussain*  
Section Officer (Litigation-II)  
Home & Tribal Affairs Deptt.  
Khyber Pakhtunkhwa

(f) In the same vein, it is important to mention here that the Service Tribunal in the Execution Petition for the above mentioned Service Appeal has passed an order dated 05.09.2023 to the extent of creation of posts, which is reproduced *ad verbatim et. seq* (Annex-V):

"Respondents are directed, assign post. If post is not available then respondent are directed to create new post within fortnight positively and accept petitioner arrival on newly created post and submit arrival of the applicant as well order of creation on 20.09.2023."


(g) Previously, on 28.09.2023, case for creation of the required posts along with financial implication was taken up with the Finance Department, Khyber Pakhtunkhwa (Annex-VI).

3- In the light of above, the following proposals are submitted for perusal and approval of Chief Minister, Khyber Pakhtunkhwa, please:

- (a) To allow creation of 05 x supernumerary posts of Subedars, BS-14 in Dir Upper Levies; and,
- (b) To relax ban for the said creation in light of Finance Department's instructions dated 03.07.2024 (Annex-VII).

4- Proposals contained in para 3 ante are submitted for approval of Chief Minister, Khyber Pakhtunkhwa, please.


5- Finance Department may add views *en route*.

  
 (MUHAMMAD ABID MAJEED)  
 Additional Chief Secretary (Home)

Secretary Finance

Chief Secretary

Chief Minister, Khyber Pakhtunkhwa

  
 Section Officer (Litigation-III)  
 Home & Tribal Affairs Deptt.  
 Khyber Pakhtunkhwa

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



**Execution Petition No. 155/2024 in Service Appeal No. 1030/2018- Shah Faisal..... (Appellant)**

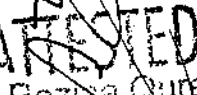
**VERSUS**

**Government of Khyber Pakhtunkhwa..... (Respondent)**

**AFFIDAVIT**

I **Muhammad Abid Majeed**, Additional Chief Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa, solemnly affirm that a contents of the Application for Release of Salary is / true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable Court.

  
Dependent  
Additional Chief Secretary  
Home & T.As Department  
Khyber Pakhtunkhwa.

  
**ATTESTED**  
Miss Rozina Qureshi  
Advocate  
OATH COMMISSIONER  
Judicial Complex Peshawar

28 - 08 - 2024



**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
HOME & TRIBAL AFFAIRS DEPARTMENT**

Dated 31<sup>st</sup> July, 2024

**AUTHORITY LETTER**

Mr. Albert David, CNIC No. 17301-3785363-7 Section Officer Litigation-II Section, Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department is hereby authorized to submit Parawise Comments in Execution Petition No. 155/2024 in Service Appeal No. 1030/2018- Shah Faisal in Khyber Pakhtunkhwa Service Tribunal Peshawar and to pursue the case onward on behalf of Respondent No. 1 & 2.

A handwritten signature in black ink, appearing to be 'A. David', written over a vertical line.

**Additional Chief Secretary  
Government of Khyber Pakhtunkhwa  
Home and Tribal Affairs Department  
Additional Chief Secretary  
Home & T.As Department  
Khyber Pakhtunkhwa.**