

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT SWAT**

Service Appeal No. 1795/2019

Date of Institution ... 16.12.2019

Date of Decision ... 08.09.2022

Imran Khan S/O Ahmad Munir, Belt No. 2129 Sepoy Dir Levies  
Force Dir Lower, R/O Moosa Abad Tehsil Manda District Dir Lower.

... (Appellant)

VERSUS

Special Secretary Home and Tribal Affairs Peshawar and three  
others. ... (Respondents)

MR. Sher Ali Khan,  
Advocate

-----  
--- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,  
Assistant Advocate General

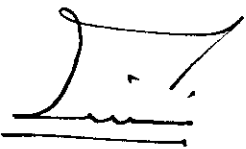
--- For respondents.

MR. SALAH-UD-DIN  
MR. MIAN MUHAMMAD

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

JUDGMENT:

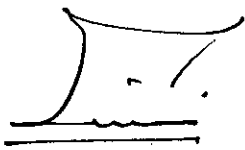
SALAH-UD-DIN, MEMBER:- Briefly stated the facts giving rise to filing of the instant service appeal are that disciplinary action was taken against the appellant on the allegations that he was charged in case FIR No. 169 dated 07.02.2019 under Section 9 (C) CNSA registered at Police Station Upper Mohmand District Mohmand. On conclusion of the inquiry, the appellant was awarded major penalty of removal from service vide the impugned order dated 14.05.2019. The departmental appeal of the appellant was allowed vide order dated 08.11.2019, whereby the appellant was reinstated in service subject to decision of higher forum, in case the judgment of Judge Special Court Mohmand was challenged through filing of appeal. Vide the aforementioned order of the appellate Authority, the intervening period from the date of removal till the date of reinstatement of the appellant was ordered to be treated as leave without



pay, therefore, the appellant being aggrieved of the same, has filed the instant service appeal.

2. Respondents contested the appeal by way of submitting para-wise comments, wherein they refuted the assertions as raised by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant was falsely charged in case FIR No. 169 dated 07.02.2019 under Section 9 (C) CNSA registered at Police Station Upper Mohmand District Mohmand and his acquittal in the aforementioned case has affirmed his innocence; that disciplinary action was taken against the appellant on account of his involvement and arrest in the criminal case, however the appellant has been honorably acquitted by competent court of law; that upon reinstatement of the appellant, he was legally entitled to all back benefits and the appellate Authority was not justified in treating the intervening period as leave without pay. Reliance was placed on 2015 SCMR 77, 2013 SCMR 752 and 2007 SCMR 296.



4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant was arrested in case of smuggling of Narcotics and the same has brought bad name to levies force; that the appellant has got a chequered history of disciplinary actions against him and the appellate Authority was right in treating the intervening period as leave without pay; that as the appellant did not perform any duty during the intervening period, therefore, the same has rightly been treated as leave without pay on the principle of no work no pay.

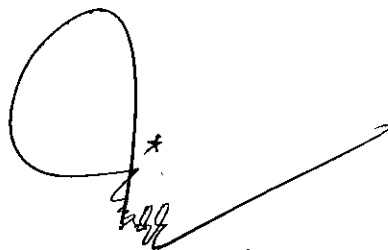
5. We have heard the arguments of learned counsel for the parties and have perused the record.

6. A perusal of the record would show that disciplinary action was taken against the appellant on the allegations that he stood charged and was arrested in case FIR No. 169 dated 07.02.2019 under Section 9 (C) CNSA registered at Police Station Upper Mohmand District Mohmand. The appellant was suspended vide


order dated 19.02.2019 passed by Commandant Dir Levies and on conclusion of the inquiry, the appellant was awarded major penalty of removal from service vide order dated 14.05.2019 passed by Commandant Dir Levies/Deputy Commissioner Dir Lower. In the meanwhile, the appellant was acquitted vide judgment dated 30.09.2019 passed by the then Judge Special Court Mohmand and his departmental appeal was also accepted by reinstating him in service, however the period from the date of removal (mentioned as termination in the impugned order dated 08.11.2019) till the date of reinstatement was ordered to be treated as leave without pay. It is apparent from perusal of the record that disciplinary action was taken against the appellant on the ground of his involvement in the criminal case, however after acquittal of the appellant, the very ground, on the basis of which disciplinary action was taken against the appellant has vanished away. Upon reinstatement of the appellant, he was entitled to all back benefits for the intervening period from the date of his removal from service till the date of his reinstatement. The appellant did not perform any duty during the said period for the reason that he was wrongly removed from service, which penalty was later on set-aside by the appellate Authority through order dated 08.11.2019. Moreover, nothing is available on the record, which could show that the appellant remained gainfully employed in any service during the said period.

7. In view of the above discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
08.09.2022



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)  
CAMP COURT SWAT



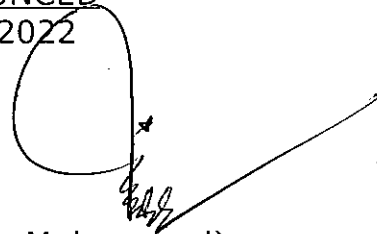
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT SWAT

ORDER  
08.09.2022

Appellant alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
08.09.2022



(Mian Muhammad)  
Member (Executive)  
Camp Court Swat



(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat

05.07.2022

Counsel for the appellant present.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Perusal of order sheet dated 07<sup>th</sup> June, 2022 would reveal that right of respondents No.2 & 4 was struck off but infact, from the record it is evident that respondents No.2 & 4 have already submitted reply and is placed on file. So far as comments on behalf of respondents No.1 & 3 are concerned, learned District Attorney relied upon comments already submitted by respondents No.2 & 4. Attendance as well as submission of comments on behalf of respondents is complete, therefore, file to come up for arguments on 04.08.2022 before D.B at Camp Court, Swat.



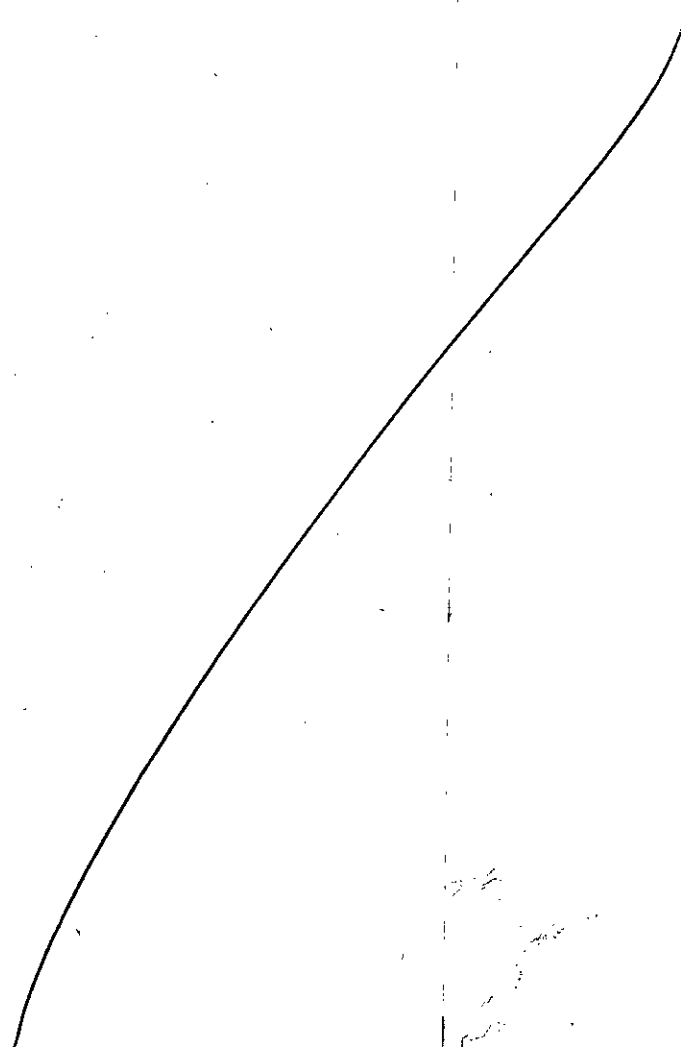
(Fareeha Paul)  
Member(E)



(Rozina Rehman)  
Member (J)

4.8.22


*due to summer vacation the case is adjourned to 8.9.22 for the same.*



09.05.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General again sought time for submission of reply/comments on behalf of respondents No. 2 & 4. The appeal in hand is pending adjudication since 16.12.2019 but respondents No. 2 & 4 have not yet submitted their replies/comments, therefore, learned Additional Advocate General shall contact respondents No. 2 & 4 to submit written reply/comments on or before the next date, failing which their right for submission of written reply/comments shall be deemed as struck off. Adjourned. To come up for submission of written reply/comments on behalf of respondents No. 2 & 4 on 07.06.2022 before the S.B at Camp Court Swat.



(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

7<sup>th</sup> June, 2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply on behalf of respondents No. 2 and 4 not submitted despite numerous opportunities. On the last date learned AAG sought time for submission of written reply of respondents No. 2 and 4 which was granted with the direction to submit the same positively failing which right for submission of written reply shall be deemed as struck off. Today none for the respondents present, therefore, right for submission of written reply/comment of respondents No. 2 and 4 is struck off. To come up for arguments on 05.07.2022 before the D.B at camp court Swat.



(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

09.02.2022

Tour is hereby canceled .Therefore, the case is adjourned to 06.04.2022 for the same as before at Camp Court Swat.

  
Reader

06.04.2022

Appellant in person present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General present.

Written reply on behalf of respondents No. 2 & 4 has already been submitted. None present on behalf of respondents No. 1 & 3. Previous date was changed on Reader Note, therefore, notices be issued to respondents No. 1 & 3 through registered post and to come up for submission of written reply/comments on 12.05.2022 before the S.B at Camp Court Swat.



(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

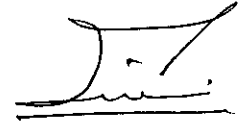
01.11.2021

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Respondents No. 2 and 4 have already furnished reply/comments. Learned Deputy District Attorney sought time for submission of reply/comments on behalf of respondents No. 1 and 3. Adjourned. To come up for reply/comments on behalf of respondents No. 1 & 3 as well as arguments before the D.B on 03.01.2022 at Camp Court Swat.



(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court Swat

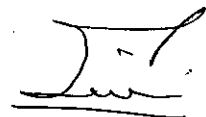


(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

03.01.2022

Appellant in person present. Mr. Ameer Hamza, Superintendent on behalf of respondents No. 2 & 4 alongwith Mr. Muhammad Adeel Butt, Additional Advocate General present.

Respondents No. 1 & 3 have failed to submit their written reply/comments even today, therefore, notices be issued to the said respondents with the direction to submit reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. To come up for written reply/comments of respondents No. 1 & 3 on 09.02.2022 before the S.B at Camp Court Swat.



(Salah-Ud-Din)  
Member (J)  
Camp Court Swat



26.07.2021

To come up for written reply/comments of respondents No. 1 to 3 on 23.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel as well as respondents for the date fixed.

  
Chairman

23.08.2021

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Asstt.A.G for the respondents present.

Respondents No. 2 and 4 have already furnish reply/comments. Learned AAG is required to contact respondents No. 1 and 3 to submit written reply/comments in office at Peshawar within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 01.11.2021 before the D.B, at camp court Swat.

*Stipulated period has passed and reply has not been submitted.*

  
Chairman  
Camp Court Swat.

P.S

23.09.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

  
Chairman

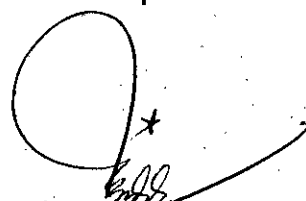
02.02.2021

Nemo for the parties present.

Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

As the case had been adjourned previously on Reader note due to Covid-19, therefore, notice to the parties be issued..

Adjourned to 03.03.2021 before S.B at camp court Swat.



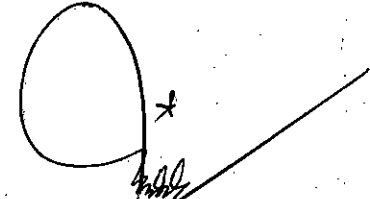
(Mian Muhammad)  
Member(E)  
Camp Court Swat

03.03.2021

Appellant in person present. Mr. M. Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Ameer Hamza, Supdt for respondents No. 2 and 4 present.

Representative of respondents No. 2 and 4 submitted written reply which is placed on file. Notices be issued to respondents No.1 to 3 for submission of written reply/comments.

Adjourned to 03.05.2021 before S.B at camp court Swat.



(Mian Muhammad)  
Member(E)  
Camp Court Swat

07.10.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney is also present.

Neither written reply on behalf of respondents submitted nor any representative of there is present, therefore, notices be issued to them for submission of written reply/comments. File to come up for written reply/comments on 04.11.2020 before S.B at Camp Court, Swat.

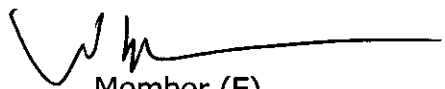
  
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT SWAT

03.11.2020

Nemo for appellant.

Muhammad Jan learned Deputy District Attorney for respondents present.

Written reply on behalf of respondents is still awaited. Notice be issued to respondents by way of last chance, for written reply/comments for 08.12.2020, before S.B at Camp Court, Swat.

  
Member (E)  
Camp Court, Swat

8/12/20

Due to COVID-19 case is  
adjournd to 02/02/2021

  
Readn

04.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 08.07.2020, at camp court Swat.



Reader

07.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 08.09.2020, at camp court Swat.




Reader

08.09.2020 Appellant in person present.

Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present.

Written reply/comments on behalf of respondents not submitted. Notice be issued to the respondents for written reply/comments. To come up for written reply/comments on 07.10.2020 before S.B at Camp Court, Swat.



(Rozina Rehman)  
Member  
Camp Court, Swat

03.03.2020

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended inter-alia that the appellant was awarded punishment of removal from service vide order dated 14.05.2019; that the appellant was acquitted in the criminal case, consequently his departmental appeal was accepted and the appellant was reinstated in service with immediate effect on compassionate grounds while treating the intervening period as leave without pay; that the appellant has filed the present service appeal for the back benefits/benefits of the intervening period and for his reinstatement.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 04.05.2020 before S.B at Camp Court, Swat.


Appellant Deposited  
Security Process Fee

09/3/20



Member  
Camp Court, Swat.

*Due to Corona virus tour to camp court swat has been cancelled. To come up for the same on - 04.06.2020*






Reader

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1795/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/12/2019	<p>The appeal of Mr. Imran Khan presented today by Mr. Sher Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 16/12/19</p>
2-		<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>04-02-20</u></p> <p> CHAIRMAN</p>
	04.02.2020	<p>Appellant in person, submitted additional documents placed on file and seeks adjournment. Adjourn. To come for preliminary hearing on 03.03.2020 before S.B at Camp Court, Swat.</p> <p> Member Camp Court, Swat.</p>

بعدالت جناب جج خیبر پختونخواہ سروس ٹریبونل پشاور۔

عمران خان بنام پیشکش سیکریٹری ہوم اینڈ ٹرانسپورٹ افیئرز پشاور وغیرہ۔

سروس اپیل - 1795/2019  
انڈیکس

صفحہ نمبر	منسلکہ (Annexure)	تفصیل دستاویزات	نمبر شمار
5-1	.....	اپیل	1
6	.....	بیان حلفی	2
7	.....	درست پتہ جات فریقین	3
8	"A"	حکم تعیناتی بطور لیویز سپاہی	4
9	"B"	نقل وارنٹ رہائی	5
16-10	"C"	نقل فیصلہ بریت	6
18-17	"D"	نقل انکوئیری رپورٹ	7
19	"E"	نقل حکم برخاستگی	8
23-20	"F"	نقل اپیل	9
24	"G"	فیصلہ براپیل مصدرہ 8/11/2019	10
26	----	درخواست معافی تاخیر دروازہ کرنے اپیل۔	11
31-27	----	خیبر پختونخواہ لیویز فورس ایکٹ 2019	
39-32	----	PATA لیویز فورس ریگولیشن 2012	
51-40	----	PATA فیڈرل لیویز فورس سروس (امینڈمنٹ) رولز 2013۔	
52	----	وکالت نامہ	

عمران خان  
اپیلانٹ عمران خان ولد احمد منیر

بوکالت شیر علی ایڈوکیٹ ہائی کورٹ

ڈسٹرکٹ کورٹس مالاکانڈ بمقام بٹ خیلہ

موبائل نمبر 0300-9300987

بعدالت جناب جج خیبر پختونخواہ سروس ٹریبونل پشاور۔

اپیل نمبر :- ۱۶۹۵/۲۰۱۹

عمران خان ولد احمد منیر بیلٹ نمبر 2129 سپاہی دیر لیویز فورس دیر لویئر حال موسیٰ آباد تحصیل منڈا ضلع دیر لویئر

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1888

Dated 16/12/2019

----- (اپیلانٹ) -----

بنام

- 1- سپیشل سیکریٹری ہوم اینڈ ٹرانسپورٹ افسیر پشاور۔
- 2- کمانڈنٹ دیر لیویز اڈاپٹی کمشنر دیر لویئر بمقام تیمر گرہ۔
- 3- ایڈیشنل اسٹنٹ کمشنر - تیمر گرہ دیر لویئر۔
- 4- صوبیدار میجر دیر لیویز بمقام تیمر گرہ۔----- (رہسپانڈنٹس) -----

سروس اپیل :-

جزوی اپیل برخلاف حکم رہسپانڈنٹ نمبر 1 جناب سپیشل سیکریٹری ہوم پشاور مصدرہ 8/11/2019 جس کی رو سے حکم رہسپانڈنٹ نمبر 2 کمانڈنٹ دیر لیویز اڈاپٹی کمشنر صاحب دیر لویئر بمقام تیمر گرہ حکم نمبری 5552/LHC مصدرہ 14/05/2019 منسوخ کرتے ہوئے اپیلانٹ کے ملازمت سے برخاستگی سے لیکر دوبارہ ملازمت پر بحالی تک کے دورانہ کو Leave without Pay

تصور کیا ہے جبکہ اپیلانٹ کی ملازمت پر دوبارہ بحالی کو مقدمہ علت نمبر 169 بجرم (CNSA) 9c

مورخہ 7/02/2019 پولیس سٹیشن غلٹی ضلع مہمند کی اعلیٰ عدلیہ کی آخری فیصلہ سے مشروط کیا ہے۔

استدعائے اپیل :-

بمنظوری اپیل ہذا حکم رہسپانڈنٹ نمبر 1 جناب سپیشل سیکریٹری ہوم پشاور مصدرہ 8/11/2019 میں اس حد تک ترمیم کیا جائے کہ اپیلانٹ کو ملازمت سے برخاستگی سے لیکر ملازمت پر دوبارہ بحالی تک کے دورانہ میں اپیلانٹ کو تمام سابقہ مراعات دی جا کر اپیلانٹ کو باقاعدہ فوری طور پر ملازمت پر بحال کرنے کا حکم صادر فرمائے۔

جناب عالی!

Filed to-day

Registrar

16/12/19



گزارشات منجانب ایپلانٹ حسب ذیل عرض ہیں۔

- 1- یہ کہ ایپلانٹ دیر لیویز میں بحیثیت سپاہی مورخہ 5/05/2010 کو بھرتی ہوا تھا۔  
(نقل حکم تعیناتی لف ہذا A ہے)۔
- 2- یہ کہ ایپلانٹ بعد از تعیناتی مختلف لیویز پوسٹ میں تعینات رہا ہے اور اپنی پوری جانپوشانی سے اپنی فرائض منصبی احسن طریقہ سے سرانجام دیتا رہا ہے۔
- 3- یہ کہ ایپلانٹ کے خلاف بدینتی سے پولیس سٹیشن غلٹی ضلع مہمند میں ایک بے بنیاد مقدمہ زیر علت نمبر 169، مجرم (CNSA) 9c مورخہ 07/02/2019 درج رجسٹر ہو کر ایپلانٹ کو مقدمہ مذکورہ میں گرفتار کر کے بعد ازاں ایپلانٹ بروئے حکم جناب سیشن جج صاحب ضلع مہمند مصدرہ 27/3/2019 ضمانت پر رہا ہوا تھا جبکہ بعد ازاں عدالت جناب سیشن جج اسپیشل جج سیشن جج ڈسٹرکٹ مہمند نے بروئے حکم مصدرہ 30/09/2019 ایپلانٹ کو مقدمہ مذکورہ سے باعزت طور پر بری کیا ہے۔ (نقل وارنٹ رہائی لف ہذا "B" ہے جبکہ نقل حکم بریت لف ہذا "C" ہے)۔
- 4- یہ کہ ایپلانٹ کیخلاف FIR مذکورہ بالا درج رجسٹرڈ ہونے کے بعد سپانڈنٹ نمبر 2 کمانڈنٹ دیر لیویز/ڈپٹی کمشنر صاحب دیر لیویز نے بروئے حکم نمبری 5180/A/LHC مورخہ 19/02/2019 ایپلانٹ کو نوکری سے معطل کیا اور بعد ازاں سپانڈنٹ نمبر 2 کمانڈنٹ دیر لیویز/ڈپٹی کمشنر صاحب دیر لیویز نے بروئے حکم نمبری 5325-A/LHC مورخہ 01/04/2019 سپانڈنٹ نمبر 3 کو انکوائیری آفیسر مقرر کرتے ہوئے ایپلانٹ کے خلاف انکوائیری کرنے اور رپورٹ جمع کرنے کا حکم صادر کیا۔
- 5- یہ کہ سپانڈنٹ نمبر 3 نے انکوائیری مکمل کرنے کے بعد اپنا رپورٹ نمبری 62 مورخہ 22/04/2019 سپانڈنٹ نمبر 2 کو جمع کر کے ایپلانٹ کو نوکری سے برخاست کرنے کی سفارش کی۔ (نقل انکوائیری رپورٹ لف ہذا "D" ہے)۔

6- یہ کہ انکوائری رپورٹ موصول ہونے کے بعد رسپانڈنٹ نمبر 2 نے بروئے حکم نمبری

5552/LHC مورخہ 14/05/2019 اپیلانٹ کو نوکری سے برخاست کیا۔

(نقل لف ہذا "E" ہے)۔

7- یہ کہ اپیلانٹ نے حکم رسپانڈنٹ نمبر 2 کمانڈنٹ دیر لیویزا/جناب ڈپٹی کمشنر صاحب دیر

لوئیر حکم نمبری 5552/LHC مورخہ 14/05/2019 کو بعد الت رسپانڈنٹ نمبر 1

جناب سیکریٹری ہوم اینڈ ٹرائبل افیئرز پشاور چیلنج کیا تھا۔ (نقل اپیل لف ہذا "F" ہے)۔

8- یہ کہ رسپانڈنٹ نمبر 1 سپیشل سیکریٹری ہوم اینڈ ٹرائبل افیئرز پشاور نے بروئے حکم زیر اپیل

مصدرہ 8/11/2019 اپیلانٹ کی اپیل منظور کرتے ہوئے اپیلانٹ کو ملازمت پر بحال

کرنے کا حکم صادر کیا لیکن ملازمت سے برخاستگی سے لیکر دوبارہ ملازمت پر بحال ہونے

تک کے دوران یہ کو Leave without Pay تصور کیا ہے۔ جبکہ اپیلانٹ کے

ملازمت پر دوبارہ بحالی کو مقدمہ علت نمبر 169. بجرم (CNSA) 9c مورخہ

7/2/2019 پولیس سٹیشن غلٹنی ضلع مہمند کی اعلیٰ عدلیہ کے آخری فیصلہ سے مشروط کیا ہے۔

(نقل حکم مصدرہ 8/11/2019 لف ہذا "G" ہے)۔

9- یہ کہ حکم رسپانڈنٹ نمبر 1 جناب سپیشل سیکریٹری ہوم پشاور مصدرہ 8/11/2019 تا حد

اپیلانٹ کو ملازمت سے برخاستگی سے لیکر دوبارہ ملازمت پر بحال ہونے تک کے دوران یہ کو

Leave without Pay تصور کرنے اور اپیلانٹ کی دوبارہ ملازمت پر بحالی کو

مقدمہ علت نمبر 169. بجرم (CNSA) 9c مورخہ 07/02/2019 پولیس سٹیشن غلٹنی

ضلع مہمند کی اعلیٰ عدلیہ کی آخری فیصلہ تک مشروط کرنا منجملہ دیگر وجوہات کے بوجوہات ذیل

قابل بحالی نہ ہے۔

### وجوہات:

i- یہ کہ حکم رسپانڈنٹ نمبر 1 جناب سپیشل سیکریٹری ہوم پشاور مصدرہ 8/11/2019 تا حد

ایپیلانٹ کو ملازمت سے برخاستگی سے لیکر دوبارہ ملازمت پر بحال ہونے تک کے دورانہ کو

Leave without Pay تصور کرنے اور ایپیلانٹ کی دوبارہ ملازمت پر بحالی اعلیٰ

عدلیہ کی آخری فیصلہ تک مشروط کرنا خلاف حقائق و خلاف قانون اور خلاف واقعات ہے۔

-ii یہ کہ رسپانڈنٹ نمبر 1 جناب سپیشل سیکریٹری ہوم پشاور نے مسل مقدمہ کا بغور جائزہ لیے بغیر

سرسری حکم جاری کر کے ایپیلانٹ کی حق تلفی کی ہے۔ نیز رسپانڈنٹ نمبر 2 نے آئین و

قانون کو پس پشت ڈال کر حکم زیر اپیل صادر کر کے قانونی غلطی کی ہے۔

-iii یہ کہ ایپیلانٹ کے خلاف درج شدہ مقدمہ علت نمبر 169. مجرم (CNSA) 9c مورخہ

7/2/2019 پولیس سٹیشن غلٹی ضلع مہمند میں عدالت جناب سپیشل جج / سیشن جج صاحب

ڈسٹرکٹ مہمند نے ایپیلانٹ کو بے قصور اور بے گناہ گردانتے ہوئے بروئے حکم مصدرہ

30/9/2019 ایپیلانٹ کو مقدمہ مذکورہ سے باعزت طور پر بری کیا ہے۔ لیکن عدالت

ماتحت رسپانڈنٹ نمبر 1 نے اس امر کو بھی پس پشت ڈال کر حکم زیر اپیل صادر کر کے خلاف

قانون و خلاف حقائق فیصلہ کیا ہے۔ بدیں وجہ بھی حکم عدالت ماتحت رسپانڈنٹ نمبر 1 قابل

بحالی نہ ہے بلکہ قابل مداعت عدالت ہذا ہے۔

-iv یہ کہ آئین پاکستان 1973 کے آرٹیکل A-10 اور آرٹیکل 12 پاکستان کے ہر شہری کو اپنے

حقوق کے تحفظ کی ضمانت دیتا ہے لیکن عدالت ماتحت جناب سپیشل سیکریٹری ہوم پشاور نے

آئین پاکستان کو بھی پس پشت ڈال کر حکم زیر اپیل صادر کر کے قانونی غلطی کی ہے۔ بدیں

وجہ بھی حکم زیر اپیل قابل بحالی نہ ہے بلکہ قابل درستگی ہے۔

-v یہ کہ رسپانڈنٹ نمبر 2 نے اپنے اختیارات سے تجاوز کرتے ہوئے بلا اختیار و بلا جواز طور پر

ایپیلانٹ کو ملازمت سے برخاست کیا تھا۔ نیز ایپیلانٹ ایک غریب خاندان سے تعلق رکھتا

ہے اور اپنے خاندان کا واحد کفیل ہے رسپانڈنٹ نمبر 2 نے ایپیلانٹ کو بلا جواز طور پر نوکری

سے برخاست کر کے ایپیلانٹ اور ایپیلانٹ کے خاندان کا معاشی قتل کیا ہے۔

-vi یہ کہ حکم رسپانڈنٹ نمبر 1 بنیادی حقوق کی خلاف ہے۔ کیونکہ رسپانڈنٹ نمبر 1 نے اپیلانٹ

کی اپیل جزوی طور پر منظور کرتے ہوئے اپنے اختیارات کا درست استعمال نہیں کیا ہے۔

حالانکہ رسپانڈنٹ نمبر 1 کو حسب قانون اختیار حاصل تھا کہ وہ اپیلانٹ کو برطبق قانون

باقاعدہ طور پر ملازمت پر بحال کرتے اور اپیلانٹ کے سابقہ تمام مزاحمت بحال کرنے کا

حکم صادر کرتے بدیں وجہ بھی حکم رسپانڈنٹ نمبر 1 قابل مداخلت عدالت ہذا ہے اور قابل

درستگی ہے۔

-vii یہ کہ اپیل ہذا اندر معیاد ہے۔

لہذا استدعا ہے کہ بمنظوری اپیل ہذا حکم جناب سیشنل سیکریٹری ہوم پشاور

ار سپانڈنٹ نمبر 1 مصدرہ 8/11/2019 میں اس حد تک ترمیم کیا

جائے کہ اپیلانٹ کو ملازمت سے برخاستگی سے لیکر ملازمت پر دوبارہ

بحالی تک کے دورانہ میں اپیلانٹ کو تمام سابقہ مراعات دی جا کر

اپیلانٹ کو باقاعدہ طور پر ملازمت پر بحال کرنے کا حکم صادر فرمائے۔

عریضے مورخہ 14/12/2019

عمران خان

عمران خان ولد احمد منیر بیلٹ نمبر 2129 سپاہی دیر لیویز فورس دیر لویئر

حال موسیٰ آباد تحصیل منڈا ضلع دیر لویئر۔



Aleem Shahi  
Oath Commissioner,  
Distt: Courts Malakand  
No. 16 Date 16/12/19

بیان حلفی

حلفاً تصدیق کی جاتی ہے کہ جملہ مراتب اپیل ہذا میرے علم و یقین سے درست ہے اور عدالت حضور سے کوئی

امر مخفی نہیں رکھا ہے۔

العبد عمران خان مورخہ 14/12/2019

عمران خان ولد احمد منیر۔

(6)

بعدالت جناب جج خیبر پختونخواہ سروس ٹریبونل پشاور۔

عمران خان بنام پیشل سیکریٹری ہوم اینڈ ٹرانسپورٹ افیئرز پشاور وغیرہ۔


سروس اپیل۔

بیان حلفی

حلفاً تصدق کی جاتی ہے کہ اسی عنوان و نوعیت کا کوئی دوسرا اپیل میرے جانب سے کسی دیگر مجاز عدالت میں زیر تجویز نہ ہے۔

مورخہ 14/12/2019

العبد  
عمران خان  
عمران خان ولد احمد منیر۔

Attested  
  
Aleem Shah  
Oath Commissioner  
Dist: Courts Malakand  
No. 16 Date 12/19

بعدالت جناب جج خیبر پختونخواہ سروس ٹریبونل پشاور۔

عمران خان بنام سپیشل سیکریٹری ہوم اینڈ ٹرانسپورٹ افیئرز پشاور وغیرہ۔  
سروس اپیل۔

درست پتہ جات فریقین مقدمہ۔

اپیلانٹ :-

نام: عمران خان

ولدیت: احمد نیر

شناختی کارڈ نمبر:

مستقل پتہ: موسیٰ آباد تحصیل منڈا ضلع دیر لویئر۔

رابطہ نمبر:

رہنما ڈیپارٹمنٹس:-

1- سپیشل سیکریٹری ہوم اینڈ ٹرانسپورٹ افیئرز پشاور۔

2- کمانڈنٹ دیر لیویز / ڈپٹی کمشنر دیر لویئر بمقام تیمر گرہ۔

3- ایڈیشنل اسٹنٹ کمشنر - تیمر گرہ دیر لویئر۔

4- صوبیدار میجر دیر لیویز بمقام تیمر گرہ

عمران خان

اپیلانٹ عمران خان

بوکالت

شیر علی ایڈووکیٹ ہائی کورٹ

ڈسٹرکٹ کورٹس مالاکند بمقام بٹ جیلہ

موبائل نمبر 0300-9300987

(8)

OFFICE OF THE  
DISTRICT COORDINATION OFFICER  
DIR LOWER.

No. \_\_\_\_\_  
Dated Timergara the 5/05 2010

OFFICE ORDER

Mr. Imran Khan S/O Ahmad Munir r/o Musa Abad, Tehsil Munda Dir Lower is hereby appointed as Sepoy in Dir Levies against the vacant post in the time BPS-5 (3340-160-8140) plus usual allowances as admissible under the rules subject to production of health and age Certificate from the Health Department MS DHQ Hospital Timergara

District Coordination Officer  
Dir Lower.

No. 3232-34 /

Copy forwarded to the :-

- 1. District Account Officer Dir Lower.
  - 2. Subedar Major Dir Levies at Chakdara.
  - 3. Official Concerned.
- For information.

District Coordination Officer  
Dir Lower.

*Attested to a true copy.*

*Sher Ali*  
Sher Ali  
Advocate High Court  
District Courts Malakand  
at Batakheila

9 مارچ 2019

- 6 -

(9)

(RELEASE WARRANT)

IN THE COURT OF  
DISTRICT & SESSIONS JUDGE, MOHMAND

FIR No. 169 Dated 7/2/2019

To.

The Incharge/Superintendent,  
Sub Jail Ghalani, Mohmand

Whereas, accused/petitioner Imran S/o Ahmed Munir, Resident of Musa abad, Tehsil Mounda, District Lower Dir has been ordered to be released on bail vide order of this Court dated 27.03.2019 subject to furnishing of Bail Bond in the sum of Rs. 80,000/- (Eighty Thousands) with two sureties each in the like amount to the satisfaction of this Court. The accused has furnished the requisite bonds in this Court duly approved/attested, attached herewith.

This is to authorize and require you, the said Superintendent to release the accused/petitioner named above on bail forthwith, if not required in any other case, upon the receipt of this warrant.

Given under my hand and the seal of the Court, this 28<sup>th</sup> day of March, 2019.

Asad Hameed Khan  
*[Signature]*  
Asad Hameed Khan  
District & Sessions Judge,  
District Mohmand

No. \_\_\_\_\_ /DSJ/Mohmand

Dated: 28 / 03 / 2019.

The original bond is attached herewith.

The said be returned to this Court after obtaining the signature/thumb impression of the accused on it.

Asad Hameed Khan  
*[Signature]*  
District & Sessions Judge,  
District Mohmand

Copy for Information;

1. Deputy Commissioner, District Mohmand
2. Assistant Commissioner, District Mohmand

ATTESTED TO BE  
TRUE COPY  
*[Signature]*  
Sher Ali  
Advocate High Court  
District Courts Mohmand

*[Signature]*  
District Mohmand  
28/3/2019



(10)

**IN THE COURT OF ASAD HAMEED KHAN  
JUDGE SPECIAL COURT/  
SESSIONS JUDGE, DISTRICT MOHMAND**

**Case No. 1/SPC OF 2019**

**Date of Institution: 14.05.2019**

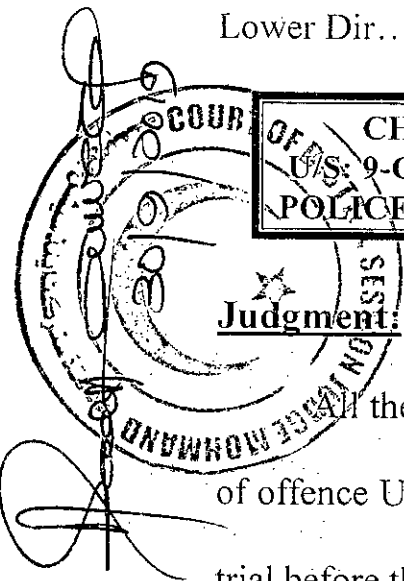
**Date of Decision: 30.09.2019**

State through Subidar Zahir Khan Khasaddar Force, Mammad Ghat Safi  
Uppar Mohmand, District Mohmand ..... (Complainant)

*Versus*

(1). Hazrat Muhammad S/O Wazir Muhammad, R/O Bajwar (2) Imran  
Khan S/O Ahmad Munir (3) Tariq Aziz S/O Zarif Muhammad both R/O  
Lower Dir..... (Accused on bail)

**CHARGED VIDE CASE FIR # 169, DATED 07.02.2019,  
U/S: 9-C CONTROL OF NARCOTIC SUBSTANCES, ACT, 1997,  
POLICE STATION UPPAR MOHMAND DISTRICT MOHMAND**



**Judgment:**

the three accused named above indicted on account of charge  
of offence U/S: 9- C, Control of Narcotic Substances, Act, 1997, stood  
trial before this Court on the said charge.

**Facts:**

Case of prosecution is based on FIR Ex.PW1/2 dated 07.02.2019.  
As per contents thereof, complainant Subidar Zahir Khan Khasaddar  
Force Mammad Ghat Safi, during course of routine patrolling  
intercepted a Fielder motorcar, NCP (Non Custom Paid) 6962 driven by  
driver / accused Hazrat Muhammad with two companions accused Tariz  
Aziz and Imran. The motorcar was checked and during course of  
checking / inspection 05 packets containing 03 kgs of Char.

**ATTESTED**

**30 SEP 2019**

(Examiner)  
Session Court Mohmand

recovered from the secret cavities. All the three accused, motorcar and recover narcotics were shifted to Ghallanai Head Quarters and handed over to Prison Incharge, Ghallanai for appropriate action.

Site plan Ex.PB, recovery memo Ex.PW1/1, samples to FSL vide EX.PW1/3 were dispatched followed by recording of statements of all the three accused. FSL report EX.PZ was obtained.

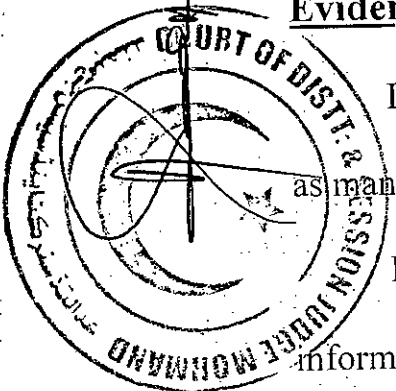
Upon completion of investigation, complete Challan was prepared and submitted to the court for trial. Notices to the accused facing trial being on bail were issued. Their attendance was procured and were delivered copies under section 265-C Cr.PC, followed by framing of charge on 25.05.2019 to which accused facing trial pleaded not guilty, professed innocence and claimed trial. Hence, trial was commenced.

Hussan

**Evidence:**

In order to prove its case, the prosecution produced and examined as many as 03 witnesses. Resume of their evidence is as under:

**PW-1 Zahir Gul SI** narrated the story as taken in the first information report he endorsed that out of recovered Chars 10 grams of Chars was separated for chemical analysis. The recovery memo Ex.PW1/1 was prepared by Sardar Hussan SHO upon his dictation. The Murasala is EX.PW1/2. Site plan Ex.PB was prepared by Talmiz ASI on his pointation. The parcel of Chars EX.P-1 and motorcar EX.P-2 were taken into possession. The FSL application Ex.PW1/3 was prepared and report Ex.PZ was obtained.



**ATTESTED**

30-SEP-2019

(Examiner)  
Session Court Mohmand

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PW-2 Sardar Hussain SHO stated that on completion of investigation the I.O handed over him the complete Challan against accused facing trial which was subsequently transmitted to the court.

PW-3 Ahmad constable stated the ocular account of the episode. He endorsed the complainant recovered Chars and taken into possession the motorcar vide recovery memo already exhibited. He endorsed that he signed the recovery memo as a marginal witness besides Inzar Khan Constable.

All the above witnesses were cross examined by defense counsel.

After close of prosecution evidence on 20.08.2019, statements of all the three accused were recorded under Section 342-Cr.PC. The accused facing trial refuted charges leveled against them and claimed that the local police with malafide intention booked them in the instant case. However, they neither wished to be examined on oath as required

U/S 340 (2) Cr.PC nor desired to produce evidence in their own defense.

Arguments have been heard. Record sifted through.

Arguments:

Dy:PP for the State Bakhtiar Khan argued that accused facing trial were arrested on the spot in the motorcar driven by accused Hazrat Muhammad. The search of motorcar led to recovery of 03 kgs of Chars from the secret cavities. The documents and other legal formalities were complied with best possible efforts- as the Mohmand Agency was merged and due to transitory period there was confusion with regard to

Handwritten signature and stamp of the Court of Sessions, Mohmand Agency. The stamp is circular and contains the text 'COURT OF SESSIONS, MOHMAND AGENCY'. There is a handwritten signature over the stamp and the words 'Same' and '6/10/19' written vertically next to it.

ATTESTED  
30 SEP 2019  
(Examiner)  
Session Court Mohmand

police department and assigned duties. He added that the prosecution witnesses through their consistence and convincing evidence established the prosecution case to the best of their abilities and nothing contradictory has been elicited from their mouths. He added that case property has been produced and the FSL report is positive and the accused facing trial may be punished accordingly.

On the other hand counsel for accused facing trial argued that accused facing trial were implicated in the case with ill will and malafide by the local police. He added that the prosecution has not been able to prove its case against accused facing trial. The evidence by PWs is full of contradictions and improvement. He added that sampling of alleged narcotics has not been carried out within the legal parameters. He added that there is delay in FSL report and in view of drastic contradictions the accused facing trial may be acquitted of the charge.

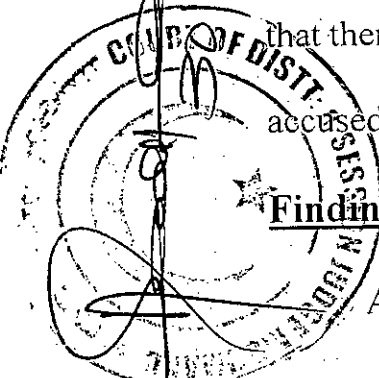
**Findings:**

After hearing arguments, record is carefully perused.

As per prosecution case local police during course of routine patrolling intercepted a motorcar, alighted all the three accused facing trial and during course of search of motorcar 05 packets containing 03 kgs Chars was recovered from the secret cavities.

PW3 in his cross examination stated that at the relevant time he was present on the spot and the vehicle was driven by accused Imran.

According to Ex.PW1/2 the vehicle was allegedly driven by accused Hazrat Muhammad. According to the witness one of the accused was

Examine  
 6/9/19  


*[Signature]*  
**ATTESTED**

30 SEP 2019

(Examiner)  
 Session Court Mohmand

(14)

sent by the complainant to another area Monda for the documents of the vehicle. He admitted that he was unaware of the name of such accused. The witness further endorsed that he is unaware of the fact that who drafted the documents. He confessed that after two months he came to know that the recovery memo was drafted by Sardar Hussain SHO. He further admitted in his cross examination that he did not signed the recovery memo. He further confessed that the measurement of Chars was not taken in his presence. Complainant / I.O in his cross examination as PW3 stated that he has got no order / notification of his duty as SI. He admitted that he is illiterate. He admitted that he has not mentioned the specific portions from where the alleged recovery was made qua quantity. He confessed that the measurement was not made on the spot. He admitted that it was Sardar Hussain SHO prepared the documents. The bare perusal of his cross examination would show that there are improvements.

Handwritten signature and a circular stamp. The stamp contains the text "OFFICE OF DISTRICT JUDGE" and "MOMANDI".

There is no denial to the fact that alleged recovered Chars were contained in 03 packets but only 10 grams was separated for the purpose of FSL. There are apparent dents and doubts with regard to prosecution story and the same cannot be relied upon safely. The benefit of such doubt would certainly go in favour of all the three accused. It must be kept in mind that during course of trial that motorcar bearing engine No.INZA-868257, Chassis No.NZE-1210244710, Fielder NCP-6962 black color was found to be the ownership of one Badshah Hussain s/o Malang Khan, r/o Musa Abad, Monda, Sammar Bagh Dir Lower which

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30 SEP 2019

(Examiner)  
Session Court Mohmand

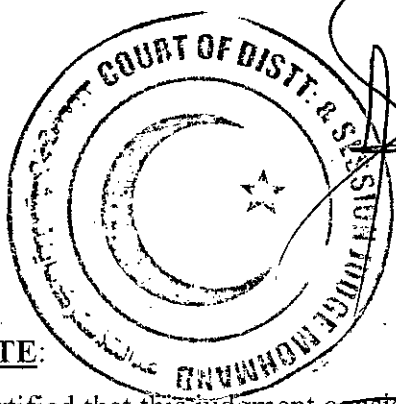
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was given on rent to accused Hazrat Muhammad for Rs.3000/- per week. The documents pertaining to title or the like were collected by the I.O and submitted to this court.

**Conclusion:**

In view of what has been discussed above, accused facing trial named above are acquitted of the charge leveled against them in the instant case by extending them benefit of doubt. They are on bail. Their sureties are absolved from liability of bail bonds. Case property i.e chas be destroyed but after expiry of period for appeal/revision in accordance with law. The vehicle in question be returned to its lawful owner alongwith documents if any on presentation of attested copy of this judgment. File be consigned to record room after its completion and compilation.

**Announced:**  
30.09.2019



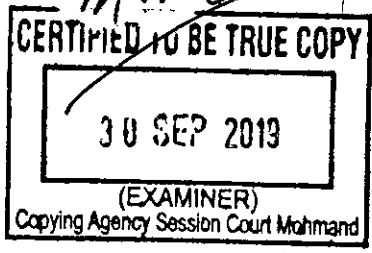
*(Signature)*  
(ASAD HAMEED KHAN)  
Judge Special Court  
Sessions Judge/, Mohmand

30/9/2019

**CERTIFICATE:**

It is certified that this judgment consists of Six (06) pages. Each page has been read, corrected where necessary and has been signed by me.

*(Signature)*  
(ASAD HAMEED KHAN)  
Judge Special Court  
Sessions Judge/ Mohmand



No: 30/9/2019  
Date of Application 30/9/19  
Name of Applicant P.13 - W - 5200 - 1/16  
Court Fee  
Preparation 30/9/19  
Delivery 30/9/19  
*(Signature)*

16

FORM "A"  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. \_\_\_\_\_ of \_\_\_\_\_

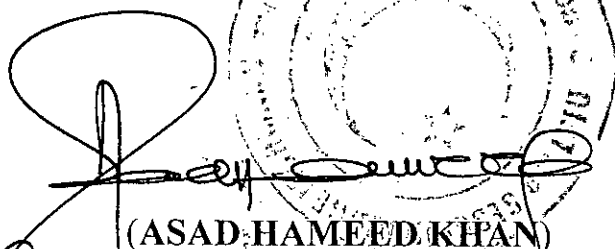
Serial No. of Order Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3

Order-16

30.09.2019

Dy:PP for the state present. All the three accused Hazrat Muhammad, Tariq Aziz and Imran Khan present. Arguments already heard. Record perused. Vide my detailed judgment in English consisting of six pages placed on file, accused facing trial named above are acquitted of the charge leveled against them in the instant case by extending them benefit of doubt. They are on bail. Their sureties are absolved from liability of bail bonds. Case property i.e Chars be destroyed but after expiry of period for appeal/revision in accordance with law. The vehicle in question be returned to its lawful owner alongwith documents if any on presentation of attested copy of this judgment. File be consigned to record room after its completion and compilation.

**Announced:**  
30.09.2019



(ASAD HAMEED KHAN)  
Judge Special Court/Sessions Judge,  
District Mohmand

**ATTESTED**

30/9/2019

(Examiner)  
Session Court Mohmand

(SECRET)

OFFICE OF THE  
ADDITIONAL ASSISTANT COMMISSIONER  
(REVENUE) DIR LOWER

No. 62

Dated Timergara the 22/04/2019

dcdirlower@gmail.com deputy Commissioner Dir Lower @dcdirlower 0945-9250001

To:-

The Deputy Commissioner,  
Dir Lower at Timergara

Subject:- ENQUIRY REPORT

Sir,

Reference your Office Order bearing No. 5325-A/LHC dated 01-04-2019 on which the undersigned was appointed as Enquiry Officer to enquire into the incident reported vide FIR bearing No. 169 dated 07-02-2019 against Leavy Sepoy namely Imran S/O Ahmad Munir & directed for submission of findings/ report within 03 days.

2. In this connection the undersigned initiated necessary proceedings and summoned the accused for 10-04-2019 for recording his statement as well as cross examination.

3. On 10-04-2019 his statement was recorded (Annex-A) on the charges leveled against them in aforesaid FIR. He stated that on 07-02-2019, I (Imran Sepay) along with Hazrat Muhammad & Tariq Aziz were proceeded to Bajaur and thereafter to Mohamand Agency in Fielder NCP No. 6962. On a Check post we (accused etc) were arrested by Leavy Force and kept in Judicial Lockup at Ghalanai. During Custody Subedar Zahir Gul & his team forced them for admission of 50 to 80 ( Churce) other wise they will be included in list of terrorist.

4. During cross examination the accused admitted that he was suspended on the basis of FIR dated 07-02-2019 (Annex-B). He also admitted that he was kept in Ghalanai Jail for 51 days thereafter he filed bail application which was accepted by Court. He also stated that he do not know that on whose sureties he was released from Jail because he is illiterate and in lue of signature affix thumb impression. He also admitted that on which guilty he was nominated in FIR. He also denied about his suspension on 31-07-2012 (Annex-C).

5. I also perused record attached with letter under reference. Perusal of record shows that the accused has already been suspended on 31-07-2012, besides suspension on 19-02-2019 (Annex-D), the accused was also punished on 03-08-2018 (Annex-E) in shape of deduction of pay & issuance of warning, 03 Show Cause Notices on 04-08-2016, 07-05-2018 & on 04-04-2019 (Annex-F, G & H) respectively on account of various violations were also issued to him.

Attested  
*[Signature]*  
(Commandant Dir Levies)  
Deputy Commissioner  
Dir Lower

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*[Signature]*  
Advocate High Court  
District Courts Malakand  
at Baitkhela



6. Thorough perusal of his written statement as well as available record before me transpires that the accused were already punished/ remained under enquiries as per detailed below:-

- i. Suspended from services vide commandant Dir Levies Order No. 1339/LHC dated 31-07-2012.
- ii. Through Report bearing No. 324/AAC-20 dated 27-07-2018 & Subsequent office order bearing No. 2288/LHC dated 03-08-2018, 10 days pay were also deducted from his pay.
- iii. Again suspended from service on account of FIR bearing No. 169 dated 07-02-2019 charged under section-9(C) CNSA 1997 by Mohmand Levies force.
- iv. Three show cause Notices were also issued to him on 04-08-2016, 07-05-2018 & on 04-04-2019.

**CONCLUSION:**

7. From going through statement/cross examination of accused and analyzing other relevant papers/record. I have come to the conclusion that the official concerned (accused) is habitual proclaimed offender & his previous record as detailed given above are also not satisfactory & required to be impose Major penalty.

**RECOMMENDATIONS**

8. In view of above, I am of the opinion to propose that the accused Sepoy Mr. Imran charged in FIR bearing No. 169 dated 07-02-2019 also remained in Ghaleinai Jail for 51 days may be dismissed/removed from service as per service rules for Federal Levies in PATA issued vide Government of Khyber Pakhtunkhwa Notification dated 04<sup>th</sup> Feb 2013.

9. Report submitted for necessary action as desired, please.

22/4/19

Additional Assistant Commissioner (Rev)  
Timergara Dir Lower

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*Sher Ali*

**Sher Ali**  
Advocate High Court  
District Courts Mohmand  
at Batkhwa

*Attesteeel*

*[Signature]*

(Commandant Dir Levies)  
Deputy Commissioner  
Dir Lower

-19-

OFFICE OF THE  
COMMANDANT DIR LEVIES /  
DEPUTY COMMISSIONER, DIR LOWER.

No. 5552 /LHC

Dated Timergara the 14/05 2019

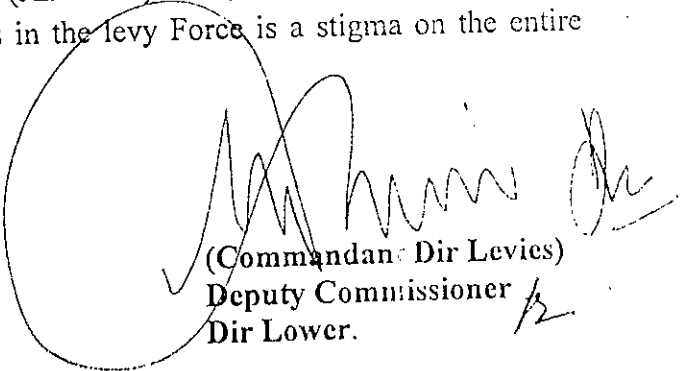
OFFICE ORDER

Whereas the Subedar Major Dir Levies has reported that you Mr. Imran No. 2129 Sepoy Dir Levies were arrested by the District Administration Mohmand FATA District in connection with involvement for smuggling of contraband in the case FIR No 169, Dated 07.02.2019, under section 9(C) CNSA, 1997 of PS Ghalanai.

Whereas your written statement for 51 days confirmed that you remained in judicial lockup at Ghaiani Mohmand District and latter on bailed out by the competent Court of Law.

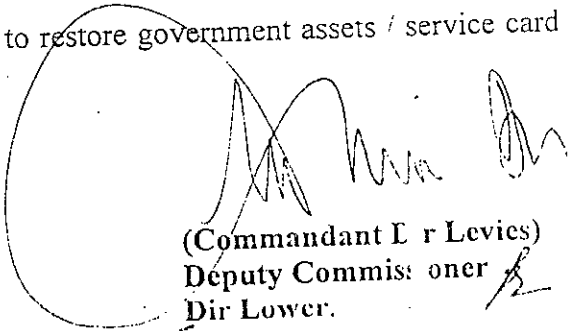
Whereas on receipt of information regarding your involvement in Case FIR No. 169 dated 07.02.2019 under section 9(C) CNSA, 1997, your services were suspended vide order No. 5180/A/LHC dated 19.02.2019 and subsequently the Additional Assistant Commissioner-I was appointed as Enquiry Officer to probe the incident and submit report.

Therefore, on the basis of recommendations of the enquiry officer in particular criminal case refer to above as well as the unsatisfactory previous service record reflected in your sheet roll, the undersigned as a competent authority under the rules agreed with the recommendations of Enquiry Officer do hereby impose major penalty against you and order your removal from service in light of the Federal Levies Service Rules (Amended) 2013, Schedule-IV, S.No 9, with immediate effect as the presence of such elements in the levy Force is a stigma on the entire institute of levy personnel.

  
(Commandant Dir Levies)  
Deputy Commissioner  
Dir Lower.

No. 5553-57 /LHC  
Copy forwarded to the:-

1. Section Officer (Levies) Govt: of Khyber Pakhtunkhwa Home &TAs Deptt: Peshawar.
2. District Accounts Officer Dir Lower.
3. All Assistant Commissioners Dir Lower.
4. Subedar Major Dir Levies. He is directed to restore government assets / service card etc from the sepyo concerned.
5. Officials Concerned.

  
(Commandant Dir Levies)  
Deputy Commissioner  
Dir Lower.

*Attested*  
  
(Commandant Dir Levies)  
Deputy Commissioner  
Dir Lower

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**Sher Ali**  
Advocate High Court  
District Courts Malakano  
at Bathkela


(20)

## بعدالت جناب سیکریٹری ہوم اینڈ ٹرائبل افیئرز پشاور بمقام پشاور۔

عمران ولد احمد منیر بیلٹ نمبر 2129 سپاہی دیر لیویز فورس دیر لوئیر حال موسیٰ آباد تحصیل منڈا ضلع دیر لوئیر۔  
----- (سائل)۔

بنام

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Advocate High Court  
District Courts Malakand  
at Batkhela

- 1- ڈپٹی کمشنر دیر لوئیر۔
- 2- ایڈیشنل اسٹنٹ کمشنر-1 (ریونیو) تیمرگرہ دیر لوئیر۔
- 3- صوبیدار میجر دیر لیویز بمقام تیمرگرہ۔

اپیل برخلاف حکم جناب ڈپٹی کمشنر صاحب دیر لوئیر بمقام تیمرگرہ حکم نمبری 5552/LHC  
صدرہ 14/05/2019 جسکی رو سے سائل کو لیویز فورس دیر سے برخاست کیا۔

استدعائے اپیل:-

بمنظوری اپیل ہذا حکم جناب ڈپٹی کمشنر صاحب دیر لوئیر بمقام تیمرگرہ نمبری  
5552/LHC صدرہ 14/05/2019 منسوخ فرمایا جائے اور سائل کو بحیثیت لیویز  
سپاہی لیویز فورس دیر بیلٹ نمبر 2129 بمعہ سابقہ تنخواجات و دیگر مراعات نوکری پر بحال  
کیا جائے۔

جناب عالی!

گزارشات منجانب سائل حسب ذیل عرض ہیں۔

- 1- یہ کہ سائل دیر لیویز میں بحیثیت سپاہی بروئے حکم نمبری 34-3232 مورخہ 2016-05-05  
بھرتی ہوا تھا۔ (نقل حکم تعیناتی لف ہذا A ہے)۔
- 2- یہ کہ سائل بعد از تعیناتی مختلف لیویز پوسٹ میں تعینات رہا ہے اور اپنی پوری جائیداد سے

اپنی فرائض منصبی احسن طریقہ سے سرانجام دیتا رہا ہے۔

3- یہ کہ سائل کے خلاف بدینتی سے پولیس سٹیشن غلٹی ضلع مہمند میں ایک بے بنیاد مقدمہ زیر

علت نمبر 169 بجرم (CNSA) 9c مورخہ 07/02/2019 درج رجسٹر ہو کر سائل

کو مقدمہ مذکورہ میں گرفتار کر کے بعد ازاں سائل ضمانت پر رہا ہو چکا ہے۔

(نقل Release Warrant, FIR لف ہذا B ہیں)۔

4- یہ کہ سائل کیخلاف FIR درج ہونے کے بعد ڈپٹی کمشنر صاحب دیپلوئیر نے بروئے حکم

نمبری 5180/A/LHC مورخہ 19/02/2019 سائل کو نوکری سے معطل کیا اور بعد

ازاں ڈپٹی کمشنر صاحب دیپلوئیر نے بروئے حکم نمبری 5325-A/LHC مورخہ

01/04/2019 رسپانڈنٹ نمبر 2 کو انکوائری ایفیسر مقرر کرتے ہوئے سائل کے خلاف

انکوائری کرنے اور رپورٹ جمع کرنے کا حکم صادر کیا۔

5- یہ کہ رسپانڈنٹ نمبر 2 نے انکوائری مکمل کرنے کے بعد اپنا رپورٹ نمبری 62 مورخہ

22/04/2019 رسپانڈنٹ نمبر 1 کو جمع کر کے سائل کو نوکری سے برخاست کرنے کی

سفارش کی۔ (نقل انکوائری رپورٹ لف ہذا "C" ہے)۔

6- یہ کہ انکوائری رپورٹ موصول ہونے کے بعد رسپانڈنٹ نمبر 1 نے بروئے حکم نمبری

5552/LHC مورخہ 14/05/2019 سائل کو نوکری سے برخاست کیا۔

(نقل لف ہذا "D" ہے)۔

7- یہ کہ حکم رسپانڈنٹ نمبر 1 مصدرہ 14/05/2019 منجملہ دیگر وجوہات کے وجوہات

ذیل قابل بحالی نہ ہے۔

### وجوہات:

i- یہ کہ حکم رسپانڈنٹ نمبر 1 خلاف حقائق و خلاف واقعات ہے۔

ii- یہ کہ رسپانڈنٹ نمبر 1 نے آئین و قانون کو پس پشت ڈال کر حکم زیر اپیل صادر کر

کے قانونی غلطی کی ہے۔

iii- یہ کہ سائل کے خلاف FIR مذکورہ بالا درج رجسٹر ہونے کے بعد تا حال مذکورہ

مقدمہ میں کوئی فیصلہ نہیں ہوا ہے اور نہ ہی کسی عدالت نے سائل کو قصور وار قرار دیا

ہے اور محض FIR کے درج ہونے پر سائل کو نوکری سے برخاست کرنا خلاف

قانون و خلاف شریعت ہے بدیں وجہ حکم زیر اپیل قابل بحالی نہ ہے بلکہ قابل

منسوخ ہے۔

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Sher Ali  
Advocate High Court  
District Courts Malakand  
at Batkhela

- iv یہ کہ رسپانڈنٹ نمبر 2 کا انکوائیری رپورٹ اپنی ذاتی احساسات و خیالات پر مبنی ہے اور اس کا حقیقت سے کوئی تعلق نہیں ہے۔ نیز انکوائیری ایفسر نے انکوائیری رپورٹ جمع کرتے ہوئے اپنے اختیارات سے تجاوز کیا ہے بدیں وجہ انکوائیری رپورٹ خلاف حقائق و خلاف شریعت ہونے کے قابل بحالی نہ ہے۔
- v یہ کہ آئین پاکستان 1973 کے آرٹیکل 10-A اور آرٹیکل 12 پاکستان کے ہر شہری کو اپنے حقوق کے تحفظ کی ضمانت دیتا ہے لیکن رسپانڈنٹس نے آئین پاکستان کو بھی پس پشت ڈال کر حکم زیر اپیل صادر کر کے قانونی غلطی کی ہے۔ بدیں وجہ بھی حکم زیر اپیل قابل بحالی نہ ہے بلکہ قابل منسوخی ہے۔
- vi یہ کہ رسپانڈنٹ نمبر 2 نے قانون کو پس پشت ڈال کر اور سائل کے مقدمہ کا میرٹ پر فیصلہ تک انتظار کئے بغیر تجلی میں حکم زیر اپیل صادر کر کے سائل کی قانونی حق تلفی کی ہے۔
- vii یہ کہ سائل کے خلاف FIR مذکورہ بالا بدینتی سے درج رجسٹر ہوئی ہے اور سائل کے خلاف ایسا کوئی مواد موجود نہ ہے جس سے سائل قصور وار ثابت ہو سکے نیز مقدمہ مذکورہ میں سائل کے باعزت بری ہونے کے قوی امکانات موجود ہیں۔
- viii یہ کہ سائل ایک غریب خاندان سے تعلق رکھتا ہے اور اپنے خاندان کا واحد کفیل ہے رسپانڈنٹ نمبر 1 نے سائل کو بلا جواز طور پر نوکری سے برخاست کر کے سائل اور سائل کے خاندان کا معاشی قتل کیا ہے بدیں وجہ بھی حکم زیر اپیل قابل بحالی نہ ہے بلکہ قابل منسوخی ہے۔
- ix یہ کہ رسپانڈنٹ نمبر 1 کا سائل کو موقع فراہم کئے بغیر نوکری سے برخاست کرنا خلاف قانون ہے اس طرح فیڈرل لیویز فورس (امینڈ میٹ) سروس رولز 2013 میں شیڈول-II کے گراؤنڈ g کے مطابق سائل کسی عدالت سے سزایافتہ نہ ہے۔ لیکن رسپانڈنٹ نمبر 1 نے اس قانونی امر کو بھی پس پشت ڈال کر حکم زیر اپیل صادر کر کے قانونی غلطی کی ہے۔ بدیں وجہ بھی حکم زیر اپیل قابل بحالی نہ ہے بلکہ قابل منسوخی ہے۔

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*Sher Ali*

Sher Ali  
Advocate High Court  
District Courts Muzaffargarh  
at Bakheer

لہذا استدعا ہے کہ بمنظوری اپیل ہذا حکم جناب ڈپٹی کمشنر صاحب دیرولیویر بمقام  
تیمرگرہ حکم نمبر 5552/LHC مصدرہ 14/05/2019 منسوخ فرمایا جا کر

23

4

سائل کو بحیثیت لیویز سپاہی لیویز فورس ڈیرپبلک نمبر 2129 بمعہ سابقہ تنخواجات و دیگر مراعات نوکری پر بحال کرنے کا حکم صادر فرمائے۔

عریضے مورخہ 30/05/2019

عمران ولد احمد منیر پبلک نمبر 2129 سپاہی لیویز فورس ڈیرپبلک بحال موسیٰ آباد تحصیل منڈا ضلع ڈیرلویئر۔



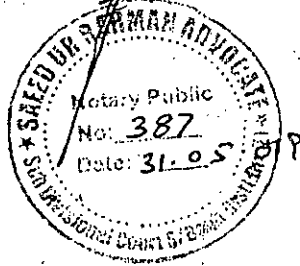
بیان حلفی

حلفاً تصدیق کی جاتی ہے کہ جملہ مراتب اپیل ہذا میرے علم و یقین سے درست ہے اور عدالت حضور سے کوئی امر ٹھی نہیں رکھا ہے۔

ATTESTED

30/05/2019 مورخہ

عمران ولد احمد منیر۔



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Sher Ali  
Advocate High Court  
District Courts Malakwal  
at Bahawalpur

8/11/2019

24



**IN THE COURT OF SECRETARY HOME  
KHYBER PAKHTUNKHWA  
(APPELLATE AUTHORITY)**

**APPELLANT:**

**Mr. Imran Khan**

**V/S**

**COMMANDANT LEVIES, Dir Lower.**

Personal Hearing of the subject case was held on 06-11-2019. Representative of DC Lower Dir namely Muhammad Parvaiz Khan Senior Clerk attended the proceedings.

**Order:**

02. The chair was briefed about the facts of the case. The applicant was appointed as Levy Sepoy on 05-05-2010 and was terminated on 14-05-2019 in the light of enquiry conducted by AAC (Rev) Dir Lower. The Departmental Rep explained that it was reported by Subedar Major Dir Lower Levies that Sepoy Mr. Imran availed leave from 06-02-2019 for four days but did not report back and it was informed that the subject Sepoy has been charged by District Mohmand Police in case FIR No. 169 dated 07-02-2019 U/S 9(C) CNSA, 1997 PS Ghalani. The applicant remained behind the bars for 51 days and was suspended on 19-02-2019. Afterword's enquiry was marked to AAC who recommended keeping in view has past record and present case for termination.

03. The Applicant narrated the circumstances under which he was implicated in the above mentioned FIR. He also presented attested copy of the court/order wherein he has been acquitted of the charges leveled against him. He pleaded that he is innocent and may be re-instated on the job.

04. Keeping in view of the above, appeal is accepted and re-instate him in service with immediate effect on compassionate grounds intervening period from the date of termination to the date of reinstatement shall be treated as leave without pay. The order of DC commissioner Commandant levies Dir lower is set aside.

05. After going through the available record and keeping in view the nature of the case, the instant appeal is accepted subject to final decision of higher court, if the case as declared fit for filing of appeal against the judgement of Special Court/Session Judge District Mohmand in above mentioned case. The appellant may be informed accordingly.

**Announced  
Dated 08.11.2019**

*Attested*  
*Rashid Khan*  
**(Rashid Khan)**  
Special Secretary Home  
13/11/2019  
Section Officer (Police-II)  
Govt. of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIR DEPARTMENT**

No. SO (Police-II)/HD/6-251/2019/Imran  
Dated Peshawar the 14.11.2019

25

To

The Deputy Commissioner/Commandant,  
Dir Lower Levies, Dir Lower.

Subject: REQUEST FOR RE-INSTATEMENT IN SERVICE OF MR. IMRAN KHAN

Dear Sir,

I am directed to refer to your letter No. 89/LHC dated 23.10.2019 on the subject noted above and to forward herewith a copy of re-instatement order (self-explanatory) for information and further necessary action at your end, please.

Yours Truly,

  
Section Officer (Police-II)


14.11.19.

Encls as Above

Endst: No & date of even

Copy forwarded to:-

1. PS to Secretary Home & TA's Department.

  
Attested  
Section Officer (Police-II)  
Govt: of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

13/

14/2019



## بعدالت جناب جج خیبر پختونخواہ سروس ٹریبونل پشاور۔

عمران خان بنام پیشل سیکریٹری ہوم اینڈ ٹرانسپل انفری زپشاور وغیرہ۔  
سروس اپیل۔

درخواست برائے Condonation of Delay معافی تاخیر دردادار کرنے اپیل۔

### جناب عالی!


- گزارشات منجانب اپیلانٹ حسب ذیل عرض ہیں۔
- ۱۔ یہ کہ اپیل بعنوان بالا بعدالت حضور ذار کیا جا رہا ہے۔
  - ۲۔ یہ کہ اپیلانٹ کو حکم زیر اپیل کی کاپی مورخہ 14/11/2019 کو فراہم کی گئی ہے۔
  - ۳۔ یہ کہ اپیل اندر معیاد ہے کیونکہ بوجہ سرکاری تعطیلات مورخہ 14/12/2019 کو اپیل ہذا دائر نہیں کیا جاسکا۔
  - ۴۔ یہ کہ اپیلانٹ کو قانون معیاد کا درست طور پر علم نہیں تھا بدیں وجہ درخواست ہذا دائر کیا جا رہا ہے۔
  - ۵۔ یہ کہ درخواست ہذا بمطابق قانون ہے اور اس کے دائر کرنے میں کوئی قانونی امر مانع نہ ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا تاخیر دردادار کرنے اپیل

معاف کرنے کا حکم صادر فرمائے۔

عمران خان  
مورخہ 14/12/2019

عمران خان ولد احمد منیر۔

  
Aleem Shah  
Oath Commissioner  
Distt: Courts Malakand  
No. X Date 16/12/19

بیان حلفی

حلفاً تصدیق کی جاتی ہے کہ جملہ مراتب درخواست میرے علم و یقین سے درست ہیں۔  
اور عدالت حضور سے کوئی امر مخفی نہیں رکھا ہے۔

عمران خان

العبد مورخہ 14/12/2019

عمران خان ولد احمد منیر۔



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**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 16<sup>th</sup> SEPTEMBER, 2019.

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

**NOTIFICATION**

Dated Peshawar, the 16th September, 2019.

No. PA/Khyber Pakhtunkhwa/Bills-68/2019/7010. - The Khyber Pakhtunkhwa Levies Force Bill, 2019 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 12<sup>th</sup> September, 2019 and assented to by the Governor of the Khyber Pakhtunkhwa on 12<sup>th</sup> September, 2019 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA LEVIES FORCE ACT, 2019.**  
**(KHYBER PAKHTUNKHWA ACT NO. XXV OF 2019)**

*(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 16th September, 2019).*

AN  
ACT

*to provide for the maintenance of Khyber Pakhtunkhwa Levies Force and to enable its transition to Khyber Pakhtunkhwa Police.*

WHEREAS after Constitution (Twenty-fifth Amendment) Act, 2018 (Act No. XXXVII of 2018), the erstwhile Federally Administered Tribal Areas have been merged in the Province of the Khyber Pakhtunkhwa, and Federal Levies Force, established under the Federal Levies Force Regulation, 2012, working in the said areas, has lost its legal status for working in the merged districts and sub-divisions:

AND WHEREAS it is in the best public interest to allow the Federal Levies Force to continue its functions in the merged districts and sub-divisions and to regulate and maintain it under the administrative control of the Government of Khyber Pakhtunkhwa;

AND WHEREAS to achieve the objectives it is expedient to give legal status to the Federal Levies Force in the merged districts and sub-divisions and to re-visit its institutional structure and functional assignment for effective discipline, better performance and optimal utility;

It is hereby enacted as follows:

1. Short title, application, extent and commencement.--(1) This Act may be called the Khyber Pakhtunkhwa Levies Force Act, 2019.

(2) It shall apply to all the members of Levies Force.

(3) It shall extend to the districts and sub-divisions of the Province of Khyber Pakhtunkhwa as provided in the Schedule.

(4) It shall come into force at once.

2. Definitions.--In this Act, unless there is anything repugnant in the subject or context,-

(a) "Code" means the Code of Criminal Procedure, 1898 (Act of V of 1898);

(b) "Commandant" means the Commandant of the Levies Force;

(c) "Department" means the Home and Tribal Affairs Department of the Government of Khyber Pakhtunkhwa;

(d) "Deputy Director General" means the Deputy Director General of the Levies Force;

(e) "Director General" means the Director General of the Levies Force;

(f) "Government" means the Government of the Khyber Pakhtunkhwa;

(g) "Levies Force" means the Federal Levies Force, established under the repealed regulation and re-constituted, regulated and maintained under this Act;

(h) "Police" means the Khyber Pakhtunkhwa Police;

(i) "prescribed" means prescribed by rules;

(j) "Provincial Police Officer" means the Provincial Police Officer of Khyber Pakhtunkhwa Police;

(k) "public agency" means any department of Government, attached department, public authority, commission or autonomous body, setup under any statutory instrument, or public sector company or body corporate, owned, controlled or financed by Government;

(l) "repealed regulation" means the Federal Levies Force Regulation, 2012, repealed under section 15 of this Act;

(m) "rules" mean rules made under this Act; and

(n) "Schedule" means the Schedule appended to this Act.

**3. Reconstitution and maintenance of Levies Force.**---(1) On commencement of this Act, the Levies Force shall be re-constituted and maintained by Government in accordance with the provisions of this Act and shall be known as the Khyber Pakhtunkhwa Levies Force, consisting of-

- (a) the Director General;
- (b) the Deputy Director General;
- (c) the Commandant; and
- (d) all existing strength of members of the Levies Force working in the merged districts and sub-divisions, as specified in the Schedule.

(2) The Director General, Deputy Director General and the Commandant shall be the officers of the Police.

(3) The District Police Officer shall be assigned the additional charge of the Commandant in the same district.

(4) The Regional Police Officer shall be assigned the additional charge of the Deputy Director General in their Police Region.

(5) The Deputy Director General, who shall be appointed by Government, in consultation with the Provincial Police Officer, in such manner and on such terms and conditions as may be prescribed.

**Explanation:** For the purpose of this section, Regional Police Officer and District Police Officer shall have the same meanings as are given to them, respectively, in the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. II of 2017).

**4. Superintendence, administration and control of the Levies Force.**---(1) The overall power of superintendence of the Levies Force shall vest in Government.

(2) The general administration and operational control of the Levies Force shall vest with the Director General to be exercised by him either directly or through the Commandant in the district.

**5. Powers and duties of the Levies Force.**---(1) Notwithstanding anything contained, in any other law for the time being in force, the Levies Force shall have the parallel policing powers as are assigned to the Police under the Code.

(2) Without prejudice to the generality of the foregoing policing powers under subsection (1), the Levies Force shall perform such institutional or organizational functions and duties as provided under the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. II of 2017).

**6. Liabilities of officers and members of the Levies Force.**---(1) It shall be the duty of every member of the Levies Force to obey and execute all lawful orders and instructions, issued to him by the Commandant or any other officer authorized by him in this behalf to issue such orders and instructions.

(2) The Levies Force shall be an essential service and every member thereof shall be liable to serve whenever he is required to serve by the Director General.

7. **Constitution of Selection and Promotion Committees.**---Government shall notify the Selection and Promotion Committees for recruitment and promotion of employees of the Levies Force.

8. **Postings, transfers and distribution of the Levies Force.**---(1) The Commandant shall be competent to post and transfer members of the Levies Force within the district.

(2) The Director General shall be competent to post and transfer members of the Levies Force from one district to another.

(3) Subject to the decision of the Department, a sufficient number of members of the Levies Force shall be placed at the disposal of the District Administration in performing its legally mandated functions.

9. **Absorption.**---(1) Notwithstanding anything contained in any other law for the time being in force, the members of the Levies Force may be absorbed in the Police, subject to the procedure as may be determined by Government.

(2) Until their absorption in the Police, the members of the Levies Force shall be governed by their existing terms and conditions of service under the Federal Levies Force (Amended) Service Rules, 2013.

10. **Assistance and support to Government functionaries.**---On the requisition of the District Administration, the Commandant shall provide assistance and support to the District Administration and Heads of all public agencies in the District, required for performing their official duties.

11. **Power to make rules.**---Government may make rules for carrying out the purposes of this Act.

12. **Act to override other laws.**---The provisions of this Act shall be in force notwithstanding anything repugnant or contrary contained in any other law for the time being in force.

13. **Indemnity.**---Except as otherwise expressly provided in this Act, no suit, prosecution or other legal proceedings shall lie against any member of the Levies Force, Government or any other authority for anything which is done in good faith or intended to be done under this Act or the rules.

**Explanation:** The phrase "good faith" shall have the same meaning as given to it in section 52 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

14. **Removal of difficulties.**---If any difficulty arises in giving effect to any of the provisions of this Act, the Department may notify a committee to take a decision not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

15. **Repeal and savings.**---(1) The Federal Levies Force Regulation, 2012 and the Khyber Pakhtunkhwa Levies Force Ordinance, 2019 (Khyber Pakhtunkhwa Ordinance No. III of 2019) are hereby repealed.

(31)

(2) Notwithstanding the repeal of the Federal Levies Force Regulation, 2012, under sub-section (1), the Federal Levies Force (Amended) Service Rules, 2013 shall continue to remain in force and the terms and conditions of service of all the members of the Levies Force shall be governed thereunder until new rules are made under this Act.

(3) Anything done, action taken, rule made or notification or orders issued under the Khyber Pakhtunkhwa Levies Force Ordinance, 2019 (Khyber Pakhtunkhwa Ord. No. III of 2019), and the Federal Levies Force Regulation, 2012, shall be deemed valid and the same shall not be called in question in any Court of law.

**SCHEDULE**  
[see section-1(3)]

**Part-A**

S.No.	District.
1.	Bajaur.
2.	Mohmand.
3.	Khyber.
4.	Orakzai.
5.	Kurram.
6.	South-Waziristan.
7.	North-Waziristan.

**Part-B**

S.No.	Sub-Division.
1.	Hasan Khel in district Peshawar.
2.	Darra Adam Khel in district Kohat.
3.	Bettani in district Lakki Marwat.
4.	Wazir in district Bannu.
5.	Jandola in district Tank.
6.	Darazinda in district Dera Ismail Khan.

**BY ORDER OF MR. SPEAKER**  
**PROVINCIAL ASSEMBLY OF KHYBER**  
**PAKHTUNKHWA**

**(AMJAD ALI)**  
Secretary

Provincial Assembly of Khyber Pakhtunkhwa

(32)

THE PROVINCIALY ADMINISTERED  
TRIBLE AREAS LEVIES FORCE  
REGULATION, 2012.

AND

SERVICE RULES FOR FEDERAL LEVIES FORCE  
IN PATA 2013.

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THE PROVINCIALLY ADMINISTERED TRIBAL AREAS  
LEVIES FORCE REGULATION, 2012.

(KHYBER PAKHTUNKHWA REG. NO. I OF 2012)

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PREAMBLE

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THE PROVINCIAALLY ADMINISTERED TRIBAL AREAS  
LEVIES FORCE REGULATION, 2012.

(KHYBER PAKHTUNKHWA REG. NO. I OF 2012)

[29<sup>th</sup> August, 2012]

A  
REGULATION

*to constitute and regulate Levies Force in the  
Provincially Administered Tribal Areas.*

WHEREAS it is expedient to constitute and regulate service matters of the Provincially Administered Tribal Areas Levies Force, for the purposes hereinafter appearing;

AND WHEREAS, the function has been entrusted to the Federal Government by the Provincial Government of Khyber Pakhtunkhwa under Article 147 of the constitution of Islamic Republic of Pakistan;

NOW, THEREFORE, in exercise of the powers conferred by clause (4) of Article 247 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Province of Khyber Pakhtunkhwa, with the prior approval of the President of the Islamic Republic of Pakistan, is pleased to make and promulgate the following Regulation, namely:

1. **Short title, application and commencement.**---(1) This Regulation may be called the Provincially Administered Tribal Areas Levies Force Regulation, 2012.

(2) It shall apply to all the levies personnel in such areas of Provincially Administered Tribal Areas, Khyber Pakhtunkhwa as specified in the Schedule.

(3) It shall come into force at once.

2. **Definitions.**---In this Regulation, unless there is anything repugnant in the subject or context,-

(a) "Commandant" means Commandant of the Force, who shall be District Coordination Officer of District in his respective jurisdiction;

(b) "competent authority" means competent authority of the Force, who shall be Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa for the Force in PATA;

(c) "Deputy Commandant (Administration)" means Deputy Commandant (Administration) of the Force, who shall be an officer of Federal or Provincial civil service or any officer of the District designated as such officer by the

Provincial Government to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed and who shall be responsible to the Commandant for administration and establishment matter of the Force in PATA.

- (d) "Deputy Commandant (Operations)" means an Assistant Coordination Officer or any officer of the District designated as such officer by the Provincial Government who shall be Deputy Commandant (Operation) of the Force in PATA, to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed;
- (e) "Force" means the Force constituted and maintained under section 3 and shall include similar Force of the Federal Government services whereof are borrowed and utilized for operation in PATA;
- (f) "instructions" mean instructions issued under this Regulation;
- (g) "PATA" means Provincially Administered Tribal Areas as specified in the Schedule;
- (h) "prescribed" means prescribed by rules and instructions under this Regulation; and
- (i) "rules" means rules made under this Regulation.

3. Power to constitute and maintain by the Force and its functions.---(1) The Federal Government may in consultation with Government of Khyber Pakhtunkhwa constitute and maintain a force for performing the following functions, namely:-

- (a) ensuring security of roads in PATA;
- (b) ensuring security and manning of piquets;
- (c) guarding Government institutions and installations;
- (d) ensuring security of jail guards and arrested criminals;
- (e) generally maintaining law and order and providing mobile escort to very important persons;
- (f) anti-smuggling activities;
- (g) destruction of illicit crops;
- (h) serving of summons or procedures;
- (i) policing, investigation and prosecution in certain areas as notified by the Provincial Government;

- (j) raid and ambush; and
- (k) such other functions as the Provincial Government may, by notification in the official Gazette, require the Force to perform.
- (2) In discharge of their functions, officers and staff of the Force in PATA shall be guided in accordance with this Regulation and the rules made thereunder.
- (3) The head of the Force shall be Commandant in his respective jurisdiction.
- (4) The Secretary, Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa shall be the competent authority of the Force in PATA.
- (5) The Force shall consist of such ranks and number of officers and members and shall be constituted in such manner as may be prescribed by rules.
- (6) The officers and members of the Force shall receive such pay, pension, allowances and other remunerations and shall enjoy such leave and other privileges as may be prescribed by rules:
- Provided that terms and condition of service of the persons of other forces including Federal Levies Force borrowed shall not be varied to their disadvantage.
- (7) Officers and members of the Force shall wear such uniform as may be prescribed by rules or orders.
- (8) The Director shall coordinate at the Federal level and shall be responsible for budgetary and procurement, matter of the Force and shall exercise such powers and perform such function, as may be prescribed.
- (9) The administration of the Force shall vest in the Commandant in his jurisdiction, who shall administer it in accordance with the provisions of this Regulation, rules made thereunder and such orders and instructions as may be made or issued by the Provincial Government.
- (10) The Commandant shall exercise his powers and perform his function under the general supervision and directions of the Provincial Government and where services of the Federal levies Force are borrowed such power of general supervision and directions shall vest in the Federal Government.
4. Powers and duties of officers and members of the Force.—An officer or member of the Force shall-
- (a) take effective measures for ensuring security of assigned jurisdiction and for safeguarding against acts of unlawful interference;

- (b) prevent unauthorized persons and vehicles from access to the territorial jurisdiction;
- (c) take effective measures for preventing sabotage, placement of car bombs, letter bombs, dangerous article and carriage of arms and ammunition into the restricted area;
- (d) use such arms and ammunition and equipments as may be authorized by the Commandant or an officer authorized by him;
- (e) search and arrest without warrant any person who he suspects of endangering or attempting to endanger or having endangered the safety of an installation and may use such force as may be necessary in the discharge of his aforesaid duties; and
- (f) perform such other legal functions as the competent authority may require him to perform.

5. **Liabilities of officers and members of the Force.**---(1) It shall be the duty of every officer and member of the Force promptly to obey and execute all lawful orders and instructions issued to him by the Commandant or any officer authorized by him in this behalf to issue such orders and instructions.

(2) Every officer and member of the Force shall be liable to serve wherever his required to serve by the competent authority.

6. **Indemnity.**---No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Regulation or the rules or instructions made thereunder.

7. **Delegation of powers by the Provincial Government.**---The Provincial Government may, by notification in the official Gazette, delegate all or any of its powers under this Regulation to the Commandant or such other person as it may deem fit.

8. **Delegation of powers by Commandant.**---The Commandant may, by notification in the official Gazette and with prior approval in writing of the Provincial Government, delegate all or any of his powers, to any officer or authority subordinate to him, for the efficient functioning of the Force:

Provided that where services of Federal Levies Force are borrowed, the Commandant may exercise his power under this section with prior approval in writing of the Federal Government.

9. **Power to make rules.**---The Provincial Government may, by notification in the official Gazette, make rules for the following purposes, namely:

- (a) regulating the functions and powers of officers and members of the Force;

- (b) regulating the classes and grades of, and the remuneration and rewards to be paid to officers and members of the Force and their conditions of service, including remunerations and rewards to be paid to officers and members of the Federal Levies Force when their services are borrowed by the Provincial Government;
- (c) for efficiency and discipline in the Force and punishment;
- (d) to provide for appeal; and
- (e) generally for the purpose of carrying into effect the provisions of this Regulation.

10. Power to issue instructions.—The Provincial Government may, by notification in the official Gazette, issue instructions from time to time consistent with this Regulation and the rules made thereunder for carrying out the purpose of this Regulation and in relation to the Federal Levies Force such instructions shall be issued in consultation with the Federal Government.

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SCHEDULE

See sub-section (2) of section 1

LIST OF PROVINCIALLY ADMINISTERED TRIBAL AREAS (PATA)

S.No.	Districts.
1.	2.
1.	Malakand
2.	Dir lower
3.	Dir Upper
4.	Chitral
5.	Shangla
6.	Buner
7.	Swat

Peshawar  
dated the  
9<sup>th</sup> August, 2012

**BARRISTER SYED MASOOD KAUSAR**  
Governor of the Khyber Pakhtunkhwa

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# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 15TH FEBRUARY, 2013.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

## NOTIFICATION

Peshawar the 4th February 2013

### SERVICE RULES FOR FEDERAL LEVIES FORCE IN PATA

In exercise of the powers conferred by Section 9 of the PATA Levies Force Regulation, 2012 the Provincial Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013.

(2) They shall come into force at once.

2. Definitions.- (1) In these Rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, namely:-

- (a) "Appointing Authority" means the appointing authority specified in rule-4;
- (b) "Commandant" means Commandant of the Force who shall be the Deputy Commissioner in their respective jurisdiction;
- (c) "Deputy Commandant (Operation)" means an Assistant Commissioner or any officer of the District designated as such by the provincial government who shall be Deputy Commandant (Operation) of the Force in PATA, to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed; and who shall be responsible to the Commandant for operational matters of the Force in PATA.
- (d) "Deputy Commandant (Administration)" means Deputy Commandant (Administration) of the Force, who shall be an officer of the provincial government or any officer of the District designated as such by the provincial government to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed and who shall be responsible to the Commandant for administration and establishment matters of the Force in PATA.
- (e) "Government" means the Government of Khyber Pakhtunkhwa;
- (f) "Home Department" means Provincial Home & Tribal Affairs Department;
- (g) "Initial recruitment" means appointment made other than by promotion or by transfer;
- (h) "Schedule" means the Schedule appended to these rules.

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(i) "Selection or Promotion Committee" means a Committee for recruitment or as the case may be, promotion of Force personnel as notified by the Government;

(ii) "Service" means the levies service;

(3) The expression used but not defined herein shall have the same meanings as are assigned to them under the PAFA Levies Force Regulation 2012.

3. **Composition and eligibility of the Force.**- (1) The Force shall comprise of the posts specified in Schedule-I and such other posts as may be determined by the Government from time to time.

(2) Recruitment to the Force shall be made in accordance with the requirement specified in Schedule-I. No person shall be appointed unless he fulfills the following conditions:-

(a) The candidate shall be a citizen of Pakistan and bonafide resident of the respective district of Khyber Pakhtunkhwa.

(b) The candidate shall be, in good mental and bodily health and free from physical defect, which likely to interfere in the efficient discharge of his duties.

(c) Medical Superintendent of the respective district headquarter hospital shall issue a certificate of medical fitness to the candidate.

(d) Recruitment to all ranks of the Force shall be made from amongst those persons having a minimum height of 5'-7" and chest measurement of 34"-35 1/2" with an age of not less than eighteen years and not more than twenty-five years on the last date of submission of application;

(e) No person (except those who are already in Government Service) shall be appointed to the Force unless he produces a certificate of character from the Principal of Academic Institution last attended or a certificate of character from two gazetted officers from respective districts, not being his relative and who are well acquainted with his character; and

(f) No person who is married to foreign national shall be eligible for appointment in the Force, unless allowed by the Government, in writing.

4. **Appointing Authority.**- (1) Commandant shall be the appointing authority for initial recruitment and promotion up to the rank of Subedar. Whereas promotion to the rank of Subedar Major and above, the authority shall rests with the provincial government.

(2) Appointment to the post shall be made in accordance with the provisions contained in Schedule-I read with Rule-3 of these rules.

(3) Appointment either through initial recruitment or by promotion shall be made through duly constituted Selection/promotion Committees.

Provided that in case of raising of force in a new district, the Commandant shall have the authority to recruit ex-servicemen above the rank of sepoy on contract basis for a period of one year extendable for a further period of one year but not exceeding three years in total, with prior approval of the government.

It is further provided that the ex-serviceman so appointed on contract shall not be more than forty five years of age.

5. **Probation.**- Persons appointed to posts by initial recruitment, promotion or transfer shall remain on probation for a period of one year extendable by a further period of one year. If no order is issued on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended for further one year. If no order is issued on the completion of extended period, the probation shall be deemed to have been terminated.

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10. **Training.** - (1) All newly recruited personnel of the Force shall undergo six months pre-service training before being assigned duties of the rank for which they selected. Initially, the Appointing Authority shall arrange for appropriate training till a proper Levies Training Center is established.
- (2) The pre-service training mentioned in sub-rule (1) may contain training on basic laws, investigation techniques, mob control, basic intelligence, arrest and detention procedure, jail duties, drill, weapons training, field craft, bomb disposal, counter assault, traffic control, raids, watch & ward etc. Proper training syllabus and modules shall be developed through mutual consultation with local law enforcing agencies by the Home Department.
11. **Resignation.** - No member of the Force shall resign before the expiry of the first three months of his recruitment or he shall deposit an amount equal to his three months pay in lieu of his three months essential service.
12. **Seniority and promotion.** - (1) Promotion shall be strictly on seniority cum fitness basis as well as on the required length of service as specified in Schedule-I.
- (2) The service of a personnel by initial recruitment, promotion or transfer may be dispensed with or reverted to, in the opinion of the competent authority his work and conduct is not satisfactory during probation period or due to abolishment of posts, as the case may be.
- Provided that in case of dispensing with their service or reversion the concerned authority shall record cogent reasons for such action in writing.
- (3) The seniority list of the Force shall be maintained at district level. Commandant shall be responsible for maintaining the seniority list of the force and shall notify annually.
13. **Transfer during service.** - Every member of the service shall be liable to serve anywhere within PATA with the prior approval of the Commissioner Malakand Division.
14. **Punishment.** - After satisfying himself regarding punishable acts (as referred in Schedule-II) through a charge duly framed in writing, necessary punishments specified in Schedule-IV may be awarded by the respective authority.
- Provided that punishment so awarded shall be duly incorporated in service rolls / service dossier accordingly.
15. **Appeal.** - If any personnel of the force is aggrieved by any order issued under these rules, within thirty days of communication to him of such order, may prefer an appeal to the competent authority.
- Provided that no appeal shall lie against the punishments specified at S.No. (1) and (2) of Schedule-IV.
16. **Awards and commendations.** - (1) Force personnel may be given special award and commendation certificate for devotion to duty, demonstration of gallantry and such achievement in the performance of duty, in the manners as proscribed by the Commandant, and shall be made part of the service rolls / service dossier.
- (2) Force personnel, if embraces martyrdom in the discharge of his duty, will be given proper Guard of Honour at the time of burial.
17. **Service Record.** - Proper service rolls / service dossiers of all Force Personnel shall be maintained in Levy Office of each district. Annual reports of all Havaldars and Junior Commissioned Officers (JCOs) will also be maintained for the purpose of promotion.
18. **Uniform.** - The levy personal shall attire black shalwar qamees with brown chappli, white socks, black berretto cap and black belt whereas the JCOs will wear brown belt during duty hours.
19. **Leave.** - (1) Leave may be granted depending on the exigencies and at the discretion of the Commandant. All leave of ten days or above, will be considered as long leave and shall be granted on the recommendations of Subedar Major by the Commandant.

- (2) Casual leave may be allowed upto three days by Subedar Major. Casual leave up to nine days may be granted by the Deputy Commandant (to be notified by the Commandant) on the recommendation of the concerned JCO.
- (3) Medical leave shall be granted by the Commandant on the production of medical certificate from the medical superintendent concerned.
16. Salary.-The Force personnel shall be entitled to receive pay and allowances as per their pay scales notified by the Federal Government from time to time.
17. Retirement.-All Levy personnel shall retire as per Schedule III and no extension in service beyond retirement shall be granted.
18. Conduct.-The conduct of Force personnel shall be regulated by these rules or instructions issued by Government from time to time.
19. Gratuity and pension.-All Force personnel will be entitled to pension as per prevailing Federal Government rules.
20. Compensation.- (1) The family of Force personnel shall be granted death compensation in case the Force Personnel embraces martyrdom during discharge of his duty as per rates prescribed by the Federal Government.
- (2) Force personnel shall be granted compensation in case of sustaining fatal injury or injuries during the discharge of his duty. If he is declared incapacitated for further services due to such fatality, he shall be entitled to gratuity and pension as per Federal Government Rules.
- (3) 5% quota shall be reserved for sons and wards of martyred in initial recruitment of Force personnel.
- Provided that in case of permanently incapacitated personnel of the force during the course of duty, preference shall be given to the sons and wards of such incapacitated Force Personnel in general recruitment.
21. Funds.-Force personnel shall be governed by the provision of general provident funds, benevolent funds and group insurance as prescribed for other employees of the Federal Government.
22. Health care.-Medical facilities for the Force personnel and their families shall be catered for at Government hospitals and dispensaries at par with other employees of the Federal Government.
23. Monitoring and evaluation.- (1) Commandant or Deputy Commandant of the Force shall set up suitable number of levy posts in their respective jurisdiction and shall assign suitable number of Force personnel at each of such levy post. In case of establishment of Levies Station within their jurisdiction shall require prior approval of the government.
- (2) There shall be levy line in each district, which shall have all necessary facilities including parade ground, barracks, quarter guards, kothi/armoury etc.
- (3) Duty Register showing the duties assigned to each individual on day-to-day basis shall be maintained in each levy post /Levy Station/Levy Lines by a levy Muharrir.
- (4) Naib Subedar shall be responsible for carrying out the work assigned to Force personnel whose duties shall be entered in advance in the duty register.
- (5) Registers including *roznamchas* as prescribed by the Commandant shall be maintained in every levy post/Station/Lines.
- (6) Commandant, Deputy Commandant or any other officer of the District Administration shall in the course of their tours in their jurisdiction, may inspect duty register and *roznamchas* of Levy posts/stations and satisfy themselves that Force Personnel are carrying out their assigned duties. A note regarding absence from the post or from the place of duty of any Force personnel without leave, shall invariably be recorded by inspecting officers in the duty register. Such entry shall be communicated to the Commandant and Deputy Commandant (Operations) by exchange of the post/station within twenty four hours for appropriate action.

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24. An Anomaly Committee duly constituted/notified vide Home and Tribal Affairs Department, Khyber Pakhtunkhwa Notification No.SO(Police)/HD/12-19/2012 dated 11<sup>th</sup> December, 2012 shall consider and remove such anomalies from time to time referred to the competent authority.

25. Repeal-Any rules, orders or instructions enforce in respect of the PATA Levies Force, immediately before the commencement of these rules shall stand repealed in so far as these rules, orders or instructions are inconsistent with the rules.

Secretary  
Home & Tribal Affairs Department  
Government of Khyber Pakhtunkhwa

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**SCHEDULE - I**  
See rules 4(2) and 8

**A. Uniformed Force**

S.#	Post/Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
1.	Subedar Major (BS-16)	03 years service as Subedar	100%	-	
2.	Subedar (BS-13)	03 years service as Naib Subedar	100%	-	
3.	Naib Subedar (BS-11)	03 years service as Havaldar	100%	-	
4.	Havaldar (BS-8)	03 years service as Naik	100%	-	
5.	Naik (BS-7)	03 years service as Lance Naik	100%	-	
6.	L/Naik (BS-6)	03 years service as Sepoy	100%	-	
7.	Sepoy (BS-5)			100%	Middle pass preferably Matric
8.	Head Armourer BS-36	05 years service as Assistant Armourer	100%	-	
9.	Assistant Armourer BPS-01			100%	Certificate of Armourer

**B. Ministerial staff**

10.	Assistant (BS-14)	KPO/ Computer Operator/ Senior clerk/ Junior Clerk (i) Minimum 5 years service as KPO/ Computer Operator; (ii) 5 years service as Senior Clerk; (iii) 7 years service as Junior Clerk	50%	50%	B.A. or equivalent for direct recruitment and by promotion seniority-cum-fitness from amongst KPO/Computer Operator/Senior clerk/Junior Clerk on the basis of their date of entry into service.
11.	KPO / Computer Operator BPS-12			100%	Intermediate with one year diploma in IT from a recognized institute
12.	Senior Clerk (BS-9)	5 years service as Junior Clerk	100%		
13.	Junior Clerk (BS-7)		10% from lower staff with Matric	90%	Matric with a typing speed of 30 words per minutes / preferably computer literate
14.	Behishti (BS-5)			100%	Literate
15.	Driver (BS-4)			100%	Driving License / Driving Experience
16.	Pesh Imam BPS-02			100%	MouviFazil
17.	Tracker (BS-2)	5 years service in BS-1	10%	90%	Primary Pass
18.	Naib Qasid BPS-01			100%	Literate
19.	Sweeper (BS-1)			100%	Literate

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SCHEDULE - II  
(see Rule 10)

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## Grounds of penalty

The concerned authority may impose one or more penalties, where a personnel of the Force, in the opinion of the authority: -

- a. Is inefficient or has ceased to be efficient;
- b. is guilty of misconduct, like unauthorized absence from leave, breach of order, disobedience, unruly behavior, passing on official secrets to unauthorized persons, etc;
- c. is corrupt, or may reasonably be considered corrupt;
- d. is guilty of any violation of duty;
- e. loses, misplaces or causes harm to a weapon through negligence or lack of maintenance;
- f. is insubordinate to his superiors;
- g. is convicted of a criminal offence;
- h. is guilty of cowardice, or abandons any piquet, fortress, post or guard which is committed to his charge or which is his duty to defend;
- i. is engaged in propagation of sectarian, parochial, anti-state views and controversies;
- j. is engaged or is reasonably suspected of being engaged to excite, cause or conspire to cause or joins in any mutiny, or being present at any mutiny and does not use his utmost endeavor to suppress it;
- k. attempts collective bargaining, conspiring or attempting to call off duty or take procession to press for the demands; or
- l. is guilty of omission and commission under the law and rules.
- m. deserts the service.
- n. Being a sentry, sleeps upon his post or quits it without being regularly relieved or without leave; or
- o. Without authority, leaves his commanding officer, or his post or party, to go in search of plunder; or
- p. Quits his guard, picquet, party or patrol without being regularly relieved or without leave; or
- q. Uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or without authority breaks into any house or any other place for plunder, or plunders, destroys, or damages any property of any kind; or
- r. Intentionally causes or spreads a false alarm or rumour during action or in post, camp, lines, or quarters.

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SCHEDULE - III  
See Rule 17

S.#	Post/Rank	Length of service / Age
1	Subedar Major (BS-16)	38 years service or 03 years service as Subedar Major or 60 years age whichever is earlier
2	Subedar (BS-13)	35 years service or 03 years service as Subedar or 57 years age whichever is earlier
3	Naib Subedar (BS-11)	32 years service or 03 years service as Naib Subedar or 54 years age whichever is earlier
4	Havildar (BS-8)	29 years service or 03 years service as Havildar or 51 years age whichever is earlier
5	Naik (BS-7)	26 years service or 03 years service as Naik or 48 years age whichever is earlier
6	L/Naik (BS-6)	23 years service or 03 years service as L/Naik or 45 years age whichever is earlier
7	Sepoy (BS-5)	20 years service or 42 years age whichever is earlier

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SCHEDULE - IV  
See Rule 10

S.P	Punishment	Subedar Major and Subedar	NaibSubedar or Havaldar	Naik or Lance Naik	Sepoy
1	Extra Drill not exceeding fifteen days fatigue or other duties.			Subedar	NaibSubedar
2	Confinement to quarter guard upto fifteen days.	Commandant	Deputy Commandant	Deputy Commandant	Subedar Major
3	Censure	-do-	-do-	-do-	-do-
4	Furlough of approved service upto two years	-do-	-do-	-do-	-do-
5	Stoppage of increment not exceeding one month's pay	-do-	-do-	-do-	-do-
6	Fine to any amount not exceeding one month's pay	-do-	-do-	-do-	-do-
7	Withholding of promotion for one year or less.	-do-	-do-	-do-	-do-
8	Reduction from substantive rank to a lower rank or reduction in pay.	-do-	-do-	-do-	-do-
9	Dismissal or removal from service or compulsory retirement.	-do-	-do-	-do-	-do-



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Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department  
Dated Peshawar the 12th December, 2013

**NOTIFICATION**

No. So (Levies) HD/FLW/1-1/2013/Vol.1. The competent authority has been pleased to approve further amendments in Schedule-I of Rule-4(2) and Schedule-III of Rules-17 under Para-10 of the Provision for PATA Levies Force, 2012 & Rule-24 of the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013 as under:-

Rule-4(2) Schedule-I

**SCHEDULE-I**  
**See Rule 4 (2)**

A. Uniformed Force

S.No	Post/ Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
1	Subedar Major (BS-16)	One year service as Subedr	100%	-	-
2	Subedar (BS-13)	One year service as Naib Subedar	100%	-	-
3	Naib Subedar (BS-11)	One year service as Hawaldar	100%	-	-
4	Hawaldar (BS-8)	One year service as Naik	100%	-	-
5	Naik (BS-7)	One year service as Lance Naik	100%	-	-
6	Lance Naik (BS-6)	Five years' service as Sepoy	100%	-	-
7	Sepoy (BS-5)			100%	Middle pass preferably Matric
8	Head Armorer (BPS-5)	Five years' service as Assistant Armorer	100%	-	Middle pass preferably Matric with Certificate of Armorer
9	Assistant Armorer (BPS-1)			100%	Middle pass preferably Matric with Certificate of Armorer

Rule-17 (Retirement). (1) All uniform levy personnel shall retire as per Schedule-III or they may opt for retirement after completion of 25 years of regular service and no extension in service beyond retirement shall be granted.

**SCHEDULE-III**  
**Rule-17(Retirement)**

S.No	Post/ Rank	Length of service / age for retirement.
1	Subedar Major(BS-16)	37 years' service or 60 years of age whichever is earlier.
2	Subedar BS-13	35 years' service or 60 years of age whichever earlier.
3	Naib Subedar(BS-11)	33 years' service or 60 years of age whichever earlier.
4	Hawaldar(BS-8)	31 years' service or 60 years of age whichever earlier.
5	Naik(BS-7)	29 years' service or 60 years of age whichever earlier.
6	Lance Naik(BS-6)	27 years' service or 60 years of age whichever earlier.
7	Sepoy(BS-5)	25 years' service or 60 years of age whichever earlier.

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(2) All non-uniform personnel shall retire from service on attaining the age of superannuation i.e. 60 years or they may opt for the retirement after completion of 25 years of regular service and no extension in service beyond retirement shall be granted.

Secretary to Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Encls No. & dated of even.

Copy of the above is forwarded for information and further necessary action to:-

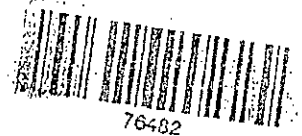
- 1 The Secretary to Government of Pakistan, Ministry of SAFRON, Islamabad with reference to his Notification No.F.10 (S)-LK/2006 dated 05-12-2013.
- 2 The Commissioner, Malakand Division, Malakand.
- 3 The Deputy Commissioner/Commandant, Malakand Levies, Malakand.
- 4 The Deputy Commissioner/Commandant Levies, Chitral.
- 5 The Deputy Commissioner/Commandant Levies, Dir Upper.
- 6 The Deputy Commissioner/Commandant Levies, Dir Lower.
- 7 The Deputy Commissioner/Commandant Levies, Swat.
- 8 PS to Secretary to Governor to Khyber Pakhtunkhwa.
- 9 PS to Chief Secretary, Khyber Pakhtunkhwa.
- 10 PS to A.C.S (FATA) Secretariat Peshawar.
- 11 PS to Secretary Home & Tribal Affairs Department.
- 12 The Manager Government Printing Press, Peshawar for publication in the official gazette Peshawar as an extra ordinary copy.

  
Section Officer (Levies)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

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NOTIFICATION



~~GOVERNMENT OF KHYBER PAKHTUNKHWA~~  
Department Notification of even No. dated 12.12.2013, the Competent Authority has been pleased to approve the recommendations of the Anomaly Committee of its meeting held on 28.02.2014 in the Ministry of SAFRON Islamabad, that amendments made in the PATA Levies Force (Amended) Service Rules 2013 shall be effective from 4<sup>th</sup> February, 2013.

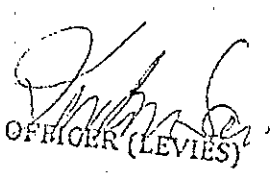
HOME SECRETARY

Dated 17<sup>th</sup> March, 2014

Enclst. No. SO (Levies) HD / 1 - 1 / 2013 / Vol-I

Copy forwarded to the:-

1. Secretary Ministry of SAFRON, Government of Pakistan, Islamabad.
2. AGPR, Khyber Pakhtunkhwa sub office Peshawar
3. Commissioner Malakand Division at Saidu Sharif Swat
4. The Deputy Commissioner Chitral, Upper Dir, Lower Dir, Malakand & Swat (They are directed to inform all the affectees through special messenger).
5. District Account Officer, Chitral, Upper Dir, Lower Dir, Malakand & Swat.
6. PS to Secretary to Governor Khyber Pakhtunkhwa
7. PS to Chief Secretary Khyber Pakhtunkhwa.
8. Section Officer (Budget) Home Department.
9. Section Officer (Courts) Home Department.
10. PS to Secretary Home, Khyber Pakhtunkhwa.

  
SECTION OFFICER (LEVIÉS)

ایڈوکیٹ بار کونسل نمبر:

bc. 11-3212



بعدالت جناب جج صاحب شہر چکوتو خواہ سروس ٹریڈینگز سٹور  
مورثہ 14/12/19 مخائب: عمران خان (ایپلنٹ)  
مقدمہ بعنوان عمران خان بنام سیشن سیکریٹری ہیومن ریسورسز  
نوعیت مقدمہ سروس اپیل

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اہم اپنے طرف سے واسطہ پیروی و جواب دہی وکل کاروائی متعلقہ اس مقام سے سٹور کے لئے شہری اپیل و اپیل / صدر رضوان ایڈووکیٹ کو وکیل اوکلاء مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا اکاؤنٹ اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے، عرضی دعویٰ، جواب دعویٰ، وصولی چیک روپیہ، عرضی دعویٰ، جواب دعویٰ اور درخواست از ہر قسم کی تصدیق اور پر دستخط کرنے کا اختیار ہوگا۔ بصورت ڈگری کرنے اجراء، وصولی چیک روپیہ، عرضی دعویٰ، جواب دعویٰ اور درخواست از ہر قسم کی تصدیق اور اس پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، دائر کرنے اپیل نگرانی و نظریاتی ورث و پیروی مقدمہ کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے وکیل یا مختار تاروائی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ جو خرچہ و ہر جائزہ التذللے مقدمہ کے سبب سے ہوگا اس کے استحقاق وکیل صاحب موصوف ہونگے نیز بقایا و خرچہ کی وصول کرنے کا بھی وکیل موصوف کو اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام مقررہ سے دور ہو یا احد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کہ پیروی ہو کر نہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

عمران خان

العبدال

مالاکنڈ

العبدال

عمران خان

مقام: عدالت سٹور کے لئے منظور ہے۔

ایڈوکیٹ دستخط  
پتہ: سٹور

Fahad

Fahad-Riswan Adv

فونو کاپی ناقابل قبول ہوگی۔

رابطہ نمبر 03009300987