

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL No.1408/2024

Lal Zar Khan.....APPELANT

VERSUS

District Police Officer, Orakzai & others.....Respondent

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Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO.1408/2024

Mr: LaL ZAR Khan.....APPELLANT.

VS

DISTRICT POLICE OFFICER, ORAKZAI & OTHERS.....RESPONDENT.

Parawise comments by Résponent No.1

Respectfully sheweth:.

Preliminary Objection:.

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is bad for misjoinder and non-joinder of necessary parties.
- iv. That the appellant is estopped to file the instant appeal for his own act.
- v. That the appellant has not approached the Honorable Tribunal with clean hands.

FACTS:.

1. Pertains to personal information of the appellant needs no comments.
2. After promulgation of 25th constitutional amendment service of erstwhile Levies/ khassadar personnel have been absorbed in Khyber Pakhtunkhwa Police in accordance with Khyber Pakhtunkhwa Levies Force Act, 2019 and Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019. Hence the appellant has been absorbed in Khyber Pakhtunkhwa Police newly Merged District Orakzai.
3. Correct. That the para No.3 is admitted Correct as per record to handed over To this office by the Political Agent.
4. Correct. That the service of appellant is switched to this office vide order Dated 10.02.2020. (copy of order is attached as annexure "A").

Khyber Pakhtunkhwa
Service Tribunal

Diary No.

16563

Dated

07-10-24

5. Correct. That the appellant is the regular employee of the answering respondent department and is a regularly performing his duties. Moreover, the salaries of the appellant has not been withheld by the answering respondent, rather the same is withheld by the respondent No.2 . in this regard the respondent No.2 better position to explain the case.
6. Correct. The respondent No.1 is aggrieved the appellant submitted departmental application for release of his salaries. The respondent No.1 salaries source forwarded to District Account officer Orakzai to release the salaries of appellant. But the District Account officer, Orakzai returned the salaries source on the basis of " according & DFR-116-117 and alteration in date of birth is required be made within two years from the start of his service in service book". (Copy of salaries source is attached as annexure "B").
7. No comments.

Grounds:.

- A. Correct. That the appellant is a regular employee and performing his duties regularly. The answering respondent department has not withheld the salaries rather the same has been withheld by the respondent No.2
- B. Correct.
- C. Correct.
- D. Incorrect. That the answering respondent has not withheld the salaries of the appellant.
- E. that the para No.E is denied for want of knowledge.
- F. Incorrect. The respondent No.1 confirmed the date of birth of CNIC and forwarded to District Account Officer, Orakzai .
- G. the respondent No.1 may be allowed who advance others grounds the course of hearing .

Prayer:.

It is therefore, most humbly prayed that the appeal may be decided according to law.



NAZIR KHAN (PSP)
DISTRICT POLICE OFFICER,
ORAKZAI
(Respondent No.1)

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

NOTIFICATION

Peshawar dated the, 10/2/2020

No.SO(Police)HD/SMY 2019 Merged Area/ 227-38 In pursuance of the provisions contained in section 9 of the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act No.XXXV of 2019) read with rule 3 of the Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019, the Home and Tribal Affairs Department, with the prior approval of the Cabinet and on the recommendation of the Provincial Police Officer, hereby orders absorption of the following members of Levies Force of Orakzai Tribal District in the Khyber Pakhtunkhwa Police with effect from the date of the initial appointment of the said members:

S#	Name with parentage	Previous Rank	Rank in which absorbed
1.	Deswar Ali s/o Bakhtiar Ali	Sub: BPS-13	SI BPS-14
2.	Fanoos Khan s/o Bada Khan	N/S BPS-11	ASI BPS-11
3.	Mehboob Khan s/o Abdul Hamid	N/S BPS-11	ASI BPS-11
4.	Niamat Ali s/o Muhammad Ghulam	N/S BPS-11	ASI BPS-11
5.	Nasib Khan s/o Karim Khan	N/S BPS-11	ASI BPS-11
6.	Salil Rehman s/o Saifoor Rehman	N/S BPS-11	ASI BPS-11
7.	Muhammad Rahim s/o Asghari Shah	N/S BPS-11	ASI BPS-11
8.	Taj Muhammad s/o Sadullah Khan	N/S BPS-11	ASI BPS-11
9.	Ibrahim Jan s/o Mir Haider Jan	N/S BPS-11	ASI BPS-11
10.	Amanullah Khan s/o Habibullah	N/S BPS-11	ASI BPS-11
11.	Mir Hassan Jan s/o Hassan Jan	N/S BPS-11	ASI BPS-11
12.	Isarjan s/o Said Hassan	N/S BPS-11	ASI BPS-11
13.	Niqab Hussain s/o Abid Hussain	N/S BPS-11	ASI BPS-11
14.	Rooh-ul-Amin s/o Khamin Shah	N/S BPS-11	ASI BPS-11
15.	Ajmal Khan s/o Sher Mat Khan	N/S BPS-11	ASI BPS-11
16.	Muhammad Tahir s/o Muhammad Said	Hav BPS-8	Head Constable BPS-9
17.	Saif Ullah s/o Khushal Khan	Hav BPS-8	Head Constable BPS-9
18.	Sajid Khan s/o Nadir Khan	Hav BPS-8	Head Constable BPS-9
19.	Muhammad Nasim s/o Habib Shah	Hav BPS-8	Head Constable BPS-9
20.	Ali Musa s/o Ali Amir	Hav BPS-8	Head Constable BPS-9
21.	Muhammad Imtiaz s/o Gul wal Khan	Hav BPS-8	Head Constable BPS-9
22.	Muhammad Younas s/o Edat Shah	Hav BPS-8	Head Constable BPS-9
23.	Jehanzeb Khan s/o Maeen Khan	Hav BPS-8	Head Constable BPS-9
24.	Imtiaz Khan s/o Nek Afzal	Hav BPS-8	Head Constable BPS-9

Attested
[Signature]
DSP-L

S#	Name with parentage	Previous Rank	Rank in which absorbed
70.	Nasveer khan s/o Sardar Khan	LNK BPS-6	Constable BPS-7
71.	Willayat Khan s/o Muhammad Afzal	LNK BPS-6	Constable BPS-7
72.	Mirak Shah s/o Hassan Shah	LNK BPS-6	Constable BPS-7
73.	Din Muhammad s/o Naiz Bad shah	LNK BPS-6	Constable BPS-7
74.	Mastli Khan s/o Mir Hassan Khan	LNK BPS-6	Constable BPS-7
75.	Muhammad Alam s/o Sher Alam	LNK BPS-6	Constable BPS-7
76.	Muhammad Asghar s/o Abdul Aziz	LNK BPS-6	Constable BPS-7
77.	Anab Gul s/o Azram Gul	LNK BPS-6	Constable BPS-7
78.	Shahd Muhammad s/o Shah Jehan	LNK BPS-6	Constable BPS-7
79.	Noor Akbar s/o Mina Akbar	LNK BPS-6	Constable BPS-7
80.	Khalil Rehman s/o Ali Asghar	LNK BPS-6	Constable BPS-7
81.	Abdul Janan s/o Abdul Malik	LNK BPS-6	Constable BPS-7
82.	Mir Ajab Khan s/o Daulat Khan	LNK BPS-6	Constable BPS-7
83.	Shakirullah s/o Amin Bad Shah	LNK BPS-6	Constable BPS-7
84.	Muhammad Daraz s/o Gul Raza	LNK BPS-6	Constable BPS-7
85.	Musa Khan s/o Nasir Khan	LNK BPS-6	Constable BPS-7
86.	Khalif Shah s/o Mir Ahmad Shah	LNK BPS-6	Constable BPS-7
87.	Rafullah s/o Jalat Khan	LNK BPS-6	Constable BPS-7
88.	Noor Salim s/o Ali Man Shah	LNK BPS-6	Constable BPS-7
89.	Muhammad Noor s/o Noor Bad Shah	LNK BPS-6	Constable BPS-7
90.	Wali Khan s/o Noorab Khan	LNK BPS-6	Constable BPS-7
91.	Akhlaq Khan s/o Niaz Hussain	LNK BPS-6	Constable BPS-7
92.	Gul Habib s/o Din Badshah	LNK BPS-6	Constable BPS-7
93.	Jamil Khan s/o Kastir Gul	LNK BPS-6	Constable BPS-7
94.	Arsala Khan s/o Muhammad Akbar	LNK BPS-6	Constable BPS-7
95.	Nasar Ullah Khan s/o Habib Ullah	LNK BPS-6	Constable BPS-7
96.	Adil Muhammad s/o Abdur Rauf	LNK BPS-6	Constable BPS-7
97.	Fazal Habib s/o Abdul Yamin	LNK BPS-6	Constable BPS-7
98.	Muhammad Yaseen s/o Ial Bad Khan	LNK BPS-6	Constable BPS-7
99.	Asmat Ullah s/o Seen Muhammad	LNK BPS-6	Constable BPS-7
100.	Arif Khan s/o Mehmood Khan	LNK BPS-6	Constable BPS-7
101.	Sahib Shah s/o Khial Bad Shah	LNK BPS-6	Constable BPS-7
102.	Muhammad Riaz s/o Sher Ali	LNK BPS-6	Constable BPS-7
103.	Lalzar Khan s/o Noor Ghulam	LNK BPS-6	Constable BPS-7
104.	Saleh Khan s/o Amin Jan	LNK BPS-6	Constable BPS-7
105.	Moeen Hassan s/o Faqir Hassan	LNK BPS-6	Constable BPS-7
106.	Sailoon Khan s/o Darwish Khan	LNK BPS-6	Constable BPS-7
107.	Muhammad Badshah s/o Mir Akbar	LNK BPS-6	Constable BPS-7
108.	Muhammad Rasool s/o Hakim Khan	LNK BPS-6	Constable BPS-7
109.	Ashiq Ali s/o Moeen Ali	LNK BPS-6	Constable BPS-7
110.	Noor Khaliq s/o Noor Akbar	LNK BPS-6	Constable BPS-7
111.	Saif-ur-Rehamn s/o Yar Badshah	LNK BPS-6	Constable BPS-7
112.	Sajid Rehman s/o Behram Khan	LNK BPS-6	Constable BPS-7
113.	Noor Sahib Khan s/o Ajab Khan	LNK BPS-6	Constable BPS-7
114.	Abdul Qayum s/o Qalandar Khan	LNK BPS-6	Constable BPS-7

M. J. Q.

Attest
S. H.
D.P. C.

S#	Name with parentage	Previous Rank	Rank in which absorbed
1173.	Rafi Ullah s/o Wazir Batkhan	Sep: BPS-5	Constable BPS-7
1174.	Omeid Ali s/o Minhaj Ali	Sep: BPS-5	Constable BPS-7

2. The above absorption shall be subject to the following terms and conditions:

- (i) Their services shall be governed under the Khyber Pakhtunkhwa Police Act, 2017 and the rules made thereunder.
- (ii) A member shall not be entitled for absorption, if he has resigned from Levies Force Service or has been terminated from the Service ibid on account of misconduct, inefficiency or any other grounds or has been retired from Service under the Federal Levy Force (Amended) Service Rules 2013, before commencement of the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act No. XXXV of 2019).
- (iii) Their services shall be considered regular and they shall be eligible for pension and deduction of General Provident fund in terms of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).
- (iv) Their seniority shall be determined in accordance with rule 6 of the Levies Force (Absorption in Khyber Pakhtunkhwa Police) Rules 2019.
- (v) They shall undergo training as provided in rule 5 of Levies Force (Absorption in Khyber Pakhtunkhwa Police) Rules, 2019.

Secretary

SI to Government of the Khyber Pakhtunkhwa
Home and Tribal Affairs Department

No. & date even.

CC to:

1. Inspector General of Police, Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Regional Police Officer, Kohat
4. District Police Officer Orakzai Tribal District.
5. District Commissioner Orakzai Tribal District.
6. PS to Chief Secretary Government of Khyber Pakhtunkhwa
7. PS to Secretary, Home & TAs Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary-II, Home & TAs Department, Khyber Pakhtunkhwa.
9. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa
10. Manager Printing Press for notifying the same in the official gazette.
11. Office record file.

Section Officer (Levies & Khasadars)

Attested
S. Y.
P.B.L

PAY ROLL SYSTEM SINGLE EMPLOYEE ENTRY

FORM: PAY-01

Dated _____

OFFICE OF THE District Police Officer Orakzai

for the Month of _____ Page No _____

DEPT Code 014032

Name of Official LALZAR KHAN Salary Status Start

Personnel 00586598

National ID Card No: _____

Entered/Verified _____

Classification	Regular Code	Pay Due	Classification	Adj. Code	Arrear w. e. f 01/07/2022 to 31/07/2024	Remarks
	50	31780	H.Pay	5801	774480	Arrear w. e. f 01/07/2022 to 31/07/2024 Total Arrear of Rs 1376674/-
			HRA	5002	59600	<p><i>Refer Book</i></p> <p><i>According to G.O.R-116-117 and alteration in (Date of Birth (D.O.B)) is required to be made within two year from the start of his service in Service Book</i></p>
			CA	5011	48500	
			MA	5012	37500	
			IAA	5002	37500	
			WA	5070	0	
			Risk Allow	5879	18170R	
			GRA	5079	7500	
			SIA	5078	10275	
			Ration	5022	2172	
			AR-2022		58422	
			AR-2023		108010	
			Exp Fund ROP		-37500	
			P. Well Fund ROP		-11300	
			H & Death C. ROP		-11250	
					1376674/-	

Gross Pay

District Police Officer
Orakzai

Scanned with CamScanner

1376674/-
11/07/2024
11/07/2024

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SERVICE TRIBUNAL, PESHAWAR

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Lal Zar Khan.....APPELLANT

VERSUS

District Police Officer, Orakzai & others.....Respondent

AFFIDAVIT

I Nazir Khan (PSP) District Police officer, Orakzai do here
by solemnly affirm and declare on oath that the contents of parawise
comments and enclosures are true and correct to the best of my
knowledge / belief and nothing has been concealed from this
Honorable Court.

*It is further stated on oath
that the answering respondents have
neither been placed in part
nor their defense
struck off / costs*



[Signature]
District Police Officer,
Orakzai
Respondent No.1
(NAZIR KHAN PSP)

07 OCT 2024

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SERVICE TRIBUNAL, PESHAWAR

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AUTHORITY LETTER

Mr. Sikandar Hassan DSP Legal District Orakzai is hereby authorized to institute parawise comments duly signed by respondents, in this Honorable Court on behalf of the Respondents.



NAZIR KAN (PSP)
District Police officer,
Orakzai
(Respondent No.1)