

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

**Service Appeal No. 452/2024**

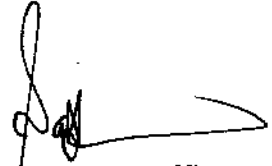
Alam Khan S/o Shamshali Khan.....Appellant

**VERSUS**

Deputy Inspector General of Police Malakand & others.....Respondents.

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District Police Officer,  
Bajaur at Khar.

**District Police Officer**  
**Bajaur at Khar.**

05-09-24  
swat.  
S.B

Service Appeal No. 452/2024

Alam Khan S/o Shamshali Khan.....Appellant

**VERSUS**

Deputy Inspector General of Police Malakand & others.....Respondents.

PARA-WISE COMMENTS BY RESPONDENT NO. 01 to 03.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. MS41

Dated 26-07-24

Respectfully Sheweth:

Preliminary Objections:-

- I. That the appellant has no locus standi to file the present appeal.
- II. That the appellant has not come to this august Tribunal with clean hands.
- III. That the present service appeal is not maintainable in its present form.
- IV. That the appellant has suppressed and concealed the material facts from this Honorable Tribunal.
- V. That the instant appeal is bad for mis joinder and non joinder of necessary parties.
- VI. That this service appeal is barred by law & limitations.
- VII. That appellant neither proper person nor aggrieved in any manner.

ON FACTS:

1. Pertain to the personal information of the appellant and not relates to the respondents.
2. Para No. 02 of appeal is incorrect and misleading. Appellant has neither appointed nor served in the Bajaur Levies. In fact brother of the appellant namely Bakht Munir was appointed as Sepoy in Bajaur Levies and retired from service on 17.08.1997 (F.N.) (Copy of enlistment order & Pension Book 1<sup>st</sup> Page are attached as Annexure A & B).
3. Incorrect. As already discussed in Para 2 above, the brother of appellant namely Mr. Bakht Munir has served in the Bajaur Levies and retired as Naik Havildar on 16.08.1997; whereas, appellant Alam Khan has never been an employ of Bajaur Levies.
4. Para No. 4 to the extent of appellant is not relates to respondents as he has never served in Bajaur Levies however as per available record Bakht Munir served in Levies and retired as Naik Havildar on 17.08.1997 F.N. (Copy of relevant page of Service Book is attached as Annexure C).
5. Para 5 of appeal is not related to respondents however as discussed in para above Bakht Munir is retired pensioner of Levies who has his own family members (Copy of Election Commission record showing family details and history sheet of driving licenses issued to the family of Bakht Munir are attached as Annexure D & E).


6. Para No. 6 of appeal is not relates to the respondents however appellant has got no cause of action to approach the honorable tribunal, here, the same is liable to be dismissed with cost.
7. Incorrect. Appellant has no cause of action to file the instant appeal and same being devoid of merit is liable to be dismissed with cost.
8. That Respondent No. 01 has rightly filed the application of the appellant being devoid of merits.

**ON GROUNDS:**


- i. Incorrect. All the action, inaction and denial of respondents is legal and lawful.
- ii. Incorrect and misleading. The appellant brother namely Bakht Munir was an employee of Bajaur Levies and retired from service after completion of Eighteen (18) years service.
- iii. Pertain to the record of NADRA; however, it is pertinent to mention that the date of birth of Bakht Munir is 1959 and that of Alam Khan is 16.08.1961 as per attached CNICs. Moreover, Bakht Munir & Alam Khan are two different persons having their own families (Copies of relevant record already been attached as Annexure D & E).
- iv. Incorrect. Reply already given vides para above.
- v. Incorrect. The appellant brother's namely Bakht Munir is a retired servant, who is legally entitled to receive his monthly pension.
- vi. Incorrect. Appellant is not entitled to receive monthly pension of his brother Bakht Munir.
- vii. The respondents may also be allowed to adduce additional grounds at the time of arguments/hearing.
- viii. That appellant is not proper person nor aggrieved in any manner to file the representation which was rightly rejected being devoid of merits.

**PRAYERS:-**

Keeping in view the facts and law, it is therefore humbly prayed; that the appeal being devoid of merits may kindly be dismissed with cost, please.

  
District Police Officer,  
Bajaur.  
District Police Officer  
Bajaur at Khar.

Sajjad Ahmad

  
Deputy Inspector General of Police,  
Malakand at Saidu Sharif Swat.  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat.

M. Ali Gandapur

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

**Service Appeal No. 452/2024**

Alam Khan S/o Shamshali Khan.....Appellant

**VERSUS**

Deputy Inspector General of Police Malakand & others.....Respondents.

**AFFIDAVIT**

I, Muhammad Irshad, DPO Office, Bajaur CNIC No. 17301-22157-9 do hereby affirm and declare that the contents of the accompanying comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



*Shafiq*  
26/07/24.

*Irshad*  
**Deponent**

CNIC# 17301-2422157-9

Mobile# 0348-9371978

*M. Irshad*

**OFFICE OF THE DISTRICT POLICE OFFICER BAJAUR TRIBAL DISTRICT.**

No. 2022 /Litigation/DPO(B)

Dated 23/07/2024

**AUTHORITY:**

Mr. Muhammad Irshad, DPO Office, Bajaur CNIC# 17301-2422157-9, is hereby authorized to submit comments in Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No. 452 of 2024 titled as Alam Khan S/o Shamshali Khan Vs Deputy Inspector General of Police, Malakand at Saidu Sharif Swat & others.

  
District Police Officer,  
Bajaur at Khar.

District Police Officer  
Bajaur at Khar.

ORDER.

The following are hereby recruited as Sepoys in Bajaur Levies (Old Levies Strength) with immediate effect subject to Medical fitness, in replacement of the persons retired from service on pension:-

S.No.	Name with parentage.	In replacement of
1-	Musahib Khan S/O Mohammad Khan of	Gayati Gul Zaman.
2-	Bacha Mohammad S/O Gulono of	" Sad Mohammad
3-	Snan Zarin S/O Akbar Khan	" Akbar Khan
4-	Baknat Munir S/O Samsuali	" Akbar Khan
5-	Azizul naq S/O Aziz Khan	" Latifullah
6-	Mirzad Gul S/O Mohammad Gul	" Mohammad S
7-	Jenangir S/O Said Lal	" Said Lal
8-	Noor nadim S/O Mastam	" Mastam
9-	Nadar Khan S/O Mulzai	Mano-Dheri Mir Zaman.
10-	Sultan Mohammad S/O Alim Jan	" Alim Jan
11-	Gul Ranim S/O Said Habib Jan	" Said Habib Jan.
12-	Gul Faroosh S/O Majeed	" Jehan Zeb
13-	Bacha Mir S/O Gu <sub>4</sub> ar Khan	Kulala Shams Jan
14-	Sah Zullah Khan S/O Bahadar	Matako Fazal Kari

POLITICAL AGENT.  
BAJAUR AT KNAR.

NO: 222-14/BL, Dated Knar the 16/8 / 1979.

Copy forwarded to:-

- 1- The Assistan Political Agent, Knar.
  - 2- The Subedar Major, Bajaur Levies.
- For information.

Attested.

Office Superintendent  
UPC Bajaur

POLITICAL AGENT  
BAJAUR AT KNAR.

Control 395

Mr. Bakht Munir  
s/o

A. T. M. 43 A  
(See Para 154 of  
Audit Manual)

Shamshah Khan 50031

PRONO. C-14/91/Prj/M

**Pension Payment Order**

**PENSIONER'S PORTION**

*[Handwritten signature and scribbles]*

**PENSION PAYMENT ORDER  
PENSIONER'S PORTION**

Mr. Bakht Munir

Shamshah Khan

M. Hayati

Ut/Khal, Prj/M

16-8-1961

16-8-1997

18 yrs

Retired

22521

LA Prj/M

and Date of the other Audit and Account office authorising  
the Pension/Gratuity/commutation.

Old P.P.O. No. if any C-1264/Prj

Gross pension Rs 11350

1/4th surrendered portion Rs

Commuted portion Rs 567-50

Net pension payable monthly Rs 567-50

Debitable to Govt 7207/99/7/06 836-55

(Classification)

707/3 1404-05

Major Function	00	General Admn.
Minor Function	020	Fiscal Admn.
Detailed Function	284	Superannuation and Pension
Major Class	5	Transfer Payments
Minor Class	134	Superannuation Allowances and Pension.
Detailed Class	82	Superannuation retiring and
	111	
	183	
	836-55	

**Attested**  
 Office Superintendent  
 PPO Bahawalpur

FORM A.T.M. 43  
 (See Paragraph 154 of Audit Manual)  
**PENSION PAYMENT ORDER**  
**DISBURSER'S PORTION**  
**CLASSIFICATION**

12  
 Annex-B  
 P-07  
 other than chere  
 Federal Govt.

Major Function 000 General Administration Major Object 600 Transfer Payment  
 Minor Function 020 Fiscal Administration Minor Object 660 Superannuation Allowances and Pension  
 Detailed Function 028 Superannuation and Pension Detailed Object 661 Superannuation, Retiring and Compensatory Pension.

Monthly Average Emoluments 1847-00 Gross Pension Rs. 983-80  
 Length of Qualifying Service 18 years 1/4th Surrendered Portion Rs. \_\_\_\_\_  
 Gratuity Rs. \_\_\_\_\_ Reduced Pension Rs. \_\_\_\_\_  
 Date of retirement 16-8-1998 1997 Commuted Pension Rs. 491-90  
 Old P.P.O. No. \_\_\_\_\_ Net Pension payable monthly Rs. 491-90

Debitable to \_\_\_\_\_ Government.

1575

Place for signature of pensioner as the first payment made \_\_\_\_\_

Class of Pension and date of order sanctioning it	Personal Identification	Height		Date or approximate date of birth	Sex	Permanent Residence showing Village, Tehsil and Identity Card No.	Amount of monthly Pension	
		M.	CM.				Rs.	P.
Retiring 958 29/8/1997	As per N.C.			16/8 1961		Village Hayati Tehsil Man Khal B-2/49	491-90 245-00 737-65	

**Office of the**

Auxo-Bay

No. PPO 1264-B  
 UNTIL FURTHER NOTICE, and on the expiration of every month please pay to Mr. Bakht Mulla

Son/Daughter of Shamshadi Khan  
 the sum of Rupees 203578/- (less income-tax), being the amount of Retiring Pension, as sep.  
 Grade No. \_\_\_\_\_ upon the production of this Order and a receipt in the usual form.  
 The payment should commence from 17-8-1997

2. As \_\_\_\_\_ has exercised the option admissible under Liberalised Pension Rules, 1977 a lump sum gratuity of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) in lieu of his 1/4th pension of Rs. \_\_\_\_\_ surrendered under the rules is also payable. The gratuity is debitable to the head :

- Major Object 600 Transfer Payments.
- Minor Object 660 Superannuation Allowances and Pension.
- Detailed Object 663 Gratuity Value of Pension.

3. A sum of Rs. 203578/- Rupees Two hundred and thirty five thousand on account of commuted value of pension is also payable and debitable to the head

- Major Object 600 Transfer Payments
- Minor Object 660 Superannuation Allowances and Pension.
- Detailed Object 662 Commuted Value of Pension.

4. He is also entitled to \_\_\_\_\_ (Rupees \_\_\_\_\_) with effect from \_\_\_\_\_ to \_\_\_\_\_ or until further orders under usual conditions.

To \_\_\_\_\_ (Signature) \_\_\_\_\_ (Designation) \_\_\_\_\_  
 The Treasury Officer, District Accounts Officer  
 Manager, National Bank of Pakistan. Khar (Bryan Agency)

NOTE (1) No person shall be liable to seizure, attachment or sequestration by process of any Court in Pakistan at the instance of a creditor for any demand against the pensioner (Section II, Act XXIII of 1871).

- NOTE (2) Payment under this order is to be made only to the pensioner in person, with the following exceptions :-
- (a) To persons specially exempted by Government.
  - (b) To females unaccustomed to appear in Public and to persons unable to appear on account of illness or bodily infirmity, [Payment in both classes (a) and (b) is made on production of a Life Certificate signed by a responsible officer of Government, or other well-known and trustworthy person].
  - (c) To any person sending a Life Certificate signed by some person exercising the powers of a Magistrate of any class under the Criminal Procedure Code, or by any Registrar or Sub-Registrar under the Registration Act, or by any pensioned officer who before retirement exercised the powers of a Magistrate or any gazetted officer of Government or by a Munsiff or by any person holding a Government title.
  - (d) In all cases referred to in clauses (a), (b) and (c) the Disbursing Officer must at least once a year, require proof independent of that furnished by the Life Certificate, of the continued existence of the pensioner.







ردیف	نام خانوادگی	شماره سند	نام پسر	تاریخ تولد	کلاس	گروه	شماره ثبت	شماره کلاس
34	خانم کرولی سکرور، تحصیل اتقان میل، ضلع اہورا پنشن	21107-1223144-8	میر یکتوب	شیرینی	302	101	691	
33	خانم کرولی سکرور، تحصیل اتقان میل، ضلع اہورا پنشن	21107-8649217-9	میر یکتوب	یاد زمان خان	302	101	692	
33	خانم کرولی میانی، تحصیل اتقان میل، ضلع اہورا پنشن	21107-4333204-8	زود یار زمان خان	طیبہ بی بی	302	101	693	
30	خانم کرولی میانی، تحصیل اتقان میل، ضلع اہورا پنشن	21107-1591272-8	دختر مرصوب	مدویا بی بی	301	101	694	
27	خانم کرولی میانی، تحصیل اتقان میل، ضلع اہورا پنشن	21107-6951201-1	میر یکتوب	میراٹنی	302	101	695	
71	خانم کرولی میانی، تحصیل اتقان میل، ضلع اہورا پنشن	21107-8871835-0	زود بخت منج	کاسہ بی بی	178	102	696	
47	خانم کرولی میانی، تحصیل اتقان میل، ضلع اہورا پنشن	21107-2825090-8	زود شرو منج	حافظہ بی بی	178	102	697	
45	خانم کرولی سکرور، تحصیل اتقان میل، ضلع اہورا پنشن	21107-4623549-7	بخت منج	حضرت منج	179	102	698	
39	خانم کرولی سکرور، تحصیل اتقان میل، ضلع اہورا پنشن	21107-1163017-0	بخت منج	شرو منج	178	102	699	

ردیف	نام خانوادگی	شماره سند	نام پسر	تاریخ تولد	کلاس	گروه	شماره ثبت	شماره کلاس
31	خانم کرولی میانی، تحصیل اتقان میل، ضلع اہورا پنشن	21107-2096928-1	بخت منج	عین	178	102	700	
30	خانم کرولی سکرور، تحصیل اتقان میل، ضلع اہورا پنشن	21107-8709345-4	زود بہتاد خان	نصیرہ بی بی	179	102	701	
25	خانم کرولی سکرور، تحصیل اتقان میل، ضلع اہورا پنشن	21107-2065859-3	حضرت منج	حضرت منج	179	102	702	

Attest  
Office Superintendent

**KHYBER PAKHTUNKHWA POLICE**  
**HISTORY SHEET**  
 DISTRICT: LOWER DIR

P-11

**Personal Information**

Applicant's Name: SHAHZAD MUNIR  
 CNIC No.: 2110711630179  
 Nationality: Pakistani  
 Date of Birth: 02-04-1982  
 Gender: Male  
 Cell No.: 03028059196  
 Father/Husband Name: BAKHT MUNIR  
 Present Address: Malakand ..  
 Permanent Address: VILL: HAYATAI P/O GARDAI Bajaur

Attest:  
 Type Supervisor  
 D/S Bajaur



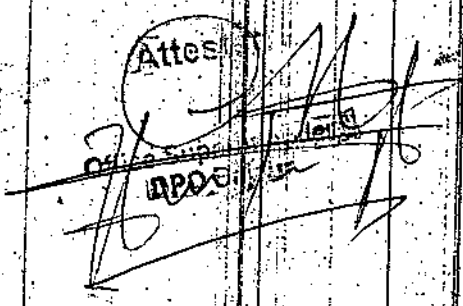
License/Permit No	Issue/Action Date	Expiry Date	Type	License/Learner Type	District	Remarks
119000002364	10/09/2011	09/09/2016	License	LTV ONLY	Lower Dir	Conversion
119000002364	19/10/2016	19/10/2021	License	LTV ONLY	Lower Dir	Renewal

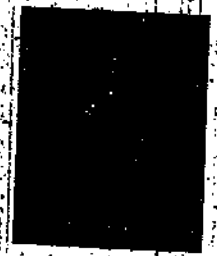
Annex - E

License History Sheet Printing  
**KHYBER PAKHTUNKHWA POLICE**  
**HISTORY SHEET**  
DISTRICT: PESHAWAR

P-12

**Personal Information**  
Applicant's Name: HAZRAT MUNIR  
CNIC No: 2110746235497  
Nationality: Pakistani  
Date of Birth: 01-01-1976  
Gender: Male  
Cell No:  
Father/Husband Name: BAKHAT MUNEER  
Present Address: Peshawar  
Permanent Address: SIKANDARU RO. GARDAI TEH UTMAN KHEL BAJAU

Attest  
  
DPO Peshawar



License/Permit No	Issue/Action Date	Expiry Date	Type	License/Learner Type	District	Remarks
100000076901	15/01/2010	14/01/2015	License	LTV ONLY	Peshawar	Conversion
100000076901	06/01/2015	06/01/2020	License	LTV ONLY	Peshawar	Renewal