

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

**Execution Petition No. 155/2024 in service appeal No. 1030/2018.**

Shah Faisal s/o Khan Badshah r/o Wair Tehsil Wari District Dir Upper .....Petitioner.

**VS**

5. Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
6. Secretary to Governmenr of Khyber Pakhtunkhwa Home and Tribal Affairs Department Peshawar.
7. Commandant Dir Levies Force District Dir Upper (Deputy Commissioner) District Dir Upper.
8. District Account Officer District Dir Upper. ....Respondents.

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**Fida Muhammad**



**District Account Officer  
Upper Dir**

**MOB# 0315-9268161**

(2)

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

**Execution Petition No. 155/2024**

**In**  
**Service Appeal No. 1030/2018**  
**1. Shah Faisal.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15849

Dated 19-09-24

(PETITIONER)

VERSUS

**District Account Officer Dir Upper.**

(RESPONDENT)

**APPLICATION FOR RELEASE OF SALARY OF THE**  
**DISTRICT ACCOUNT OFFICER DIR UPPER (RESPONDENT**  
**NO. 4).**

**RESPECTFULLY SHEWETH:**

1. That the above captioned execution petition is pending adjudication before this Hon'ble Tribunal in which hearing is fixed on 18/09/2024.
2. That this Honorable Tribunal attached the salary of the respondent on 24/05/2024 in lieu of implementation of the judgment.
3. That the order of this Honorable Tribunal was complied with and a Summary in this regard has been forwarded by the Home Department to the Finance Department Khyber Pakhtunkhwa 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 Dir Levies 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 Honorable Tribunal, it is, therefore, most humbly prayed that judgment/order of this Honorable Tribunal has been complied with in letter and spirit, hence, the salary of the District Account Officer Dir Upper (respondent No. 4) may graciously be released in the interest of justice, please.



District Account Officer  
Dir Upper  
(Respondent No. 4)

(1)

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

**Execution Petition No. 155/2024 in Service Appeal No. 1030/2018**

Shah Faisal.....Appellant.

**VS**

2. Government of Khyber Pakhtunkhwa through Chief Secretary & others (Respondent No. 04)  
District Account Officer Dir Upper.....Respondent.

**AFFIDAVIT**

I, Mr. Fida Muhammad District Account Officer District Dir Upper, solemnly affirm that 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 Honorable Court.

**ATTESTED**



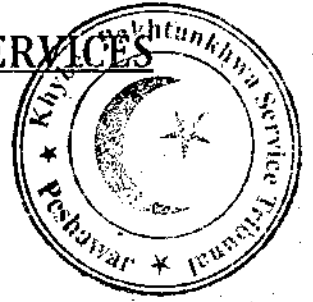
**Dependent**

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①

③

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**



Execution Petition No# 155 / 2024

In

S.A No .1030/2018

Mr. Shah Faisal S/o Khan Badshah, R/o Subedar  
(Regimental) No.05) Dir Levies District Upper Dir.

..... Petitioners

**VERSUS**

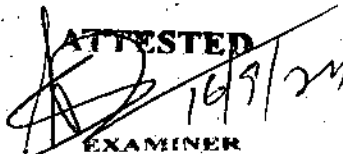
1. Khyber Pakhtunkhwa through Chief Secretary to Govt of Khyber Pakhtunkhwa Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa Home and Tribal Affairs Department Peshawar.
3. Commandant Dir Levies Force District Dir Upper (Deputy Commissioner) District Dir Upper.
4. District Account Officer District Dir Upper At Dir proper.

..... Respondents

**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO PROPERLY IMPLEMENT  
THE JUDGMENT DATED 20.10.2021 PASSED  
IN SERVICE APPEAL NO.1030/18, S.A  
NO.1026/18, S.A NO.1027/18, S.NO.1028/18 & S.A  
NO.1029/18 OF THIS HON'BLE TRIBUNAL IN  
LETTER AND SPIRIT.**

**RESPECTFULLY SHEWETH:**

1. That the petitioner along with four others petitioners have been filed the above mentioned service appeals No's which have been accepted by this Hon'ble Tribunal on 20.10.2021, whereby

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



B.P. No. 155/24  
Shah Faizal vs Govt

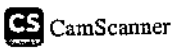
24<sup>th</sup> May, 2024

1. Learned counsel for the petitioner present. Mr. Umair Azam, Additional Advocate General present.

2. Nobody is present on behalf of respondents nor implementation report has been submitted. Therefore, salaries of the respondents are attached in the manner as prescribed under Section-60(1)(6) of the code of Civil Procedure, 1908. The Accountant General Khyber Pakhtunkhwa shall submit report that salaries are actually attached. To come up for implementation report on 14.0.6.2024 before S.B. P.P given to the petitioner's counsel.

(Kalim Arshad Khan)  
Chairman

\*Atuzem Shah\*



Date of Presentation of Application 16/8/24

Number of Words 2-8

Copying Fee 10/-

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Total 15/-

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Date of Completion of Copy 16/8/24

Date of Delivery of Copy 16/8/24

ATTESTED

*[Signature]* 14/8/24

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

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 27.02.2010 and 12.11.2019;

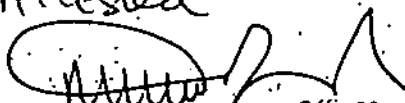
(b) Aggrieved with the Order of Commandant Dir Levies / Deputy Commissioner, Dir Upper, they instituted a Service Appeal No. 1028/2018 in the Service Tribunal, Khyber Pakhtunkhwa. Consequently, the Service Tribunal vide judgement in the said Service Appeal had reinstated these Subedars; the operative part of the judgement is reproduced below (Annex-II):

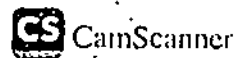
'[...] the instant appeals are accepted. The appellants as well as other similarly placed employees stand reinstated in service, who will retire on attaining the age of 60 years or they may opt for retirement after completion of 25 years regular service.'

(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 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);

Attested  
  
District Accounts Officer  
Dir Upper



(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 of. soq* (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,

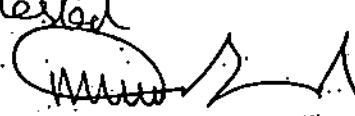
(b) To relax ban for the said creation in light of Finance Department's instructions dated 03.07.2024 (Annex-VII).

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

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

*Amir 13 July 24*  
(MUHAMMAD ABD MAJEED)  
Additional Chief Secretary (Home)

Secretary Finance

*Attest*  
  
District Accounts Officer  
Dir. Upper

Chief Secretary

Chief Minister, Khyber Pakhtunkhwa