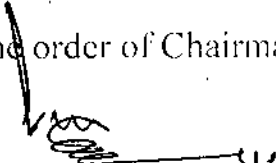


FORM OF ORDER SHEET

Court of _____

Case No. - 1917/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/12/2022	<p>The instant appeal presented today by Dr. Adnan Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)**

Service Appeal No. 1917 of 2022

Muhammad ZaminAppellant

VERSUS

Government of Khyber Pakhtunkhwa and another

.....Respondents

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Appellant though Counsel

Umar Sadiq Advocate
High Court

Dr. Adnan Khan Barrister-at-Law,
Advocate Supreme Court of Pakistan.
Office: Adnan Law Associates,
Opposite Shuhada Park College Colony,
Saidu Sharif, Swat.
Cell No. 0346-9415233

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)**

Service Appeal No. 1917 of 2022

Muhammad Zamin S/o Muhammad Nawaz Khan R/o Bajauro,
Tehsil Talash, Dir Lower. [Sepoy No. 1696]

.....Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat at Peshawar.
- 2) Government of Khyber Pakhtunkhwa through Secretary Home &
Tribal Affairs Department, Civil Secretariat at Peshawar.
- 3) Commandant Malakand Levies/Deputy Commissioner Malakand
at Batkhela.

.....Respondents

**APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974.**

PRAYER:

On acceptance of this Appeal, **Notifications No. SO(Police-II)HD/MKD/Levies/Misc./2020 dated 22-03-2021 & No. SO (Police-II)HD/1-3/Federal Levies 2021 dated 21-10-2021** and subsequent retirement orders issued by respondent No.2 may be declared as illegal and the same be set aside. Consequently, the appellant may be held entitled to complete his service till attaining 60 years age in light of Notification dated 14-07-2020.

Alternatively, the impugned notifications may be declared to be ineffective upon the rights of the appellant and he may be allowed to complete his service till attaining 60 years of age.

- 2)
- That services of the appellant were initially regulated under the Federal Leves Force Rules, 1962. The said Rules had no legal protection and as such, were declared to be non-statutory by the august Supreme Court in a judgment passed in C.P No.1181 of 2012 (Copy of judgment passed in C.P No.1181 of 2012 is Annexure "B").
- 3)
- That subsequently, the Governor Khyber Pakhtunkhwa, under the omitted Article 247(4) of the Constitution promulgated the PATA Leves Force Regulations, 2012. Consequently, the Provincial Government framed Service Rules for the Leves Force in 2013 (Copy of relevant text of Service Rules notified in February 2013 is Annexure "C").
- 4)
- That Schedule-III of the above mentioned Rules, which provided for length of service towards retirement had certain anomalies. Hence, the said Rules were amended in December 2013 and the above stated anomalies were removed to a larger extent (Copy of amended Rules notified in December 2013 are Annexure "D").
- 5)
- That the relevant Rules were further amended in July 2020. Regarding the length of service towards retirement, Rule 17 was amended to the effect that all Leves personnel shall retire from service on attaining the age of superannuation i.e Sixty Years. Furthermore, Schedule-III which provided for certain length of service, was deleted by virtue of the amendment (Copy of amendments notified in July 2020 are Annexure "E").
- 6)
- That the rules were further amended on 23-03-2021. Rule 17, which provided for retirement on reaching superannuation was again omitted and Schedule-III was revived with certain amendments. Consequently, the junior rank officials like the present appellant would retire after performing certain years of service or on reaching certain age. For instance Hawaldar would retire on reaching 31 years of service or 51 years of age, Naik 29 years of service or 48 years of age, L/Naik 27 year of service or 45 years of age and Sepoy 25 years of service or 42 years of age, whichever is earlier (Copy of amended Rules notified in March 2021 are Annexure "F").

- 7) That the above mentioned Rules being extremely detrimental to him, the appellant filed representation before the concerned quarters for redressal of his grievances. The same has not been responded to as yet (Copy of representation is Annexure "G").
- 8) That the appellant alongwith other similarly placed personnel of the Levies Force got retired from service on reaching certain age/completion of certain length of service as prescribed by the above mentioned Rules (Copy of retirement order is attached as Annexure "H").
- 9) That the appellant along with other similarly placed persons invoked the Constitutional Jurisdiction of the Hon'ble Peshawar High Court by way of filing various constitutional Petitions, challenging vires of the above mentioned rules.
- 10) That during the pendency of the said petitions, the Provincial Government made further amendments in the Federal Levies Rules on 21-10-2021, whereby retirement age in respect of lower ranked members of the Force was enhanced by a few years (Copy of amended Levies Rules notified on 21-10-2021 are Annexure "I").
- 11) That the appellant filed another representation against the above mentioned further amendments in the relevant rules, which was never responded to. (Copy of memo of second representation is Annexure "J").
- 12) That against the above mentioned Rules framed by the Provincial Government, the appellant alongwith other similarly placed persons filed various other constitutional petitions (W.P No.469-M/2021, W.P No.470-M/2021, W.P No.337-M/2021, W.P No.338-M/2021, W.P No.333-M/2021 and W.P No.335-M/2021) before the Hon'ble Peshawar High Court. However, because of jurisdictional issues, the matter was referred to a larger Bench.
- 13) That the respondents were put on notice by the Hon'ble High. In response, the concerned respondents filed their requisite comments (Copy of comments is Annexure "L").

before the Hon'ble Peshawar High Court. However, because of jurisdictional issues, the matter was referred to a larger Bench.

- 13) That the respondents were put on notice by the Hon'ble High. In response, the concerned respondents filed their requisite comments (Copy of comments is Annexure "K").
- 14) That in order to give benefit of the recently amended rules to those already retired from service pursuant to the Rules notified on 22-03-2021, the Provincial Assembly passed an Act whereby certain employees already retired from service were reinstated into service (Copy of Act of Provincial Assembly is Annexure "L").
- 15) That in light of the above mentioned Act, the appellant along with other similarly placed employees of the levies force filed a constitutional petition (WP No. 1281-M/2022) before the Hon'ble Peshawar High Court Mingora Bench to the extent of their reinstatement in light of the Provincial Assembly's Act. The petition was allowed by the Hon'ble High Court vide judgment dated 23-11-2022 whereby the respondents were directed to re-instate the then petitioners. It is worth mentioning that vires of the impugned rules were not challenged in the said petition, which are being impugned through the instant appeal (Copy of judgment dated 23-11-2022 is Annexure "M").
- 16) That a larger Bench of the Hon'ble Peshawar High Court heard the connected petitions on 29-11-2022. Consequently, the Hon'ble High Court decided that personnel of the levies force are civil servants and their employment matters would be dealt with by this Hon'ble Tribunal (Copy of order dated 29-11-2022 is Annexure "N").
- 17) That being aggrieved with the impugned notifications and subsequent retirement order, the instant appeal is being filed before this Hon'ble Tribunal, *inter alia*, on the following grounds:

GROUND:

- A) That the impugned act of amending the relevant Service Rules to the detriment of the appellant and subsequent retirement is

amended, the same having prospective effect cannot be applied against the existing employees

- C) That after the 25th Constitutional amendment, the new Constitutional regime demanded streamlining of the erstwhile Tribal Areas with the rest of the Province. So much so, Levies personnel serving in erstwhile FATA and Khasadar Force were accommodated to a larger extent where the Provincial Assembly passed an Act aimed at streamlining the service structure of Ex. FATA Levies Force. The Act not only provides uniform retirement age i.e 60 years for the whole Force but rather enjoins upon the Provincial Government to take steps towards absorption of the said Levies and Khasadars in regular police. Regrettably, the appellant have been treated in violation of the Constitutional spirit particularly after the 25th Constitutional amendment and subsequent orders (Copy of KP Levies Force Act, 2019 and subsequent orders are Annexure "P").
- D) That the revived Schedule-III of the impugned amended Rules and further amendment made in the same is self-contradictory and discriminatory as well. The said Schedule prescribed 60 years of age or certain maximum length of service for high ranking officials' i.e Subedar Major, Subedar and Naib Subedar. Regrettably, the appellant being in lower rank has been treated discriminatorily for the reason that he has not been allowed to serve till 60 years of age.
- E) That further grounds, with leave of this Hon'ble Tribunal, would be raised at the time of oral submissions.

It is, therefore, humbly prayed that on acceptance of this appeal,

- (i) The impugned Notifications No. SO(Police-II)HD/MKD/Levies/Misc./2020 & No. SO (Police-II)HD/1-3/Federal Levies 2021 dated 21-10-2021 and subsequent retirement order issued by respondent No. 2 be declared as illegal, the same may be set aside. Consequently, the appellant may be held entitled to complete his service till attaining

60 years of age in light with Notification dated 14-07-2020.

Alternatively, the impugned notifications may be declared to be ineffective upon the rights of the appellant and the appellant be allowed to complete his service till attaining 60 years of age.

- ii) Any other remedy though may not specifically prayed for, but which circumstances of the case would demand in the interests of justice, may also be granted.

Appellant

Muhammad Zamin
Muhammad Zamin

Identified by counsels

Adnan Khan
Dr. Adnan Khan Barrister-at-Law,
Advocate Supreme Court of Pakistan.

&

Umar Sadiq
Umar Sadiq Advocate High Court

CERTIFICATE:

Certified that no such like appeal has earlier been filed before this Hon'ble Tribunal on the subject matter.

Appellant

Muhammad Zamin
Muhammad Zamin

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR (CAMP COURT AT SWAT)

Service Appeal No. _____ of 2022

Muhammad Zamin.....Applicant/Appellant

VERSUS

Government of Khyber Pakhtunkhwa and another

.....Respondents

APPLICATION FOR CONDONATION OF DELAY IN
FILING SERVICE APPEAL.

Respectfully Sheweth:

- 1) That the accompanying appeal is being filed before this Hon'ble Tribunal, which is apparently filed after the prescribed thirty days limitation period.
- 2) That the appellant was agitating his remedies in good faith before the Hon'ble Peshawar High Court, Peshawar. Even before the Hon'ble High Court the matter of jurisdiction was not determined with certainty hence, for determination of jurisdiction, larger bench was constituted to hear the matter.
- 3) That on 29-11-2022, the Hon'ble High Court finally determined that members of the Levies Force are Civil Servants whose matters of employment are to be adjudged by Service Tribunal.
- 4) That pursuant to the above mentioned verdict, the instant appeal is being filed without any delay. However, time consumed before the Hon'ble High Court ought to be condoned under Section 14 of the Limitation Act.

(8)

- 5) That being so, the delay occasioned as such cannot be used to the detriment of the applicant.
- 6) That it is in the interests of justice that disputes are adjudicated upon merits rather on the technicalities.

It is, therefore, humbly prayed that on acceptance this application, any delay in filing the instant appeal be condoned and the appeal be decided on merits.

Appellant/Applicant
Through Counsels



Barrister Dr. Adnan Khan
Advocate Supreme Court of Pakistan



Umar Sadiq Advocate
High Court

CERTIFICATE:

Certified that no such like appeal has earlier been filed before this Hon'ble Tribunal on the subject matter.

Appellant


Muhammad Zamin

9

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)**

Service Appeal No. _____ of 2022

Muhammad Zamin.....Applicant/Appellant

VERSUS

Government of Khyber Pakhtunkhwa and another

.....Respondents

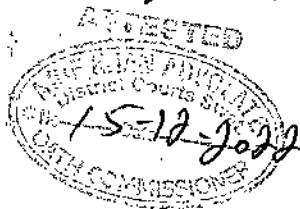
AFFIDAVIT

I, **Muhammad Zamin** (Applicant), do hereby solemnly affirm and declare that the contents of the above titled Application are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Hon'able Tribunal or elsewhere on this subject matter

DEPONENT



Muhammad Zmin



70

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR (CAMP COURT AT SWAT)

Service Appeal No. _____ of 2022

Muhammad Zamin *Applicant/Appellant*

VERSUS

Government of Khyber Pakhtunkhwa and another

..... *Respondents*

APPLICATION FOR DISPENSING WITH FILING OF
COMMENTS

Respectfully Sheweth:

- 1) That the accompanying appeal is being filed before this Hon'ble Tribunal.
- 2) That initially, the appellant had approached the Hon'ble Peshawar High Court alongwith other similarly placed persons through various Constitutional Petitions with the same facts, grounds and relief as prayed in the instant appeal.
- 3) That before the Hon'ble High Court, the concerned respondents had filed their para wise comments which have been enclosed alongwith the memo of appeal.
- 4) That the said comments are sufficient for the just disposal of the main appeal. Likewise, in cases where vires of law is challenged, customarily comments are not called for.
- 5) That the matter has already been lingered on and further time will be consumed to the detriment of the appellant, if comments are called from the respondents in the instant appeal.

(71)

It is, therefore, humbly prayed that on acceptance this application, the requirement of filing comments be dispensed with and the appeal in hand may be decided in light of already filed comments before the Hon'ble High Court.

Appellant/Applicant
Through Counsels



Barrister Dr. Adnan Khan
Advocate Supreme Court of Pakistan



Umar Sadiq Advocate
High Court

CERTIFICATE:

Certified that no such like appeal has earlier been filed before this Hon'ble Tribunal on the subject matter.

Appellant



Muhammad Zamin

12

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)**

Service Appeal No. _____ of 2022

Muhammad Zamin.....Applicant/Appellant

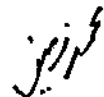
VERSUS

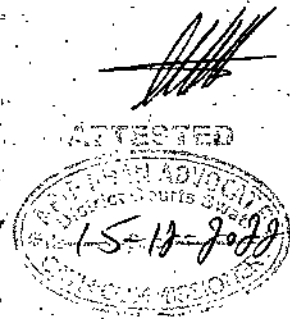
Government of Khyber Pakhtunkhwa and another
.....Respondents

AFFIDAVIT

I, **Muhammad Zamin** (Applicant), do hereby solemnly affirm and declare that the contents of the above titled Application are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Hon'able Tribunal or elsewhere on this subject matter

DEPONENT


Muhammad Zmin



13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)

Service Appeal No. _____ of 2022

Muhammad ZaminAppellant

VERSUS

Government of Khyber Pakhtunkhwa and another
.....Respondents

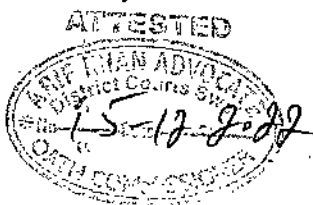
AFFIDAVIT

I, Muhammad Zamin (Appellant), do hereby solemnly affirm and declare that the contents of the above titled Appeal are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Hon'able Tribunal or elsewhere on this subject matter

DEPONENT

Muhammad Zamin
Muhammad Zamin

[Signature]



14

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)**

Service Appeal No. _____ of 2022

Muhammad ZaminAppellant

VERSUS

Government of Khyber Pakhtunkhwa and another
.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Muhammad Zamin s/o Muhammad Nawaz Khan r/o
Bajauro, Tehsil Talash Dir Lower. [Sepoy No.1696.]
(NIC#) (Cell#)

RESPONDENTS:

- 1) Government of Khyber through Secretary Home & Tribal Affairs
Department, Civil Secretariat at Peshawar.
- 2) Commandant Dir Levies/Deputy Commissioner District Dir Lower
at Timergara

Appellant

Muhammad Zamin
Identified by Counsels

Barrister Dr. Adnan Khan
Advocate Supreme Court of Pakistan

Umar Sadiq Advocate
High Court.

(15)

Amx A

OFFICE OF THE
DISTRICT COORDINATION OFFICER,
DIR LOWER.

No. _____ /A/10(LHC).
Dated Timergara the, 10/12/2004.

OFFICE ORDER

Mr. Mohammad Zamin s/o Mohammad Nawaz Khan R/O Bajawro Talash Tehsil Timergara District Dir Lower is hereby appointed as Sepoy in Dir Levies against the vacant post in BPS-1 (1870-55-3520) plus usual allowances as admissible under the rules with immediate effect subject to the production of Health & Age Certificate from the Health Department (MS, Timergara).

*District Coordination Officer,
Dir Lower.*

No. 1717-19 /A/10(LHC).

Copy forwarded to:-

1. District Accounts Officer, Dir Lower.
2. Subedar Major, Dir Levies at Chakdara.
- ✓ 3. Official concerned.

For information and necessary action.

*District Coordination Officer,
Dir Lower.*

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7-6

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

AMJAD ALI
Advocate
SUPREME COURT

PRESENT:
MR. JUSTICE EJAZ AFZAL KHAN
MR. JUSTICE IJAZ AHMED CHAUDHRY

CIVIL PETITION NO. 1181 OF 2012
(On appeal from the judgment dated
28.6.2012 in W.P. No. 263/2012 passed
by the Peshawar High Court, Mingora
Bench)

Subedar Gul Roz Khan

.... Petitioner

Versus

Govt. of Pakistan through Secy. M/o. SAFRON, Islamabad

.... Respondents

For the Petitioner

Mr. Ejaz Anwar, ASC

For Respondents No. 5

Mr. Amjad Ali, ASC

For Official Respondents

Syed Irshad Hussain Shah,
Addl. AG KPK

Date of hearing

02.10.2012

JUDGMENT

EJAZ AFZAL KHAN, J.: This petition for leave to appeal has arisen out of the judgment dated 28.6.2012 of the learned Division Bench of the Peshawar High Court, Mingora Bench, whereby Writ Petition filed by the petitioner was dismissed.

2. Learned counsel appearing on behalf of the petitioner contended when the High Court in its judgment dated 13.06.2012 rendered in the case of Muhammad Idrees vs.

ATTESTED

Sup. Intendant
Supreme Court of Pakistan
ISLAMABAD

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Government of Pakistan & others held that the employees of Malakand and Dir Levies are civil servants in terms of Act LXXI of 1973 while in the case in hand held that they are not even the employees of statutory body, the petitioner would be left high and dry without any remedy. The learned counsel next contended that if at all the employees of the Levies were neither civil servants nor employee of a statutory body the learned Division Bench had no power and jurisdiction to comment on the nature of the service or viability of the grievance, therefore, the impugned judgment merits an outright reversal.

3. As against that learned Additional Advocate General, KPK appearing on behalf of the official respondents contended that employees of Malakand and Dir Levies are neither civil servants nor are they employees of a statutory body, therefore, writ against any order causing grievance thereto in any form is not amenable to the constitutional jurisdiction of the High Court. Learned counsel appearing on behalf of respondent No.5 also reiterated the same stance.

4. A perusal of the relevant material on the record and notifications issued in this behalf would unmistakably indicate that employees of Malakand and Dir Levies are not civil servants. The aforesaid material and notifications also transpire with alike clarity, that they are not employees of a statutory body either. When so, the High Court could not have commented on the nature of the service or viability of the grievance thus raised by such employees before it. It was a case of dismissal of petition fair and simple. No comments one way or the other were called for. We, therefore, convert this petition into appeal and allow it

ATTESTED

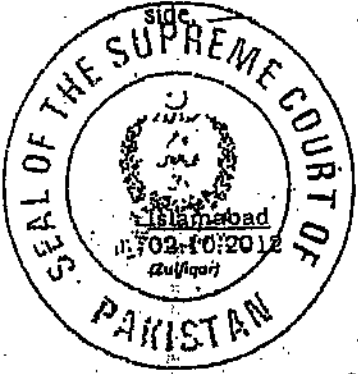
Superintendent
Supreme Court of Pakistan
ISLAMABAD

SECRETARY
DEPT. OF
LAW

17

18

in the terms mentioned above by modifying the impugned judgment. We have been told that petitioner has already filed an appeal on 3.5.2012 which is pending before respondent No.2. We would thus desire that it be disposed of within one month without being influenced by any element from above or any other



Pet. Ejaz Azhar Khan, J.
Pet. Jig Ahmed Chaudhry, J.

Certified to be True Copy

[Signature]
4/10/12
Superintendent
Supreme Court of Pakistan
ISLAMABAD

NOT APPROVED FOR REPORTING

3/2/12

Case No.	11267/11
Volume	2-10-12
No. of Pages	900
No. of Vols	9
Amount of Fee	5.00
Amount of Fee Paid	5.00
Balance	12.00
Date of Acquisition	4/10/12
Authority	<i>[Signature]</i>
Signature	<i>[Signature]</i>
Name	<i>[Signature]</i>

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KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 15TH FEBRUARY, 2013

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

NOTIFICATION

Peshawar the 4th February 2013

SERVICE RULES FOR FEDERAL LAWES FORCE IN PATA

In exercise of the powers conferred by Section 7 of the PATA Lawes Force Regulation, 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 Administration Areas (PATA) Federal Lawes Force Service (Amended) Rules, 2013.

(2) They shall come into force at once.

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

(a) "Appointing Authority" means the appointing authority specified in rule 1.

(b) "Commandant" means Commandant of the Force, who shall be the District 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 exercise in his respective jurisdiction such powers and perform such functions as may be prescribed who shall be responsible to the Commandant for operational matters of the Force in PATA.

(d) "Deputy Commandant (Administration)" means Deputy Commissioner or any officer of the District designated as such by the provincial government who shall 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.

"Government" means the Government of Khyber Pakhtunkhwa;

"Home Department" means Provincial Home & Tribal Affairs Department;

"Initial recruitment" means appointment made other than by promotion or transfer;

(i) "Schedule" means the Schedule appended to these rules;

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SCHEDULE - II
See Rule 17.

20

Sl. No.	Post/Rank	Length of service / Age
1	Subedar Major (BS-16)	38 years service or 03 years service as Subedar Major or 60 years age whichever is earlier
2	Subedar (BS-15)	35 years service or 03 years service as Subedar or 57 years age whichever is earlier
3	Naib Subedar (BS-11)	52 years service or 03 years service as Naib Subedar or 54 years age whichever is earlier
4	Havaldar (BS-9)	29 years service or 03 years service as Havaldar or 51 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-4)	20 years service or 43 years age whichever is earlier

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(21)

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

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

(2) They shall come into force at once.

2. **Definition:-** (1) In these Rules, unless the context otherwise require, the following expression 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 as 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 power 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 in administration and establishment matters of the Force in PATA.
- (e) "Government" means the Government of Khyber Pakhtunkhwa;
- (f) "Home Department" means Provincial Home & Tribunal 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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SCHEDULE-III
See Rule 17

22

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

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NOTIFICATION

No. So (Levies) HD/FLW/1-4/2015A/61. The competent authority has been pleased to further amendments in Schedule-I of Rule-4(2) and Schedule-III of Rules-17 under Part II Regulation for PATA Levies Force, 2012 & Rule-24 of the Provincially Administered Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013 as under:-

Rule-4(2) Schedule-I

SCHEDULE-I
See Rule 4 (2)

S.No	Post/ Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
	Uniformed Force				
	Subedar Major (BS-12)	One year service as Subedar	100%		
	Subedar (BS-13)	One year service as Naib Subedar	100%		
	Naib Subedar (BS-11)	One year service as Hawaldar	100%		
	Hawaldar (BS-8)	One year service as Naik	100%		
	Naik (BS-7)	One year service as Lance Naik	100%		
	Lance Naik (BS-6)	Five years' service as Sepoy	100%		
	Sepoy (BS-5)			100%	Middle Matric
	Head Armorer (BPS-5)	Five years' service as Assistant Armorer	100%		Middle Matric v of Armo
	Assistant Armorer (BPS-1)			100%	Middle Matric v of Armo

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

SCHEDULE-III

Rule-17 (Retirement)

S.No.	Post/ Rank	Length of service / age for retirement.
	Subedar Major (BS-12)	37 years' service or 60 years of age whichever is early
	Subedar (BS-13)	35 years' service or 60 years of age whichever is early
	Naib Subedar (BS-11)	33 years' service or 60 years of age whichever is early
	Hawaldar (BS-8)	31 years' service or 60 years of age whichever is early
	Naik (BS-7)	29 years' service or 60 years of age whichever is early
	Lance Naik (BS-6)	27 years' service or 60 years of age whichever is early
	Sepoy (BS-5)	25 years' service or 60 years of age whichever is early

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(24)

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

NOTIFICATION

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

Rule-4(2) Schedule -I

SCHEDULE-I
See Rule 4(2)

Uniformed Force					
S.No	Post/Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
1.	Subedar Major (BS-16)	One year service as Subedar	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)	One year service as Sepoy	100%		
7.	Sepoy (BS-5)			100%	Middle Pass/Matric
8.	Head Armorer (BS-5)	One year service as Assistant Armorer	100%		Middle Pass/Matric
9.	Assistant Armorer (BS-1)			100%	Middle Pass/Matric

Rule-17 (Retirement): (1) All uniform levy personnel shall retire as per Schedule-III or opt for retirement after completion of 25 years of regular service and no extension 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' of service or 60 years of age whichever is earlier
2.	Subedar (BS-13)	35 years' of service or 60 years of age whichever is earlier
3.	Naib Subedar (BS-11)	33 years' of service or 60 years of age whichever is earlier
4.	Hawaldar (BS-8)	31 years' of service or 60 years of age whichever is earlier
5.	Naik (BS-7)	29 years' of service or 60 years of age whichever is earlier
6.	Lance Naik (BS-6)	28 years' of service or 60 years of age whichever is earlier
7.	Sepoy (BS-5)	25 years' of service or 60 years of age whichever is earlier

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amendments shall be made, namely:

Amendments

In the said rules:-

- (a) For rule 17, the following shall be substituted, namely:
 "17. Retirement.— All Levies Personal shall retire from service on attaining then 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 Department 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 & Stationary Department, Khyber Pakhtunkhwa.
- 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

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HOME DEPARTMENT
NOTIFICATION
Dated Peshawar the 14-07-2020

26

No. SO (Police-IDHD/1-3: In exercise of the power conferred by Section 9 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) Fro rule 17, the following shall be substituted, namely:

"17, Retirement.— All Levies Personal shall retire from service on attaining then 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

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27



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar, dated the 22-3-2021

No. SO(Police-III/HD/MKD/Levies/Misc./2020:- 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 direct that in the PATA Federal Levies Force Service (Amended) Rules, 2013, the following further amendments shall be made, namely:-

Amendments

In the said rules:-

- In Rule 4, sub-rule (1), the following shall be substituted, namely:
 (i) Commandant shall be the appointing authority for initial recruitment and promotion up to the rank of Subedar.
 Provided that the appointing authority for purpose of promotion to the posts of Subedar Major and Superintendents shall be Secretary, Home Department.*
- For Rule 17, the following shall be substituted, namely:
 17. Retirement: All Levy personnel shall retire as per Schedule-II and no extension in service after retirement shall be granted.
- For Schedule-III, the following shall be substituted, namely:

*Schedule-II
(see rule 17)

S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
1	Subedar Major (DS-18)	On the basis of Seniority-cum-Fitness from amongst the Subedars having Intermediate Qualification	Thirty Seven Years or Three Years Service as Subedar Major or Sixty Years of age whichever is earlier
2	Subedar (DS-13)	By promotion, on the basis of Seniority Cum Fitness in the following manner, namely: (i) Fifty Percent (50%) from amongst the Naib Subedars having intermediate qualification, and (ii) Fifty Percent (50%) from amongst Naib Subedars having Secondary School Certificate	Thirty Five Years service or Four Years service as Subedar or Sixty years of age whichever is earlier
3	Naib Subedar (DS-11)	By promotion, on the basis of Seniority Cum Fitness in the following manner, namely: (i) Fifty Percent (50%) from amongst the Naib Subedars having Intermediate qualification and (ii) Fifty Percent (50%) from amongst Headclerks.	Thirty Three Years Service or Sixty Years Service as Naib Subedar or Sixty Years of age whichever is earlier.

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22 Mar 2021 16:49

FORM NO: 0319210851

FROM: RPK HD ME

28

S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
4	Wazir (BS-06)		Thirty One years service or Three years service as Wazir or Fifty One years of age, whichever is earlier.
5	Nazir (BS-07)		Twenty Nine years service or Thirty years service as Nazir or Forty Eight years of age, whichever is earlier.
6	Wazir (BS-06)		Twenty Seven years service or Three years service as Wazir or Forty Five years of age whichever is earlier.
7	Seraj (BS-05)		Twenty Five years service or Forty Two years of age, whichever is earlier.

**SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME & TRIBAL AFFAIRS DEPARTMENT**

Copy forwarded to the:-

1. Principal Secretary to the Governor, Khyber Pakhtunkhwa.
 2. Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa.
 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 Police Officers, Khyber Pakhtunkhwa.
 8. All Heads of Attached Department in Khyber Pakhtunkhwa.
 9. PSO to the Chief Secretary, Khyber Pakhtunkhwa.
 10. Accountant General, Khyber Pakhtunkhwa
 11. Director Information, Khyber Pakhtunkhwa.
 12. 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)

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To be substituted notification of even No & date.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

(29)



NOTIFICATION

Peshawar, dated the 22-3-2021

No. SO(Police-II)HD/MKD/Levies/Misc./2020:- 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 direct that in the PATA Federal Levies Force Service (Amended) Rules, 2013, the following further amendments shall be made, namely:-

Amendments

In the said rules:-

- In Rule 4, sub-rule (1), the following shall be substituted, namely:
 "(1) Commandant shall be the appointing authority for initial recruitment and promotion up to the rank of Subedar.
 Provided that the appointing authority for purpose of promotion to the posts of Subedar Major and Superintendents shall be Secretary, Home Department."
- For Rule 17, the following shall be substituted namely:
 "17. Retirement: All Levy personnel shall retire as per Schedule-III and no extension in service after retirement shall be granted".
- For Schedule-III, the following shall be substituted, namely:

**"Schedule-III
(see rule 17)"**

S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
1.	Subedar Major (BS-16)	On the basis of Seniority-cum-fitness from amongst the Subedars having Intermediate Qualification	Thirty Seven Years or Three Years' Service as Subedar Major or Sixty Years of age whichever is earlier
2	Subedar (BS-13)	By promotion, on the basis of Seniority Cum Fitness in the following manner, namely: (i) Fifty Percent (50%) from amongst the Naib Subedars having intermediate qualification; and (ii) Fifty Percent (50%) from amongst Naib Subedars having Secondary School Certificate	Thirty Five Years service or Five Years service as Subedar or Sixty years of age whichever is earlier
3.	Naib Subedar (BS-11)	By promotion, on the basis of Seniority Cum Fitness in the following manner, namely:	Thirty Three Years' Service or Seven Years' Service as Naib Subedar or Sixty Years

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S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
4	Hawaldar (BS-08)	qualification; and (ii) Fifty Percent (50%) from amongst Hawaldars.	Thirty One years service or Three years service as Hawaldar or Fifty One years of age, whichever is earlier.
5	Naik (BS-07)		Twenty Nine years service or Three years service as Naik or Forty Eight years of age, whichever is earlier.
6	L/naik (BS-06)		Twenty Seven years service or Three years service as L/Naik or Forty Five years of age, whichever is earlier.
7	Sepoy (BS-05)		Twenty Five years service or Forty Two years of age, whichever is earlier."

**SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME & TRIBAL AFFAIRS DEPARTMENT**

Copy forwarded to the:-

1. Principal Secretary to the Governor, Khyber Pakhtunkhwa.
 2. Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa.
 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 Police Officers, Khyber Pakhtunkhwa.
 8. All Heads of Attached Department in Khyber Pakhtunkhwa.
 9. PSO to the Chief Secretary, Khyber Pakhtunkhwa.
 10. Accountant General, Khyber Pakhtunkhwa.
 11. Direction Information, Khyber Pakhtunkhwa.
 12. The Manger 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)

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31
بخدمت جناب وزیر اعلیٰ صاحب خیبر پختونخواہ پشاور۔

عنوان! درخواست برآمدہ در بحال کرنے کی یوزرس روڈ 2016 منسوخ کرنے ترمیم 2021۔

جناب عالی!

گزارش ہے۔ کہ ساٹلان ڈیر لیویز میں بحیثیت سپاہی، لانس ٹائیک، ٹائیک اور حوالدار ضلع ڈیر پائین میں مختلف پوسٹ و گارڈز میں اپنی ڈیوٹیاں سرانجام دے رہے ہیں۔ یہ کہ محکمہ ہوم اینڈ ٹرائبل آفیز ڈیپارٹمنٹ پشاور کے نوٹیفیکیشن مورخہ 22/03/2021 (کاپی لف ہے) کے شیڈول 3 کے مطابق اکثر ایسے سپاہان بھی ریٹائرڈ ہو رہے ہیں۔ جن کے کل سروس 10/12 مئی سال ہیں۔ اس طرح لانس ٹائیک بھی 18/20 سال پر ریٹائرڈ ہو رہے ہیں۔ جبکہ ٹائیک 21/22 سال میں اور حوالدار ان بھی 25 سال سے قبل ریٹائرڈ ہو رہے ہیں۔ یہ کہ مذکورہ نوٹیفیکیشن کے مطابق حوالدار کی سکیل 9 سے 8 لانس ٹائیک کی 7 سے 6 اور سپاہی کی سکیل 7 سے 5 میں ترقی کی گئی ہے۔ جو کہ سراسر زیادتی پر مبنی ہے اور آئین و قانون کے منافی ہے۔ یہ کہ مذکورہ نوٹیفیکیشن کے مطابق ریٹائرمنٹ کی صورت میں ریٹائرڈ ہونے والے ملازمین کو بینشن و دیگر مراعات کی وصولی میں قانونی پیچیدگیاں اور مشکلات نمایاں طور پر عیاں ہے۔ یہ امر بھی قابل غور ہے۔ کہ کم عمر اور تعلیم یافتہ سپاہی لانس ٹائیک اور حوالدار کو ریٹائرڈ کیا جا رہے ہیں۔ تو دوسری طرف عمر رسید اور کم تعلیم یافتہ اہلکار ان کو مذید مہلت دی جا رہی ہیں۔ لہذا درجہ بالا حقائق کو مدنظر رکھتے ہوئے نوٹیفیکیشن 2016 کو اپنی اصل روح کے مطابق بحال کرنے اور نوٹیفیکیشن مجریہ 22/03/2021 کو منسوخ کرنے کے احکامات صادر فرما کر ساٹلان کی دادرسی کی جائے۔

تاجیات ڈعا گورپنگے۔

المرقوم، 02/04/2021

العارضان

جملہ متاثرہ ساٹلان ڈیر لیویز ضلع ڈیر پائین۔ (تبرہم)

انس ٹائیک تخت بیدار

انس ٹائیک باجرا نواب

مولانا جہان زبیر

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نمبر شمار	نام	رجسٹر نمبر *	عہدہ	دستخط
۱	نور علی سید	1474	حولدار	نور علی سید
۲	اکبر خان	1494	-	اکبر خان
۳	جہان ذریب	1506	-	Jab
۴	روئیدار علی	1542	ٹائیک	روئیدار علی
۵	خورشید علی	1569	-	خورشید علی
۶	محمد عزیز	1579	-	محمد عزیز
۷	سلیم خان	1547	-	سلیم خان
۸	خورشید	1536	-	خورشید
۹	باجا نواب	1640	لاس ٹائیک	BNanda
۱۰	اقبال حسین	1599	-	اقبال حسین
۱۱	گل امین	1598	-	گل امین
۱۲	امیر عالم	1624	-	امیر عالم
۱۳	اسفندیار	1627	-	
۱۴	ناصر خان	1628	-	ناصر خان
۱۵	ہاشم خان	1630	-	ہاشم خان
۱۶	ذابد حسین	1629	-	Zah Hussain
۱۷	فد حسین	1616	-	فد حسین
۱۸	شوکت علی	1637	-	شوکت علی
۱۹	ارشاد احمد	1758	سپاہی	ارشاد احمد
۲۰	تخل خان	1551	ٹائیک	تخل خان
۲۱	بابادشاہ رحمان	1764	سپاہی	بابادشاہ رحمان
۲۲	مدثر جمال	1737	-	مدثر جمال
۲۳	عزیز گل	1678	-	عزیز گل
۲۴	محمد زین	1696	-	محمد زین
۲۵	مشتاق احمد	2077	-	مشتاق احمد
۲۶	نصیب اللہ	1689	-	نصیب اللہ
۲۷	تاج الملوک	1683	-	تاج الملوک

دستخط	سپاہی	1720	رحیم الحق	۲۸
رحیم الحق				
انعام علی خان	-	1711	انعام علی خان	۲۹
محمد کریم	-	1712	محمد کریم	۳۰
اسرار الدین	-	1743	اسرار الدین	۳۱
جہان بادشاہ	-	1685	جہان بادشاہ	۳۲
بخت زمان	-	1734	بخت زمان	۳۳
عزیز الرحمن	-	1690	عزیز الرحمن	۳۴
ظفر اقبال	-	1747	ظفر اقبال	۳۵
مصائب شاہ			مصائب شاہ	۳۶

32

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

No. 1705 I.I.H.C

A H

Dated Timergara the 29/03/2021.

OFFICE ORDER

Consequent upon the amendments made by the Competent Authority in PATA Federal Levies Force Service (Amended) rules 2013, Vide Notification NO.SO (Police-II) HD /MKD/Levies /Misc /2020 dated 22-03-2021.

The following Dir Levies personnel/ Sepoys are hereby retired from service on attaining the age of 42 years as Sepoy w.e.f.22-03-2021 (A.N) with all pensioner benefits as per relevant pension rules.

S.No	Belt No	Name & Designation	Date of Birth	Date of appointment	Remarks
1	1657	Sepoy Juhar Ali	03.02.1979	01.2.2003	Retired on attaining the age of 42 years as Sepoy.
2	1659	Sepoy Ajmal Khan	09.09.1977	1.2.2003	do
3	1663	Sepoy Said Wahab	1968	30.1.2003	do
4	1668	Sepoy Umar Hussain	13.4.1972	6.3.2004	do
5	1672	Sepoy Habib ur Rahmar	1.3.1979	8.4.2004	do
6	1676	Sepoy Farman ullah	10.5.1978	10.4.2004	do
7	1678	Sepoy Aziz Gul	10.03.1975	12.4.2004	do
8	1679	Sepoy Amin Latam	20.8.1978	15.4.2004	do
9	1681	Sepoy Taj Muhammad	02.4.1975	17.4.2004	do
10	1683	Sepoy Taj ul Mulk	20.4.1972	21.4.2004	do
11	1685	Sepoy Jehan Badshah	7.5.1973	5.10.2004	do
12	1689	Sepoy Naseeb ullah	12.2.1975	18.11.2004	do
13	1690	Sepoy Aziz ur Rahman	10.2.1975	19.11.2004	do
14	1696	Sepoy Muhammad Zamcen	8.2.1973	14.12.2004	do
15	1710	Sepoy Itbar Khan	23.2.1978	23.2.2000	do
16	1711	Sepoy Ismail Khan	7.2.1971	16.11.2005	do
17	1712	Sepoy Muhammad Karim	5.4.1974	15.9.2005	do
18	1720	Sepoy Rahim ul Haq	25.2.1972	30.8.2006	do
19	1723	Sepoy Imran Khan	4.6.1978	1.9.2006	do
20	1734	Sepoy Bakht Zaman	15.2.1976	1.3.2008	do
21	1737	Sepoy Mudasir Jamal	15.5.1977	10.6.2008	do

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22	1743	Sepoy Israr ud din	1973	6.8.2008	33 do
23	1747	Sepoy Zafar Iqbal	25.8.1976	1.9.2008	do
24	1757	Sepoy Muhammad Ikram	20.4.1978	1.2.2009	do
25	1758	Sepoy Arshad Ahmad	4.5.1977	9.2.2009	do
26	1764	Sepoy Bacha Rahman	1.1.1977	3.9.2009	do
27	1868	Sepoy Hazrat Muhammad	15.3.1978	22.12.2009	do
28	1906	Sepoy Said Alam	1.1.1979	7.1.2010	do
29	1932	Sepoy Asghar Khan	22.9.1978	25.2.2010	do
30	1937	Sepoy Sabir Khan	30.1.1978	26.2.2010	do
31	2005	Sepoy Qasir Jalal	11.9.1978	12.3.2010	do
32	2009	Sepoy Saeed ullah	4.1.1978	12.3.2010	do
33	2042	Sepoy Azam Khan	4.2.1979	12.3.2010	do
34	2056	Sepoy Shah Khalid	5.5.1978	12.3.2010	do
35	2077	Sepoy Mushtaq Ahmad	4.4.1975	12.3.2010	do
36	2122	Sepoy Salah ud din	1.3.1979	30.3.2010	do
37	2141	Sepoy Amir Asif	2.2.1978	7.5.2010	do
38	2159	Sepoy Ali Akbar	20.2.1979	24.5.2010	do
39	1666	Sepoy Shah Faisal	02.1.1978	3.1.2004	do
40	2095	Sepoy Muhammad Hanif	12.2.1979	12.3.2010	do

A. T. Tardar
Deputy Commissioner/
Commandant Dir Levies
Dir Lower

No. 1706-10

Copy forwarded for information to the:-

1. Secretary to Commissioner Malakand Division Swat.
2. Section Officer (Police-II) Home & TAs Department Peshawar.
3. District Accounts Officer Dir Lower.
4. Subedar Major Dir Levies.
5. Officials Concerned.

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A. T. Tardar
Deputy Commissioner/
Commandant Dir Levies
Dir Lower

7
forwarded to the:-

1. Principal Secretary to the Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa.
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 Police Officers, Khyber Pakhtunkhwa.
8. All Heads of Attached Department in Khyber Pakhtunkhwa.
9. PSC to the Chief Secretary, Khyber Pakhtunkhwa.
10. Accountant General, Khyber Pakhtunkhwa.
11. Direction Information, Khyber Pakhtunkhwa.
12. The Manger 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.

35


Section Officer (Police-II)

21/10/2021


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محکمات جناب کیریٹری لہاب ہوم اینڈ پرائیویسی ڈیپارٹمنٹ افسر خیر چتوخواہ پشاور
 اپیل/نگرانی برجاری شاہ سروس رولز نمبر 2020 HD/MKD/LEVIAS (POLICE-II) No. 36
 Annex 22 03 2021 جاری شدہ از دفتر جاریہ جناب موصوف کیریٹری ہوم اینڈ پرائیویسی افسر

جناب عالی!

سائیلان ذیل عرض رسان ہیں۔

- 1۔ یہ کہ سائیلان ڈیپارٹمنٹ کے ملازمین ہیں اور مختلف عہدوں پر تعیناتی ڈیوٹی رہے
- 2۔ یہ کہ سائیلان کے ملازمت میں عہدوں کے لحاظ سے مختلف مختلف اوقات ملازمت باقی ہے
- 3۔ یہ کہ جناب موصوف کے دفتر سے ڈیپارٹمنٹ کے لیے حکمہ کی جانب سے مورخہ 22 03 2021
- 4۔ یہ کہ سروس رولز برائے محل در آمد کمانڈنٹ ڈیپارٹمنٹ کو نوٹیفکیشن جمعوا گیا ہے
- 5۔ یہ کہ مزکورہ سروس رولز کے تحت جناب کمانڈنٹ ڈیپارٹمنٹ سائیلان کو ریٹائر کرے
- 6۔ یہ کہ سروس رولز جلد بازی میں تیار ہو چکے ہیں جس کے انزرا دکھائی طور پر شمار

خامیاں ہیں۔

- 7۔ یہ کہ سروس رولز مزکورہ سے خامیاں دور کرنے اور درست کرنے کی استر ضرورت ہے
- 8۔ یہ کہ سروس رولز مزکورہ پر نظر ثانی نہ کرنے کی صورت میں سائیلان کی حق تلفی کے ساتھ ساتھ دیگر ملازمین کو بھی ملازمت اور ریٹائرمنٹ کے مسائل پیدا ہوتے۔

یہ کہ سروس رولز پر نظر ثانی کرنے اور درست ہونے کی صورت میں سائیلان ملازمت پر جال ہونے کی اصلاح عقداران ہیں۔

اس لیے ریذلیفم درخواست استدعا کی جاتی ہے کہ آپ مہربان مہربانی فرما کر مذکورہ بالا سروس رولز نظر ثانی/نگرانی کر کے سائیلان ڈیپارٹمنٹ کو عمل کرنے کی احکامات صادر فرما کر مشکور فرمائیں

عسریف

المرفوع 27 10 2021

- 1۔ سائیلان - 1۔ حوالدار جمنا نزیب نمبر 1506
- 2۔ لائسنس ٹانگ باجانب نمبر BNauda 1640
- 3۔ لائسنس ٹانگ محبت بیار نمبر 1650

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نمبر شمار	نام	رجسٹر نمبر	عہدہ	دستخط
۱	نور علی سید	1474	حولدار	نور علی سید
۲	اکبر خان	1494	-	اکبر خان
۳	جہان ذیب	1506	-	Jah
۴	رویدار علی	1542	ٹائیک	رویدار علی
۵	خورشید علی	1569	-	خورشید علی
۶	محمد عزیز	1578	-	محمد عزیز
۷	سلیم خان	1547	-	سلیم خان
۸	خورشید	1536	-	خورشید
۹	باچا نواب	1640	لاس ٹائیک	BNanda
۱۰	اقبال حسین	1599	-	اقبال حسین
۱۱	گل آمین	1598	-	گل آمین
۱۲	امیر عالم	1624	-	امیر عالم
۱۳	اسفندیار	1627	-	
۱۴	ناصر خان	1628	-	ناصر خان
۱۵	ہاشم خان	1630	-	ہاشم خان
۱۶	زاہد حسین	1629	-	Zah Huss
۱۷	فد حسین	1616	-	فد حسین
۱۸	شوکت علی	1637	-	شوکت علی
۱۹	ارشد احمد	1758	سپاہی	ارشد احمد
۲۰	تجمل خان	1551	ٹائیک	تجمل خان
۲۱	بادشاہ رحمان	1764	سپاہی	بادشاہ رحمان
۲۲	مدر جمال	1737	-	مدر جمال
۲۳	عزیز گل	1678	-	عزیز گل
۲۴	محمد زمین	1696	-	محمد زمین
۲۵	مشتاق احمد	2077	-	مشتاق احمد
۲۶	نصیب اللہ	1689	-	نصیب اللہ
۲۷	تاج الملوک	1683	-	تاج الملوک

دستخط رحیم الحق	سپاہی	1720	رحیم الحق	۲۸
اسماعیل خان	-	1711	اسماعیل خان	۲۹
محمد کریم	-	1712	محمد کریم	۳۰
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Annex 'K'

BEFORE THE PESHAWAR HIGH COURT MINGORA
DAR UL OAZA SWAT

Comments

In

W.P No. 338-M/2020

Said Abdul Khaliq Bacha & othersPetitioners

Versus

Govt of KPK & othersRespondents

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1.	Parawise Comments		1-2
2.	Affidavit		2A
3.	Copies of levy rules 2021 and retirement order	A & B	3-6
4.	Copy of Act	C	7-10
5.	Copy of notification and salary Slips pay	D & E	11-19
6.	Authority letter		20

Noted for
AAG

Sign: _____
Date: _____

Hussain Gul
HUSSAIN GUL
Account Officer,
Deputy Commissioner Office,
District Dir Lower

[Signature]
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FILED TODAY

09 JUN 2021

[Signature]
Additional Registrar

Re-Filed Today

11 JUN 2021

[Signature]
Additional Registrar

BEFORE THE PESHAWAR HIGH COURT BENCH AT MINGORA (DAR-UL-QAZA) SWAT.

Writ Petition No. 338-M/2020

1. Said Abdul Khaliq Bacha 2. Hiram Khan 3. Ameer Zeb 4. Noor Zada 5. Muhammad Nabi 6. Muhammad Ikram 7. Zahid Muhammad 8. Inzar Gul 9. Seeraj Muhammad 10. Jameel Ahamad 11. Zair Ali 12. Muhammad Zahir 13. Amir Nawaz 14. Zafar Ali Bacha Lance Naiks Malakand Levies District Malakand.
15. Bacha Nawab 16. Shaukat Ali 17. Feeda Hussain 18. Zahid Hussain 19. Shabid Hussain 20. Gharib Nawaz 21. Asfandyar 22. Rezwan ullah 23. Iqbal Hussain 24. Khalid Khan 25. Iqbal Hussain 26. Shah Jehan 27. Wajid Ali 28. Amir Alam Lance Naik in Dir Levies, Dir Lower

.....(Petitioners)

VERSUS

5. Govt of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department Peshawar, at Peshawar.
6. Secretary Finance, at Peshawar.
7. Chief Secretary, Khyber Pakhtunkhwa, at Peshawar.
8. Commandant / DC Malakand Levies at District Malakand.
9. Commandant / DC Dir Levies at Dir Lower.

..... (Respondents)

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

Respectfully Sheweth:

Reply/ Comments on behalf of respondent No. 5 are as under:-

Preliminary Objections:-

- e. The Petitioner has got no cause of action or locus standi to submit the instant petition.
- f. The petition is not maintainable in its present form.
- g. The petitioner has not come with clean hands to this Honorable Court.
- h. Due to non- joinder/ mis-joinder of necessary party the petition is liable to be dismissed.

FACT:

1. It is Correct that the petitioners were appointed in Dir levies as sepoy and after serving, The got promotion to Naik and Lance Naik is per Levy Rules as annexure -A and attaining age of 45 -years and completion of 03-Years tenure as Lance Naik , the Lance Naik got retirement from service (Copy of Levy Rules as annexure- A and retirement order as annexure -B)

11. It is correct.
12. It is correct
13. It is correct.
14. It is correct.

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09 JUN 2021

Additional Registrar

Read p/2
United Subject
of the relevant
Demanded by the
Att. Secy
to the Hon. Chief Justice
of the Hon. High Court
Peshawar Bench, Darul Qaza, Swat.

Att. Secy General
Peshawar High Court
Min. Secy Bench, Darul Qaza, Swat.

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39

6. Denied. According to Twenty Fifth (25th) Constitutional Amendment Act 2019, only the Levies Force of Seven (7) Agencies of erstwhile FATA have been absorbed in Khyber Pakhtunkhwa Police .The Levy Force of District Dir Lower is not included in said Act.(Copy of which as annexure C)
7. Correct.
8. Correct .The petitioners were retired from service as per Levy Rules 2021

GROUNDS:

- a. Denied .Action taken as per Newly Amended Levy Rules 2021
- b. It is incorrect. Action taken as per Levy Rules 2021.
- c. It is incorrect .Action taken as per Levy Rules 2021.
- d. It is incorrect Action taken as per Levy Rules 2021.
- e. It is incorrect. Dir Levies Force is not absorbed in Khyber Pakhtunkhwa Police .The basic Pay scale of Lance Naik is BPS_07 and not BPS-5 (Copies of Notification and Salary Slip are enclosed as annexure -D& E)
- f. It is incorrect action taken as per levy Rules 2021.
- g. It is incorrect action taken as per levy Rules 2021.
- h. It is incorrect action taken as per levy Rules 2021.
- i. It is incorrect action taken as per levy Rules 2021.
- j. It is in correct, the basic pay scale of lance Naik is BPS-07 in not BPS-05

A. H. Khan
Deputy Commissioner /
Commandant Dir Levies Lower Dir
Respondent No. 05

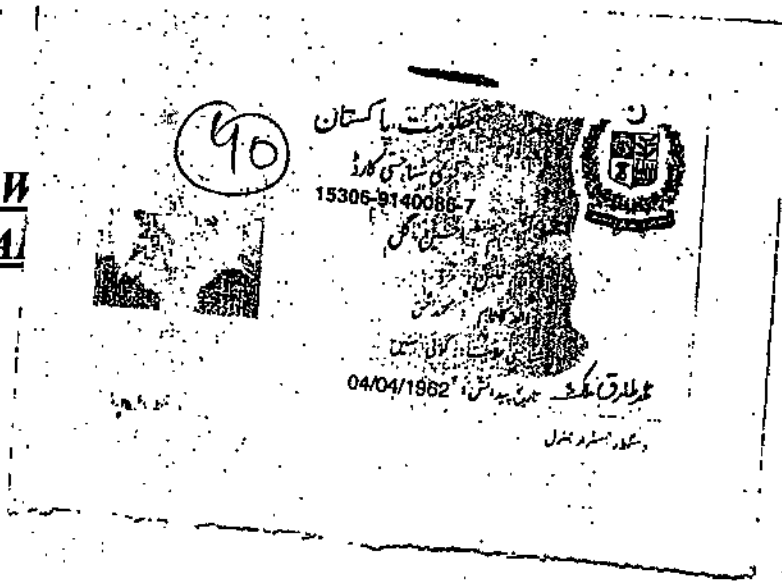
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09 JUN 2021

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Additional Registrar

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BEFORE THE PESHAWAR
BENCH DA



Comments

In

W.P No. 338-M/2020

Said Abdul Khaliq Bacha & othersPetitioners

Versus

Govt of KPK & othersRespondents

AFFIDAVIT

I, **Hussain Gul, Account Officer, DC Office, District Dir Lower**, do hereby solemnly affirm and declares on oath that, all the contents of the accompanying comments are true and correct to the best of my knowledge and belief and nothing has been kept concealed or withheld from this august court.

DEPONENT

Hussain Gul
HUSSAIN GUL

Account Officer,
Deputy Commissioner Office,
District Dir Lower

**CERTIFIED TO
BE TRUE COPY**

FILED TODAY

09 JUN 2021

AR
Additional Registrar

S.No. 2390
Certified that the above was verified on solemn
affirmation before me on this 09th day
of Jun 2021 by Hussain Gul
S/o M. Har No. DC who
was identified by self
Who is personally known to me
AR
ADDL. REGISTRAR
Peshawar High Court
Minors Bench Dir-Lower, Swat.

(41)

OFFICE OF THE
COMMANDANT DIR LEVIES /
DEPUTY COMMISSIONER, DIR LOWER
No. 1699 / LHC

Dated Timergara the 25/03/2021.

OFFICE ORDER

Consequent upon the amendments made by the Competent Authority in PATA Federal Levies Force Service (Amended) rules 2013, Vide Notification NO.SO (Police-II) HD /MKD/Levies /Misc /2020 dated 22-03-2021.

The following Dir Levies personnel/ Lance Naik are hereby retired from service on attaining the 03 years service or attaining the age of 45 years as Lance Naik w.e.f 22.03.2021 (A.N) with all pensioner benefits as per relevant pension rules.

S.No	Belt No	Name & Designation	Date of Appointment	Date of promotion	Remarks
1.	1595	L/N Shahid Mehmood	06.05.1999	01.06.2011	Retired on Completion of 3 years service as Lance Naik
2.	1596	L/N Iqbal Hussain	21.06.1999	01.06.2011	....do....
3.	1597	L/N Ismail Khan	01.07.1999	01.06.2011	....do....
4.	1598	L/N Gul Amin Khan	10.08.1999	01.06.2011	....do....
5.	1599	L/N Iqbal Hussain	04.08.1999	01.06.2011	....do....
6.	1601	L/N Said Akbar	12.09.1999	01.06.2011	....do....
7.	1602	L/N Nasim Muhammad	13.09.1999	01.06.2011	....do....
8.	1603	L/N Nasar Khan	13.09.1999	01.06.2011	....do....
9.	1605	L/N Wajid Ali	15.09.1999	01.06.2011	....do....
10.	1608	L/N Khalid Khan	05.10.1999	01.06.2011	....do....
11.	1610	L/N Nisar Room	09.10.1999	01.06.2011	....do....
12.	1611	L/N Ihsan Ullah	09.10.1999	01.06.2011	....do....
13.	1612	L/N Sarham ud Din	11.10.1999	01.06.2011	....do....
14.	1613	L/N Haleem Zada	01.05.2000	01.06.2011	....do....
15.	1615	L/N Muhammad Israr	01.05.2000	16.02.2012	....do....
16.	1616	L/N Fada Hussain	01.05.2000	16.02.2012	....do....
17.	1617	L/N Shah Madad Khan	05.05.2000	16.02.2012	....do....
18.	1622	L/N Ghyas ud Din	22.05.2000	16.02.2012	....do....
19.	1623	L/N Gharib Nawaz	22.05.2000	01.04.2012	....do....
20.	1625	L/N Hazrat Islam	01.08.2000	19.11.2013	....do....
21.	1626	L/N Shah Jehan	01.08.2000	19.11.2013	....do....
22.	1627	L/N Asfandyar Khan	01.08.2000	19.11.2013	....do....
23.	1628	L/N Nasar Khan	01.08.2000	28.05.2015do....
24.	1629	L/N Zahid Hussain	01.08.2000	28.05.2015do....

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25	1630	L/N Hasham Khan	01.08.2000	28.05.2015do....
26	1631	L/N Fazal Haq	15.09.2000	28.05.2015do....
27	1634	L/N Muhammad Ayaz	15.12.2000	01.02.2017	....do....
28	1635	L/N Hazir Jan	09.12.2000	01.02.2017	....do....
29	1636	L/N Kamran Khan	13.12.2000	01.02.2017	....do....
30	1637	L/N Shaukat Ali	08.01.2001	19.04.2017	....do....
31	1639	L/N Shahid Hussain	10.01.2001	15.02.2018	....do....
32	1640	L/N Bacha Nawab	17.01.2001	15.02.2018	....do....
33	1641	L/N Azmal Uddin	19.01.2001	15.02.2018	....do....
34	1643	L/N Rizwan Ullah	21.03.2001	15.02.2018	....do....
35	1644	L/N Banaras Khan	24.03.2001	15.02.2018	....do....
36	1646	L/N Farooq Ahmad	01.06.2001	15.02.2018	....do....
37	1647	L/N Neveed Ullah	01.06.2001	15.02.2018	....do....
38	1648	L/N Muhammad Feroz	01.06.2001	15.02.2018	....do....
39	1650	L/N Bakht Baidar	21.06.2001	15.02.2018	....do....
40	1651	L/N Zamin Ullah	01.02.2003	15.02.2018	....do....
41	1653	L/N Said Jamal ud Din	01.02.2003	15.02.2018	On attaining the age of 45 years as Lance Naik
42	1624	L/N Amir Alam	27.07.2000	10.04.2019	On attaining the age of 45 years as Lance Naik

Deputy Commissioner/
Commandant Dir Levies
Dir Lower

No. 1700 - 04

Copy forwarded for information to the:-

1. Secretary to Commissioner Malakand Division Swat.
2. Section Officer (Police-II) Home & TAs Department Peshawar.
3. District Accounts Officer Dir Lower.
4. Subedar Major Dir Levies.
5. Officials Concerned.

Deputy Commissioner/
Commandant Dir Levies
Dir Lower

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To be substituted notification of even No & date.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

43

NOTIFICATION

Peshawar, dated the 22-3-2021

No. SO(Police-II)HD/MKD/Levies/Misc./2020:- 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 direct that in the PATA Federal Levies Force Service (Amended) Rules, 2013, the following further amendments shall be made, namely:-

Amendments

In the said rules:-

- In Rule 4, sub-rule (1), the following shall be substituted, namely:
“(i) Commandant shall be the appointing authority for initial recruitment and promotion up to the rank of Subedar:
Provided that the appointing authority for purpose of promotion to the posts of Subedar Major and Superintendents shall be Secretary, Home Department.”
- For Rule 17, the following shall be substituted namely:
“17. Retirement: All Levy personnel shall retire as per Schedule-III and no extension in service after retirement shall be granted”.
- For Schedule-III, the following shall be substituted, namely:

“Schedule-III
[see rule 17]”

S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
1.	Subedar Major (BS-16)	On the basis of Seniority-cum-fitness from amongst the Subedars having Intermediate Qualification	Thirty Seven Years or Three Years' Service as Subedar Major or Sixty Years of age whichever is earlier
2	Subedar (BS-13)	By promotion, on the basis of Seniority Cum Fitness in the following manner, namely: (i) Fifty Percent (50%) from amongst the Naib Subedars having intermediate qualification; and (ii) Fifty Percent (50%) from amongst Naib Subedars having Secondary School Certificate	Thirty Five Years service or Five Yeras service as Subedar or Sixty years of age whichever is earlier
3.	Naib Subedar (BS-11)	By promotion, on the basis of Seniority Cum Fitness in the following manner, namely:	Thirty Three Years' Service or Seven Years' Service as Naib Subedar or Sixty Years

CAC
[Signature]
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44

S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
4	Hawaldar (BS-08)	qualification, and (ii) Fifty Percent (50%) from amongst Hawaldars.	Thirty One years service or Three years service as Hawaldar or Fifty One years of age, whichever is earlier.
5	Naik (BS-07)		Twenty Nine years service or Three years service as Naik or Forty Eight years of age, whichever is earlier.
6	L/Naik (BS-06)		Twenty Seven years service or Three years service as L/Naik or Forty Five years of age, whichever is earlier.
7	Sepoy (BS-05)		Twenty Five years service or Forty Two years of age, whichever is earlier.

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME & TRIBAL AFFAIRS DEPARTMENT

Copy forwarded to the:-

1. Principal Secretary to the Governor, Khyber Pakhtunkhwa.
 2. Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa.
 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 Police Officers, Khyber Pakhtunkhwa.
 8. All Heads of Attached Department in Khyber Pakhtunkhwa.
 9. PSO to the Chief Secretary, Khyber Pakhtunkhwa.
 10. Accountant General, Khyber Pakhtunkhwa.
 11. Direction Information, Khyber Pakhtunkhwa.
 12. The Manger 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.

[Handwritten Signature]
Accounts Officer
D.C. [unclear]

[Handwritten Signature]
Section Officer (Police-II)

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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:

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

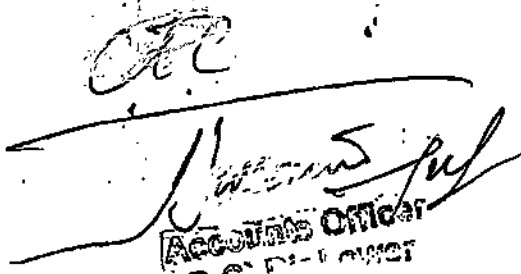
(2) It shall apply to all the members of Levies Force.

(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;


Accounts Officer
D.C. P-1-102

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Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

46.

- (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.

Assst. Legal Draftor
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.

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3

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 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. Legal Drafter
Govt. of Khyber Pakhtunkhwa
Law Department

CPC
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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.

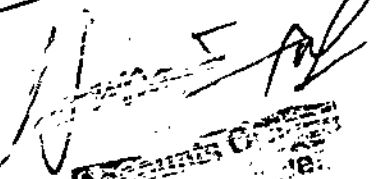
STATEMENT OF OBJECTS AND REASONS

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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Accounts Officer
D.C.E.

Asstt. Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

(10)
(48)

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

49

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 Force for the purpose of their induction/absorption in Khyber Pakhtunkhwa Police with immediate effect:-

SNo.	From Rank in Levies/Khasadar	To Rank of Police
1.	Sepoy	Constable (BPS-07)
2.	Lance Naik	Constable A-1 (BPS-07)
3.	Naik	Constable B-1 LHC (BPS-07)
4.	Havildar	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 & TA's Department, Khyber Pakhtunkhwa, Peshawar.
4. All heads of Police Khyber Pakhtunkhwa.
5. PSO to IGP Khyber Pakhtunkhwa, Peshawar.
6. Registrar CPO.

-SD-

(SADIQ BALOCH) PSP
AIG ESTABLISHMENT
FOR INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA, PESHAWAR

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

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MOST IMMEDIATE

Dated.- 12th July, 2019

PWAFS(PFCY)-11(FI)-2018-19

To: The Controller General of Accounts,
Government of Pakistan, Islamabad.

Subject: PROCESSING OF PAYROLL OF EX-FATA EMPLOYEES THROUGH
AGPR SYSTEM FOR THE MONTH OF JULY, 2019

This refers to series of letters to the Office of CGA Islamabad regarding the accounting integration of ex-FATA with Khyber Pakhtunkhwa vide Letter No. FMIU/FD/4-2/09/PIFRA/Vol-XIV dated 25th June, 2019, No. FMIU/FD/4-2/09/PIFRA/Vol-XIV dated 9th July, 2019, No. SO(Admn)/FD(Mas)/PR/6-1/19 dated 10th July, 2019 and subsequent deliberations with the DG FABS/MIS o/o CGA Islamabad, regarding the system based solution for data migration in respect of about 92,000 employees from Federal to Provincial Server of KP.

It is imperative to highlight that financial integration of ex-FATA stood the top most priority of the Federal and Provincial Government of KP and the historic one budget for KP and ex-FATA for 2019-20 is a manifestation of the level of efforts to this effect. While this Department through series of policy and technical working papers aptly highlighted the rationale, extent and timely organizational re-alignment of CGA to best cope with the payment authorization, accounting and financial reporting requirements necessitated by the merger, however the response till date is not quite up to the mark.

The most immediate challenge accruing is the shift of payroll for ex-FATA from Federal Server to the Provincial Server of KP. Ideally, all the system related requirements should have been re-aligned by now for a seamless switch-over, but the most recent engagement of this Department vide aforesaid correspondence reveals that there are serious limitations impeding this switch over.

In view of these facts, the Additional AGPR Letter No. TM(F)T-40/Pay & Allowances/2019-20/1133-36 dated 08-07-2019 requesting the stoppage of payroll in respect of ex-FATA employees effective Jul, 2019 needs to be reconsidered, as in the absence of any pragmatic solution to run the payroll for these employees from Provincial Side may halt the payment of salaries creating serious repercussions. Based on the technical level deliberations between the teams of this Department, AG KP and AGPR Sub Office Peshawar, it is recommended to allow the following course of action:

1. The Payroll for ex-FATA for the month of Jul, 2019 to be run/processed from AGPR Sub Office Peshawar, with adjustment to be carried out in the accounts subsequently.
2. The Payroll in respect of Levies & Khasaddars for Jul, 2019 to be run/processed from AGPR Sub Office against upgraded scales.

CJC

[Signature]
Accounts Officer,
D.C.'s Officer Dir. L.A.

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The DG MIS/FABS to develop the Utility on Bulk Transfer In/Out so that in any case the Payroll for Aug. 2019 could be processed for all employees of ex-FATA from Provincial Server of KP.

Special Secretary Finance
Government of Khyber Pakhtunkhwa

Copy forwarded to:-

1. Principal Secretary to Prime Minister, Prime Minister Secretariat Islamabad.
2. AGPR Islamabad.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director General MIS/FABS, AGPR Islamabad.
5. AGPR Sub Office Peshawar.
6. Director Treasuries & Accounts Peshawar.
7. All DCAs / DAOs Khyber Pakhtunkhwa.

etc

Special Secretary Finance
Government of Khyber Pakhtunkhwa

Accounts Officer,
D.C's Officer Dir Lower.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

MOST IMMEDIATE

PARAFSUT/CO/1-4/19/2019/19

Dated - 12th July, 2019

S2

To: The Controller General of Accounts,
Government of Pakistan, Islamabad.

Subject: PROCESSING OF PAYROLL OF EX-FATA EMPLOYEES THROUGH
AGPR SYSTEM FOR THE MONTH OF JULY, 2019

This refers to series of letters to the Office of CGA Islamabad regarding the accounting integration of ex-FATA with Khyber Pakhtunkhwa vide Letter No. FADU/FOM-289/PFR/Vol-XIV dated 25th June, 2019, No. FMU/FOM-200/PFR/Vol-XIV dated 9th July, 2019, No. SO(Admin)/FD(Mrs)/PRG-1/19 dated 10th July, 2019 and subsequent deliberations with the DG FABS/MIS o/o CGA Islamabad, regarding the system based solution for data migration in respect of about 92,000 employees from Federal to Provincial Server of KP.

It is imperative to highlight that financial integration of ex-FATA stood the top most priority of the Federal and Provincial Government of KP and the historic one budget for KP and ex-FATA for 2019-20 is a manifestation of the level of efforts to this effect. While this Department through series of policy and technical working papers aptly highlighted the rationale, extent and timely organizational re-alignment of CGA to best cope with the payment authorization, accounting and financial reporting requirements necessitated by the merger, however the response till date is not quite up to the mark.

The most immediate challenge accruing is the shift of payroll for ex-FATA from Federal Server to the Provincial Server of KP. Ideally, all the system related requirements should have been re-aligned by now for a seamless switch-over, but the most recent engagement of this Department vide aforesaid correspondence reveals that there are serious limitations impeding this switch over.

In view of these facts, the Additional AGPR Letter No. TM(F)T-10/Pay & Allowances/2019-20/1133-36 dated 06-07-2019 requesting the stoppage of payroll in respect of ex-FATA employees effective Jul, 2019 needs to be reconsidered, as in the absence of any pragmatic solution to run the payroll for these employees from Provincial Server may halt the payment of salaries creating serious repercussions. Based on the technical level deliberations between the teams of this Department, AG KP and AGPR Sub Office Peshawar, it is recommended to allow the following course of action:

1. The Payroll for ex-FATA for the month of Jul 2019 to be run/processed from AGPR Sub Office Peshawar, with adjustment to be carried out in the accounts subsequently.
2. ~~The payroll for ex-FATA employees for Jul 2019 to be run/processed from AGPR Sub Office Peshawar.~~

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[Signature]
Accounts Officer
D.C. Dir Lower

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S3

The DG MIS/FABS to develop the Utility on Bulk Transfer In/Out so that in any case the Payroll for Aug, 2019 could be processed for all employees of ex-FATA from Provincial Server of KP.

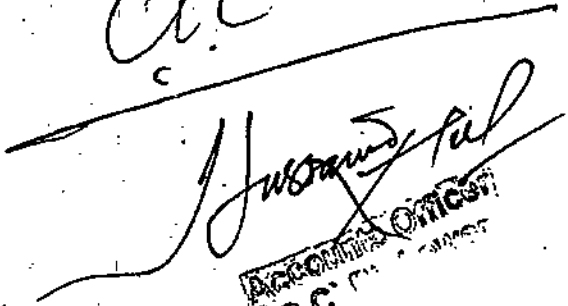

Special Secretary Finance
Government of Khyber Pakhtunkhwa.

Copy forwarded to:-

1. Principal Secretary to Prime Minister, Prime Minister Secretariat Islamabad.
2. AGPR Islamabad.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director General MIS/FABS, AGPR Islamabad.
5. AGPR Sub Office Peshawar.
6. Director Treasuries & Accounts Peshawar.
7. All DGAs / DACs Khyber Pakhtunkhwa.


Special Secretary Finance
Government of Khyber Pakhtunkhwa.

OTC


Accountant General
D.C. Peshawar


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Government of Khyber Pakhtunkhwa
District Accounts Office Dir at Timargar
Monthly Salary Statement (February-2021)

54



Personal Information of Mr MUHAMMAD ZUBAIR d/w/s of ABDUL GHANI

Personnel Number: 00262587 CNIC: 10964001261 NTN:
Date of Birth: 17.10.1969 Entry into Govt. Service: 17.10.1996 Length of Service: 24 Years 04 Months 013 Days

Employment Category: Active Temporary

Designation: CONSTABLE/ 80877505-GOVERNMENT OF KHYBER PAKH

DDO Code: DA4515-Levies Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: LEVDA000472

Interest Applied: Yes

GPF Balance:

214,249.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 07

Pay Stage: 19

Wage type	Amount	Wage type	Amount
0001 Basic Pay	22,580.00	1000 House Rent Allowance	1,589.00
1210 Convey Allowance 2005	1,932.00	1300 Medical Allowance	1,500.00
1547 Ration Allowance	681.00	1567 Washing Allowance	150.00
1446 Constabulary R Allowance	300.00	1901 Risk Allowance (Police)	3,530.00
1002 Special Incentive Allowance	775.00	1923 UAA-OTHER 20%(1-15)	1,000.00
1933 Special Risk Allowance	3,000.00	2168 Fixed Daily Allowance	2,730.00
2211 Adhoc Relief All 2016 10%	1,687.00	2224 Adhoc Relief All 2017 10%	2,258.00
2247 Adhoc Relief All 2018 10%	2,258.00	2264 Adhoc Relief All 2019 10%	2,258.00

Deductions - General

Wage type	Amount	Wage type	Amount
3007 GPF Subscription	-1,010.00	3530 Police wel:Fud BS-1 to 18	-452.00
4004 R. Benefits & Death Comp:	-450.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till February-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 48,228.00 Deductions: (Rs.): -1,912.00 Net Pay: (Rs.): 46,316.00

Payee Name: MUHAMMAD ZUBAIR

Account Number: 212746802

Bank Details: UNITED BANK LIMITED, 211906 TIMARGARA(GORGORJ) TIMARGARA(GORGORJ), DIR LOWER

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILL HAJI ABAD

City: DIR LOWER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

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Accounts Officer:
D.C. Dir Lower

Government of Khyber Pakhtunkhwa
District Accounts Office Dir at Timargar
Monthly Salary Statement (February-2021)

55



Personal Information of Mr NAMIR HAMID d/w/s of HAZRAT HALIM

Personnel Number: 00264372 CNIC: 10978041407

NTN:

Date of Birth: 01.02.1978 Entry into Govt. Service: 16.10.1998

Length of Service: 22 Years 04 Months 014 Days

Employment Category: Active Temporary

Designation: CONSTABLE

80877505-GOVERNMENT OF KHYBER PAKH

DDO Code: DA4515-Levies Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: 470 V=4 P=38

Interest Applied: Yes

GPF Balance:

123,363.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 07

Pay Stage: 19

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,580.00	1000	House Rent Allowance	1,589.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1547	Ration Allowance	681.00	1567	Washing Allowance	150.00
1646	Constabulary R Allowance	300.00	1901	Risk Allowance (Police)	3,530.00
1902	Special Incentive Allowance	775.00	1923	UAA-OTHER 20%(1-15)	1,000.00
1933	Special Risk Allowance	3,000.00	2168	Fixed Daily Allowance	2,730.00
2211	Adhoc Relief All 2016 10%	1,687.00	2224	Adhoc Relief All 2017 10%	2,258.00
2247	Adhoc Relief All 2018 10%	2,258.00	2264	Adhoc Relief All 2019 10%	2,258.00

Deductions - General

Wage type		Amount	Wage type		Amount
3007	GPF Subscription	-1,010.00	3530	Police welfare Fund BS-1 to 18	-452.00
4004	R. Benefits & Death Comp:	-450.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	100,000.00	-2,900.00	62,300.00

Deductions - Income Tax

Payable: 0.00 Recovered till February-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 48,228.00 Deductions: (Rs.): -4,812.00 Net Pay: (Rs.): 43,416.00

Payee Name: NAMIR HAMID

Account Number: C/A 2075-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231331 NBP CHAKDARA DIR NBP CHAKDARA DIR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILL CHAKDARA

City: DIR LOWER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

(265994/08.03.2021/18:41:31) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

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D.C. Dir Lower

Government of Khyber Pakhtunkhwa
District Accounts Office Dir at Timargar
Monthly Salary Statement (February-2021)

56



Pers information of Mr. AZIZUL HAQ d/w/s of FAZLI RABBI

Personel Number: 00259820 CNIC: 10878132304
Date of Birth: 25.11.1978 Entry into Govt. Service: 01.11.1998

NTN:
Length of Service: 22 Years 04 Months 001 Days

Employment Category: Active Temporary

80877505-GOVERNMENT OF KHYBER PAKH

Designation: CONSTABLE

DDO Code: DA4515-Levies Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: LEVDA000468

Interest Applied: Yes

GPF Balance:

214,249.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 07

Pay Stage: 19

Wage type	Amount	Wage type	Amount
0001 Basic Pay	22,580.00	1000 House Rent Allowance	1,589.00
1210 Convey Allowance 2005	1,932.00	1300 Medical Allowance	1,500.00
1547 Ration Allowance	681.00	1567 Washing Allowance	150.00
1646 Constabulary R Allowance	300.00	1901 Risk Allowance (Police)	3,500.00
1902 Special Incentive Allowance	775.00	1923 UAA-OTHER 20%(1-15)	1,000.00
1933 Special Risk Allowance	3,000.00	2168 Fixed Daily Allowance	2,730.00
2211 Adhoc Relief All 2016 10%	1,687.00	2224 Adhoc Relief All 2017 10%	2,258.00
2247 Adhoc Relief All 2018 10%	2,258.00	2264 Adhoc Relief All 2019 10%	2,258.00

Deductions - General

Wage type	Amount	Wage type	Amount
3007 GPF Subscription	-1,010.00	3530 Police wel:Fud BS-1 to 18	-452.00
4004 R. Benefits & Death Comp:	-450.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till February-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 48,228.00 Deductions: (Rs.): -1,912.00 Net Pay: (Rs.): 46,316.00

Payee Name: AZIZUL HAQ

Account Number: -7900106903

Bank Details: HABIB BANK LIMITED, 221744 SAMAR BAGH SAMAR BAGH, SAMAR BAGH

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILL-SHAHI S/BAGH

City: DIR LOWER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

C.P.C.
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Accounts Officer
D.C. Dir - Lower

Government of Khyber Pakhtunkhwa
District Accounts Office Dir at Timargar
Monthly Salary Statement (February-2021)

57



Personnel Information of Mr MUHAMMAD SAEED d/w/s of JANI ALAM

Personnel Number: 00260793 CNIC: 1530119358327

Date of Birth: 01.05.1976 Entry into Govt. Service: 01.11.1996

NTN:

Length of Service: 24 Years 04 Months 001 Days

Employment Category: Active Temporary

Designation: CONSTABLE

80877505-GOVERNMENT OF KHYBER PAKH

DO Code: DA4515-Levies Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: 469 V=4 P=19

Interest Applied: Yes

GPF Balance:

216,851.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 07

Pay Stage: 18

Wage type		Amount	Wage type		Amount
0001	Basic Pay	21,970.00	1000	House Rent Allowance	1,589.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
1547	Ration Allowance	681.00	1567	Washing Allowance	150.00
1646	Constabulary R Allowance	300.00	1901	Risk Allowance (Police)	3,530.00
1902	Special Incentive Allowance	775.00	1923	UAA-OTHER 20%(1-15)	1,000.00
1933	Special Risk Allowance	3,000.00	2168	Fixed Daily Allowance	2,730.00
2224	Adhoc Relief All 2017 10%	2,197.00	2247	Adhoc Relief All 2018 10%	2,197.00
2264	Adhoc Relief All 2019 10%	2,197.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3007	GPF Subscription	-1,010.00	3530	Police wel:Fud BS-1 to 18	-439.00
3931	Others (ROP)	-1,868.00	4004	R. Benefits & Death Comp:	-450.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till February-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 45,748.00 Deductions: (Rs.): -3,767.00 Net Pay: (Rs.): 41,981.00

Payee Name: MUHAMMAD SAEED

Account Number: -7900107003

Bank Details: HABIB BANK LIMITED, 221744 SAMAR BAGH SAMAR BAGH, SAMAR BAGH

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: VILL, SHAHI S/BAGH

City: DIR LOWER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

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Accounts Officer
D.C. Dir. Lower

Government of Khyber Pakhtunkhwa
District Accounts Office Dir at Timargar
Monthly Salary Statement (February-2021)

58



Personnel Information of Mr .SHAMSUL HAYAT d/w/s of BAHRAMAND SHAH ZADA

Personnel Number: 00264380 CNIC: 10978074960 NTN:
Date of Birth: 12.01.1978 Entry into Govt. Service: 24.08.1996 Length of Service: 24 Years 06 Months 006 Days

Employment Category: Active Temporary

Designation: CONSTABLE

80877505-GOVERNMENT OF KHYBER PAKH

DDO Code: DA4515-Levics Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: LEVDA000466 Interest Applied: Yes

GPF Balance: 203,923.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 07

Pay Stage: 19

Wage type	Amount	Wage type	Amount
0001 Basic Pay	22,580.00	1000 House Rent Allowance	1,589.00
1210 Convey Allowance 2005	1,932.00	1300 Medical Allowance	1,500.00
1547 Ration Allowance	681.00	1567 Washing Allowance	150.00
1646 Constabulary R Allowance	300.00	1901 Risk Allowance (Police)	3,530.00
1902 Special Incentive Allowance	775.00	1923 UAA-OTHER 20%(1-15)	1,000.00
1933 Special Risk Allowance	3,000.00	2168 Fixed Daily Allowance	2,730.00
2211 Adhoc Relief All 2016 10%	1,687.00	2224 Adhoc Relief All 2017 10%	2,258.00
2247 Adhoc Relief All 2018 10%	2,258.00	2264 Adhoc Relief All 2019 10%	2,258.00

Deductions - General

Wage type	Amount	Wage type	Amount
3007 GPF Subscription	-1,010.00	3530 Police wel:Fud BS-1 to 18	-452.00
4004 R. Benefits & Death Comp:	-450.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till February-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 48,728.00 Deductions: (Rs.): -1,912.00 Net Pay: (Rs.): 46,316.00

Payee Name: .SHAMSUL HAYAT

Account Number: 3290-5

Bank Details: NATIONAL BANK OF PAKISTAN, 231869 NBP DIR AMLOOK DARA TALASH DIR, DIR

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: VILL SRAI BALA

City: DIR LOWER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

CTC

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Accounts Officer,
D.C. Dir Lower

Government of Khyber Pakhtunkhwa
District Accounts Office Dir at Timargar
Monthly Salary Statement (February-2021)

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Personal Information of Mr KHUR SHID d/w/s of MUMANDAI

Personnel Number: 00267585

CNIC: 10992158213

Date of Birth: 19.10.1972

Entry into Govt. Service: 19.10.1996

NTN:

Length of Service: 24 Years 04 Months 011 Days

Employment Category: Active Temporary

Designation: CONSTABLE

80877505-GOVERNMENT OF KHYBER PAKH

DDO Code: DA4515-Levies Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No: LEVDA000473

Interest Applied: Yes

GPF Balance:

215,382.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 07

Pay Stage: 20

Wage type	Amount	Wage type	Amount
0601 Basic Pay	23,190.00	1000 House Rent Allowance	1,589.00
1110 Convey Allowance 2005	1,932.00	1300 Medical Allowance	1,500.00
1047 Ration Allowance	681.00	1567 Washing Allowance	150.00
1646 Constabulary R Allowance	300.00	1901 Risk Allowance (Police)	3,530.00
1702 Special Incentive Allowance	775.00	1923 UAA-OTHER 20%(1-15)	1,000.00
1933 Special Risk Allowance	3,000.00	2168 Fixed Daily Allowance	2,730.00
2211 Adhoc Relief All 2016 10%	1,738.00	2224 Adhoc Relief All 2017 10%	2,319.00
2247 Adhoc Relief All 2018 10%	2,319.00	2264 Adhoc Relief All 2019 10%	2,319.00

Deductions - General

Wage type	Amount	Wage type	Amount
3007 GPF Subscription	-1,010.00	3530 Police wcl:Fud BS-1 to 18	-464.00
4004 R. Benefits & Death Comp:	-450.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till February-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 49,072.00 Deductions: (Rs.): -1,924.00 Net Pay: (Rs.): 47,148.00

Payee Name: KHUR SHID

Account Number: 3637900020603

Bank Details: HABIB BANK LIMITED, 220363 MUNDA MUNDA, MUNDA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: VILL MAKHAL

City: DIR LOWER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

(265994/08.03.2021/18:41:31) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

CERTIFIED TO
BE TRUE COPY
Accounts Officer
D.C. Dir Lower

(60) *Better copy* *Am L*

**FOR THE EXTRAORDINARY GAZETTE ISSUE OF THE
KHYBER PAKHTUNKHWA**

**PROVINCIAL ASSEMBLY SECRETARIAT KHYBER
PAKHTUNKHWA**

NOTIFICATION

Dated Peshawar, the 30/11/2021

No. PA/Khyber Pakhtunkhwa bills-192/2021/8586 the provincial administration Tribal Areas Levis Force (amendment) bill, 2021 having been passed by the provincial assembly of Khyber Pakhtunkhwa on 22nd November, 2021 is hereby published as an act of the legislature of Khyber Pakhtunkhwa.

**THE PROVINCIALY ADMINISTERED TRIBAL AREAS LEVIS FORCE
(AMENDMENT) ACT, 2021**

(Khyber Pakhtunkhwa act No xxxiv of 2021)

(First published after having received the assent of the Governor of the Khyber
Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa)

(Extraordinary dated the 30/11/2021)

(Here print as in the accompaniment)

SECRETARY

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above)

A copy of the above notification with the accompaniment is forwarded to the manager Government Stationary and printing Department, Peshawar with the request to publish the same in the extraordinary issue of Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this secretariat before publication.

SECRETARY

Provincial Assembly of Khyber Pakhtunkhwa.

E.No. pa/Khyber Pakhtunkhwa/Bills-192/2021/8537-41. dated 30/11/2021

A copy of the above is forwarded to:

1. The principal secretary to Governor, Khyber Pakhtunkhwa.
 2. The secretary to government of Khyber Pakhtunkhwa, law Department.
 3. The secretary to Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department.
 4. The Director information, Khyber Pakhtunkhwa.
 5. The Deputy Director I.T Provincial Assembly of Khyber Pakhtunkhwa for official website.
- CTC*

SECRETARY

C.T.C

(KIRAYATULLAH KHAN AFRIDI)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

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

"11. Re-instatement of the levies personnel.— All levies personnel, who have been retired from the Force, with effect from 22.03.2021, till the commencement of the Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021, shall be reinstated in the Force, as regular employees, with effect from their respective dates of retirement and they shall be deemed as never retired from the Force."

2. Insertion of new section to the Khyber Pakhtunkhwa Regulation No. 1 of 2012.—In the Provincially Administered Tribal Areas Levies Force Regulation, 2012 (Khyber Pakhtunkhwa Regulation No. 1 of 2012), after section 10, the following new section shall be added, namely:

(2) It shall come into force with effect from 22.03.2021.

1. Short title and commencement.—(1) This Act may be called the Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021.

Pakhtunkhwa as follows:

It is hereby enacted by the Provincial Assembly of the Khyber

WHEREAS it is expedient to amend the Provincially Administered Tribal Areas Levies Force Regulation, 2012;

to amend the Provincially Administered Tribal Areas Levies Force Regulation, 2012.

AN
ACT

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Deputy Legislation Officer
Government of Khyber Pakhtunkhwa
Law Department



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

NO. SO (POLICE-II)/HD/1-3/2020/MKD/LEVIES
Dated Peshawar the 02-12-2021

60-B

To,

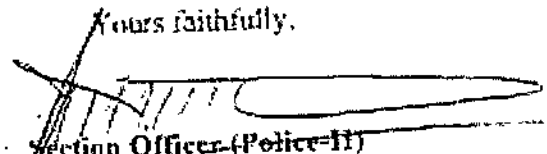
1. All Divisional Commissioners.
2. The Deputy Commissioners/Commandants Levies,
Malakand, Swat, Dir Upper, Lower Dir, Upper Chitral,
Lower Chitral, Hangu, Kohat, Karak, Lakki Marwat & Tangbar.

Subject: - CHIEF MINISTERS DIRECTIVES- RESTORATION OF SCHEDULE-
III OF FEDERAL LEVIES RULES, 2013 AND SCHEDULE-IV OF
PROVINCIAL LEVIES RULES, 2015

Dear Sir,

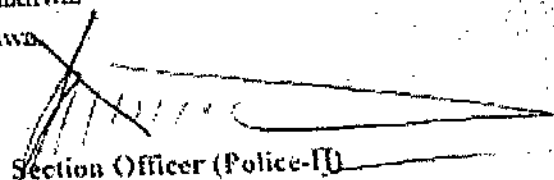
I am directed to refer to the subject noted above and to enclose herewith a copy of Notification No. PA/Khyber Pakhtunkhwa/Bill-192/2021/8586 passed by Provincial Assembly dated 30-11-2021 pertaining to reinstatement of Levies Official Govern Under Federal Levies Rules, 2013 for information and further necessary action at your end, please.

Yours faithfully,


Section Officer (Police-II)
Ph No. 091-9210503 Fax No. 9210201

Copy forwarded to:-

3. PS to Home Secretary, Khyber Pakhtunkhwa.
4. PS to Special Secretary (II) Home, Khyber Pakhtunkhwa.
5. PA to Additional Secretary Home, Khyber Pakhtunkhwa.
6. PA to Deputy Secretary Home, Khyber Pakhtunkhwa.


Section Officer (Police-II)

02/12/2021

C.T.C.
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(61)

Annex M

BEFORE THE PESHAWAR HIGH COURT,
MINGORA BENCH/DARUL QAZA, SWAT.

(ORIGINAL JURISDICTION)

Writ Petition No. 1981 -M of 2022



- 1) Aziz Gul s/o Rahim Gul r/o Ouch Dir Lower No. 1678 (Sepoy).
- 2) Muhammad Zamin s/o Muhammad Nawaz Khan r/o Bajauro Talash No.1696.
- 3) Mushtaq Ahmad s/o Hatam Tai r/o Badwaan No.2077.
- 4) L/Naik Bacha Nawab s/o Syed Mula r/o Chakdara No. 1640.
- 5) Hawaldar Akbar Khan s/o Malak Aman r/o Ouch No. 1494.
- 6) Tajamul Khan s/o Gul Malook r/o Ouch No.1551.
- 7) Hawaldar Noor Ali Syed s/o Mian Said Nawab No. 1474.
- 8) Hawaldar Jehanzeb s/o Muhammad Jabbar r/o Chakdara Lower Dir No. 1506.
- 9) Naik Roaidar Ali s/o Dost Muhammad r/o Tindodag No. 1542.
- 10) L/Naik Iqbal Hussain s/o Muhammad Hussain r/o Darbaar Chakdara No. 1599.
- 11) Gul Amin s/o Muhammad Zarin r/o Paito Dara Timergara No.1598.
- 12) L/Naik Fida Hussain s/o Sadiq Hussain r/o Ouch Gharbi No. 1616.
- 13) Amir Alam s/o Abdul Rahman r/o Paito Dara Timergara No.1624.
- 14) L/Naik Asfandyar s/o Muhammad Khan Paito Dara Timergara No. 1627.
- 15) Nasar Khan s/o Toti Khan r/o Ouch Gharbi No.1628.
- 16) Hasham Khan s/o Faqir Muhammad r/o Jango No.1630.

FILED TODAY

05-NOV-2022

Additional Registrar

AGREED TO BE TRUE COPY

(62)

JUDGMENT SHEET**PESHAWAR HIGH COURT
MINGORA BENCH
(Judicial Department)**

1. W.P. No. 1281-M/2022
- &
2. W.P. No. 1283-M/2022

JUDGMENT

Dates of hearing: 23.11.2022

Petitioners: - (Aziz Gul & others) by Barrister
Dr. Adnan Khan, ASC.

Respondents (Govt: of KPK & others) by Mr.
Raza-ud-Din Khan, Addl: A.G

MUHAMMAD IJAZ KHAN, J.- Through this single judgment, we intend to decide the following two writ petitions, as common questions of law and facts are involved in the same.

(1) W.P. No. 1281-M of 2022
Aziz Gul & others v/s Govt: of KPK & others

(2) W.P. No. 1283-M of 2022
Muhammad Salim & others v/s Govt: of KPK & others

2. Precisely the grievances of the petitioners are that they were employees of the Levies Force of District Dir lower and were performing their duties as *Sepoy*, *Lance Naik*, *Naik* and *Havaldar* when they were retired vide four orders of even dated i.e. 25.03.2021. They further pleaded that after their retirement the provincial assembly has passed an Act with the

Nawab (D.B) Hon'ble Mr. Justice Muhammad Nazeem Anwar
Hon'ble Mr. Justice Muhammad Ijaz Khan

ATTESTED
Registrar

Mingora Bench

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name Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021 (herein after referred as "Act of 2021") whereby all the employees of the Levies Force who retired from 22.03.2021 till the commencement of Act i.e. 30.11.2021 shall be re-instated in service, however, the benefit of the aforesaid Act has not been extended to the petitioners, therefore, they have approached to this Court through the instant petitions.

3. Arguments of learned counsel for the petitioners were heard in considerable detail and the record perused with their able assistance, whereas the learned Addl: A.G present in Court also accepts notices of these connected petitions.

4. The main grievance of the learned counsel for the petitioners was that since petitioners have got retired within the bracket period as provided under The Act of 2021, therefore, they are entitled for its benefits. He further submits that in case of the colleagues of the petitioners an identical relief has already been granted, therefore, they are also entitled for the same relief in view of the law laid down by the

Newab (D.B) Hon'ble Mr. Justice Muhammad Naeem Anwar
Hon'ble Mr. Justice Muhammad Ijaz Khan

ATTESTED

Examiner

Branch

Peshawar
M...

Handwritten signature and initials.

Hon'ble Apex Court in cases reported as 1996 SCMR 1185, 2005 SCMR 499 and 2009 SCMR page 1.

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5. There is no dispute amongst the parties that the present petitioners have got retired on 25.03.2021 as by then those petitioners who were *sepy* have attained the age of 42 years and those petitioners who were *Lance Naik, Naik, and Havaladar* have completed three years of service as *Lance Naik, Naik and Havaladar*, therefore, by operation of The Federal Levies Services (Amended) Rules 2013 R/W notification dated 21.10.2021, the aforesaid criteria has been provided for the retirement of different categories of the employees of Levies Force.

6. It may be noted that after the retirement of the petitioners, the Provincial Assembly has passed The Act of 2021 which has been made applicable with effect from 22.03.2021 and till the commencement of the Act. Since the said Act has been published in the official gazette on 30.11.2021, therefore, the two crucial dates would be 22.03.2021 i.e. the date of applicability of the Act till 30.11.2021 i.e. the

2.03

Nawab (D.B) Hon'ble Mr. Justice Muhammad Naeem Auwar
Hon'ble Mr. Justice Muhammad Ijaz Khan

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Darul Uloom

(65)

date of commencement of the Act, where new section i.e. section 11 has been inserted after section 10 in The Provincially Administered Tribal Areas Levies Force Regulation, 2012, the same being relevant for the present controversy is reproduced below:-

1. Short title and commencement... (1) This Act may be called the Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021

(2) It shall come into force with effect from 22.03.2021

2. Insertion of new section to the Khyber Pakhtunkhwa regulation No. 1 of 2012.— In the Provincially Administered Tribal Areas Levies Force Regulation, 2012 (Khyber Pakhtunkhwa Regulation No. 1 of 2012), after section 10, the following new section shall be added, namely:

"11. Re-instatement of the levies personnel.— All levies personnel, who have been retired from the Force, with effect from 22.03.2021, till the commencement of the Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021, shall be reinstated in the Force, as regular employees, with effect from their respective dates of retirement and they shall be deemed as never retired from the Force."

The language of the above Act of 2021 is clear in its meaning qua its applicability as well as the class of employees to whom the benefit of the aforesaid Act could be extended. As stated hereinabove that as per section 1 (2) of the aforesaid Act the same was made applicable from 22.03.2021 and up to the

Nawab (D.B) Hon'ble Mr. Justice Muhammad Naem Awar
Hon'ble Mr. Justice Muhammad Ijaz Khan

ATTESTED
Examiner
Peshawar High Court Bench
Mirpora Dar-ul-Adab Swat

commencement of the Act which is 30.11.2021. It further stipulates that all levies personnel who have been retired from the Force with effect from 22.03.2021 till the commencement of The Act 2021 i.e. 30.11.2021 shall be re-instated in the Force as regular employees with effect from their respective dates of retirement and they shall be deemed as never retired from the Force. The language of the aforesaid Act of 2021 fully attracts and benefits to the case of present petitioners who got retired on 25.03.2021, therefore, the respondents were legally bound to extend the benefit of the aforesaid Act of 2021 to the petitioners.

7. Accordingly, both these connected writ petitions bearing No. 1281-M of 2022 and 1283-M of 2022 are allowed and the petitioners are re-instated in service of the Levies Force with effect from the date of their retirement and it shall be deemed that they have never been retired and consequently the respondents are directed to issue formal orders of their

Nawab (D.D) Hon'ble Mr. Justice Muhammad Naem Anwar
Hon'ble Mr. Justice Muhammad Ijaz Khan

ATTESTED
Examiner
Peshawar High Court Bench
Mingora District

re-instatement in service in light of section 11 of
The Act of 2021. Order accordingly.

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ANNOUNCED
Dt: 23.11.2022

[Signature]
JUDGE

[Signature]
JUDGE

10-13
Name of Applicant *[Signature]*
Date of Presentation of Applicant *23-11-22*
Date of Completion of Copies *1-12-22*
No of Copies *10*
Urgent Fee
Fee Charged *28/-*
Date of Delivery of Copies *1-12-22*

Certified to be true copy

[Signature]
EXAMINER
Peshawar High Court, Mianora/Dar-ul-Qaza, Swat
Authorized Under Article 47 of Qanoon-e-Shahadat Order 1984

Office
28/11/2022

(68)

Amr N



Judgment Sheet

PESHAWAR HIGH COURT, PESHAWAR.

(JUDICIAL DEPARTMENT)

W.P.No.367-M/2021 with I.R,
CM Nos.1053/2021 & 1183/2022.

JUDGMENT

Date of hearing -- 29.11.2022.

Barrister Dr.Adnan for petitioners.

Mr.Saqib Raza, A.A.G for the respondents.

=====

S M ATTIQUE SHAH, J:- Through this single judgment, we shall also decide the connected writ petitions bearing Nos.337-M/2021, 406-M/2021, 503-M/2021, 514-M/2021, 518-M/2021, 450-M/2021, 601-M/2021, 681-M/2021, 632-M/2021, 919-M/2021, 968-M/2021, 980-M/2021, 1221-M/2021, 1222-M/2021, 1252-M/2021, 2210-P/2021, 2913-P/2021, 5092-P/2021, 5423-P/2021, and 5424-P/2021 as adjudication of a common question of law and fact is involved in all the petitions wherein the petitioners have challenged the vires of notification No. SO (Police-II) HD/MKD/Levies/Misc/2020 dated 22.03.2021 whereby on the basis of impugned office order bearing No.128/DC/CSL dated

ATTESTED
EXAMINER
Peshawar High Court

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20.04.2021, they have been retired from service with further prayer that they be reinstated into service from the date of their retirement i.e. 20.04.2021 with all back benefits. In alternative, they have prayed that the respondents be directed to treat them at par with erstwhile Federal Levies of Federally Administrated Tribal Area (FATA) and; absorb them in police and; grant them full pensionary benefits.

2. Likewise in W.P.Nos.333-M/2021, 334-M/2021, 335-M/2021, 338-M/2021, 345-M/2021, 1026-M/2021, 1035-M/2021, 1187-M/2021, 1206-M/2021, 1207-M/2021, 34-M/2022, 212-M/202 and 993-P/2022 the petitioners have made the following prayer:

"On acceptance of this writ petition, the impugned Notification SO (Police-II) HD/ MKD/Levies/ Misc/2020 is against law and the fundamental rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973, may be declared illegal void ab initio and of no legal effects on the rights of the petitioners."

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Peshawar High Court

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Similarly, in COC Nos.38-M/2021 in W.P.No.367-M/2021 and COC No.436-P/2022 in W.P.No.1335-P/2022 petitioners seek initiation of contempt of court proceedings against the respondents for violating the order of this court dated 21.04.2021 passed in W.P.No.367-M/2021.

3. Brief facts of the case(s) are that the petitioners were appointed in the "Swat Levies Force" as Sepoys etc. and presently terms and conditions of their services are regulated by "Provincially Administrated Tribal Areas Levies Force Regulation 2012" whereunder besides PATA Levies Force Rules, 2012, PATA Levies Force Service (Amended) Rules 2013 were also framed. Rule 17 of the Amended Rules 2013, deals with the retirement of personnel of the force, which was amended vide notification dated 12.12.2013 in the manner that "All the personnel shall retire as per Schedule-III and no extension in service beyond retirement shall be granted". On 14.07.2020, vide Notification No.SO

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Peshawar High Court

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(Police-II)HD/1-3, rule 17 was further amended by deleting schedule-IV as "All uniformed force shall retire from service on attaining the age of superannuation i.e. Sixty (60) years or they may opt for retirement after completion of twenty-five (25) years regular service". Thereafter once again through certain modifications rule, 17 was amended by giving life to the deleted schedule-III of the rules 2013 as under:-

"Retirement; All levy personnel shall retire as per Schedule-III and no extension in service after retirement shall be granted."

4. Being aggrieved from the ibid amendment, the petitioners have filed the instant petitions.
5. Pursuant to the directions of this court respondents have filed their parawise comments, wherein issuance of the desired writs has been opposed.
6. Learned counsel representing the petitioners vehemently argued that the

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Peshawar High Court

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impugned Notification is arbitrary, perverse, illegal, issued without lawful authority and *mala fide* intention just to deprive the petitioners of their vested rights accrued in their favour hence violative of their fundamental rights guaranteed under the Constitution and thus not sustainable in the eye of law. That though the impugned Notification was issued under the regulation 2012. However, after the 25th Constitutional amendment, the said regulation does not hold field, therefore, the impugned Notification is liable to be set aside.

7. Conversely, worthy AAG representing the respondents opposed the arguments so advanced by learned counsel representing the petitioners at the bar while arguing that after the 25th amendment the Provincial Assembly passed the continuation of laws Act No.111 of 2019 through which the laws applicable to erstwhile PATA were allowed to continue including "Provincial Administered Tribal Areas Levies Force Regulation, 2012" and;

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therefore, the impugned Notification was issued per law which does not require any interference by this court in its writ jurisdiction under Article 199 of the Constitution. Further, petitioners are Civil Servants, and; matter in question revolves around the terms and conditions of their service which is the exclusive domain of the Service Tribunal as such the jurisdiction of this court is barred given the explicit provision of Article 212 of the Constitution.

8. Heard. Record perused.

9. Before discussing merits of the case we deem it appropriate to discuss the background of the matter in hand to properly comprehend the issue involved therein. It is worth mentioning that earlier the services of the *Levies Force* were dealt with under the *Frontier Irregular Corps (FIC) rules, 1962* which was substituted by the "*Provincial Administered Tribal Areas Levies Force Regulation, 2012*" (regulation) and under the said regulation "*PATA Levies*

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Peshawar High Court

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Force (service) Rules, 2012 were framed for *Provincial Levies Force*. While separate service rules were also framed thereunder for *PATA Federal Levies Force* performing duties in "PATA" known as "*PATA Federal Levies Force Service (Amended) Rules 2013*". Rule 17 of the *ibid* rules deals with the retirement of the *Levies* personnel which was amended from time to time. However, petitioners have become aggrieved from the impugned Notification vide which the petitioners' retirement age was altered which is challenged by them through instant petitions.

10. The main contention of the petitioners is that after 25th amendment the regulation has lost its efficacy and sanctity and has become redundant, therefore, the impugned amendment under the said regulation is illegal being void ab initio. It is worth mentioning that after the 25th amendment in 2018, both *FATA & PATA* were merged in the province of *Khyber Pakhtunkhwa* and *Federal Levies Force*

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EXAMINER
Peshawar High Court

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working in FATA was merged into the regular police of the province. Albeit, in Malakand Division, Levies Force is still regulated by "PATA Federal Levies Force Service (Amended) Rules 2013 in view of the Khyber Pakhtunkhwa Act No 111 of 2019 through which the laws prevalent in erstwhile PATA at the time of 25th amendment were allowed to continue including regulation 2012 which still holds the field and as such the same is a valid instrument. Therefore, impugned Notification was issued by the respondents with lawful authority.

11. Moving toward the status of the petitioners it is worth mentioning that earlier this court while deciding W.P No 528-M/2016 (Ikramullah's case) determined the status of personnel of the Provincial Levies Force as that of civil servants in the following terms:-

"19. The Provincial Levies Force ("Force") was granted statutory cover through Khyber Pakhtunkhwa Regulation No.1 of


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2014 ("Regulation"). Paragraph No.3 of the Regulation envisages for constitution and establishment of the Force and its functions. For ease reference paragraph Nos. 3 and 4 of the Regulation are reproduced as under:-

"3. Power to constitute and maintain by the Force and its functions.-- (1) Government may constitute and maintain a Force for performing the following functions, namely:

- (a) ensuring security of roads in PATA;
- (b) ensuring security and manning of piquet;
- (c) guarding Government institutions and installations;
- (d) ensuring security of jails and arrested criminals;
- (e) generally maintaining law and order providing mobile escort to VIPs;
- (f) anti-smuggling activities especially timber smuggling;
- (g) destruction of illicit crops;
- (h) serving of summons or procedures;
- (i) raid and ambush; and
- (j) such other functions as Government may, by notification in the official Gazette, require the Force to perform.

(2) In discharge of their functions, officers and staff of the Force shall

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Peshawar High Court

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be guided in accordance with this Regulation and the rules.

(3) The head of the Force shall be Commandant in his respective jurisdiction.

(4) Secretary to Government, Home and Tribal Affairs Department shall be the competent authority of the Force.

(5) The Force shall consist of such ranks and number of officers and members and shall be constituted in such manner as may be prescribed by rules.

(6) The officers and members of the Force shall receive such pay, pension, allowances and other remunerations and shall enjoy such leave and other privileges as may be prescribed by rules.

(7) The officers and members of the Force shall wear such uniform as may be prescribed by rules or instructions.

(8) The administration of the Force shall vest in the Commandant in his jurisdiction who shall administer it in accordance with the provisions of this Regulation, rules and instructions.

(9) The Commandant shall exercise his powers and perform his functions under the general supervision and directions of Government.



ATTESTED

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4. **Powers and duties of officers and members of the Force.**—An officer or member of the Force shall-

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

20. The close perusal of the Regulation would clearly show that the Force is receiving its salary from the Provincial

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Peshawar High Court

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Exchequer and performs the policing service in the erstwhile PATA.

21. Having said this, we would now refer to the crucial issue as to whether the employees of the Force can be termed as a civil servants and as such they cannot maintain a constitutional petition before this Court for enforcement of the terms & conditions of their service.

22. The connotation 'civil servant' is defined and explained in respect to the Province of Khyber Pakhtunkhwa, in the Civil Servants Act, 1973 ("Act, 1973"). For ease reference, we would refer to Section 2 (b) of Act, 1973, which reads as under:-

"2. Definitions.—(1) In this act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a)
- (b) *"civil servant" means a person who is a member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include—*

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 Peshawar High Court

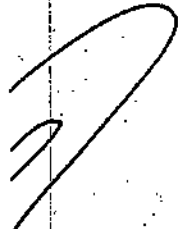
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- (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
- (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or
- (iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923)".

23. The perusal of the definition would show that a member of a civil service of the Province or who holds a civil post in connection with the affairs of the Province is civil servant. All Pakistan Services are explained in Article 260 of the Constitution, which reads as under:-

"260.
 (1).....

"service of Pakistan" means any service, post or office in connection with the affairs of the Federation or of a Province, and includes an All-Pakistan Service, service in the Armed Forces and any other service declared to be a service of Pakistan by or under Act of [Majlis-e-Shoora



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 Peshawar High Court

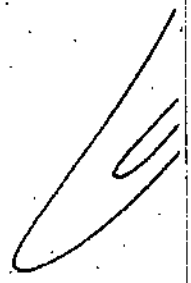
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Peshawar High Court

Explanation.- In this Article, "All-Pakistan Service" means a service common to the Federation and the Provinces, which was in existence immediately before the commencing Assembly.
under Act of the Provincial with the affairs of a Province, by or a Province and posts in connection (b) in the case of the services of

(a) of Pakistan shall be determined - of service of persons in the service appointments to and the conditions

240. Subject to the Constitution, the Constitution envisages that:-

Whereas Article 240 of the Provincial Assembly, or member of a House or a Minister, Adviser to a Chief Minister, Special Assistant to a Chief Minister, Adviser to the Prime Minister, Adviser to the Prime Minister, Special Assistant to the Council of Islamic Ideology, Chairman or member of Commission, Chairman or member of a Law [Chairman or member of a Law General], Parliament Secretary] or [Attorney-General], Advocate-General, Minister, Provincial Minister, Minister, Minister of State, Chief Minister, Prime Minister, Federal Chairman, Prime Minister, Deputy Speaker, Chairman, Deputy service as Speaker, Deputy Assembly, but does not include (Parliament)) or of a Provincial



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day or which may be created by Act of [Majlis-e-Shoora (Parliament)].

24. The Phrase "performing in connection with the affairs of Federation or for present matter Province" was elaborately explained in the case of Salahuddin and 2 others vs. Frontier Sugar Mills & Distillery Ltd., Tokht Bhal and 10 others (PLD 1975 Supreme Court 244).

In the said judgment, the Apex Court has held:

"Now, what is meant by the phrase "performing functions in connection with the affairs of the Federation or a Province". It is clear that the reference is to governmental or State functions, involving, in one form or another, an element of exercise of public power. The functions may be the traditional police functions of the State, involving the maintenance of law and order and other regulatory activities; or they may comprise functions pertaining to economic development, social welfare, education, public utility service and other State enterprises of an industrial or commercial nature. Ordinarily, these functions would be performed by persons or agencies directly appointed, controlled and financed by the State, i.e., by the

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Federal Government or a Provincial Government".

25. Admittedly, as evident from the bare reading of paragraph-3 & 4 of the Regulation, the present petitioners are performing policing service in the erstwhile tribal area, however, their terms and conditions are being regulating through Regulation No.1 of 2014 and after the omission of Article 247 from the Constitution; through a provincial statute i.e. the Khyber Continuation of Laws in the Erstwhile Provincially Administered Tribal Areas Act, 2018 (Khyber Pakhtunkhwa Act No. III of 2019), the operation of Regulation No.1 of 2014 was continued. Thus, the essential criteria for being a civil servant is that the person holding the post must perform his functions in connection with the affairs of Federation/Province and the terms and conditions of his service should be determined by or under the Act of Parliament/Provincial Assembly. The Apex Court in the case of Federation of Pakistan through Secretary, Ministry of Interior (Interior Division), Islamabad and 2 others vs. RO-

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177 Ex-DSR Muhammad Nazir
(1998 SCMR 1081), while dealing with the case of an employee of Pakistan Rangers has observed that:

"7....Perusal of these rules clearly shows that they are all embracing, and therefore, under the amendment of section 1 of the Pakistan Rangers Ordinance, these rules would prevail over the Rules of 1973. The Pakistan Rangers Ordinance was promulgated to constitute a force called the Pakistan Rangers for the protection of and maintenance of order in the border areas. Since with regard to the status of the members of the force the Pakistan Rangers Ordinance is silent, therefore, it can be safely said that the employees of the Pakistan Rangers will be deemed to be civil servants as they are performing duties in connection with affairs of the Federation and hence under the Service Tribunals Act, 1973, an appeal by a member of the Pakistan Rangers regarding a matter relating to terms and conditions of his service is competent before the Federal Service Tribunal..."

28. Similarly, in the case of **Commandant, Frontier Constabulary, Khyber Pakhtunkhwa, Peshawar and**

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Peshawar High Court

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others vs. Gul Raqib Khan and others (2018 SCMR 903), the Hon'ble Apex Court has elaborately examined service structure of the employees of Frontier Constabulary, which is established under Frontier Constabulary Act (Act-XIII) of 1915. Relevant paragraphs of the said judgment are reproduced as under:-

"6. Three broad tests for establishing the status and character of a civil servant emerge from the Constitutional mandate of the afore-going Articles. Firstly, under Article 240(a) of the Constitution, appointments to and the terms and conditions of service of the persons in the "service of Pakistan" are determined by or under Act of Parliament. Secondly, by virtue of Article 260 of the Constitution, 'service of Pakistan' means any service, post or office in connection with the affairs of the Federation. Thirdly, under Article 212(1) (a) of the Constitution, the exclusive jurisdiction to adjudicate disputes relating to the terms and conditions of persons, who are in the service of Pakistan vests in an Administrative Tribunal, namely, the Federal Service Tribunal. These tests are mentioned in the Muhammad Mubeen-us-Salam case

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ibid (at pp. 686-689 of the law report). The definition of the term 'civil servant' in the Act adopts the Constitutional criteria given in Article 260 noted above to reiterate that a person who, *inter alia*, holds a civil post "in connection with the affairs of the Federation" including any such post connected with defence, to be a civil servant. The larger Bench has in this respect taken the logical step to incorporate the requirements under Article 240 (a) and 260 of the Constitution as the definitional criteria of the term "civil servant" (at p. 682 of the law report).

7. Having noticed the qualifying criteria of a civil servant under the law, it is appropriate now to examine the factual matrix of the present controversy. The FC was established by the NWFP Constabulary Act, (Act-XIII) of 1915 ("Constabulary Act"). Section 3 of the Constabulary Act empowers the Federal Government to maintain the FC as a force "for the better protection and administration of the external frontiers of Pakistan within the limits of or adjoining North-West Frontier or any part thereof". Section 3-A of the Constabulary Act authorises the Federal Government to employ the FC outside the limits of or adjoining the North-West Frontier Province in other parts of Pakistan for

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the better protection and administration of those parts. Section 5(1) of the Act *ibid* vests the Federal Government with power to appoint the Commandant and other persons including the District Constabulary Officers or Assistant Constabulary Officers of the force in one or more districts. Section 6 delegates to the Commandant and District Constabulary Officer the power to appoint subordinate officers in the manner proscribed by Rules made under the Act. The Federal Government exercised its power conferred by Section 21 of the Constabulary Act, to frame the NWFP Constabulary Rules, 1958 ("Constabulary Rules"), in order to provide the terms and conditions of service of the officers and men in the FC.

8. It will be observed that the matter of terms and conditions of service of the respondent-employees of the FC, are in the first place regulated by the Constabulary Act and elaborated pursuant thereto by the FC Rules. The provisions made by the Constabulary Rules are in furtherance of and in exercise of the power conferred by the Constabulary Act. Therefore, the terms and conditions of service of the employees of the FC are proscribed

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In the Act and the Rules. The test laid down in Article 240(a) of the Constitution requires that the appointment to and the terms and conditions of service of posts in connection with the affairs of the Federation and of a service of Pakistan shall be determined "by or under an Act of" Parliament. The expression "by or under" in Article 240(a) of the Constitution authorizes the terms and conditions of service of a civil servant to be provided both by statute or by statutory rules. The provision made in the Constabulary Act and the Constabulary Rules, therefore, satisfy the Article 240(a) test. The judgment in the Muhammed Mubeen-us-Salam case *ibid* endorses this point of view:-

"86.... The terms and conditions of service of those employees, however, are required to be specified under Article 240 of the Constitution by or under Act of the Parliament. Thus, the conclusion would be that only those persons, who are in the service of Pakistan, as discussed hereinabove, and if their terms and conditions are governed either by a statute or statutory rules, in terms of Article 240 of the Constitution, can seek remedy before the Service Tribunals.."

27. Similarly, this Court in the case of Gul Munir vs. The

ATTESTED

Government of Pakistan through Secretary, Ministry of States and Frontier Regions (SAFRON), Islamabad and others (2019 PLC (C.S) 645), on the basis of law laid down by the Apex Court in Commandant, Frontier Constabulary Khyber Pakhtunkhwa, Peshawar's case (2018 SCMR 903), while dealing with the case of Federal Levies Force, which was established through Federal Levies Force Regulation, 2012 having the same structure of service for its employees/force as provided in Regulation No. 1 of 2014 has held that employees of the Federal Levies Force whose terms and conditions of service are governed under Federal Levies Force Regulation, 2012 are civil servants. Keeping in view the above, the Force established under Regulation No. 1 of 2014 qualifies the criteria of being civil servant in view of its composition, functions and duties as per law laid down by the Apex Court in the cases of Federation of Pakistan through Secretary, Ministry of Interior (Interior Division), Islamabad and 2 others

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services rendered by the FC have direct nexus with the affairs of the Federation. Therefore, the reasons given in the Muhammad Nazir case (supra) fully apply here as well and we hold that the employees of FC are civil servants. Insofar as the question of competent remedy in respect of service disputes of FC men is concerned, we hold that in a matter relating to the terms and conditions of service of the respondent-employees of the FC, an appeal before the Federal Service Tribunal is available to them as the exclusive remedy under the law. Accordingly, this remedy may be availed by them within the statutory period of limitation commencing from the date of issuance of certified copy of this judgment. All these appeals filed by the appellant-Commandant, FC are accordingly allowed in above terms".

When case of the petitioners (PATA Federal Levies Force) was examined in juxtaposition with the Provincial Levies Force and *Ibid* judgment, we observed that service of both the forces is governed under the rules so framed under the provisions of "Provincial Administered Tribal Areas Levies Force Regulation,

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2012". Therefore, we believe that the status of petitioners is that of civil servants for all practical and material purposes, and as such, the matter of terms and conditions of their service squarely falls outside the ambit of writ jurisdiction of this court given the explicit bar contained in Article 212 of the Constitution. As earlier discussed service rules of the petitioners (*PATA Federal Levies Force*) and *Provincial Levies Force* both were framed under the provisions of "*Provincial Administered Tribal Areas Levies Force Regulation, 2012*" and through the *ibid* judgment, the personnel of *Provincial Levies Force* were declared as Civil Servants after exhaustively discussing the matter of *Levies Force* performing their duties in *PATA*. Therefore, on the same premise, we have no hesitation to hold that the petitioners are Civil Servants as their service fulfills the entire criteria of Civil Servants so provided by the law. Learned counsel representing the petitioners could



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Delaware High Court

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not distinguish the status of petitioners (PATA Federal Levies Force) vis a vis Provincial Levy Force in any manner. Both forces are performing their functions in the same area for the same object and; purpose, and both are being maintained through the provincial exchequer. Therefore, the matters arising out of the terms and; conditions of service of the petitioners are only amenable to the jurisdiction of the Service Tribunal in terms of Article 212 of the Constitution.

So far as the contention of petitioners that they have challenged the vires of the impugned Notification and as such the same are not amenable to the jurisdiction of the Service Tribunal is concerned, suffice it to state that it has long been settled that Service Tribunal has ample jurisdiction to deal with the issue of vires of the law and rules framed thereunder. 2015 SCMR 253 NATIONAL ASSEMBLY SECRETARIAT through Sectrary V. MANZOOR AHMAD and others.

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Therefore, the contention so agitated at the bar is misconceived and as such repelled.

In view thereof, the status of petitioners has been declared as that of Civil Servants and the matter in question revolves around the terms and conditions of their service which does fall outside the jurisdiction of this court given the barring provision of Article 212 of the Constitution and as such instant petitions are dismissed; being not maintainable. However, the petitioners may approach the worthy Service Tribunal for the redressal of their grievance if so advised. Albeit, earlier the status of petitioners being civil servants was not determined, therefore, the petitioners may avail the remedy of appeal within the statutory period of limitation commencing from the date of issuance of the certified copy of this judgment in terms of the judgment of august apex court in *Gul Raqib Khan's case 2018 SCMR 903*.

COC Nos.38-M/2021 in
W.P.No.367-M/2021 and; COC No.436-

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EXAMINER
Peshawar High Court

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P/2022 in W.P.No.1335-P/2022 are dismissed for having become infructuous.

[Signature]
JUDGE

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JUDGE

[Signature]
JUDGE

Announced.
Dt.29/11/2022.

HON'BLE MR.JUSTICE LAL JAN KHATTAK,
HON'BLE MR.JUSTICE S M ATTIQUE SHAH &
HON'BLE MR.JUSTICE SYED ARSHAD ALI

(In the absence of the Secretary)

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Application No. 17-12-22
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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;

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Attested
[Signature]
Tahir Zada
Superintendent BPS-1
Malakand Levies Malakand

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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;

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Superintendent BPS
Malakand Levies Malakani

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(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.

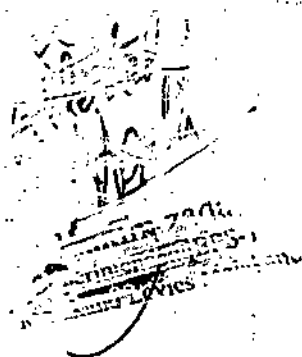
12. **Act to override other laws.**—The provisions of this Act shall be in force notwithstanding anything repugnant or contrary contained in any other law for the time being in force.

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.




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(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.	Husan Khel in district Peshawar.
2.	Darra Adam Khel in district Kohat.
3.	Bettani in district Lakki Marwat.
4.	Wazir in district Bannu.
5.	Jandota in district Tank.
6.	Darazinda in district Dera Ismail Khan.

Attested
[Signature]
Hakimzada
Superintendent/BPS-1
Malakand Levies Malakand

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMJAD ALI)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

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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 Force for the purpose of their induction/absorption in Khyber Pakhtunkhwa Police with immediate effect:-

SNo.	From Rank in Levies/Khasadar	To Rank of Police
1.	Sepoy	Constable (BPS-07)
2.	Lance Naik	Constable A-1 (BPS-07)
3.	Naik	Constable B-1 LHC (BPS-07)
4.	Havildar	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 & TA's Department, Khyber Pakhtunkhwa, Peshawar.
4. All heads of Police Khyber Pakhtunkhwa.
5. PSO to IGP Khyber Pakhtunkhwa, Peshawar.
6. Registrar CPO.

-SD-

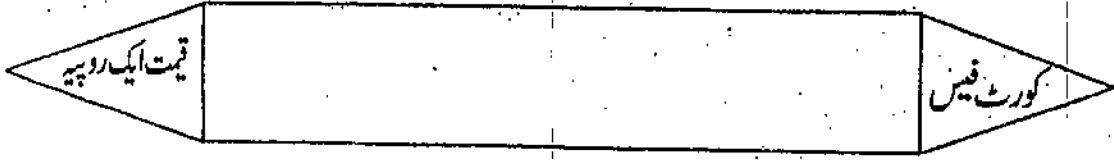
(SADIQ BALOCH) PSP
AIG ESTABLISHMENT
FOR INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA, PESHAWAR

Accepted
[Signature]
Hakim Zaqi
Superintendent BPS-11
Malakand Levies Malakand

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بعدالت چیپر پختونخوا سروس ٹریبونل پشاور / سوات کیمپ کورٹ



مورخہ 4 دسمبر 2022ء منجانب پیشہ سزا
مقدمہ محمد زمین
بنام حکومت و خنجرہ

دعویٰ سرسرس روپل جرم
باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور ٹریبونل کیمپ کورٹ سوات کیلئے بیرٹر عدنان خان ASC عمر صادق ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل احتیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے کے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایسے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا ادکالت نامہ لکھ دیا کہ سند رہے

المقام پشاور کیمپ کورٹ سوات کے لئے منظور ہے

امیر سدید آدن

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Dr. Adnan Khan
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محمد زمین ولد محمد نور خان سکرن باجوڑ ڈائری نہ زبارت تالان
کھیل محمد زین الدین 1696 سپاہی