

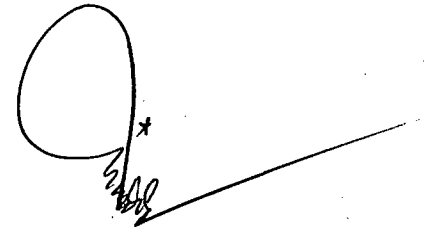
18.08.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 22.09.2022. Alongwith the service appeal an application for suspension of the operation of impugned Notification dated 26.01.2022 has also been submitted. Notice of the said application be also issued to the respondents for submission of reply/comments on the date fixed.

Rs-100/-
Appellant Deposited
Security & Process Fee

A. H. / i.h.
24/8/22



(Mian Muhammad)
Member (E)

22.09.2022

Appellant in person present. Mr. Muhammad Ibrahim, Finance Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and sought further time for submission of reply/comments. Adjourned. To come up for submission of written reply/comments on 13.10.2022 before the S.B.

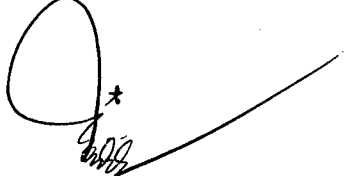


(Salah-Ud-Din)
Member (J)

08.06.2022

Appellant in person present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for preliminary hearing on 05.07.2022 before the S.B at camp court Swat.




(Mian Muhammad)
Member (E)
Camp Court Swat

05.07.2022

Junior to counsel for appellant present.


He made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing on 04.08.2022 before S.B at Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

04.08.2022

Junior to counsel for the appellant present and requested for adjournment on the ground that senior counsel of the appellant is not available today. Adjourned. To come up for preliminary hearing on 18.08.2022 before S.B.



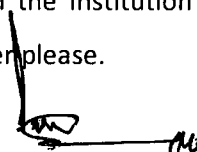

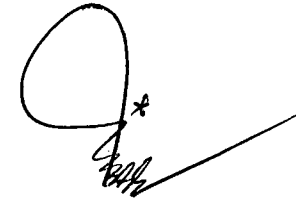
(Fareeha Paul)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 807/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/05/2022	<p>The appeal of Mr. Abdul Wahab presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24-5-22	<p>This case is entrusted to touring Single Bench at Swat for preliminary hearing to be put there on <u>6-6-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>
06.06.2022		<p>Appellant in person present.</p> <p>On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for preliminary hearing on 08.06.2022 before the D.B at camp court Swat.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E) Camp Court Swat</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 807 /2022

ABDUL WAHAB

V/S

GOVT: OF K.P DEPTT:

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Dated: ____/.05./2022

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE
0345-9383141

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

Mr. Abdul Wahab, Ex-Subedar, Malakand Levies at Malakand.

..... APPELLANT

VERSUS

- 1- The Govt. OF Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Commissioner/ Commandant Malakand Levies, District Malakand.
- 4- The District Accounts Officer, District Malakand.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 26.01.2022 WHEREBY THE APPELLANT HAS PREMATURELY BEEN RETIRED FROM SERVICE IN LIGHT OF REPEALED RULES AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 26.01.2022 may kindly be set aside and the appellant be reinstated into service as well as be promoted to the post of Subedar Major (BPS-16) w-e-f 27.11.2021 with all consequential and back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHWETH:

ON FACTS:

1. That initially the appellant was appointed as Sepoy (BPS-5) in the respondent's Department on 01.02.1997. That later on the appellant was promoted to the Ranks of Lance Naik, Naik, Havaldar, Naib Subedar and Subedar. Copies of promotion orders are attached as annexure A.
2. That the respondent Department Framed/formulated service structure for the Levies personnel vide Notification dated 4.2.2013

whereby the method for recruitment of Subedar Major (BPS-16) has been mentioned as 100% by promotion on the basis of seniority cum fitness from amongst Subedars (BPS-13) and the appellant was eligible for such. Copy of the Rules and educational testimonials are attached as annexure..... B & c.

- 3. That according to the seniority list the appellant was at serial No. 2 but as Subedar he is at the top. Copy of the seniority list is attached as annexure D
- 4. That one Farid Ullah the then Subedar Major was supposed to be retired w-e-f from 27.11.2021 and the appellant next in line was entitled and eligible for promotion to the post of Subedar Major but he preferred a writ petition before the Peshawar High Court, Dar-ul-Qaza Bench, Swat and the retirement/ any other order detrimental to the interest of him was suspended and later on his writ petition was dismissed where after the competent authority issued the order dated 14.02.2022 whereby the one Farid Ullah the then Subedar Major was retired w-e-f 27-11-2021. Copy of the order dated 14.02.2022 is attached as annexure E
- 5. That after the promulgation of the 25th Constitutional Amendment Act, 2018 the then FATA and PATA were merged in to the province of Khyber Pakhtunkhwa and the then Federal Levies Force Regulation, 2012 had lost their legal status, for working in the merged Districts. That giving a legal cover to, and making the Levies Force operational, and to continue their functions in the Khyber Pakhtunkhwa, the Khyber Pakhtunkhwa Levies Act, 2019 was promulgated. Copy of the Act is attached as annexure F
- 6. That it is worth to mention here that under section 11 of the Khyber Pakhtunkhwa Levies Force Act, 2019 the Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019 has been issued/framed and under Rule 3 of the ibid rules the Levies were absorbed in the Khyber Pakhtunkhwa Police and hence all the employees attained the status of Civil Servant of the Province of Khyber Pakhtunkhwa. Copy of the rules is attached as annexure G
- 7. That the respondents were not willing to promote the appellant and also mala fidely retiring the appellant, hence the appellant approached to the Peshawar High Court, Dar-ul-Qaza Bench against the inaction and action of the respondents in writ petition No. 1187-M/2021 and the same writ along with many other were sent to the Honorable Chief Justice Peshawar High Court, Peshawar for constituting a larger bench for its disposal. Copies of the memo of writ petition and order dated 30.06.2021 are attached as annexure H & I.

8. That during the pendency of the mentioned writ petition the respondents issued the impugned order dated issued the impugned order dated 26.01.2022 whereby the appellant has prematurely been retired from service in light of the already repealed rules of 2016. Copy of the impugned order dated 26.01.2022 is attached as annexure J

9. That appellant feeling highly aggrieved filed Departmental appeal before the appellate authority on 27.01.2022 and the same was properly forwarded on 18-02-2022 but the same has not been decided within the stipulated period of ninety days. Copy of the Departmental appeal is attached as annexure K

GROUND:

A- That the impugned office order dated 26.01.2022 issued by the respondents is against the law, facts, norms of natural justice and materials on record hence not tenable and liable to be set aside.

B- That appellant has not been treated by respondent Department in accordance with law and rules on the subject noted above and as such the respondent No.3 violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That the impugned order dated 26.01.2022 is based on malafide and arbitrary intentions of the respondents hence not tenable in the eye of law and liable to be set aside.

D- That the impugned order dated 26.01.2022 issued by the respondent No.3 is not in accordance with section 13 of the Civil servant Act, 1973 wherein the age for retirement has been mentioned as superannuation i.e.60 years of age.

E- That according to Article 38 (e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earnings of individuals including persons in the services of Federation.

F- That the impugned Notification dated 26.01.2022 is based on discrimination and as such not tenable in the eye of natural justice.

G- That it is important to mention here that some of the employees who were retired from service vide order dated 26.01.2022 were lateron reinstated and were then promoted to the post of Naik vide order dated 02.02.2022, hence the respondents are doing promotion and retirement on their own whims and wishes and in utter violation of law and rules. Copies of the order dated 26.01.2022 and 02.02.2022 are attached as annexure L


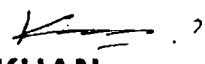
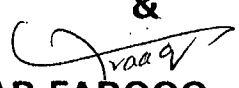
- H- That appellant has been retired from service by the respondents under the already repealed rules, therefore the impugned order dated 26.01.2022 is void ab initio in the eye of law.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 13/05/2022

APPELLANT

ABDUL WAHAB

THROUGH:

NOOR MUHAMMAD KHATTAK

KAMRAN KHAN
 &

UMAR FAROOQ
ADVOCATES

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

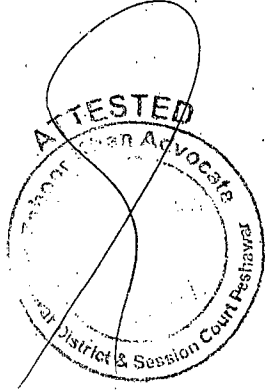
ABDUL WAHAB

V/S

GOVT: OF K.P DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

CERTIFICATION

A stylized signature written over the word "CERTIFICATION".

S/A

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

C.M NO: _____/2022

IN

SERVICE APPEAL No. _____/2022

Abdul Wahab

VS

Kp Govt & others

**APPLICATION FOR SUSPENSION OF THE OPERATION
OF IMPUGNED NOTIFICATION DATED 26.01.2022 TILL
THE DISPOSAL OF THE ABOVE MENTIONED APPEAL**

R/SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august service Tribunal in which no date has been fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned notification date 26.01.2022 whereby the appellant has Prematurely been retired from Services in light of Repealed Rules.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned order dated 26.01.2022 had been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned Notification dated 26.01.2022 may very kindly be suspended till the disposal of the above mentioned service appeal.

DATED:

APPLICANT

Abdul Wahab

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE, HIGH COURT,
PESHAWAR**

OFFICE OF THE DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

No. _____ LC
Dated Malakand the 20/11/06

OFFICE ORDER:

Consequent upon the recommendation of promotion committee, the following Levy personnel are hereby promoted to the next higher ranks noted against each on their own seniority basis w.e.f 15-11-06 (FN).

S.No.	Name of Levy personnel	From	To
1.	No. 3065 Timoor Khan	N/Subedar	Subedar
2.	No. 3311 Sultan Ghani	Havildar	N/Subedar
3.	No. 3394 Fazal sattar	Naik	havildar
4.	No. 4456 Abdul Wahab	L/Naik	Naik
5.	No. 3824 Muhammad Shah	Sepoy	L/Naik

DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

No. 5828/LC

Copy forwarded to Subedar Major, Malakand Levies Malakand for information and necessary action with reference to his letter No. _____/B/10/(SM) dated ____/06. The sheet Roll of the above named official is also enclosed.

DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

~~ATTACHED~~

OFFICE OF THE DECOMMANDANT
MALAKAND LEVIES MALAKAND

NO. _____
DATED MALAKAND THE _____ 1966

6

ORDER

Consequent upon the recommendation of promotion of the following levy personnel are hereby promoted to the next higher rank in accordance with the provisions of the Malakand Levies Act, 1952. The names of the personnel and their ranks are as follows:

Name of Levy Personnel	From	To
No. 3065 Umoo Khan	M/Subedar	Subedar
No. 3341 Sultan Ghani	Havildar	M/Subedar
No. 3302 Izzat Sarfaraz	Naik	Havildar
No. 4136 Abdul Wahab	L/Naik	Naik
No. 3257 Muhammad Sultan	Suppy	L/Naik

DECOMMANDANT
MALAKAND LEVIES MALAKAND

Copy forwarded to Subedar Major Malakand Levies Malakand for information and necessary arrangements with reference to his letter No. _____ dated _____ by the Subedar Major above named official is also enclosed.

MALAKAND LEVIES MALAKAND

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Scanned with CamScanner

~~MALAKAND LEVIES MALAKAND~~

(7)

Handwritten initials

OFFICE OF THE DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

No. _____ /LC
DATED MALAKAND THE 08/6/09

OFFICE ORDER.

Consequent upon the recommendation of promotion committee, the following Levy personnel are hereby promoted to their next higher rank noted against each on seniority basis with effect from 01-05-2009 (FN):-

S.No.	Name of official	From	To
1.	No. 4456 Abdul Wahab	Naik	Havildar ✓
2.	No. 3574 Gul Muhammad	L/Naik	Naik ✓
3.	No. 4228 Haji Rahman	Sepoy	L/Naik ✓

DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

No. 2676 /LC

Copy forwarded to Subedar Major, Malakand Levies, Malakand for information with reference to his letter No. 553/SM dated 06/06/2009. The Sheet Rolls of the above named officials are enclosed.

Handwritten signature
Handwritten initials

DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

Handwritten signature

8

OFFICE OF THE DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

No. _____ LC.
Dated Malakand the 27/08/06

OFFICE ORDER:

Consequent upon the recommendation of promotion committee, the following Levy personnel are hereby promoted to the next higher ranks noted against each on their own seniority basis w.e.f.01-07-2010 (FN).

S.No.	Name of Levy personnel	From	To
1.	No. 3351 Muhammad Salim	N/Subedar	Subedar
2.	No. 4456 Abdul Wahab	Havildar	N/Subedar
3.	No. 3830 Jamal Shah	Naik	havildar
4.	No. 4246 Ismail Khan	L/Naik	Naik
5.	No. 4355 Muslim Khan	Sepoy	L/Naik

DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

No. 5828/LC

Copy forwarded to the:-

1. Agency accounts officer, Malakand.
2. Subedar Major, Malakand Levies, Malakand for information & Necessary action.

DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

~~RECEIVED~~

OFFICE OF THE DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

No. _____/LC
DATED MALAKAND THE 27/8/10

8

OFFICE ORDER

In accordance with the recommendation of Promotion Committee the following personnel are hereby promoted to their next higher rank noted against each on the basis of seniority-cum-fitness with effect from 01-07-2010 (FN):-

S.No	Name of Levy personnel	From	To
1	No. 3351 Muhammad Saïm	N/Subedar	Subedar
2	No. 4455 Abdul Wahab	Havildar	N/Subedar
3	No. 3880 Jamal Shah	Naik	Havildar
4	No. 4123 Farhat Khan	Lance Naik	Naik
5	No. 4124 Mustaf Khan	Sevak	Lance Naik

DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

Copy forwarded to the:

1. Accounts, Accounts Officer, Malakand
 2. Subedar Major, Malakand Levies, Malakand.
- For information & necessary action.

DCO/COMMANDANT
MALAKAND LEVIES MALAKAND

OFFICE OF THE DC/COMMANDANT
MALAKAND LEVIES MALAKAND

NO. 7429 /LC
DATED MALAKAND THE 19/X 117

OFFICE ORDER

9

In pursuance of the Honorable Peshawar High Court Dar-UI-Qaza Mingora Bench Swat Judgment order dated 27/09/2017 passed in W.P No.479-M/2017 and consequent upon the recommendation of Departmental Promotion Committee, the following Levy personnel are hereby promoted to their next higher rank on the basis of seniority- cum- fitness from the date noted against each as directed by Honorable Court:-

S.No	Name of Levy personnel	From	To	Date of Promotion
1	No 3440 N/Subedar Amin Ullah	Naib Subedar	Subedar	26.08.2016
2	No 3443 N/Subedar Ghaffoor Khan	Naib Subedar	Subedar	26.08.2016
3	No 3450 N/Subedar Faiz Hassan	Naib Subedar	Subedar	26.08.2016
4	No 3463 N/Subedar Fariq Ullah	Naib Subedar	Subedar	26.08.2016
5	No 3465 N/Subedar Gul Muhammad Saad	Naib Subedar	Subedar	26.08.2016
6	No 3466 N/Subedar Raham Mehmood	Naib Subedar	Subedar	26.08.2016
7	No 3467 N/Subedar Sher Zada	Naib Subedar	Subedar	26.08.2016
8	No 3473 N/Subedar Taj Malik	Naib Subedar	Subedar	14.12.2016
9	No 4456 N/Subedar Abdul Wahab	Naib Subedar	Subedar	14.12.2016

DC/COMMANDANT
MALAKAND LEVIES MALAKAND

NO. 7430-34 /LC

Copy forwarded to the:-

1. Additional Registrar, Peshawar High Court Dar UI Qaza Mingora Bench Swat, for information with reference to Judgment order of Honorable Peshawar High Court.
2. Secretary, SAFRON Division, Islamabad, for information please.
3. Secretary, Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar for information please.
4. District Accounts Officer, Malakand.
5. Subedar Major Malakand Levies.

For information and necessary action.

[Signature]
19/X/17

~~ATTACHED~~

DC/ COMMANDANT
MALAKAND LEVIES MALAKAND

ORDINARY

VERNMENT



REGISTERED NO. P.III

GAZETTE

ANNEXURE - B

10

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16TH 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 require, 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;

(2) The expression used but not defined herein shall have the same meanings as are assigned to them under the PATA 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 Subodari. Whereas promotion to the rank of Subodar Major and above, the authority shall rest 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 sobby 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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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 Police 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, courier 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.

7. 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.

(8) 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. The service of a personnel by initial recruitment, promotion or transfer may be dispensed with or reversed if, in the opinion of the competent authority his work and conduct is not satisfactory during probation period or due to abolishment of post, 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. 9. 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.

10. 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.

11. 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 be against the punishments specified at S.No. (1) and (2) of Schedule-IV.

12. 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 manner as prescribed by the Commandant, and shall be made part of the service rolls / service dossier. 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

13. Service Record - Proper service rolls / service dossier of all Force Personnel shall be maintained in Levy Office of each district. Annual reports of all Holders and Junior Commissioned Officers (JCOs) will also be maintained for the purpose of promotion. 14. Uniform - The levy personnel shall attire black khaki or khaki green uniform, white socks, black banded cap and black belt whereas the JCOs will wear brown belt during duty hours.

15. 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.

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(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.

18. 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 Levy 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, koth/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) Nahi 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 incharge 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(Polico)/IID/12-19/2012 dated-11th Decombor, 2012 shall consider and remove such anomalies from time to time referred to the competent authority.

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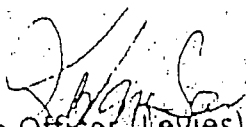
(2) All non-uniform personnel shall retire from service on attaining the age of superannuation i.e. 60 years or they may opt for the retirement after completion of 25 years of regular service and no extension in service beyond retirement shall be granted.

Secretary to Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Ends 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 (5)-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)

ATTESTED


(7) 16

SCHEDULE - II
(Rule 10)

Grades 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 platoon, 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, platoon, 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 - 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-15)	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 Nalk	100%		
5.	Nalk (BS-7)	03 years service as Lance Nalk	100%		
6.	L/Nalk (BS-6)	03 years service as Sepoy	100%	100%	Middle pass preferably Matric
7.	Sepoy (BS-5)				
8.	Head Armourer BPS-05	05 years service as Assistant Armourer	100%	100%	Certificate of Armourer
9.	Assistant Armourer BPS-01				

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-illness 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.	Behishtu (BS-5)			100%	Literate
15.	Driver (BS-4)			100%	Driving License / Driving Experience
16.	Pesh Imam BPS-02			100%	Moult/Fazil
17.	Tracker (BS-2)	5 years service in US-1	10%	90%	Primary Pass
18.	Naib Qasid BPS-01			100%	Literate
19.	Sweeper (BS-1)			100%	Literate

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SCHEDULE - IV

See Rule 10

18

5.8	Punishment	Subedar Major and Subedar	Naib Subedar or Havildar	Naik or Lanika	Sepoy
1	Extra Drill not exceeding fifteen days fadga or other duties.		Subedar	Subedar	Naib Subedar
2	Confinement to quarter guard upto fifteen days.	Commandant	Deputy Commandant	Deputy Commandant	Subedar Major
3	Censure	-do-	-do-	-do-	-do-
4	Forfeiture 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 on 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-

Printed and published by the Manager, Press, at Peshawar, Punjab, Pakistan.

ATTESTED

NOTIFICATION

No. Sol(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 Regulation for PATA Levies Force, 2012 & Rule-24 of the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013 as under:-

19

Rule-4(2) Schedule-I

SCHEDULE-I
Sec 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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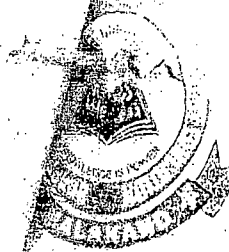
SCHEDULE -III
800 Rule 17

S.#	Post/Rank	Length of service / Age
1	Subedar Major (BS-10)	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 67 years age whichever is earlier
3	Naib Subedar (BS-11)	32 years service or 03 years service as Naib Subedar or 64 years age whichever is earlier
4	Havaldar (BS-8)	29 years service or 03 years service as Havaldar or 61 years age whichever is earlier
5	Naik (BS-7)	28 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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ANNEX C

21

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION MALAKAND

DETAILED MARKS & PROVISIONAL CERTIFICATE



HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION 2012

Reg. No. 39469-B/MKD-2011

INTERMEDIATE (PART-II ANNUAL) EXAMINATION, 2012

Roll No: 57371

Group: Humanities

Abdul Wahab Son of Muhammad Zamin

appeared as Private Candidate of District Malakand

has secured the marks shown against each subject in the Higher Secondary School Certificate

Examination held in the month of April/May The Examination was taken as a whole.

Subjects	Marks	Marks Obtained					
		Part-I		Part-II		Total	Marks in Words
		Theory	Pract	Theory	Pract		
English	200	33	--	33	--	66	Sixty-Six
Urdu	200	42	--	53	--	95	Ninety-Five
Islamic Education	50	26	--	--	--	26	Twenty-Six
Pakistan Studies	50	--	--	19	--	19	Nineteen
Civics	200	46	--	49	--	95	Ninety-Five
Islamic Studies	200	50	--	50	--	100	One Hundred Only
Pashto	200	50	--	72	--	122	One Hundred Twenty-Two

Total : 1100

Marks : 523-D Five Hundred Twenty-Three Only

Remarks :

Checked By:

Note: Errors/Omissions excepted. Any mistake in Name etc must be intimated within 30 days after receiving the above certificate.

Computer Cell BISE Malakand

Print Date: 17 July 2012

Arshad C.P. B.I.E
Govt. Adil Shahzad High School
Thana No.1 (MKD)

Controller of Examinations
B.I.S.E. Malakand

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
MALAKAND (CHAKDARA) KHYBER PAKHTUNKHWA PAKISTAN



DETAILED MARKS & PROVISIONAL CERTIFICATE



S.No.MB 23257

Reg. No: 39469-B/MKD-2011

INTERMEDIATE(ANNUAL P-I)EXAMINATION, 2011

Roll No: 23257
Group: Humanities

Abdul Wahab

Son of Muhammad Zamin

of District Malakand

has secured the marks shown against each subject in the H.S.S.C Examination held in the month of April/May as a Private Candidate

Subjects	Marks	Marks Obtained			Marks in Words	
		Theory	Pract	Total		
English	100	33		33	Thirty Three	
Urdu	100	42		42	Forty Two	
Islamic Education	50	26		26	Twenty Six	
Civics	100	46		46	Forty Six	
Islamic Studies	100	50		50	Fifty Only	
Pashto	100	50		50	Fifty Only	
Total = 550				Marks	247	Two Hundred Forty Seven Only
Remarks						

Checked By [Signature]

NOTE: Errors/Omissions excepted. Any mistake in the above particulars must be intimated within 30 days after receiving the above certificate.

Computer Cell:BISE Malakand

Printed On: 16-07-2011

Result Declared On: 20-07-2011

Controller of Examinations
B.I.S.E. Malakand

[Signature]
District Controller
B.I.S.E. Malakand

23

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
MALAKAND (CHAKDARA) KHYBER PAKHTUNKHWA PAKISTAN



S.No.MB _____

SESSION SUPPLY 2010

Roll No: 2691

Group: Humanities

Abdul Wahab Son/Daughter of Muhammad Zamin
appeared as Private Candidate of District Malakand

has secured the marks shown against each subject, in the Secondary School Certificate Examination held in the months of September. The Examination was taken in parts.

Subject	Marks	MARKS OBTAINED						
		9 th		10 th		Total	In Words	
		Theory	Pract	Theory	Pract			
1. English	150	25	--	35	--	60	Sixty Only	
2. Urdu	150	47	--	50	--	97	Ninety-Seven	
3. Islamic Education	75	38	--	--	--	38	Thirty-Eight	
4. Pakistan Studies	75	--	--	53	--	53	Fifty-Three	
5. General Science	150	43	--	54	--	97	Ninety-Seven	
6. Art & Model-Drawing	150	21	37	20	39	117	One Hundred Seventeen	
7. Mathematics	150	53	--	45	--	98	Ninety-Eight	
8. Pashto	150	54	--	55	--	109	One Hundred Nine	
Total = 1050						Marks	669-B	Six Hundred Sixty-Nine
						Remarks		

D.O.B: (23-APR-78) Twenty-Third, April Nineteen Hundred Seventy-Eight

Prepared By Fayyaz- DPS

Checked By: Tariq- KPO

Note: Errors/ Omissions excepted. Any mistake in the above particulars should be intimated within 30 days after receiving the above certificate
Controller Genl. BISE, Malakand

Friday November 12, 2010 4:27 PM

Calicut

Controller of Examinations
B.I.S.E, Malakand

24

BOARD OF INTERMEDIATE & SECONDARY EDUCATION MALAKAND



S.No. MB/000527



**CHAKDARA N.W.F.P PAKISTAN
SECONDARY SCHOOL CERTIFICATE EXAMINATION**

Session 2009 9th Class

Roll No
Group

Abdul Wahab Son of Muhammad Zamin
of MALAKAND AGENCY

has secured the marks shown against each subject in the Secondary School Certificate Examination held in the month of March as Private candidate

Subject	Marks		MARKS OBTAINED				
			9th		Total	In Words	
	Theory	Pract	Theory	Practical			
1. English	75		25		25	Twenty-Five	
2. Urdu	75		47		47	Forty-Seven	
3. Islamic Education	75		38		38	Thirty-Eight	
4. General Science	75		43		43	Forty-Three	
5. Art & Model Drawing	35	40	21	37	58	Fifty-Eight	
6. Mathematics	75		53		53	Fifty-Three	
7. Pashto	75		54		54	Fifty-Four	
Total Marks = 525					Marks	318	Three Hundred Eighteen Only
D.O.B (In Figures) <u>23 April, 1978</u>					Remarks		
(In Words) <u>Twenty-Third, April, One-Thousand Nine Hundred Seventy-Eight</u>							

Prepared By: [Signature]
Checked By: [Signature]

Note: Errors/Omissions excepted. Any mistake in D.O.B & Name etc. must be intimated within 30 days after receiving the above certificate.
Computer Cell, BISE Malakand
Saturday June 20 2009 9:8 AM

Controller of Examinations
 BISE Malakand
 [Stamp: Arshad C. B. B. 15, 3001, Adil Shafiq, Thana, Malakand]

Handwritten signature or mark at the top right corner.

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ANNEX - D

11

SNO	REGT.NO	RANK	NAME	VILLAGE	D.O.APPPOINTMENT	CELL #
1	4456	SUB	ABDUL WAHAB	BARH	02/01/1997	3459452058
2	3483	SUB	SAHIB RAHEM MIAN	PIRKHEL	05/01/1986	3459371091
3	3504	SUB	MUMTAZ HUSSAIN	ALADAND	13-11-1986	3449045462
4	3585	SUB	AMIN UL HAQ	TOTAKAN	01/04/1988	3420097901
5	3636	SUB	SAMI ULLAH	ALADAND	01/10/1988	3459174585
6	3689	SUB	MUHAMMAD IKRAM	SKHAKOT	02/02/1988	3139389953
7	3783	SUB	AMIR ZAMAN	BRHA	06/09/1988	3459456084

Serially

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13

Sno	R.No	Rank	Name
1	3463	SM	FARID ULLAH
2	4456	SUB	ABDUL WAHAB
3	3585	SUB	AMIN UL HAQ
4	3636	SUB	SAMI ULLAH
5	3689	SUB	MUHAMMAD IKRAM
6	3783	SUB	AMIR ZAMAN

[Handwritten signature]

ANNEX E

27



Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department

Dated Peshawar the 14th February, 2022.

ORDER

No. SO(POLICE-II)HD/2-1/Malaknd. In light of notification no. SO (police-II) HD/1-3/Federal Levies 2021 dated 21-10-2021 under Federal Levies Force Service Rules (Amended), 2013, **Faridullah, Subedar Major, Malakand Levies (BPS-16)** is hereby retired from service w.e.f 27-11-2021 on completion of 3 years' service as Subedar Major. He is entitled to full pension benefits as admissible under the rules.

**HOME SECRETARY
KHYBER PAKHTUNKHWA**

Ends No. & date of even.

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

1. The Commissioner, Malakand Division, Swat.
2. The D.C /Commandant Levies, District Malakand.
3. District Accounts Officer, District Malakand.
4. PS to Secretary Home & Tribal Affairs Department.
5. Official concerned.

Section Officer (Police-II)

ANNEX F

28

Bill No 67

A
Bill

to regulate and maintain the Khasadar Force previously working in the erstwhile Federally Administered Tribal Areas and now in the merged districts of the Province of the Khyber Pakhtunkhwa.

WHEREAS after Constitution (Twenty-fifth Amendment) Act, 2018 (Act No. XXXVII of 2018), the erstwhile Federally Administered Tribal Areas were merged in the Province of the Khyber Pakhtunkhwa, and the special provisions for the governance system in the said areas were omitted through said amendment, leading to the extension of the executive authority of the Province of the Khyber Pakhtunkhwa to the said areas;

AND WHEREAS the Khasadar Force, which was established in the erstwhile Federally Administered Tribal Areas through Executive Orders and instructions, for management of the said areas within the framework of territorial and collective responsibility, has now lost their legal status, for working in the merged districts and sub-divisions;

AND WHEREAS it is in public interest to allow the Khasadar Force to continue their functions for better public order, peace and security in the merged districts and sub-divisions and to achieve the objectives, it is expedient to give legal status to the Khasadar Force in the merged districts and sub-divisions, and to revisit their 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 Khasadar Force Act, 2019.

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

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

(4) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) “Commandant” means the District Police Officer, as defined in the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. II of 2017);

(b) “Department” means the Home and Tribal Affairs Department the Government of the Khyber Pakhtunkhwa;

(c) “District Administration” means the Deputy Commissioner, Additional Deputy Commissioner, Assistant Commissioner, Additional Assistant Commissioner and their subordinate staff in the district;

Asstt. Legal Draftsman
Govt. of Khyber Pakhtunkhwa
Law Department

- (d) "District Police Officer" means Head of the Police, under section 21 of the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. II of 2017);
- (e) "Government" means the Government of the Khyber Pakhtunkhwa;
- (f) "Khasadar Force" means the Khasadar Force, constituted through executive orders, for the erstwhile Federally Administered Tribal Areas and now re-constituted and maintained by Government under section 3 of this Act;
- (g) "prescribed" means prescribed by rules;
- (h) "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;
- (i) "rules" mean rules made under this Act; and
- (j) "Schedule" means Schedule appended to this Act.

3. **Re-constitution, regulation and maintenance of the Khasadar Force.**---(1) On commencement of this Act, the Khasadar Force, shall be re-constituted, regulated and maintained by Government in accordance with the provisions of this Act and shall be known as the Khyber Pakhtunkhwa Khasadar Force, consisting of all existing strength of its members.

(2) The Khasadar Force shall be organized in senior ranks and junior ranks officers and officials.

(3) The senior rank officer shall consist of Commandant, who shall be District Police Officer, having additional charge of the Commandant in the district, while the junior ranks shall consist of the following:

- (a) Subedar Major;
 (b) Subedar;
 (c) Naib Subedar;
 (d) Havaldar; and
 (e) Khasadar.

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

(2) The general administration and operational control of the Khasadar Force shall vest with the Commandant in the district.

5. **Method of recruitment.**---Subject to other provisions of this Act, recruitment in the Khasadar Force shall be made in the prescribed manner:

Provided that initial recruitment shall be made only in the rank of Khasadar:

Provided further that Government shall specify committee for recruitment and promotion of members of the Khasadar Force:

Provided also that members of the Khasadar Force may be absorbed in the Khyber Pakhtunkhwa Police in accordance with prescribed procedure.

Asstt. Legal Officer
 Govt. of Khyber Pakhtunkhwa
 Law, Peshawar

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

(2) Without prejudice to the generality of the forgoing policing powers under sub-section (1), the Khasadar Force shall perform such institutional or organizational functions and duties as are provided in the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. II of 2017).

7. **Postings, transfers and distribution of the Khasadar Force.**—(1) The Commandant shall be the authority for posting and transfer of members of the Khasadar Force within the district.

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

8. **Liability of Khasadar Force.**—It shall be the duty of every member of the Khasadar Force to obey and execute all lawful orders and instructions, issued to him by the Commandant.

9. **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.

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

11. **Act to override other laws.**—The provisions of this Act shall have overriding effect, notwithstanding anything contained in any other law, on the subject, for the time being in force.

12. **Actions taken in good faith.**—No suit, prosecution or other legal proceedings shall lie against Government, any authority exercising powers under this Act or any member of the Khasadar Force for anything done in good faith under this Act or any rule made thereunder or matters specified in pursuance of this Act.

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).

13. **Removal of difficulty.**—(1) 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.

(2) Save as otherwise specifically provided, nothing in this Act, or any repeal effected thereby shall affect or be deemed to affect-

(a) the existing terms and conditions of service of the Khasadar Force unless amended through a substitute rule or instrument;

(b) the validity of anything done, action taken, investigations or proceedings commenced, orders issued, appointments made, directions given, proceedings taken or instruments executed or issued, under or in pursuance of any rule or regulatory instrument repealed or amended by this Act and any such thing, action, investigation, proceeding, order, appointment, direction, or instrument suit, right or claims shall, if in force at the time of

Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

commencement of this Act and not inconsistent with any of the provisions of this Act, shall continue to be in force, and have effect as if it were respectively done, taken, commenced, issued, made, directed, given, executed or issued under this Act; and

(c) anything done, action taken, rule made or notification or orders issued under the Khyber Pakhtunkhwa Khasadar Force Ordinance, 2019 (Khyber Pakhtunkhwa Ord. No. IV of 2019) shall be deemed valid and the same shall not be called in question in any Court of law.

14. **Repeal.**--- the Khyber Pakhtunkhwa Khasadar Force Ordinance, 2019 (KP Ord. No. IV of 2019) is hereby repealed.

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

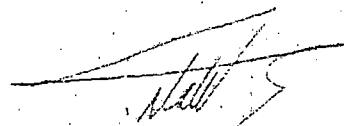
S No.	Sub-Division.
1.	Hasan Khel in district Peshawar.
2.	Darra Adam Khel in district Kohat.
3.	Bettani in district Lakki Marwat.
4.	Wazir in district Bannu.
5.	Jandola in district Tank.
6.	Darazinda in district Dera Ismail Khan.

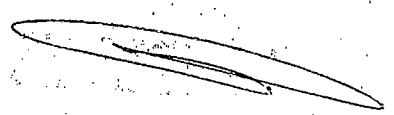
Asstt. Legal Drafter
Govt. of Khyber Pakhtunkhwa
Law Department

STATEMENT OF OBJECTS AND REASONS

It is desirable to regulate and maintain the Khasadar Force previously working in the erstwhile Federally Administered Tribal Areas and now in the merged districts of the Province of the Khyber Pakhtunkhwa. Hence, this Bill.

Peshawar,
dated:
2019.


MINISTER-IN-CHARGE.



A
Bill

*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:

Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

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;

5. Powers of the Levies Force.--(1) Notwithstanding anything contained, in any 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 forgoing policing powers under sub-section (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.

Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Peshawar

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).

- (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.

Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

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 of the Levies Force.--(1) Notwithstanding anything contained, in any 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 forgoing policing powers under sub-section (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).

Asstt. District Officer
Command of Khyber Pakhtunkhwa
Peshawar

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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.

(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

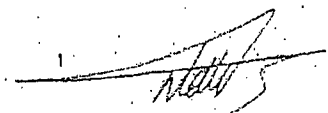
S.No.	Sub-Division.
1.	Hasan Khel in district Peshawar.
2.	Darra Adam Khel in district Kohat.
3.	Bettani in district Lakki Marwat.
4.	Wazir in district Bannu.
5.	Jandola in district Tank.
6.	Darazinda in district Dera Ismail Khan.

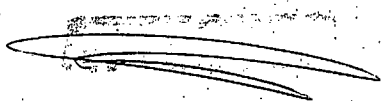
Asstt. Secy. (Police)
Govt. of Khyber Pakhtunkhwa
Law Department

STATEMENT OF OBJECTS AND REASONS

It is desirable to provide for the maintenance of Khyber Pakhtunkhwa Levies Force and to enable its transition to Khyber Pakhtunkhwa Police. Hence, this Bill.

Peshawar,
dated:
2019


MINISTER-IN-CHARGE.



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GOVERNMENT OF THE KHYBER PAKHTUNKHWA HOME
AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar, dated the 24 / 9 / 2019. ✓

No. SO (Police - II) / HD / SMy / 24/19 In exercise
of the powers conferred by Section 11 of the Khyber Pakhtunkhwa Levies Force
Ordinance 2019 (Khyber Pakhtunkhwa Ord. No. III of 2019), read with sub-
section (I) of Section 9 thereof, the Government of Khyber Pakhtunkhwa is pleased
to make the following Rules; namely -

The Levies Force (Absorption in the
Khyber Pakhtunkhwa Police) Rules 2019.

1. **Short title, Application and commencement.** --- (1) These Rules may
be called the Levies Force (Absorption in the Khyber Pakhtunkhwa Police)
Rules, 2019.
- (2) These rules shall apply to all members of the Levies Force.
- (3) These rules shall come into force at once.
2. **Definitions.** --- (1) In these rules, unless there is anything repugnant in the
subject or context, the following expressions shall have the meaning hereby
respectively assigned to them, that is to say:-
 - a) **Absorption** means the process of permanent induction of the members of
the Levies Force into Police in accordance with these rules;
 - b) **Ordinance** means the Khyber Pakhtunkhwa Levies Force Ordinance
2019 (Khyber Pakhtunkhwa Ordinance No. III of 2019); and

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(b) "Act" means the Khyber Pakhtunkhwa Levies Force

Policy in accordance with these rules.

members of the members of the Levies Force into the

(a) "absorption" means the process of permanent

the meaning hereby respectively assigned to them, that is to say:

regiment in the subject of which the following expressions shall have

2. In the rules, unless there is anything

(1) These rules shall come into force at once.

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

Policy Rules, 2019.

may be called the Levies Force (Absorption in the Khyber Pakhtunkhwa

Short title, application and commencement---(1) These rules

The Levies Force (Absorption in the Khyber
Pakhtunkhwa Force) Rules, 2019.

prepared to make the following rules, namely:

(1) of section 9 thereof, the government of the Khyber Pakhtunkhwa in

(Khyber Pakhtunkhwa Act, No. XXXV of 2019), read with sub-section

by section 11 of the Khyber Pakhtunkhwa Levies Force Act, 2019.

S.O. No. H/11/2019-119. In exercise of the powers conferred

Government of the Khyber Pakhtunkhwa, 2019.

24/9/2019

NOTIFICATION

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
PUBLIC RELATIONS DEPARTMENT

37

Vertical text on the left margin, possibly a stamp or reference number.

(1) Schedule means the Schedule appended to these Rules.

(2) Words and expressions used, but not defined in these rules shall have the same meanings as are respectively assigned to them in the Ordinance.

3. **Absorption.** --- The members of the Levies Force shall be permanently absorbed into the Khyber Pakhtunkhwa Police, against vacancies to be newly created in the Police Department for the purpose in the following manner:-

- i. A scrutiny Committee headed by the Commandant and having one member each from the District Administration and District Account Officer of the District concerned shall prepare lists of all members of Levies Force after personal appearance and scrutiny of record for the submission to Provincial Police Officer.
- ii. The lists submitted to the Provincial Police Officer under sub-rule-i after proper sifting, shall be forwarded to Home and Tribal Affairs Department of the Government with the recommendations for permanent absorption of members of the Levies Force in Police into the respective ranks or cadres as per schedule appended to these Rules; and
- iii. Home and Tribal Affairs department, after receiving the lists of all members of Levies Force, shall issue notification of absorption of Levies Force into Police after approval of the Cabinet.

4. **Remuneration or Incentives.** --- The Levies Force, after absorption into the Police shall be entitled to the same benefits, remuneration and other incentives as are enjoyed by other members of the Police.

5. **Training.** --- Special training modules shall be designed by the Training Wing of the Police Department for imparting requisite Police training so that the members of the Levies Force are fully sensitized with all Police functions.

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(1) "Schedule" means the Schedule appended to these rules.

(2) Words and expressions used, but not defined in these rules, shall have the same meanings as are respectively assigned to them in the Act.

3. Absorption of members of the Levies Force shall be permanently absorbed into the Khyber Pakhtunkhwa Police, against vacancies to be newly created in the Police Department for the purpose in the following manner:

(a) A Standing Committee, headed by the Commandant, and having one member each from District Administration and District Account Officer of the district concerned, shall prepare the lists of all the members of the Levies Force after personal appearance and scrutiny of record for submission to the Provincial Police Officer;

(b) The lists submitted to the Provincial Police Officer, under sub-rule (1), after proper sifting, shall be forwarded to Home and Tribal Affairs Department of Government with the recommendations for permanent absorption of members of the Levies Force in the Police into the respective ranks or cadres as per the Schedule; and

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6. Seniority. --- Members of the Levies Force, who are absorbed into the Police, in accordance with the Government orders and instructions shall take seniority in the Police from the date of such induction:

- i. Provided that the officer inducted in one batch, upon induction, shall retain their inter-se-seniority as in the Levies Force;
- ii. Provided further that the provisions of these Rules shall not, in any manner, affect or impair the rights of existing incumbents in the Police.

7. Repeal and savings. --- (i) All rules, orders or instructions including the Federal Levies Force Service Rules, in force in respect of the Levies Force, immediately before the commencement of these rules shall be deemed as repealed in so far those rules, orders or instructions are inconsistent with the rules.

(ii) Notwithstanding the repeal of all the Rules, orders or instructions including the Federal Levies Force (Service) Rules under sub-rule (1)

(a) Affecting the seniority and promotion, all promotions done, seniority determined and orders made shall be deemed to have been done, determined and made in accordance with law. The repeal shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under the repealed rules, orders and instructions.

(b) Shall not affect any investigation, legal proceedings in any Court of Law and shall be continued in the same manner as if the Laws and Rules have not been repealed.

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insufficiently
 incurred or incurred under the repealed rules, order and
 right, privilege, obligation or liability acquired,
 according to law. The repeal shall not affect any
 demand, which has been made, determined and made, in
 some cases, determined and orders made, shall be
 (b) Effecting its security and promotion, its provisions
 sub-rule (1)
 instructions, including the rules, orders, orders, under
 (c) Furthermore, the repeal of all the rules, orders or
 and inconsistent with these rules.

shall be deemed as repealed in so far as those rules, orders or instructions
 the Rules Force, immediately before the commencement of these rules
 including the Federal Reserve Bank Service Rules, in force in respect of
 (d) Repeal and saving. (1) All rules, orders or instructions

shall remain in force as if they were in the Rules Force.
 Provided that the repeal is indicated in one batch, upon induction,
 reference to the Rules Force.

reference to the Rules Force, from the date of the final appointment made
 the Rules, in accordance with the provisions of the Rules, and
 the Rules, with the Rules, Rules, Rules, who are authorized and
 an office functions

reference to the Rules Force, in the Rules Force, who are authorized and
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 an office functions

reference to the Rules Force, in the Rules Force, who are authorized and
 the Rules, in accordance with the provisions of the Rules, and
 the Rules, with the Rules, Rules, Rules, who are authorized and
 an office functions

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Removing of difficulties. -- (i) If any difficulty arises in giving effect to any provision of these rules and notification made thereunder: a Technical Committee, comprising of three members of the Police Department, to be notified by the Provincial Police Officer, headed by an Officer of Police who shall not be below the rank of Deputy Inspector General of Police and two other members of Police Department, whose ranks shall not be less than Senior Superintendent of Police, may recommend to Government for giving effects to the provisions of the Rules.

- (ii) Government after considering such recommendations, submitted by the Technical Committee, under Sub-rule-(i), may, by notification, make such orders, not inconsistent with the provisions of the Ordinance or these Rules, as may appear to it to be necessary for the purpose of removing such difficulty.



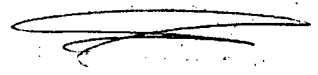
...of Police, ... in any territory ... effect to any provision of the ... notification made thereunder, a Technical Committee, consisting of three members, in the Police Department, to be notified by the Principal Police Officer, headed by an Officer of Police, ... below the rank of Deputy Inspector General of Police and two other members of Police Department, whose ranks shall not be less than Senior Superintendent of Police, may recommend to the Government, in writing, under the provisions of these rules:

(2) Government, after considering such recommendations, submitted by the Technical Committee, under sub-rule (1), may, by notification, make such orders, not inconsistent with the provisions of the Act or these rules, as may appear to be necessary for the purpose of removing such difficulty.

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SCHEDULE

[See rule 3]

1.	2.	3.
S. No.	From Rank in Levies	To Rank in Police
1.	Sepoy	Constable (BPS-07)
2.	Lance Naik	Constable A-I (BPS-07)
3.	Naik	Constable B-I (BPS-07)
4.	Hawaladar	Head Constable (BPS-09)
5.	Naib Subedar	Assistant Sub-Inspector (BPS-11)
6.	Subedar	Sub-Inspector (BPS-14)
7.	Subedar Major	Inspector (BPS-16)

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Section Officer (Police)
P.O. 991-2210503
Fax: 091-2210201

- 1. The Principal Secretary to Government, Peshawar.
2. The Principal Secretary to Chief Minister, Peshawar.
3. The Provincial Police Officer, Peshawar.
4. The Registrar, Peshawar High Court, Peshawar.
5. The Secretary to Government of Peshawar, Peshawar.
6. Chief Secretary, Peshawar, Peshawar.
7. S. S. to Secy. Home, Peshawar, Peshawar.
8. The Manager, Government Printing Press, Peshawar.

Secretary to Government of Peshawar, Peshawar.

Table with 2 columns and 10 rows listing various government positions and their corresponding grades (e.g., Inspector, Sub-Inspector, Assistant Sub-Inspector, Head Constable, etc.).



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BEFORE THE PESHAWAR HIGH COURT MINGORA
BENCH, SWAT

42

W.P No. 1187 -M/2021

Abdul Wahab S/o Muhammad Zamin R/o Maina, Barh, Tehsil
 Batkhela, District Malakand.

..... Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary
 Khyber Pakhtunkhwa Peshawar.
2. Secretary Home and Tribal Affairs at Peshawar.
3. Secretary SAFRON Civil Secretariat Islamabad.
4. Deputy Commissioner/Commandant Malakand Levies Malakand.
5. Farid Ullah S/o Said Alam Khan (Regt No. 3463) Subedar Major,
 Malakand Levies, District Malakand at Levy Line, Malakand Top R/o
 Agra, District Malakand.

..... Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth

1. That the petitioner is bonafide resident of Maina, Barh, Tehsil
 Batkhela, District Malakand and is currently deployed as
 Subedar (Regt. No. 4456) at Levy Line, Malakand Top, District
 Malakand since 14.12.2016. (Copy of CNIC is annexed as
 Annexure A).
2. That petitioner was appointed in Levies Force, Malakand, as
 Sepoy on 01-02-1997 and then promoted Lance Naik, Naik,
 Hawaldar, Naib Subidar and Subidar in the following order;

- Lance Naik on 08-12-2003,
- Naik on 15-06-2006,
- Hawaldar on 06-06-2009,
- Naib Subedar on 27-08-2010,
- Subedar on 14-12-2016

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(Copies of promotion orders are annexed as Annexure "B")

3. That, petitioner has serving the department with zeal and zest to the satisfaction of his high ups since 01-02-1997, i.e. about 24 years and has lastly been promoted to Subedar upon his best performance going through a successive order of promotions listed in the preceding para.
4. That after the retirement of Subedar Major on 28.11.2021, namely Farid Ullah (Regt No. 3463)/Respondent No.5, the post of Subedar Major is vacant and the petitioner being the most senior in the list of Subedars of the District as his name is placed on Serial No.1 of the list, is entitled and qualified for the post of Subedar Major. **(Copies of seniority list and educational testimonials are annexed as Annexure "C" & "D")**
5. That initially the services of the border police were regulated by SAFRON under the Frontier Irregular Corps (F.I.C) Rules 1962, which were repealed by PATA, Levies Force Regulation, 2012, whereunder the PATA Levies Force (Service) Rules, 2012 were framed for regulating the service matter of the force besides, separate service rule "PATA Federal Levies Force Service (Amended Rules 2013)" along with its Schedule were also framed regulating the service of Federal Levies Personnel Performing Duties in PATA. **(Copy of "PATA Federal Levies Force Service (Amended Rules 2013)" is annexed as annexure "E")**
6. That the government of Khyber Pakhtunkhwa amended the aforementioned service rule vide notification dated 12-12-2013, wherein the length of service and age for retirement Rule-17 of its Schedule-III were given, which is self-explanatory. **(Copy of Notification dated 12.12.2013 is annexed "F")**.

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7. That later on vide notification dated 25.08.2016, the Schedule-III about the length of service and retirement, was further amended wherein a certain tenure was also mentioned for the posts of Subedar Major, Subedar and Naib Subedar. **(Copy of the Notification dated 25.08.2016 is annexed as annexure "G")**.
 8. That, the rules were further amended in July 2020, whereby the length of service towards retirement (Rule-17) was amended to the effect that all levies personnel shall retire from service on attaining the age of superannuation, i.e. Sixty years. Consequent upon, Schedule-III, was deleted by virtue of the amendment. **(Copy of amendments of July 2020 are annexed as Annexure "H")**
 9. That, the rules were again amended on 23.03.2021, whereby retirement on reaching superannuation was again omitted and the Schedule-III was revived with certain amendments. It is pertinent to mention here that the ibid notification dated 23.03.2021 was further amended vide notification dated 21.10.2021. **(Copies of amendments dated 23.03.2021 & 21.10.2021 are annexed as Annexure "I" & "J" respectively)**
 10. That, levies personnel retired on the strength of notification dated 22.03.2021 were reinstated vide newly inserted section 11 of the Provincially Administered tribal areas levies force (Amendment) Act, 2021 dated 02.12.2021. **(Copy of Provincially Administered tribal areas levies force (Amendment) Act, 2021 dated 02.12.2021 is annexed as Annexure "K")**
 11. That, respondent No.5 has filed a writ petition bearing No. 732-M/2021 before this Hon'ble Court, wherein he challenged the notification dated 22.03.2021 and this Hon'ble Court was pleased to issue interim relief vide order dated 24.11.2021 that he shall not be retired from service pursuant to said rules. It is also pertinent to mention here, that respondent No.5, was supposed to be retired under amended rules dated 22.03.2021 and 21.10.2021 on 28.11.2021 but due to restraining order of this Hon'ble Court, he is still in service. **(Copies of memo of W.P 732-M/2021 and order dated 24.11.2021 are Annexure "L")**

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12. That, official respondents are going to issue retirement order of petitioner on 14.12.2021, even the petitioner is entitled to be promoted to the post of Subidar Major w.e.f 28.11.2018 and is also entitled to continue his services if the amended rules dated 22.03.2021 were struck down.
13. That, actions and inactions of official respondents are in contravention of the rules on the subject and also against the fundamental rights of the petitioner, hence this writ petition, inter alia, on the following grounds:

GROUNDS

- A. That, actions and inactions of official respondents are in contravention of the rules on the subject and also against the fundamental rights of the petitioner.
- B. That, petitioner has legitimate expectancy of his promotion on the strength of existing rules, therefore the official respondents are legally bound to promote the petitioner to the post of Subedar Major.
- C. That, the petitioner is entitled to be promoted to the post of Subidar Major w.e.f 28.11.2018 and is also entitled to continue his services if even the amended rules dated 22.03.2021 were struck down, if respondent No.5, (petitioner in w.p No. 732-M/2021) succeeded.
- D. That the actions and inactions of official respondents are ultra-constitutional by way of Article 04 and 27 of the Constitution of Islamic Republic of Pakistan 1973.
- E. That other grounds will be advanced during course of arguments by the prior permission of this Honorable Court.

It is therefore, most humbly prayed that on acceptance of the instant writ petition, an appropriate writ may kindly be issued to official respondents to;

- i. Promote the petitioner w.e.f 28.11.2021 as per his entitlement under the prevailing rules.
- ii. Not to retire the petitioner on the strength of interim order dated 11.11.2021 in w.p No.2210-P/2021 and 24.11.2021 in w.p No. 732-M/2021.
- iii. Any other writ /order/direction deemed proper and just in the circumstances of the case may also be issued/order/given.

PETITIONER

through Counsels

SABIR SHAH
ADVOCATE SUPREME COURT
Cell No: 03005746744

FALAK NAZ KHAN & JAMAL SHAH
ADVOCATES HIGH COURT
Cell No: 03339491110

INTERIM RELIEF

By way of interim relief the petitioner shall not be retired from service till disposal of the captioned writ petition.

PETITIONER

through Counsels

SABIR SHAH
ADVOCATE SUPREME COURT
Cell No: 0300-5746744

FALAK NAZ KHAN & JAMAL SHAH
ADVOCATES HIGH COURT
Cell No: 03339491110

FORM OF ORDER SHEET

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ANNEX 'I'

Court of

Case No. of

1	2 Date of Order or Proceedings	3 Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
	30-06-2021	<p><u>W.P No. 367-M/2021</u> <u>With Interim Relief (N) & C.M 1053/2021</u></p> <p>Present: <i>Muhammad Yar Malezal, Advocate for the petitioners.</i></p> <p><i>Mr. Shumail Ahmad Butt, Advocate General Khyber Pakhtunkhwa along with Umar Nawaz, Deputy Secretary Home Department in person.</i></p> <p>*****</p> <p><u>ISHTIAQ IBRAHIM, J.-</u> In all the connected matters, petitioners have mainly been aggrieved of Notification No. SO(Police-II)HD/MKD/Levies/Misc./2020 dated 22.03.2021 of the Secretary Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa, whereby amendments have been made in the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013. The power of amendment has purportedly been exercised under para-9 of the Provincially Administered Tribal Areas Levies Force Regulation, 2012 (hereinafter referred to as the "Regulation").</p> <p><u>2.</u> Mr. Shumail Ahmad Butt, learned Advocate General Khyber Pakhtunkhwa raised a preliminary objection as to jurisdiction of this Court in entertaining</p>

*Asst. Secy
Shumail Ahmad Butt
Supan*

these petitions and relied upon judgment dated 24.03.2021 of this Court passed in W.P No. 528-M/2016. He contended that services of the employees of the Provincial Levies were being regulated by the Regulation and that they have been assigned functions similar to functions of the regular police under the provisions of the Regulation, therefore they had been civil servants, if the test of judgments of the Hon'ble Supreme Court of Pakistan in *Ranger* case (1998 SCMR 1081) as well as *Frontier Constabulary* case (2018 SCMR 903) is applied to them.

3. Barrister Dr. Adnan Khan while appearing on behalf of some of the petitioners submitted in rebuttal to the objections of learned Advocate General that the Regulation had lost its existence and validity with promulgation of the Constitution (Twenty-fifth Amendment) Act, 2018 (hereinafter referred to as the "25th Amendment"). Such Regulation cannot be deemed to have been reincarnated through an omnibus legislation in the shape of the Khyber Pakhtunkhwa Continuation of Laws in the Erstwhile Provincially Administered Tribal Areas Act, 2018 (hereinafter referred to as the "Continuation Act"). He added that even if said Regulation is taken to be continuing, for the sake of arguments, such a Regulation had not been

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Applied
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falling in definition of an Act of the Provincial Assembly required under Article 240 (b) of the Constitution of Islamic Republic of Pakistan, 1973 (hereinafter referred to as the "Constitution") for regulating terms and conditions of services of the Provincial civil servants. To fortify his submissions, he drew attention of this Court towards the relevant part of Sub-Article 1 of Article 260 of the Constitution, where an Act of Provincial Assembly has been defined as "an Act passed by the Provincial Assembly of a Province and assented to, or deemed to have been assented to, by the Governor". He also added that no doubt a valid and existing Regulation might be treated as having the force of law defined under Article 268 of the Constitution but such Regulation cannot be deemed to be an "Act of the Provincial Assembly". He further stated that unless terms and conditions of service of an employee is regulated by an Act of the Provincial Assembly, as provided in Clause (b) of Article 240 of the Constitution, such a person cannot be deemed to be a person in "the service of Pakistan" or civil servant of the Province. He further added that such a status has never been conferred on levies personnel either in the Khyber Pakhtunkhwa Civil Servants Act, 1973 or Rules framed there-under or under any other law

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passed by the Provincial Assembly. He also placed reliance on judgment of the Hon'ble Supreme Court of Pakistan given in the case of Subedar Gul Roz Khan vs. Govt. of Pakistan through Secretary M/o SAFRON, Islamabad (Civil Petition No. 1181 of 2012), wherein it has been held that levies personnel of Malakand and Dir have not be falling in the definition of civil servants. Regarding the Continuation Act, he stated that it had been an omnibus law, which has the sole purpose of nullifying the effects of the 25th Amendment and running contrary to the purpose of promulgation of the 25th Amendment to the Constitution. He added that said law cannot be given an omnibus effect of validating and giving continuity to those Regulations which stood repealed with the unconditional repeal of Article 247 of the Constitution. Learned counsel appearing on behalf of other petitioners also adopted the above reproduced arguments.

4. This Court has no doubt held in its judgment given in the case of Ikrāmullah and another vs. Deputy Commissioner/Commandant Dir Levies Provincial District Dir Upper and others (W.P No. 528-M/2016) that the test laid down by the Hon'ble Supreme Court of Pakistan in the case of

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Gally
Supdt

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Commandant, Frontier Constabulary Khyber

Pakhtunkhwa, Peshawar and others vs. Gul Raqib

Khan and others reported as 2018 SCMR 903 had

been fulfilling in the case of levies personnel, and this Bench being of equal strength cannot take a different view but the following questions arising in the instant petitions require hearing before a larger Bench;

- a) When the Hon'ble Supreme Court of Pakistan, while giving its judgment in the case of *Frontier Constabulary supra* on the dent of *Muhammad Mubeen-us-Salam* case, held that the requirements under Article 240 (b) and 260 of the Constitution should be considered as definitional criteria of the term 'civil servant', then whether the repealed Regulation had been fulfilling the definition of an Act of Provincial Assembly as required under Article 240 (b) of the Constitution ?
- b) Swat, Dir and Chitral levies have been independent forces at the respective District, having the Deputy Commissioner of the concerned District as its Commandant. Regular police stands deputed in all these districts performing their functions under the Khyber Pakhtunkhwa Police Act 2017, the Rules framed or adopted thereunder and the relevant provisions of Cr. PC. What role of policing is then left for levies existing and maintained in District Swat, Dir and Chitral ? In absence of such role being performed by them, how can they be stated to be persons performing functions in connection with the affairs of the Province ?
- c) Whether the Regulation can be treated as reincarnated through the Continuation Act when same had been repealed on the dent of the 25th Amendment and whether such an interpretation would not run contrary to the purpose and object of

Accepted
Gul Raqib
Supra

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enactment of the 25th Amendment to the Constitution ?

d) In absence of any Act of the Provincial Assembly (as required under Article 240 (2) of the Constitution), and in absence of conferment of status of civil servants on members of the levies force under the Khyber Pakhtunkhwa Civil Servants Act, 1973 or Rules framed there-under or other laws applicable to regular police of the Province, whether the Khyber Pakhtunkhwa Service Tribunal established under section 3 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 will have jurisdiction to hear grievances of the petitioners ?

e) The Service Tribunal may no doubt test the vires of rules affecting the terms and conditions of a civil servant, but whether the Service Tribunal can decide upon the existence, validity and continuance of the Regulation promulgated under the repealed Article 247 of the Constitution and whether such intricate questions of constitutional interpretation should not be heard by a constitutional Court ?

5. Beside merits of the cases, all these questions are necessary to be adjudged in the instant proceedings, which require hearing before a larger Bench of this Court so that the petitioners can present their case with liberty and the questions raised in these proceedings are appropriately answered. The matter should therefore be placed before Hon'ble the Chief Justice for his kind consideration.

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Gady
Supat*

~~JUDGE~~
JUDGE

ANNEX 'J'



OFFICE OF THE DC MALAKAND/
COMMANDANT MALAKAND LEVIES

NO. _____ /LC
DATED MALAKAND THE 26/01/2022
Phone: 0932-452080 Fax: 0932-450557

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OFFICE ORDER

In pursuance of Notification No.SO(Police-II)/HD/1-3/Federal Levies 2021 Amended Service Levy Rules 2021 Schedule III dated 21-10-2021, issued by Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department, Peshawar and order Sheet dated 18-01-2022 passed by Peshawar High Court, Mingora Bench/Dar-ul-Qaza, Swat in Writ Petition No.1187-M/2021, No.4456 Subedar Abdul Wahab of Malakand Levies, who has completed the requisite 05-Years Service as Subedar stands retired from service with effect from 13-12-2021 (AN) with full pensionary benefits as per relevant pension rules, in the change circumstances the law shall follow its own course.

DC MALAKAND/COMMANDANT
MALAKAND LEVIES MALAKAND

NO. 678-82-1LC

Copy forwarded to the:-

1. Additional Registrar, Peshawar High Court, Mingora Bench/Dar-ul-Qaza, Swat for information, please.
2. Section Officer (Police-II), Home & TA's Department Khyber Pakhtunkhwa Peshawar for information with reference to Notification referred above.
3. District Account Officer, Malakand.
4. Subedar Major Malakand Levies.
- ✓ 5. Official Concerned.

For information & necessary action.

DC MALAKAND/COMMANDANT
MALAKAND LEVIES MALAKAND

No. 4456
Subedar
Abdul Wahab.

ANNEX "K"

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Before the Honorable Secretary Home & Tribal Affairs
Department, Khyber Pakhtunkhwa.

SUBJECT: APPEAL AGAINST RETIREMENT ORDER OF DC
MALAKAND DATED 26-1-2022 IN RESPECT OF MR.
ABDUL WAHAB SUBEDAR MALAKAND LEVIES.

Respected Sir,

Most respectfully, I beg to state the undersigned is working as Subedar in Malakand Levies. The tenure of Subedar as per Federal Levies Force Rules is 8 years.

That the post of Subedar Major fell vacant on 27-11-2021 but due to stay order from Peshawar High Court, Dar Ul Qaza, Swat Bench issued in W.P of ex-Subedar Faridullah, the next DPC for Subedar Major post could not be held on time.

Being senior most on the seniority list of subedars and also fulfilling the required criteria for the post of Subedar Major i.e. seniority, cum fitness and education qualification, I felt aggrieved from stay order and went in Writ Petition to Peshawar High Court Swat that I may be considered for the post of Subedar Major and stay order against my retirement may also be granted so that my right to promotion is not affected.

4. The PHC on 18-1-2022 issued judgment vacating stay order against the post of Subedar Major and my retirement orders and sent the case to PHC Peshawar to constitute larger bench to hear the case afresh.

5. In the meanwhile, the DC office Malakand issued retirement order on 26-01-2022 w.e.f 13-12-2021 whereas I was eligible for consideration for the post of Subedar Major which fell vacant on 27-11-2021 as per Levies Rules 2013. (Copy Attached).

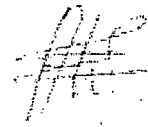
6. Furthermore, the larger bench to hear the retirement's cases has not been constituted yet as mentioned in judgment order dated 18-1-2022 of PHC Swat. (Copy Attached).

7. It is further explained that DC office letter for retirement of Ex-Subedar Major Faridullah who would be retired from 27-11-2021 may be held till the decision of my application. (Copy Attached).

It is humbly prayed that appeal against retirement order of the DC Malakand may be accepted and retirement order may be set-aside in the larger interest of fair play and justice.

Yours Obediently,

27-01-2022.



Abdul Wahab

Regiment No 4456

Subedar Malakand Levies.

Mobile no. 0345-9452058

Subedar Malakand Levies.

Mobile no. 0345-9452058



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

55

NO. SO (POLICE-II)/HD/MKD/LEVIES/12-B/ABDUL WAHAB
Dated Peshawar the 18th February, 2022

To,

✓ The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department.

SUBJECT:- APPEAL AGAINST RETIREMENT ORDER of DC MALAKAND DATED 26.01.2022
IN RESPECT OF ABDUL WAHAB SUBEDAR MALAKAND LEVIES

Dear Sir,

I am directed to forward herewith a copy of appeal in respect of Ex-Subedar Abdul Wahab, Malakand Levies on the subject cited above and to state that the Post of Subedar Major Malakand Levies fall vacant on 27-11-2021 on completion of prescribed 3 years service tenure by its then incumbent. Due to stay order from Peshawar High Court, Dar Ul Qaza, Swat Bench issued in W, P of Ex-Subedar Major Faridullah, the meeting of Departmental Promotion Committee for filling up post of Subedar Major could not be held in time.

2. The appellant being the senior most on the seniority list of Subedars and also fulfilling the required criteria for the post of Subedar Major, the appellant also went in writ Petition to protect his rights to the post of Subedar Major and to avail benefits of time based service. In this regard, stay order against his retirement was also granted by the Peshawar High Court, Peshawar which was vacated vide order dated 18.01.2022 (F/ A).

3. Resultantly, the Deputy Commissioner Malakand issued his retirement order w.e.f 13.12.2021 vide his office order dated 26.01.2022 (F/B). There was sufficient time period of 16 days between the date of retirement of then incumbent Subedar Major Faridullah who retired on 27.11.2021 and date of retirement of the appellant who retired on 13.12.2021. If the meeting of Department Promotion Committee had been held in time, the appellant had been considered for the vacant post of Subedar Major.

4. Keeping in view the above, I am, therefore, directed to request you for the considered views that whether the appellant Mr. Abdul Wahab who has been retired from service w.e.f 13.12.2021, can now be granted promotion against the vacant post of Subedar Major and reinstated into active service w.e.f 13.12.2021 or otherwise, please.

Your faithfully

Section Officer (Police-II)

Copy forwarded to:-

1. PS to Secretary Home & Tribal Affairs Department.

Section Officer (Police-II)

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ANNEX - L

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OFFICE OF THE DC MALAKAND/
COMMANDANT MALAKAND LEVIES

NO. /LC
DATED MALAKAND THE 26/01/2022
Phone: 0932-452080 Fax: 0932-450557

OFFICE ORDER

In pursuance of Notification No.SO(Police-II)/HD/1-3/Federal Levies 2021 Amended Service Levy Rules 2021 Schedule III dated 21-10-2021, issued by Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department, Peshawar and order Sheet dated 18-01-2022 passed by Peshawar High Court, Mingora Bench/Dar-ul-Qaza, Swat in Writ Petition No.34-M/2021, the following official of Malakand Levies stands retired from service with effect from the date noted against each with full pensionary benefits as per relevant pension rules, in the change circumstances the law shall follow its own course:-

S.No	Reg. No, Designation and Name of Levy Personnel	Retired w.e.f	Retirement Reason
1	4489 Lance Naik Farid Khan	31-12-2021	Completion of requisite 47-Years age
2	4508 Lance Naik Nawab Khan	03-01-2022	Completion of requisite 47-Years age

DC MALAKAND/COMMANDANT
MALAKAND LEVIES MALAKAND

NO. 691-95 /LC

Copy forwarded to the:-

1. Additional Registrar, Peshawar High Court, Mingora Bench/Dar-ul-Qaza, Swat for information, please
2. Section Officer (Police-II), Home & TA's Department Khyber Pakhtunkhwa Peshawar for information with reference to Notification referred above.
3. District Account Officer, Malakand.
4. Subedar Major Malakand Levies.
5. Official Concerned.

For information & necessary action.

DC MALAKAND/COMMANDANT
MALAKAND LEVIES MALAKAND

No. 4489
Lance Naik
Farid Khan



OFFICE OF THE DC MALAKANDI
COMMANDANT MALAKAND LEVIES

57

NO. 915 /LC
DATED MALAKAND THE 02-02/2022
Phone: 0932-452080 Fax: 0932-450557

OFFICE ORDER

Consequent upon the recommendation of Departmental Promotion Committee meeting held on 31-01-2022 in the office of undersigned, the following Levy personnel are hereby promoted to their next higher rank from the date noted against each on the basis of qualification/seniority-cum- fitness with immediate effect subject to any variation made by the higher-ups/Honorable Court:-

S.No	No & Name of Levy Personnel	From	To	Date
1.	No.3800 Umar Wahid	Naib Subedar	Subedar	06/07/2021
2.	No.4162 Bakht Pervez	Naib Subedar	Subedar	31/01/2022
3.	No.4176 Said Wahab	Naib Subedar	Subedar	31/01/2022
4.	No.4178 Yousaf Khan	Naib Subedar	Subedar	31/01/2022
5.	No.4181 Bashir Khan	Naib Subedar	Subedar	31/01/2022
6.	No.4196 Nek Rahman	Naib Subedar	Subedar	31/01/2022
7.	No.4241 Fazal Akbar	Havildar	Naib Subedar	31/01/2022
8.	No.4238 Ghani Rehman	Havildar	Naib Subedar	31/01/2022
9.	No.4243 Sultan Muhammad	Havildar	Naib Subedar	31/01/2022
10.	No.4267 Tahir Room	Havildar	Naib Subedar	31/01/2022
11.	No.4279 Amir Zeb	Havildar	Naib Subedar	31/01/2022
12.	No.4221 Habib-ur-Rehman	Havildar	Naib Subedar	31/01/2022
13.	No.4228 Haji Rehman	Havildar	Naib Subedar	31/01/2022
14.	No.4229 Bakhti Zaman	Havildar	Naib Subedar	31/01/2022
15.	No.4235 Mohd Nawab	Havildar	Naib Subedar	31/01/2022
16.	No.4246 Ismail Khan	Havildar	Naib Subedar	31/01/2022
17.	No. 4330 Essa Khan	Naik	Havildar	31/01/2022
18.	No. 4334 Zakir Ullah	Naik	Havildar	31/01/2022
19.	No. 4341 Shah Room Khan	Naik	Havildar	31/01/2022
20.	No. 4346 Mufti Mehmood	Naik	Havildar	31/01/2022
21.	No. 4347 Said Zamir	Naik	Havildar	31/01/2022
22.	No. 4350 Muslim Khan	Naik	Havildar	31/01/2022
23.	No. 4356 Muhtasham Mian	Naik	Havildar	31/01/2022

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24.	No. 4357 Mukamii Khan	Naik	Havildar	31/01/2022
25.	No. 4359 Shams ul Arifeen	Naik	Havildar	31/01/2022
26.	No. 4361 Aziz Ur Rehman	Naik	Havildar	31/01/2022
27.	No. 4363 Riaz Muhammad	Naik	Havildar	31/01/2022
28.	No. 4364 Farman Ud Din	Naik	Havildar	31/01/2022
29.	No. 4368 Hussain Khan	Naik	Havildar	31/01/2022
30.	No. 4369 Amani Mulk	Naik	Havildar	31/01/2022
31.	No. 4372 Bacha Rahman	Naik	Havildar	31/01/2022
32.	No. 4373 Khan Said	Naik	Havildar	31/01/2022
33.	No. 4379 Umer Ayaz	Naik	Havildar	31/01/2022
34.	No. 4380 Habib-ul-Ghafar	Naik	Havildar	31/01/2022
35.	No. 4381 Sherin Mohd	Naik	Havildar	31/01/2022
36.	No. 4371 Alamgeer	Naik	Havildar	31/01/2022
37.	No. 4385 Siraj Khan	Naik	Havildar	31/01/2022
38.	No. 4386 Afzal Khan	Naik	Havildar	31/01/2022
39.	No. 4387 Afsar Khan	Naik	Havildar	31/01/2022
40.	No. 4388 Afsari Mulk	Naik	Havildar	31/01/2022
41.	No. 4389 Jamshed Khan	Naik	Havildar	31/01/2022
42.	No. 4396 Farid Ullah	Naik	Havildar	31/01/2022
43.	No. 4398 Muhammad Khan	Naik	Havildar	31/01/2022
44.	No. 4402 Sardar Ali	Lance Naik	Naik	31/01/2022
45.	No. 4403 Muhammad Khan	Lance Naik	Naik	31/01/2022
46.	No. 4410 Mohd Perviz	Lance Naik	Naik	31/01/2022
47.	No. 4411 Shamsul Islam	Lance Naik	Naik	31/01/2022
48.	No. 4412 Umar Saleh	Lance Naik	Naik	31/01/2022
49.	No. 4415 Zafar Ali	Lance Naik	Naik	31/01/2022
50.	No. 4416 Sabir Rahman	Lance Naik	Naik	31/01/2022
51.	No. 4418 Said Mohd	Lance Naik	Naik	31/01/2022
52.	No. 4421 Abdul Wakil	Lance Naik	Naik	31/01/2022
53.	No. 4422 Inzar Gul	Lance Naik	Naik	31/01/2022
54.	No. 4424 Syed Abul Khaliq	Lance Naik	Naik	31/01/2022
55.	No. 4430 Mohd Fayaz	Lance Naik	Naik	31/01/2022
56.	No. 4432 Naeem Ahmad	Lance Naik	Naik	31/01/2022
57.	No. 4433 Habib ullah	Lance Naik	Naik	31/01/2022

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58.	No. 4436 Amir Badshah	Lance Naik	Naik	31/01/2022
59.	No. 4438 Umer Zamin	Lance Naik	Naik	31/01/2022
60.	No. 4442 Said Amin Shah	Lance Naik	Naik	31/01/2022
61.	No. 4444 Mushtaq Ahmed	Lance Naik	Naik	31/01/2022
62.	No. 4445 Siraj Mohd	Lance Naik	Naik	31/01/2022
63.	No. 4449 Wali Rahman	Lance Naik	Naik	31/01/2022
64.	No. 4450 Hussain Gul	Lance Naik	Naik	31/01/2022
65.	No. 4453 Sardar Hussain	Lance Naik	Naik	31/01/2022
66.	No. 4454 Raham Zaib	Lance Naik	Naik	31/01/2022
67.	No. 4455 Nasih ullah	Lance Naik	Naik	31/01/2022
68.	No. 4458 Amjad Ali	Lance Naik	Naik	31/01/2022
69.	No. 4459 Zair Ali	Lance Naik	Naik	31/01/2022
70.	No. 4461 Amir Zaib	Lance Naik	Naik	31/01/2022
71.	No. 4463 Tahir Shah	Lance Naik	Naik	31/01/2022
72.	No. 4464 Qadar Khan	Lance Naik	Naik	31/01/2022
73.	No. 4465 Abdur Rahman	Lance Naik	Naik	31/01/2022
74.	No. 4468 Amin Gul	Lance Naik	Naik	31/01/2022
75.	No. 4469 Fazal Ghaffar	Lance Naik	Naik	31/01/2022
76.	No. 4474 Gulab Zada	Lance Naik	Naik	31/01/2022
77.	No. 4475 Mohd Ishaq	Lance Naik	Naik	31/01/2022
78.	No. 4479 Sardar Hussain	Lance Naik	Naik	31/01/2022
79.	No. 4481 Fyaz Khan	Lance Naik	Naik	31/01/2022
80.	No. 4484 Noor Zada	Lance Naik	Naik	31/01/2022
81.	No. 4489 Farid Khan	Lance Naik	Naik	31/12/2021
82.	No. 4491 Saif ur Rahman	Lance Naik	Naik	31/01/2022
83.	No. 4494 Zahid Mohd	Lance Naik	Naik	31/01/2022
84.	No. 4501 Kamin Said	Lance Naik	Naik	31/01/2022
85.	No. 4502 Mohd Ayaz	Lance Naik	Naik	31/01/2022
86.	No. 4504 Mohd Israr	Lance Naik	Naik	31/01/2022
87.	No. 4505 Inam ur Rahim	Lance Naik	Naik	31/01/2022
88.	No. 4506 Miraj ul Haq'	Lance Naik	Naik	31/01/2022
89.	No. 4508 Nawab Khan	Lance Naik	Naik	03/01/2022
90.	No. 4509 Zia ullah	Lance Naik	Naik	31/01/2022
91.	No. 4511 Ali Rahmat	Lance Naik	Naik	31/01/2022

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92.	No. 4512 Zaib Ali	Lance Naik	Naik	31/01/2022
93.	No. 4513 Dera Wadan	Lance Naik	Naik	31/01/2022
94.	No. 4514 Fazal Wahab	Lance Naik	Naik	31/01/2022
95.	No. 4515 Fazal Rahman	Sepoy	Lance Naik	31/01/2022
96.	No. 4516 Ilyas	Sepoy	Lance Naik	31/01/2022
97.	No. 4520 Inam ullah	Sepoy	Lance Naik	31/01/2022
98.	No. 4523 Rozi Khan	Sepoy	Lance Naik	31/01/2022
99.	No. 4525 Javid Khan	Sepoy	Lance Naik	31/01/2022
100.	No. 4527 Junaid Ahmad	Sepoy	Lance Naik	31/01/2022
101.	No. 4528 Hazrat Iqbal	Sepoy	Lance Naik	31/01/2022
102.	No. 4534 Akhtar Khan	Sepoy	Lance Naik	31/01/2022
103.	No. 4535 Iltaf Hussain	Sepoy	Lance Naik	31/01/2022
104.	No. 4536 Shah Hussain	Sepoy	Lance Naik	31/01/2022
105.	No. 4538 Zakir Ud Din	Sepoy	Lance Naik	31/01/2022
106.	No 4539 Niaz Ali	Sepoy	Lance Naik	31/01/2022
107.	No.4540 Fazal Hussain	Sepoy	Lance Naik	31/01/2022
108.	No.4541 Akhtar Munair	Sepoy	Lance Naik	31/01/2022
109.	No 4542 Khalid Khan	Sepoy	Lance Naik	31/01/2022
110.	No 4543 Mohd Ihsan	Sepoy	Lance Naik	31/01/2022
111.	No. 4544 Mohd Hamyun	Sepoy	Lance Naik	31/01/2022
112.	No. 4545 Noor Zamin Shah	Sepoy	Lance Naik	31/01/2022
113.	No. 4546 Muslim Shah	Sepoy	Lance Naik	31/01/2022
114.	No. 4547 Tahir Hussain	Sepoy	Lance Naik	31/01/2022
115.	No. 4549 Umer ali	Sepoy	Lance Naik	31/01/2022
116.	No. 4550 Zahid Hussain	Sepoy	Lance Naik	31/01/2022
117.	No. 4551 Said ul Ibrar	Sepoy	Lance Naik	31/01/2022
118.	No. 4552 Said Latif	Sepoy	Lance Naik	31/01/2022
119.	No. 4554 Naik Ghulam	Sepoy	Lance Naik	31/01/2022
120.	No. 4560 Shahfi Khaliq	Sepoy	Lance Naik	31/01/2022
121.	No. 4561 Gul Nasib	Sepoy	Lance Naik	31/01/2022
122.	No. 4562 Asghar Khan	Sepoy	Lance Naik	31/01/2022
123.	No. 4564 Sadiq Ahmad	Sepoy	Lance Naik	31/01/2022
124.	No. 4565 Shah Khalid	Sepoy	Lance Naik	31/01/2022
125.	No. 4566 Amir Nawab	Sepoy	Lance Naik	31/01/2022

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126	No. 4567 Imtiaz Ahmad	Sepoy	Lance Naik	31/01/2022
127	No. 4568 Taj Wali	Sepoy	Lance Naik	31/01/2022
128	No. 4569 Mohd Islam	Sepoy	Lance Naik	31/01/2022
129	No. 4571 Umer Nabbi	Sepoy	Lance Naik	31/01/2022
130	No. 4573 Anwer Said	Sepoy	Lance Naik	31/01/2022
131	No. 4574 Raees Khan	Sepoy	Lance Naik	31/01/2022
132	No. 4575 Faisal Nadim	Sepoy	Lance Naik	31/01/2022
133	No.4576 Nazar Hussain	Sepoy	Lance Naik	31/01/2021
134	No. 4577 Sabaz Ali	Sepoy	Lance Naik	31/01/2022
135	No. 4578 Mohd Imran	Sepoy	Lance Naik	31/01/2022
136	No. 4579 Falak Naz	Sepoy	Lance Naik	31/01/2022
137	No. 4580 Perviz Shakil	Sepoy	Lance Naik	31/01/2022
138	No. 4581 Akmal Mohd	Sepoy	Lance Naik	31/01/2022
139	No. 4582 Imran khan	Sepoy	Lance Naik	31/01/2022
140	No. 4585 Shahid Akber	Sepoy	Lance Naik	31/01/2022
141	No. 4586 Zia ur Rahman	Sepoy	Lance Naik	31/01/2022
142	No. 4588 Mohd Zahid	Sepoy	Lance Naik	31/01/2022
143	No. 4589 Asfandiyar	Sepoy	Lance Naik	31/01/2022
144	No. 4593 Mohd Aftab	Sepoy	Lance Naik	31/01/2022
145	No. 4594 Ihsan mohd	Sepoy	Lance Naik	31/01/2022
146	No. 4595 Shamroz Khan	Sepoy	Lance Naik	31/01/2022
147	No. 4597 Gul Mohd	Sepoy	Lance Naik	31/01/2022
148	No. 4599 Sultan Sher	Sepoy	Lance Naik	31/01/2022
149	No. 4600 Nehar Gul	Sepoy	Lance Naik	31/01/2022
150	No. 4601 Wazir Zada	Sepoy	Lance Naik	31/01/2022
151	No. 4603 Saadat Gul	Sepoy	Lance Naik	31/01/2022
152	No. 4605 Rashid Khan	Sepoy	Lance Naik	31/01/2022
153	No. 4607 Daulat Khan	Sepoy	Lance Naik	31/01/2022
154	No. 4609 Gul Faraz	Sepoy	Lance Naik	31/01/2022
155	No. 4611 Abdul Wahab	Sepoy	Lance Naik	31/01/2022
156	No. 4612 Imran khan	Sepoy	Lance Naik	31/01/2022
157	No. 4614 Roaidar Mohd	Sepoy	Lance Naik	31/01/2022
158	No. 4615 Farid Khan	Sepoy	Lance Naik	31/01/2022
159	No. 4616 Sani Gul	Sepoy	Lance Naik	31/01/2022

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160	No. 4618 Mohd Fayaz	Sepoy	Lance Naik	31/01/2022
161	No. 4619 Shahab ud din	Sepoy	Lance Naik	31/01/2022
162	No. 4620 Nizam Usman	Sepoy	Lance Naik	31/01/2022
163	No. 4621 Mohd Salim	Sepoy	Lance Naik	31/01/2022
164	No. 4622 Wajid Ali	Sepoy	Lance Naik	31/01/2022
165	No. 4624 Nawab ali	Sepoy	Lance Naik	31/01/2022
166	No. 4625 Fazal Wakil	Sepoy	Lance Naik	31/01/2022
167	No. 4627 Sharif Khan	Sepoy	Lance Naik	31/01/2022
168	No. 4628 Aseem Shaukat	Sepoy	Lance Naik	31/01/2022
169	No. 4632 Zakria	Sepoy	Lance Naik	31/01/2022
170	No. 4634 Shaukat Ali	Sepoy	Lance Naik	31/01/2022
171	No. 4635 Fazal Ghani	Sepoy	Lance Naik	31/01/2022
172	No. 4637 Said Wali	Sepoy	Lance Naik	31/01/2022
173	No. 4638 Azad Khan	Sepoy	Lance Naik	31/01/2022
174	No. 4639 Mohd Naeem	Sepoy	Lance Naik	31/01/2022
175	No. 4640 Sana Ullah	Sepoy	Lance Naik	31/01/2022
176	No. 4641 Abdul Kamal	Sepoy	Lance Naik	31/01/2022
177	No. 4642 Mohd Imran	Sepoy	Lance Naik	31/01/2022
178	No. 4643 Mohd Kamran	Sepoy	Lance Naik	31/01/2022

DC MALAKAND/COMMANDANT
MALAKAND LEVIES MALAKAND

NO. 916-19 /LC

Copy forwarded to the:-

1. Secretary, Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar for information, please.
2. District Accounts Officer, Malakand.
3. Subedar Major Malakand Levies.
4. Official concerned.

For information and necessary action.

DC MALAKAND/COMMANDANT
MALAKAND LEVIES MALAKAND

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

CM No. _____/2022
IN

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 807 /2022

Diary No. 258

Dated 28/07/22

ABDUL WAHAB VS HOME DEPARTMENT

**APPLICATION FOR TRANSFER OF THE ABOVE TITLED SERICE
APPEAL FROM CAMP COURT SWAT TO THE PRINCIPAL BENCH AT
PESHAWAR**

4/8/22
R/SHEWETH:

- 1- That the abovetitled appeal is pending adjudication before this honorable tribunal and is fixed for preliminary hearing on 04.08.2022 at Camp Court Swat.
- 2- That appellant has challenged the order dated 26.01.2022 whereby he has prematurely been retired from service along with the appeal the appellant has also moved an application for suspension of the said order.
- 3- That as the matter is of an urgent nature hence is required to be heard at principal bench because on 04.08.2022 there is no bench at Camp Court Swat.
- 4- That there is no legal bar while transferring the titled appeal to the principal bench for preliminary hearing.

It is therefore, most humbly prayed that on acceptance of this application the titled service appeal very kindly be transferred Camp Court Swat to principal Bench at Peshawar to meet the ends of justice.

Dated 27-7-2022

APPLICANT
THROUGH:
NOOR MUHAMMAD KHATTAK
ADVOCATE

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. **SB**

No. **807** **22**

APPEAL No..... of 20
Abdal Wahab

Apellant/Petitioner

Versus

Govt of KPK through Chief Secy KPK Peshawar.

RESPONDENT(S)

Respondent (1)

Govt of KPK through Chief Secy Peshawar.

Notice to Apellant/Petitioner

KPK

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on **22/09/2022** at **9:00AM**

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply
Copy of Appeal is Attached

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
12-9-22

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

APPEAL No.....807..... of 20 22

Abdul Wahab

Appellant/Petitioner

Versus

12/19/22

Court of KPK through Chief Secy KPK

RESPONDENT(S)

Respondent (2)
Notice to Appellant/Petitioner..... Secy Home & Tribal Affairs
Department KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on.....

22/09/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply
Copy of Appeal
is Attached

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.