

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09.06.2022 for the same as before.


Reader.

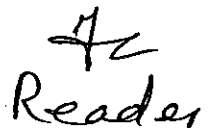
09.06.2022

Proper D.B. is on tour. Therefore, the case is adjourned to 08.08.2022 for the same as before.


Reader

8.8.2022


Due to the Public holiday the case is adjourned to 22-11-2022



Reader

22nd Nov, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt: AG for respondents present.

This case pertains to camp court Swat, therefore, let it be fixed at camp court Swat for arguments on 03.01.2022, before D.B.


(Fareeha Paul)
Member(Executive)

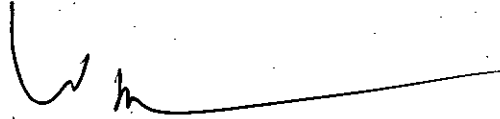

(Kalim Arshad Khan)
Chairman

30.11.2021

Counsel for the appellant present.

Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith
Mr. Sajjad Ahmed Junior Clerk for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 13/12/2021 before D.B. The restraint order dated 15.10.2020 shall remain operative till the date fixed.



(Atiq Ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

13-12-21

DB is on Tour case to come up?
For the same on Dated. 12.1.22

\$.
Leader

12.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepared the brief. Adjourned. To come up for arguments before the D.B on 14.03.2022. The restraint order dated 15.10.2020 shall remain operative till the date fixed.



(Atiq-Ur-Rehman Wazir)
Member (E)

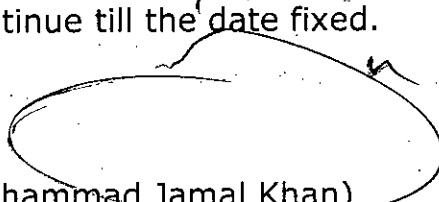


Chairman

22.02.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Sajjad Ahmad, Legal Clerk, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to the respondents for filing of written reply/comments on 08.04.2021 before S.B. The restraint order already granted vide order sheet dated 15.10.2020 shall continue till the date fixed.


(Muhammad Jamal Khan)
Member

08.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.


READER

07.07.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Sajjad Ahmad, Legal Clerk and Farmanullah, Constable for the respondents present.

Respondents have furnished reply/comments. The appeal is entrusted to D.B for arguments on 30.11.2021. The restraint order dated 15.10.2020 shall remain operative till the date fixed.


Chairman

14.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Sajjad Ahmed, Legal Clerk for the respondents, are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Adjourned to 03.02.2021 on which date file to come up for written reply/comments before S.B. The restraint order already granted vide order sheet dated 15.10.2020 shall continue till the date fixed.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

03.02.2021

Counsel for appellant and Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Zada, Assistant, for respondents present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to the respondents for furnishing of written reply/comments.

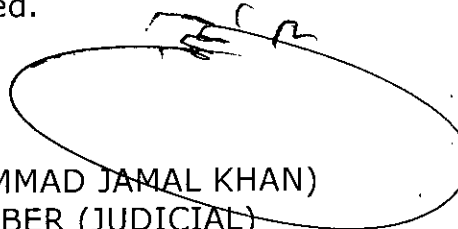
Adjourned to 22.02.2021 on which date file to come up for written reply/comments before S.B. The restraint order already granted vide order sheet dated 15.10.2020 shall continue till the date fixed.


CHAIRMAN

01.12.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Mian Zahid, Superintendent and Sajjad, Litigation Clerk, are also present.

Written reply on behalf of respondents not submitted. Representative of the department seeks further time for submission of written reply/comments. Time given. File to come up for written reply/comments on 21.12.2020 before S.B. The restraint order already granted vide order sheet dated 15.10.2020 shall continue till the date fixed.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

21.12.2020

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Sajjad Ahmad Litigation Officer for respondents present.

Written reply on behalf of respondents was not submitted. Representative of the respondents made a request for adjournment to furnish written reply/comments. Opportunity is granted. To come up for written reply/comments on 14.01.2021 before S.B. The restraint order already granted vide order sheet dated 15.10.2020 shall continue till the date fixed.

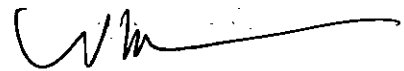

(Rozina Rehman)
Member (J)

15.10.2020

Appellant alongwith counsel present. Preliminary arguments heard.

Points raised need consideration. Appeal is admitted to regular hearing. Subject to all just exceptions. The appellant is directed to deposit security and process fee within ten (10) days, thereafter notice be issued to the respondents for submission of written reply/comments on 03.11.2020 before S.B alongwith the appeal, there is an application for suspension of the operation of impugned order dated 06.10.2020. The operation of impugned order dated 06.10.2020 is suspended till the date fixed. Notice of the said application be also given to the respondents.


Appellant Deposited
Security & Process Fee


Member (E)

03.11.2020

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Sajjad Ahmad, L.C on behalf of respondent No. 4, are also present.

Representative of respondent No. 4 seeks further time to furnish written reply/comments while neither written reply on behalf of remaining respondents submitted nor any representative on their behalf is present, therefore, notices be issued to them for submission of written reply/comments. File to come up for written reply/comments on 01.12.2020 before S.B. The restraint order already granted vide order sheet dated 15.10.2020 shall continue till the date fixed.




(Muhammad Jamal Khan)
Member (Judicial)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11924 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/10/2020	<p>The appeal presented today by Mr. Muhammad Ashfaq Khan Akhunkhail Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	14.10.20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15.10.20</u></p> <p style="text-align: right;"> MEMBER(I)</p>

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 11924/2020

Dilawar Khan

Versus

Government of Khyber Pakhtunkhwa & Others

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

ACT 1974

INDEX OF DOCUMENT

S. No.	Description of Documents	Annexure	Page No.
1.	Memo of Service of Appeal		1-6
2.	Application for interim Relief		7
3.	Affidavit & Addresses of Parties		8-9/11
4.	Copy of promotion notification	A & B	10-12
5.	Copy of the Khyber Pakhtunkhwa Levies Force (transition) Ordinance, 2019	C	13-17
6.	Copies of CM directive dated 04-04-2019 and office order of Respondent No.2	D & E	18-19
7.	Copy of office order dated 29-05-2019 of Respondent No 2	F	20
8.	Copy of grounds of Writ Petition	G	21-25
9.	Copy of Khyber Pakhtunkhwa Levies Force Act, 2019	H	26-30
10.	Copy of the Levies Force (Absorption in Khyber Pakhtunkhwa Police) Rules, 2019	I	31-35
11.	Copies of the posting order of the appellant and salary slip	I & J	36
12.	Copy of Order and Judgment dated 06/2/2020	L	37-39
13.	Copy of Absorption notification	M	40-43
14.	Copy of Notification dated 14/07/2020	N	44
15.	Copy of impugned order dated 6/10/2020	O	45
16.	Waklatnama		

Through

Appellant

M. Ashfaq Khan Akhunkhail
&

Mujeeb Ullah Khan
Advocates,

Khalid & Law Associates

46-C, 2nd Floor Cantonment Plaza, Peshawar Cantt

Email: Ashfaqkhan182@gmail.com

Cell No.0333-8522332

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No...../2020

Dilawar Khan S/O Zigravar Khan

Presently posted as Subidar/Police Sub Inspector (BPS-14) erstwhile
Bajour Levies/ Khyber Pakhtunkhwa Police District Bajaur

.....Appellant

Versus

- 1) Government of Khyber Pakhtunkhwa through the Secretary, Home & Tribal Affairs Department Islamabad
- 2) Inspector General Police, Khyber Pakhtunkhwa,
- 3) Regional Police Officer, Malakand
- 4) District Police Officer Bajaur Tribal District
- 5) District Commissioner Bajaur Tribal District

..... Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 06/10/2020 WHEREBY
DEPARTMENTAL APPEAL BEARING NO. CS(F)/L&K/4-
LEVY/APPEAL/2348-50 OF THE APPELLANT HAS BEEN
DISMISSED

PRAYER

On acceptance of this service appeal, the impugned order may kindly be set aside and Respondents may graciously be directed to allow the Appellants to complete his sixty years statutory service to meet the ends of justice.

Any other relief which this Hon'ble Tribunal deems appropriate in law, equity, and justice may also be granted to the appellant in the best interest of justice.

Respectfully Submitted as under,

Having been aggrieved from the impugned order dated 6/10/2020 of Respondent No.1 in respect of forcible retirement of Appellant on 05/08/2019 against the settled norms and rules, the Appellant compelled to invoke the jurisdiction of this Hon'ble Tribunal because Appellant has no other remedy available except to file the instant appeal

BRIEF FACTS OF THE CASE

1. That the addresses of the parties has correctly been given in the heading of the appeal, which is sufficient for service of summons and notice or any other process that might be required by this Hon'ble Court from time to time
2. That Appellant has been appointed as Sepoy in Bajaur Levis erstwhile FATA Agency on regular basis with effect from 06-08-1984.
3. That the Appellant is performing his duty honestly, diligently, devotedly and ^{to} the entire satisfaction of his superiors since inception of service. Above all the Appellant has unblemished service record.
4. That Appellant was promoted to the rank of Subedar vide office Order dated 01/01/2015.

Copies of Notifications are annexed as annexure A & B

5. That after the Constitution (twenty fifth amendment) Act, 2018, the erstwhile Federal Administered Tribal Areas (hereinafter referred as FATA) have been merged in the Province of the Khyber Pakhtunkhwa, and the Federal Levies Force, established under the Federal Levies Force Regulation, 2012, working in the said areas have lost their legal status ~~for~~ working in the merged Districts and sub divisions.
6. That in order to give legal status to the Federal Levies Force^{ce} in the merged Districts and to re-visit their institutional structure and functional assignment for effective discipline and better performance, the worthy Governor of Khyber Pakhtunkhwa while exercising powers under Article 128 of the Constitution of Islamic Republic of Pakistan, on 12th March, 2019 promulgated "the Khyber Pakhtunkhwa Levies Force (transition) Ordinance, 2019". It is worth to mention here that the Force were absorbed in the KP Police and for this reference Section 6, 9 & 12 of the said Ordinance is very much obvious.

(Copy of the Khyber Pakhtunkhwa Levies Force (transition) Ordinance, 2019 is annexed as annexure C)

7. That the Worthy Chief Minister, Khyber Pakhtunkhwa vide directive no. SO-VI/CMS/2019/2987-89 dated 04-04-2019 desired to merge all the Levis and Khasadar Force of the merged area into Khyber Pakhtunkhwa Police within six months. In compliance of the aforementioned directive Respondent No.2 vide office order No. 581/PA/AIG/E dated 09-04-2019 absorbed all the members of Levies Force in Khyber Pakhtunkhwa Police. (Copies of CM directive dated 04-04-2019 and office order of Respondent No.2 are annexed as D & E)

8. That the Respondent No.2 (IGP) has re designated the ranks including the post held by the Appellant vide office order dated 29-05-2019. The aforementioned office order remove the analogy that Appellant is the employees of KP Police and all the rules are applicable to them of the KP Police
(Copy of office order dated 29-05-2019 of Respondent No 2 is annexed as F)

9. That inspite of crystal clear law on the subject matter couples with directives of the Worthy Chief Minister, the Respondents due to malafide intention and discriminatory treatment were going to compulsory/pre-mature retirement of the Appellant on 17/07/2019 under the Federal Levies Force Service Rules, which has been repealed by the Khyber Pakhtunkhwa Levies Force (Transition) Ordinance, 2019. Hence, the Appellant filed writ petition no. 3856/2019 before the Hon'ble Peshawar High Court, Peshawar and the same was clubbed with other connected writ petitions.

(Copy of Writ Petition is annexed as annexure G)

10. That during pendency of the aforementioned Writ Petition, on 05/11/2019, Respondent No. 4 (DPO Bajaur) on the recommendation Respondent No. 3 (Sub Divisional Police Officer) posted the Appellant as SHO Police Station Khar. It is worth to mention here that the Appellant being regular member of the Respondent Department is drawing the salaries as Sub Inspector from the provincial government. Copies of the posting order of the appellant and salary slip are annexed as annexure J & K

11. That the Hon'ble Peshawar High Court, Peshawar, vide order and judgment dated 6/02/2020 disposed off the Appellant writ Petition with directions,

"Arguments heard at length. With the consent of the parties, the instant writ petition is sent to the Secretary Home KP, Copy whereof be retained in office for the purpose of record, who shall treat the same as Departmental Appeal and decide it with in twenty days positively in accordance with law. Till then status quo be maintained"

(Copy of Order and Judgment dated 06/2/2020 is annexed as annexure L)

12. That the Appellant is still serving the Respondents department and is getting his salaries from the Provincial Government, and with hope and legitimate expectancy that the Respondents will treat him according to law. But astonishingly the Respondents on 10/02/2020 issued notification whereby all the members of the force were absorbed in the Khyber Pakhtunkhwa Police

except the Appellant. (Copy of Absorption notification is annexed as annexure M)

13. That it is worth to mention here that the Respondent No. 1 vide notification dated 14/7/2020 amended the Federal Levies Force Service (amended) Rules 2013 wherein "all Levies personal shall retire from service on attaining the age of superannuation i-e 60 years or they may opt for retirement after completion of twenty five years regular service"
(Copy of Notification dated 14/07/2020 is annexed as annexure N)

14. That inspite of crystal clear aforementioned rules, the Respondent No. 1 vide impugned order dated 6/10/2020 dismissed the Departmental Appeal of the Appellant.
(Copy of impugned order dated 6/10/2020 is annexed as annexure O)

15. That the impugned order dated 6/10/2020 of Respondent No.1 is wrong, illegal, discriminatory, un-warranted, colorable exercise of power, not in accordance with law and rules applicable, hence, Appellant approaches this Hon'ble Tribunal inter alia on the following grounds.

GROUND OF APPEAL:

- A. That the impugned order of Respondent No.1 is against the fundamental rights of the Appellant guaranteed under the Constitution of Islamic Republic of Pakistan.
- B. That the impugned order of Respondent regarding the compulsory pre-mature retirement of the Appellant from the service of the Department is arbitrary, illegal, unlawful and void abinitio having no legal effect against the accrued right of the Appellant.
- C. That the impugned order of Respondent is against the principle of legitimate expectancy, hence, the very impugned act and order of Respondents is liable to be set aside on this score only.
- D. That admittedly, the Appellant is performing his duties as regular employees and no difference could be created amongst the employees who are performing their duties equally coupled with responsibilities, hence, this Hon'ble Court being fountain of justice, protecting the valuable rights of the Appellant cannot left the Appellant at the mercy of the Respondents.
- E. That the impugned order and act of Respondents is in sheer violation of Article 4 and 25 of the Constitution as the Appellant has been treated with discrimination, moreover the

Respondents are legally bound to remove the disparity and discrimination while granting the benefits to similar placed employees. Hence, the very act of the Respondent is also in violation of Article 27, 37 and 38 of the Constitution of Islamic Republic Of Pakistan, 1973.

- F. That admittedly the Appellant is getting his salaries and shoulder the responsibilities directed by the Provincial Police Officer after promulgation of the Khyber Pakhtunkhwa Levies (transition) Ordinance, 2019. Hence, the very act of the Respondents being void abinitio is liable to be set aside on this score only.
- G. That the impugned order of the Respondent is against the basic principle of natural justice, fair play and equity.
- H. That it is axiomatic that the matters related to term and condition of service should always be examined and decided objectively, rationally and without any prejudice so that fair reasonable and judicious conclusions/decision being free from any unfair inclination or bias could be emerged. Justice verily should not only be done but also seen to be done in any case, the available facts and underline reference suffice to indicate that the impugned order is against law, justice and dictum laid down by Apex Courts. The discretion has to be exercised fairly, justly and reasonably. Reliance placed on 1995 SMCR 650
- I. That the impugned act and omission on the part of the Respondent is in sheer violation of Section 24-A of General Clauses Act, 1987, which provides that an authority vested with power, is bound to exercise the same justly, fairly, reasonably and for the advancement of the purpose being vest there in.
- J. That the Appellant has been absorbed in the Khyber Pakhtunkhwa police from the very promulgation of the aforementioned Transition Ordinance, 2019 and even the competent authority
- K. That competent authority has re designated the ranks including the post held by the Appellant vide office order dated 29-05-2019 which is sufficient to prove that the Appellants were absorbed in KP Police and will be governed under the KP Police Rules.
- L. That impugned order of the Respondent is based on discrimination, malafide and colorable exercise of power because the Respondent No.1 has not treated the Appellant according to their own amended Rules framed and dismissed the Appeal of the Appellants on the Rules not applicable on him.

6

M. That Appellant may kindly be allowed to raise any other ground at the time of arguments with prior permission of this Hon'ble Court.

In wake of above submission, it is, therefore, most humbly prayed, that on acceptance of instant appeal, the impugned order dated 6/10/2020 may kindly set aside and the Respondent may grievously be directed to treat the Appellant like other similar placed employees of the Department by allowing him to complete his 60 years statutory service to meet the ends of justice.

Or

Any other relief which this Hon'ble Tribunal deems appropriate in law, equity, and justice may also be granted to the appellant in the best interest of justice.

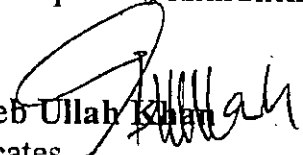


Appellant

Through

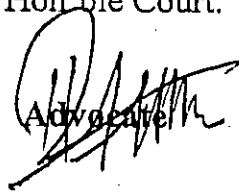
M. Ashfaq Khan Akhunkhail

&


Mujeeb Ullah Khan
Advocates,
High Court, Peshawar

CERTIFICATE

As per instruction of my client prior to the present one, no such like appeal has been filed by the Appellant before this Hon'ble Court.


Advocate

7

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No...../2020

Dilawar Khan

Versus

Government of Khyber Pakhtunkhwa & Others

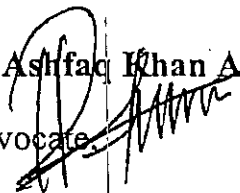
APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974

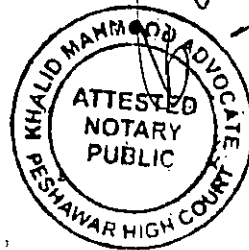
AFFIDAVIT

I, Dilawar Khan S/O Zigrawar Khan Presently posted as Subidar/Police Sub Inspector (BPS-14) erstwhile Bajour Levies/ Khyber Pakhtunkhwa Police District Bajaur, do hereby solemnly affirm and declare on oath that the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


Deponent

Identified By


M. Ashfaq Khan Akhunkhail
Advocate,
High Court, Peshawar



8

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No...../2020

Dilwar Khan

Versus

Government of Khyber Pakhtunkhwa & Others

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974

ADDRESSES OF PARTIES

Petitioners:

Dilwar Khan S/O Zigrawar Khan

Presently posted as Subidar/Police Sub Inspector (BPS-14) erstwhile
Bajour Levies/ Khyber Pakhtunkhwa Police District Bajaur

Respondents

- 1) Government of Khyber Pakhtunkhwa through the Secretary,
Home & Tribal Affairs Department Islamabad
- 2) Inspector General Police, Khyber Pakhtunkhwa,
- 3) Regional Police Officer, Malakand
- 4) District Police Officer Bajaur Tribal District
- 5) District Commissioner Bajaur Tribal District

دالوار خان
Appellant

Through

M. Ashfaq Khan Akhunkhail

&

Mujeeb Ullah Khan

Advocates,

High Court, Peshawar

9

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CM No. /2020

In

Service Appeal No. /2020

Dilawar Khan

Versus

Government of Khyber Pakhtunkhwa & Others

APPLICATION FOR SUSPENSION OF THE OPERATION OF
IMPUGNED ORDER DATED 6/10/2020 AND TO MAINTAIN
STATUS QUO TILL FINAL DECISION OF THE CASE

Respectful Sheweth,

1. That the Appellant has filed the above titled appeal before this Hon'ble Tribunal and has not yet been fixed
2. That instant application may kindly be read as integral part of the main appeal.
3. That the Appellants seeks suspension of operation of impugned order dated 6/10/2020 and to maintain status quo inter alai on the following grounds

GROUNDS

- A. That the Appellant has a good prima facie case and hopes it success
- B. That balance of conveyance also lies in favour of Appellant
- C. That Appellant is in service and performing his duties and if during pendency of the instant appeal the Respondent forcibly retired the Appellant, then he will suffer irreparable loss

It is, therefore, most humbly prayed that on acceptance of this application, the operation of impugned order dated 6/10/2020 may kindly be suspended and status quo may kindly be maintained till final decision of the main case.



Appellant

Through

M. Ashfaq Khan Akhunkhail

&

Mujeeb Ullah Khan 

Advocates,

Khalid & Law Associates

46-C, 2nd Floor Cantonment Plaza,

Peshawar Cantt

Email: Ashfaqkhan182@gmail.com

Cell No.0333-8522332

~~A7700X102~~ → A

SERVICE CARD BAJAUR LEVIES

S/No:0022 Reg No:2451



Issuing Authority

Name: DILAWAR KHAN
F/Name: ZIGRAWAR KHAN

Sig Of Holder _____

NIC No: 21103-9273040-1

Rank: Subedar S.P.S: (13)

Tribe: T K

Date Of Birth: 01/01/1974

Date Of Enlist: 06/08/1984

Blood Group: Nil

Mark of Identification: Wound on face

H.Q.P/W 0942-221938

Address:

Kot(ka) Tah: Salarzai

Bajaur Agency.

Signature

WAB/10/08/84

Annexure (A) 10

OFFICE OF THE POLITICAL AGENT COMMANDANT BAJAUR LEVIES.

OFFICE ORDER.

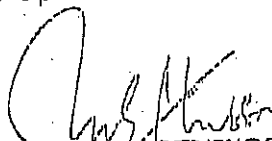
No. 101/09 /B.L

Dated Khar the 18 /09/2009.

In pursuance of the minutes of the meeting of promotion committee held on 22-07-2009 the following promotion are hereby ordered with immediate effect.

S.No	Designation	Name	Regt. No.	Promoted as.
1	N/Subedar	Toor Khan	2649	Subedar
2	N/Subedar	Muhammad Rahman	2803	Subedar
3	Havildar	Muhammad Jan	2439	N/Subedar
4	Havildar	Dilawar	2451	N/Subedar
5	Havildar	Bakht Zada	2487	N/Subedar
6	Naik	Zahir Shah	2714	Havildar
7	Naik	Siraj-ud-Din	2732	Havildar
8	Naik	Sultan Zeb	2736	Havildar
9	Naik	Muhammad Israr	2737	Havildar
10	Naik	Ghaffor Khan	2776	Havildar
11	Naik	Ibrahim	2785	Havildar
12	L/Naik	Shahpoor Khan	3193	Naik
13	L/Naik	Muhammad Saleem	3285	Naik
14	L/Naik	Sahib Jan	3288	Naik
15	L/Naik	Nawsherawan	3293	Naik
16	L/Naik	Bakht Zada	3297	Naik
17	L/Naik	Amir Muhammad	3298	Naik
18	L/Naik	Khan Badshah	3300	Naik
19	L/Naik	Gul Muhammad	3304	Naik
20	Sepoy	Saeed Khan	3806	L/Naik
21	Sepoy	Muhammad Ilyas	3819	L/Naik
22	Sepoy	Mustaqim	3820	L/Naik
23	Sepoy	Sher Amin	3821	L/Naik
24	Sepoy	Mir Alam	3822	L/Naik
25	Sepoy	Aziz-ur-Rahman	3823	L/Naik
26	Sepoy	Muhammad Zeb	3824	L/Naik
27	Sepoy	Shah Hussain	3825	L/Naik

The existing seniority of the above personnel will remain intact.

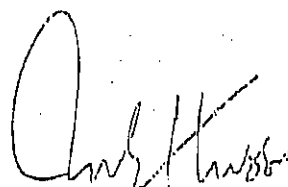

POLITICAL AGENT/COMMANDANT
BAJAUR LEVIES.

No. 101/09 /B.L

dated Khar the 18 /09/2009

Copy forwarded to:-

- 1-The Asst: Political Agent Khar.
- 2-The Asst: Political Agent Nawagai.
- 3-Subedar Major Bajaur Levies.
- 4-Nazar Bajaur Levies.


POLITICAL AGENT/COMMANDANT
BAJAUR LEVIES.

Annexure B 1

(11)

OFFICE OF THE POLITICAL AGENT/COMMANDANT BAJAUR LEVIES.

No. 01 /BL

Dated Khar the 1/12/2014. 2015

OFFICE ORDER.

In pursuance of the recommendations of Departmental promotion committee of Bajaur Levies in its meeting held on 17/12/2014, the following personnel of Bajaur Levies are hereby promoted to the rank as noted against their names:-

S#	Name & Designation	FROM	To
1.	N/ Subedar Dilawar Khan Regt: No.2451	N/Subedar	Subedar ✓
2.	Sepoy Muhammad Akbar Regt: No.3764	Sepoy	L/Naik

POLITICAL AGENT/COMMANDANT,
BAJAUR LEVIES.

No 2 - S /BL

Copy forwarded to:-

1. The Section Officer (Narcotics) Law & Order Department FATA Secretariat, Peshawar.
2. The Assistant Political Agent Khar.
3. The Assistant Political Agent Nawagai.
4. The Agency Accounts Officer Bajaur at Khar.
5. Subedar Major Bajaur Levies.
6. Nazar Bajaur Levies.
7. Officials concerned.

For information and necessary action.

POLITICAL AGENT/ COMMANDANT,
BAJAUR LEVIES.

Annexure

(C)

(13)

ORDINANCE

providing for the maintenance of Khyber Pakhtunkhwa Levies Force and to ensure its
Transition to Khyber Pakhtunkhwa Police

THE KHYBER PAKHTUNKHWA
LEVIES FORCE TRANSITION ORDINANCE 2019.
(KHYBER PAKHTUNKHWA ORDINANCE NO. _____ OF 2019)

WHEREAS upon the merger of the Federally Administered Tribal Areas with the Province of Khyber Pakhtunkhwa through the 25th Constitutional Amendment, it is necessary to bring the Federal Levies Force governed by the Federal Levies Force Regulation, 2012 under the control of the Government of Khyber Pakhtunkhwa and to rename it as the Khyber Pakhtunkhwa Levies Force;

AND WHEREAS it is expedient to streamline the functioning of the Khyber Pakhtunkhwa Levies Force in line with the current law and order and security imperatives in the area of its jurisdiction;

AND WHEREAS it is necessary to provide legal cover to the transition of the Khyber Pakhtunkhwa Levies Force to Khyber Pakhtunkhwa Police;

NOW THEREFORE, it is hereby enacted as follows:

1. Short Title, Extent and Commencement

- (1) This Ordinance may be called the Khyber Pakhtunkhwa Levies Force Transition Ordinance, 2019.
- (2) The provisions of this Ordinance shall apply to all the members of the Federal Levies Force governed by the Federal Levies Force Regulation, 2012, which is to be renamed under this Ordinance as the Khyber Pakhtunkhwa Levies Force or any other person inducted from other force and the officers authorized by the Government to command the Force, wherever they may be.
- (3) It shall come into force at once.

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14

Definitions

In this Ordinance unless there is anything repugnant in the subject or context:

- (a) "Ordinance" means the Khyber Pakhtunkhwa Levies Force (Amendment) Ordinance, 2019;
- (b) "Code" means the Code of Criminal Procedure, 1973 (Ordinance No. 1 of 1973);
- (c) "Commandant" means Commandant of the Khyber Pakhtunkhwa Levies Force;
- (d) "Department" means the Home & Tribal Affairs Department of the Government of Khyber Pakhtunkhwa;
- (e) "District Police Officer" means the head of police of a district as defined in section 21 of the Khyber Pakhtunkhwa Police Ordinance, 2017;
- (f) "Director General" means the Director General of the Khyber Pakhtunkhwa Levies Force;
- (g) "Force" means the Khyber Pakhtunkhwa Levies Force;
- (h) "Government" means the Government of Khyber Pakhtunkhwa;
- (i) "Provincial Police Officer" means the Provincial Police Officer of Khyber Pakhtunkhwa Police;
- (j) "Police" means the Khyber Pakhtunkhwa Police;
- (k) "Public Agency" means any department or attached department of the Government, public authority, commission or autonomous body set up under any legislative instrument, or public sector company or body corporate, owned, controlled or financed by the Government;
- (l) "Prescribed" means prescribed under the Rules under this Ordinance;
- (m) "Rules" means rules framed under this Ordinance;
- (n) "Regional Police Officer" means the head of police in a region constituted under section 14 (1) of the Khyber Pakhtunkhwa Police Act, 2017.

3. Power to maintain Khyber Pakhtunkhwa Levies Force.

The Government shall maintain the Khyber Pakhtunkhwa Levies Force (hereinafter referred to as the Force) for such functions as prescribed under this Ordinance.

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Constitution of the Force

The Force shall consist of a Director General and Deputy Directors General, to be appointed by the Government in consultation with the Provincial Police Officer of Khyber Pakhtunkhwa Police, and such number of other officers / officials as may be prescribed, including but not limited to the Commandant;

Provided that the Director General, DDGs and the Commandant shall be officers of the Khyber Pakhtunkhwa Police;

Provided further that the District Police Officer shall be assigned the additional charge of the position of the Commandant Levies Force in the same District;

Provided further that the RPO shall be assigned the additional charge of the position of the DDG of Levies force in the same police region.

5. Appointments / Recruitments in the Force

Recruitments / Appointments in the service shall be made subject to the Rules as prescribed by the Government.

6. Superintendence and Administration of the Force

(1) The superintendence over the Force shall vest in the Government.

(2) The supervision and administration of the Force shall vest in the Director General.

(3) The operational control of the Force shall vest in the Commandant.

7. Duties and Functions of the Force

Notwithstanding anything contained in any other law for the time being in force, the Force shall have the same duties and functions as those specified in the Khyber Pakhtunkhwa Police Ordinance, 2017.

8. Powers of the Force

Notwithstanding anything contained in any other law for the time being in force, the Force shall have all the powers conferred on Police by the Code of Criminal Procedure, 1998 as

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(16)

exercised by the Khyber Pakhtunkhwa Police under the Khyber Pakhtunkhwa Police Ordinance, 2017, for the performance of their duties and functions.

9. Liabilities of officers and members of the Force

(1) It shall be the duty of every officer and member of the Force to promptly 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 Force shall be an Essential Service and every member of the Force shall be liable to serve whenever he is required to serve by the Director General.

10. Constitution of Selection and Promotion Committees

The Government shall notify Selection and Promotion Committees for recruitment and promotion of employees of the Force.

11. Postings, Transfers and Distribution of the Force

(1) The Commandant shall be competent to post and transfer members of the Force within the District.

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

(3) The DDC shall be competent to post and transfer members of the Force from one district to another within the region.

12. Absorption

(1) Notwithstanding anything contained in any other law for the time being in force, the members of the Force may be absorbed in Khyber Pakhtunkhwa Police subject to the procedure as prescribed.

(2) Until their absorption in the Khyber Pakhtunkhwa Police, the members of the Force shall be governed by their existing terms and conditions of service under the Federal Law (Service) Rules, 2012.

13. Assistance and Support to Government Functionaries

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.

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18. Recusal
The Federal Lawes Force Regulation, 2012 is hereby repealed.

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

16. Indemnity
Except as otherwise expressly provided in this Ordinance, no suit, prosecution or other legal proceeding shall lie against any member of the Force, Government or any other authority for anything which is done in good faith or intended to be done under the Ordinance or any Rule made thereunder.

15. Ordinance to override other laws
The provisions of this Ordinance shall be enforced notwithstanding anything contained in the Ordinance or any other law for the time being in force.

14. Power to make Rules
The Government may make Rules for carrying out the purposes of this Ordinance.

(17)



Annexure D

18

Better Copy

BETTER COPY

CHIEF MINISTER'S SECRETARIAT
KHYBER PAKHTUNKHWA.

No. SO-VI/CMS/2019
Dated Peshawar the, 04-04-2019

To:

The Chief Secretary,
Govt of Khyber Pakhtunkhwa.

Subject:

MERGER OF LEVIES AND KHASSADAR OF MERGED DISTRICTS
INTO KHYBER PAKHTUNKHWA POLICE.

Dear Sir,

I am directed to refer to the subject noted above, and to state that the Chief Minister Khyber Pakhtunkhwa, has desired to merge all the levies and Khassadar force of the Merged areas into Khyber Pakhtunkhwa Police, within six months.

Necessary action may kindly be taken on the above directive of the Honorable Chief Minister, Please.

Yours faithfully,

Sd
Section Officer-VI

Copy forwarded for information:-

1. Secretary to Govt of Khyber Pakhtunkhwa, Home Department.
2. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department.
3. PSO to Inspector General of Police, Khyber Pakhtunkhwa.

ATTESTED
ATTESTED

Sd
Section Officer-VI

Annexure E (19)



OFFICE OF THE INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA,
CENTRAL POLICE OFFICE, PESHAWAR

dated 19/04/2019

No. 51 / PA/AIG/IE

To: The Capital City Police Officer, Peshawar.

All Regional Police Officers in Khyber Pakhtunkhwa.

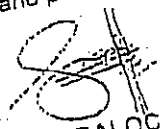
Subject: Absorption of Levies and Khasadar in Khyber Pakhtunkhwa Police.

Reference the Honorable Chief Minister's directive No.SQ-VI/GMS/2019/3987-89, dated Peshawar the 04-04-2019, wherein it has been desired to merge all the Levies and Khasadar force of the Merged Areas into Khyber Pakhtunkhwa Police within six months.

2. The Provincial Police Officer/IGP has directed that necessary working should be initiated forthwith to give effect to the directive of the Honorable Chief Minister Khyber Pakhtunkhwa.

3. In working out vacancies (new posts), the principles/rules/laws governing absorption must be kept in mind with regard to grant of equivalent ranks and pay (salary) protection.

4. If any difficulty arises in giving effect to the above directive, the same may be put-up on priority basis to the CPO for removal of the difficulty as per rules and procedures.


(SADIQ BALOCH) PSP,
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

- CC:
1. Addl: IGP/HQrs, Khyber Pakhtunkhwa, Peshawar.
 2. DIG HQrs, Khyber Pakhtunkhwa, Peshawar.
 3. DIG Finance & Procurement, Khyber Pakhtunkhwa, Peshawar.
 4. PSO to IGP Khyber Pakhtunkhwa.

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Annexure

(E)
(20)

BETTER COPY

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
CENTRAL POLICE OFFICE
KHYBER PAKHTUNKHWA
PESHAWAR

NOTIFICATION

Dated Peshawar the 29/05/2019.
No.4476/GB:- The Provincial Police Officer, Khyber
Pakhtunkhwa is pleased to re-designate the following ranks of
Levies and Khasadar Forces for the purpose of their
injection/absorption in Khyber Pakhtunkhwa Police with
immediate effect:-

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

Sd/-
MUHAMMAD NAEEM KHAN, DR. PSP
Inspector General of Police
Khyber Pakhtunkhwa
Peshawar

Endst No. & Date even:-

Copy forwarded to the:-

1. Secretary Establishment, Govt of Khyber Pakhtunkhwa, Peshawar.
2. Secretary Finance, Govt of Khyber Pakhtunkhwa, Peshawar.
3. Secretary Home and Tribal Affairs Department, Gov of Khyber Pakhtunkhwa, Peshawar.
4. All Heads of Police, Khyber Pakhtunkhwa.
5. PSO to IGP Khyber Pakhtunkhwa, Peshawar.
6. Registrar CPO.

(SADIQ BALOCH) PSP
AIG/Establishment
Inspector General of Police

NOTED

Annexure

(21) (9)

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P.No.....-P/2019

Dilawar Khan & another Versus Govt of KPK & Others

{ Writ Petition under article 199 of the Constitution of Pakistan }

INDEX OF DOCUMENT

S. No	Description of Documents	Annexure	Page No
	<i>Opening Sheet</i>		A
1.	Writ Petition along with Interim Relief		1-5
2.	Affidavit & Addresses of Parties		6 & 7
3.	Copies of the Service Card of the Petitioners	A & A/1	8 & 9
4.	Copy of Petitioners promotion Office order dated 18/09/2009	B	10
5.	Copy of Petitioner No.1 promotion order dated 01/01/2015	B/1	11
6.	Copy of Petitioner No.2 promotion order dated 28/8/2014	B/2	12-13
7.	Copy of Levis Force Ordinance 2019	C	14-18
8.	Copy office order No. 581/PA/ATG/E dated 09-04-2019	D	19
9.	Copy of Notification dated 29/05/2019	E	20
10.	Copies of Federal Service Rules	F	21-22
11.	Copy of Seniority list dated 31/12/2018	F	23-24
12.	Court Fee and Wakalatnama		

Petitioners

Through

Khalid Mahmood

Khalid Mahmood
Advocate,

Supreme Court of Pakistan
&

M. Ashfaq Khan / Ashun Khail
Advocate,

High Court, Peshawar

Cell No. 0333-8522332

Email. ashfaqkhan182@gmail.com

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P No.....-P/2019

1. Dilawar Khan S/O Zigravar Khan,
Presently posted as Subedar in Bajour Levis at Bajour
2. Muhammad Jan S/O Sher Azam Khan
Presently posted as Subedar in Bajour Levis at Bajour

_____ Petitioners

Versus

1. Government of Khyber-Pakhtunkhwa through its Secretary Home & Tribal Affairs Department, Civil Secretariat Peshawar.
2. Inspector General of Police KPK at Police Line Peshawar
3. District Police Officer merged Tribal District Bajour erstwhile FATA Agency at Timergara
4. Deputy Commissioner of merged Tribal District Bajour.

_____ Respondents

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

Respectfully Sheweth,

Brief facts of the case are as under,

Facts

1. That the addresses of the parties has correctly been given in the heading of the Petition; which is sufficient for services of summons and notice or any other process that might be required by this Hon'ble court from time to time.
2. That Petitioners have been appointed as Sepoys in Bajour Levis erstwhile FATA Agency on regular basis with effect from 06-08-1984 and 18-07-1984 respectively.
(Copies of the Service Card of the Petitioners is annexed as annexure A & A/1)
3. That Petitioners are performing their duties honestly, diligently, devotedly and to the entire satisfaction of their superiors since their inception to the services. Moreover petitioners have unblemished service record.
4. That both the Petitioners were promoted to the rank of Naib-Subedar vide office order dated 18-09-2009 and lastly promoted to Subedar vide office order dated 01-01-2015 and 28-08-2014 respectively.
(Copies of Notifications are annexed as Annexure B, B/1 & B/2)

5. That Levis force has been merged into the KhyberPakhtunkhwa Police by the "KhyberPakhtunkhwa Ordinance 2019" hereinafter called *Levis Force Transaction Ordinance 2019*.

{Copy of Levis Force Ordinance 2019 is annexed as C}

6. That Respondent No. 2 vide office order No. 581/PA/AIG/E dated 09-04-2019 absorb all employees of Levis force and Khasadar in Khyber Pakhtunkhwa Police. Needless to observe that Hon'ble Chief Minister directive no. SO-VI/CMS/2019/3987-89 dated 04-04-2019 wherein it has been desired to merge all the Levis and Khasadar Force of the merged areas into Khyberpakhtunkhwa Police within 6 months, but till now no progress have been made out by the Respondent Department. In Para No. 3 of the said letter it has been stated that "In working out vacancies (new posts) the principals / Rules/ Laws governing absorption must be kept in mind with regard grant of equivalent ranks and pay (salary) protection"

{Copy office order No. 581/PA/AIG/E dated 09-04-2019 annexed as D}

7. That in pursuance of Office Order dated 9/04/2019, the Respondent No. 2 vide Notification dated 29/05/2019 re-designated the ranks of Petitioners (Levis Forces) for the purpose of their absorption in Khyber Pakhtunkhwa Police.

{Copy of Notification dated 29/05/2019 is annexed as annexure E}

8. That the Respondents due to malafide intention and discriminatory treatment are going to compulsory /pre mature retirement of the petitioners on 06-08-2019 and 19-07-2019 respectively under the federal services Rules which has been repealed by the KPK Levis force Transaction Ordinance 2019 ibid. {Copies of Federal Service Rules and Seniority list dated 31/12/2018 is annexed as annexure F & G}

9. That keeping in view the aforementioned legal position, the Petitioners time and again requested the Respondents/ competent authority to abstain from their illegal, unconstitutional malafide action/act/compulsory retirement of Petitioners but in vain. Petitioner being aggrieved from the verbal order of Respondents and having no other efficacious remedy available, hence, invoke the jurisdiction of this Hon'ble Court inter alia on the following grounds:

GROUNDS:

A. That the impugned act of the Respondents is against the fundamental rights of the Petitioners guaranteed under the constitution of Islamic Republic of Pakistan.

B. That the impugned act /verbal impugned order regarding the compulsory-pre mature retirement of the Petitioners from the service of the department is arbitrary, illegal, unlawful and void ab initio having no legal effects against the accrued rights of the Petitioners.

- C. That the impugned action of the Respondents is against the principle of legitimate expectancy, hence, the very impugned act of the Respondents is liable to be set aside on this score only.
- D. That the impugned act/verbal order in respect of compulsory-pre mature retirement from service is against article 25 of the Constitution. It is pertinent to mention here that keeping in view the judgments of August supreme Court of Pakistan reported as 1996 SCMR 1185 and 2002 SCMR 71 & 82 petitioners are entitled to the benefits of the judgment of this Hon'ble Court dated 30-06-2015 and 07-12-2016 because once the question of law is decided by this Hon'ble Court the benefits of the same may also be extended to the other similar place employees like petitioners.
- E. That Petitioners have performed their duties as regular employees and no difference could be created amongst the employees who are performing their duties equally coupled with responsibilities hence, this Hon'ble Court being fountain of Justice, protecting the valuable rights of the Petitioners cannot left the Petitioners at the mercy of the Respondents.
- F. That the impugned of the Respondents is in share violation of Article 4 and 25 of the Constitution as the petitioners have been treated with discrimination, moreover the Respondents are legally bound to remove the disparity and discrimination while granting the benefits to similar placed employees. Hence, the very act of the Respondents is also violative to Article 27, 37 and 38 of the constitution of the Islamic Republic of Pakistan 1973.
- G. That the Respondents are bent upon to retire the petitioners under the federal Levis Force Rules which has been repealed by the KPK Levis force Transition Ordinance 2019 hence, the very act of the Respondents being void ab initio is liable to be set aside on this score only.
- H. That the impugned verbal order of the Petitioners in respect of compulsory retirement from service amounts to imposition of penalty without any show cause notice and personal hearing which is against the Article 10 -A of the Constitution of Islamic Republic of Pakistan.
- I. That the impugned verbal order of the Respondents is against the basic principle of Natural Justice, fair play, equity and colorable exercise of power.
- J. That Petitioners are being denied the legitimate right to continue their services, which is attempt to deprived the Petitioners from their accrued valuable rights.
- K. That it is axiomatic that the matters related to term and condition of service should always be examined and decided objectively, rationally and without any prejudice so that fair reasonable and judicious conclusions / decision being free from any unfair inclination or bias could be emerged. Justice verily should not only be done but also seen to be done in any case, the available facts and ~~underlying references~~ ~~references~~ ~~suffice to indicate~~ that the impugned

of law, justice and dictum laid down by this Hon'ble . The discretion has not been exercised fairly, justly and reasonably. in this respect reliance is placed on the dictum lay down by August Supreme Court of Pakistan reported as 1995 SCMR 650.

L. That the impugned act and omission on the part of the respondents are an express violation of Sec 24-A of General Clause Act 1987, which provides that an authority vested with any power, is bound to exercise the same justly, fairly, reasonably and for the advancement of the purpose being vested there in.

M. That Petitioners may kindly be allowed to raise any other ground at the time of arguments with prior permission of this Hon'ble Court.

In wake of the above submission it is, therefore, most humbly prayed that on acceptance of this Petition, the impugned verbal order regarding the compulsory/ pre- mature retirement from service may graciously be set aside and the Respondents may kindly be directed to allow the Petitioners in order to complete their sixty three years statutory service to meet the ends of justice.

Or

Any other relief which this Hon'ble Court deems just and proper may also be granted in favour of Petitioners.

INTERIM RELIEF:

1. That petitioners have a good prima facie case and hope its success.
2. That balance of convenience also leans in favor of petitioners.
3. That if during pendency of the instant Writ Petition, petitioners were compulsory retired from their service under the repealed federal Civil Service Force Rules then Petitioners will certainly cause irreparable loss.

By way of interim relief the Respondents may graciously be restrained from taking any adverse action in respect of pre-mature retirement/ compulsory retirement of the Petitioners till final decision of the case.

[Signature]
Petitioners

Through

[Signature]

Khalid Mahmood
Advocate,

Supreme Court of Pakistan
&

M. Ashfaq Khan *[Signature]*
Advocate,

High Court, Peshawar

Annexure

(H)

(26)

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 16th SEPTEMBER, 2019.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 16th September, 2019.

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

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

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

AN
ACT

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

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

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

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

It is hereby enacted as follows:

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

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

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

(4) It shall come into force at once.

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

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

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

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

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

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

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

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

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

(i) "prescribed" means prescribed by rules;

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

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

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

- (m) "rules" mean rules made under this Act; and
- (n) "Schedule" means the Schedule appended to this Act.

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

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

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

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

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

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

Explanation: For the purpose of this section, Regional Police Officer and District Police Officer shall have the same meanings as are given to them, respectively, in the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. 11 of 2017).

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

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

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

(2) Without prejudice to the generality of the foregoing policing powers under 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.11 of 2017).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.	Kurrum.
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 Lakkī Marwat.
4.	Wazir in district Bannu.
5.	Jandola in district Tank.
6.	Darazinda in district Dera Ismail Khan.

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

(AMJAD ALI)
Secretary

Provincial Assembly of Khyber Pakhtunkhwa

Annexure **I** **31**
NOTIFICATION

Peshawar, dated the 21st September, 2019.

164 No. S.O(Police-11)/HD/SMY/2019:- In exercise of the powers conferred by section 14 of the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act. No. XXXV of 2019), read with sub-section (1) of section 9 thereof, the Government of the 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.--- In these rules, unless there is anything repugnant in the subject or context, the following expressions shall have the meanings 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 the Police, in accordance with these rules;

(b) "Act" means the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act. No. XXXV of 2019); and

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(d) "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.--The members of the Levies Force shall be permanently absorbed into the Higher Pakhtunkhwa Police, against vacancies to be newly created in the Police Department for the purpose in the following manner:

1
2
3

(a) A Scrutiny 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

[Handwritten signature]

(c) the Home and Tribal Affairs Department of Government, after receiving the lists of all the members of Levies Force, shall issue notification of absorption of the Levies Force in the 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.

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

Provided that the officer inducted in one batch, upon induction, shall retain their inter se seniority as in the Levies Force:

7. Repeal and saving.--(1) 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 these rules.

(2) 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, order and instructions.

(b) shall not affect any investigation or 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.

2. Removing of difficulties.--(1) 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 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 it to be necessary for the purpose of removing such difficulty.

(35)

SCHEDULE
(See rule 11(a))

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

Secretary to Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department

Ends To & date even:

Copy of the above is forwarded for information to the:

1. The Principal Secretary to Government, Khyber Pakhtunkhwa, Peshawar.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
3. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. The Registrar, Peshawar High Court, Peshawar.
5. The Secretary to Government of Khyber Pakhtunkhwa, Law/Parliamentary Affairs & Human Rights Department, Peshawar.
6. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary Home, Khyber Pakhtunkhwa, Peshawar.
8. The Manager, Government Printing Press, Peshawar with the request that it may be published in the official gazette and 50 copies be furnished to this office.

Section Officer (Police-I)

Ph: 091-2210503

Fax: 091-2210201

Scanned by CamScanner

Annexure J (36)

DEDUCTI DEDUCTIONS:

IT Payabl IT Payable 3,267.15 Deducted 2,830.00
GPF Bala GPF Balance 148,043.00 Subrc:
3501-Benevolent Fund 600.00

Total D: Total Deductions 3,874.00

58,703.00 58,703.00

D.O.B LFP Quota:

19.07.1966 UNITED BANK LIMITED BAJAUR KHAR

35 Year 35 Years 06 Months 014 Days 0109000218665574

Bajaur at Khar

SH:13 SH:14 P Sec:001 Month:January 2020
BJ4024 -Inspector Bajaur (Levies)
Pers #: 0 Pers #: 00464690 Buckle: 2451 INSPECTOR BAJAUR (LEVIES)
Name: I Name: DILAWAR KHAN NTN:
SUB SUB INSPECTOR GPF #: IV/PA/CSS/1317
CNIC No. CNIC No.2110692739401 Old #:
GPF Inter GPF Interest Applied
14 A 14 Active Temporary BJ4024

PAYS ANI PAYS AND ALLOWANCES:

0001-Ba:	2148-15% Adhoc Relief All-2013	633.00
1000-Ho	2168-Fixed Daily Allowance	4,900.00
1210-Coi	2199-Adhoc Relief Allow @10%	423.00
1300-Me	2211-Adhoc Relief All 2016 10%	2,249.00
1547-Rat	2224-Adhoc Relief All 2017 10%	3,039.00
1646-Coi	2247-Adhoc Relief All 2018 10%	3,039.00
1901-Ris	2264-Adhoc Relief All 2019 10%	3,039.00
1923-UAA	OTHER 20%(1-15)	1,000.00
1933-Special Risk Allowance		4,500.00
Gross P	Gross Pay and Allowances	65,883.00

DEDUCTI DEDUCTIONS:

Annexure (L) (37)

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

W.P No.....-P/2019

1. Dilawar Khan S/O Zigravar Khan,
Presently posted as Subedar in Bajour Levis at Bajour
2. Muhammad Jan S/O Sher Azam Khan
Presently posted as Subedar in Bajour Levis at Bajour



Petitioners

Versus

1. Government of Khyber-Pakhtunkhwa through its Secretary Home & Tribal Affairs Department, Civil Secretariat Peshawar.
2. Inspector General of Police KPK at Police Line Peshawar
3. District Police Officer merged Tribal District Bajour erstwhile FATA Agency at Timergara
4. Deputy Commissioner of merged Tribal District Bajour.

Respondents

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

Respectfully Sheweth,

Brief facts of the case are as under,

Facts

1. That the addresses of the parties has correctly been given in the heading of the Petition, which is sufficient for services of summons and notice or any other process that might be required by this Hon'ble court from time to time.
2. That Petitioners have been appointed as Sepoys in Bajour Levis erstwhile FATA Agency on regular basis with effect from 06-08-1984 and 18-07-1984 respectively.

(Copies of the Service Card of the Petitioners is annexed as annexure A & A/1)

3. That Petitioners are performing their duties honestly, diligently, devotedly and to the entire satisfaction of their superiors since their inception to the services. Moreover petitioners have unblemished service record.
4. That both the Petitioners were promoted to the rank of Naib Subedar vide office order dated 18-09-2009 and lastly promoted to Subedar vide office order dated 01-01-2015 and 28-08-2014 respectively.

(Copies of Notifications are annexed as Annexure B, B/1 & B/2)

ATTESTED

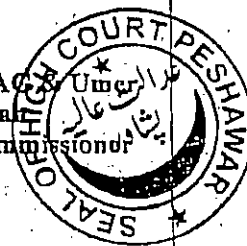
EXAMINER
Peshawar High Court

38

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge.
06/02/2020	<p><u>WP No. 3856-P/2019 with IR</u></p> <p><u>Present:</u> Mr. M. Ashfaq Khan Akhunkhail, Advocate, for the petitioners.</p> <p>M/s Muhammad Taufeeq Qureshi DAC & Umer Farooq, AAG along with Kiramat Shah Programmer on behalf of Deputy Commissioner Malakand.</p> <p style="text-align: center;">---</p> <p><u>WAQAR AHMAD SETH, CJ.-</u> Through the instant Writ Petition, petitioners seek issuance of an appropriate writ with the following prayer:-</p> <p style="text-align: center;"><i>"In wake of the above submission it is, therefore, most humbly prayed that on acceptance of this Petition, the impugned verbal order regarding the compulsory/pre-mature retirement from service may graciously be set aside and the Respondents may kindly be directed to allow the petitioners in order to complete their sixty three years statutory service to meet the ends of justice".</i></p> <p>2. Arguments heard at length. With the consent of the parties, the instant Writ Petition is sent to the Secretary Home KP, copy whereof be retained in office for the purpose of record, who shall treat the same as Departmental Appeal and decide it</p>



ATTESTED

EXAMINER
Peshawar High Court

40

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

Annexure

(M)

NOTIFICATION

Peshawar dated the, 10/2/2020

No.SO(Police)HD/SMY 2019 Merged Area/161-71 In pursuance of the provisions contained in section 9 of the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act No.XXXV of 2019) read with rule 3 of the Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019, the Home and Tribal Affairs Department, with the prior approval of the Cabinet and on the recommendation of the Provincial Police Officer, hereby orders absorption of the following members of Levies Force of Bajaur Tribal District in the Khyber Pakhtunkhwa Police with effect from the date of the initial appointment of the said members:

S#	Name	Perantage	Previous Rank	Rank in which absorbed
1.	Niamat Ullah	Abdur Rahim	Sub (13)	Sub: Insp: 14
2.	Said Gul	Amroz	Sub (13)	Sub: Insp: 14
3.	Sher Bahadar	Buzarg Jamshir	Sub (13)	Sub: Insp: 14
4.	Hayat Khan	Zarif Khan	Sub (13)	Sub: Insp: 14
5.	Bakht Munir	Murtaza Khan	Sub (13)	ASI - 11
6.	Sultan Zeb	Noor Din	Sub (13)	Sub: Insp: 14
7.	Muhammad Dostan	Gul Faroosh	Sub (13)	Sub: Insp: 14
8.	Abdul Aziz	Yar Muhammad	Sub (13)	Sub: Insp: 14
9.	Mumbar Khan	Gul Rahim	Sub (13)	Sub: Insp: 14
10.	Khan Zada	Bahadar Khan	Sub (13)	Sub: Insp: 14
11.	Qabil Shah	Jafar Khan	Sub (13)	Sub: Insp: 14
12.	Sohail	Wazir Almad	Sub (13)	Sub: Insp: 14
13.	Zar Shahad	Alim Said	Sub (13)	Sub: Insp: 14
14.	Sheraz ud Din	Shandi	Sub (13)	Sub: Insp: 14
15.	Sultan Zeb	Muhammad	Sub (13)	Sub: Insp: 14
16.	Ibrahim	Gran	Sub (13)	Sub: Insp: 14

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S#	Name	Percentage	Previous Rank	Rank in which absorbed
17.	Zarif Khan	Sabir Khan	Sub (13)	Sub: Insp: 14
18.	Jan Muhammad	Taza Gul	Sub (13)	Sub: Insp: 14
19.	Hamidullah	Gul Shali	Sub (13)	Sub: Insp: 14
20.	Fazal Rahmar	Said Habib Jan	Sub (13)	Sub: Insp: 14
21.	Khanzada	Talib Jan	Sub (13)	Sub: Insp: 14
22.	Bacha Rehman	Muhammad Hakim	N/Sub (11)	ASI -11
23.	Anwar Hakim	Fazal Hakim	N/Sub (11)	ASI -11
24.	Abdul Jabar	Umar Said	N/Sub (11)	ASI -11
25.	Masoom	Hakim Khan	N/Sub (11)	ASI -11
26.	Bacha Khan	Abdur Rahman	N/Sub (11)	ASI -11
27.	Niaz Rahman	Gul Rahman	N/Sub (11)	ASI -11
28.	Towas Khan	Pasand Khan	N/Sub (11)	ASI -11
29.	Muhammad Hayan	Muhammad Gulab	N/Sub (11)	ASI -11
30.	Taza Khan	Gul Mula	N/Sub (11)	ASI -11
31.	Noor Muhammad	Mir Zaman	N/Sub (11)	ASI -11
32.	Shahid	Alif Jan	N/Sub (11)	ASI -11
33.	Shah Zameen	Said Ajumad Jan	N/Sub (11)	ASI -11
34.	Abdur Rahman	Abdul Wahid	N/Sub (11)	ASI -11
35.	Abdul Wahab	Khan Zarin	N/Sub (11)	ASI -11
36.	Rashid Ahmad	Ubaidullah	N/Sub (11)	ASI -11
37.	Amir Rahman	Alif Khan	N/Sub (11)	ASI -11
38.	Niaz Muhammad	Saidul Mahmud	N/Sub (11)	ASI -11
39.	Honar Khan	Rahmat Khan	N/Sub (11)	ASI -11
40.	Sher Ghani	Khair Gul	N/Sub (11)	ASI -11
41.	Muhammad Khan	Muhammad Zarin	N/Sub (11)	ASI -11
42.	Khan Badshah	Abdul Habib	N/Sub (11)	ASI -11
43.	Noor Hakeem	Fazal Rahim	N/Sub (11)	ASI -11
44.	Sadbar	Toor Khan	N/Sub (11)	ASI -11
45.	Said Muhammad	Khan Muhammad	N/Sub (11)	ASI -11
46.	Dawlat Khan	Dawai Khan	N/Sub (11)	ASI -11
47.	Muhammad	Jalandar Shah	N/Sub (11)	ASI -11

SH	Name	Perantage	Previous Rank	Rank in which absorbed
1938.	Farhat Ullah	Guli Rehman	Sepoy (05)	Constable 07
1939.	Asghar Khan	Rehmat	Sepoy (05)	Constable 07
1940.	Ali Rehman	Khaista Khan	Sepoy (05)	Constable 07
1941.	Hayaud Din	Toor Khan	Sepoy (05)	Constable 07
1942.	Inayat Ur Rehman	Khan Said	Sepoy (05)	Constable 07
1943.	Luqman	Abdul Jabar	Sepoy (05)	Constable 07
1944.	M. Raheem	Sham Ur Rehman	Sepoy (05)	Constable 07
1945.	Shah Hussain	Rajim Shah	Sepoy (05)	Constable 07
1946.	Ismail	Mohammad Gul	Sepoy (05)	Constable 07
1947.	Abdul Latif	Abdul Ahamad Jan	Sepoy (05)	Constable 07
1948.	Shah Hussain	Mukhtiar Khan	Sepoy (05)	Constable 07
1949.	Tahir Rehman	Inayat Rehman	Sepoy (05)	Constable 07
1950.	Ramzan	Jan Bacha	Sepoy (05)	Constable 07
1951.	Liaqat	Abdullah	Sepoy (05)	Constable 07
1952.	Gul Zamin Khan	Nawshad	Sepoy (05)	Constable 07
1953.	Said Ur Rehman	Sabir Khan	Sepoy (05)	Constable 07
1954.	M. Idrees	Obaid Ullah	Sepoy (05)	Constable 07
1955.	Gul Zada	Mohammad Zabir Shah	Sepoy (05)	Constable 07
1956.	Siraj Ul Haq	Bazarg	Sepoy (05)	Constable 07
1957.	Said Wali	Noor Khan	Sepoy (05)	Constable 07
1958.	Zahid Ullah	Guli Rehman	Sepoy (05)	Constable 07
1959.	Abdul Salam	Asim Khan	Sepoy (05)	Constable 07
1960.	Mudeeri Khan	Mohammad Sadiq	Sepoy (06)	Constable 07
1961.	Imran Khan	Chamoi Khan	Sepoy (05)	Constable 07
1962.	Habib Ullah	Sher	Sepoy (05)	Constable 07
1963.	Mukamil Khan	Zoora Din	Sepoy (05)	Constable 07
1964.	Arab Khan	Mian Gul	Sepoy (05)	Constable 07
1965.	Nisar Khan	Bakhtawar Khan	Sepoy (05)	Constable 07
1966.	Dawalat Khan	Itbar Said	Sepoy (05)	Constable 07

M. C.

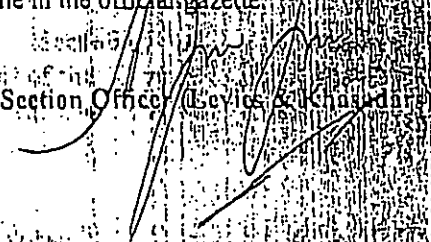
2. The above absorption shall be subject to the following terms and conditions:

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

No. & date even.
CC to:

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

Section Officer (Services & Administration)



Annexure

(N)

(44)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME DEPARTMENT

NOTIFICATION

Dated Peshawar the 14/07/2020

No. SO(Police-III)1041-20. In exercise of the powers conferred by Section 4 of the Provincially Administered Tribal Areas Levies Force Regulation 2012, the Government of the Khyber Pakhtunkhwa is pleased to direct that in the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013, the following further amendments shall be made, namely:

Amendments

In the said rules:

- (a) For rule 17 the following shall be substituted, namely:
- "17. Retirement.— All Levies Personnel shall retire from service on attaining their age of superannuation (i.e. sixty (60) years or they may opt for retirement after completion of twenty-five (25) years regular service." and
- (b) Schedule-III shall be deleted

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA
HOME DEPARTMENT

Copy forwarded to the:-

1. Principal Secretary to Governor's Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.
3. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
4. Registrar Peshawar High Court, Peshawar.
5. All Commissioners, Khyber Pakhtunkhwa.
6. All Deputy Commissioners, Khyber Pakhtunkhwa.
7. Provincial Election Commissioner, Khyber Pakhtunkhwa.
8. Provincial Police Officer, Khyber Pakhtunkhwa.
9. All Heads of Attached Departments in Khyber Pakhtunkhwa.
10. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
11. Accountant General of Khyber Pakhtunkhwa.
12. Director Information Khyber Pakhtunkhwa, Peshawar.
13. The Manager Government Printing & Stationery Department, Khyber Pakhtunkhwa. He is requested to publish the above Notification in the extra ordinary Gazette of Khyber Pakhtunkhwa and supply 50 Copies (Printed) of the same to the Home Department.

Section Officer (Police-II)

14/7/2020

Annexure

45



Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
(Levy & Khassadars Wing)

No.CS(F)/L&K/4-Levy/Appeal/ 2348-50
Dated:06.10.2020

ORDER.

1. Whereas, petitioner/ appellant Muhammad Jan was appointed in Bajaur Levy on 18.07.1984, promoted as Subedar on 28.08.2014 and due for retirement on 17.07.2019 on completion of 35-years' service tenure in Federal Levy Force. The petitioner/ appellant filed Writ Petition No.3856-P/2019 before the hon'ble Peshawar High Court.
2. And whereas, the Honorable Peshawar High Court, Peshawar referred the case to the Secretary, to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department to treat same as Departmental Appeal and decide it in accordance with the law.
3. And whereas, the petitioner/ appellant was afforded opportunity of personal hearing on 26.08.2020.
4. And whereas, in light of rule-15(2) of the Khyber Pakhtunkhwa Levies Force Act, all Levies personnel will be governed under Federal Levy Force (Amended) Service Rules-2013 till their absorption in Khyber Pakhtunkhwa Police.
5. And whereas, SRO 936(1)/2016 of the Federal Levy Force (Amended) Service rules-2013 provides that Subedar will be retired on 35 years' service or 5-years' service as Subedar or 60 years of age, whichever is earlier.
6. Now, therefore, in view of the rules position as explained above, the petitioner/ appellant has completed the statutory period of service i.e. 35 years' on 17.07.2019, hence, the instant appeal is dismissed.

-sd-

Secretary to Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Endst. No. & date even.

CC to:

1. Registrar, Peshawar High Court, Peshawar
2. District Police Officer, Bajaur Tribal District
3. Deputy Secretary (Judicial), Home & TAs Department, Khyber Pakhtunkhwa

Section Officer (Levy & Khassadars)

2018
10/10/2019

بعدالت

Before Honble Khyber Pakhtunkhwa
Service Tribunal


Appellant ² بنام ² مخاب
Govt of KPK & Others بنا Dilawar Khan

مورخہ
مقدمہ
دعویٰ
نمبر

باعث تحریر آنگہ

مقدمہ مندرجہ عدوان بالا میں اپنی نظر ہے۔ واسطے بیرونی اور جواب دہی اور کارروائی متعلقہ
آ این مقام M. Ashfaq Khan Akhankhail Peshawar
Mujees Ullah
مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی نقل کارروائی کا کامل اختیار ہوگا۔ نیز
دیکھ رہا صاحب کو راضی نامہ کرنے کے لئے تقریرتالیق و فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
باعدورت ڈگری کرنے اجراء اور وصولی چیکب درو پیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیرونی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے کے اپیل غمرانی و نظر ثانی و بیرونی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے نقل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہا لحتہ
و اخذ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی منقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیرونی
مذکورہ کریں۔ لہذا کالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 12 ماہ 20 20

Attested & Accepted B
کے لئے منظور ہے۔


Peshawar
Mujees Ullah
Adv Mujees