


# FORM OF ORDER SHEET

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

Case No.- 162/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/1/2023	<p>The appeal of Mr. Muhammad Jamal presented today by Mr. Faimur Haider Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____, Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman  REGISTRAR</p>

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

Service Appeal No. 162/2023

Muhammad Jamal .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal  
Affair department & others .....Respondents

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*CLZ* APPELLANT

Through Counsel

**Taimur Haider Khan**  
Advocate, Supreme court

**Shabryar Ahmad**  
Advocate

Taimur Law Associates  
Advocates, High Court  
Off: 37<sup>th</sup>, 2<sup>nd</sup> Floor, Malik  
Tower, Peshawar  
Cell No.03469192561

①

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

Service Appeal No. 162/2023

Muhammad Jamal S/o Noor Jamal  
(Subedar Major (BPS-16) Levies Force)  
R/o Mohallah Ghari Bazar, Hangu

.....Appellant

**VERSUS**

- 1) Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affair department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
- 2) Deputy Commissioner, Hangu.
- 3) District Police officer (D.P.O) District Hangu.

..... Respondents

**APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974, (as per the consolidated judgment of the Hon'ble  
Peshawar High court, Peshawar vide order dated 29.11.2022 in  
W.P.No. 5092-P/2021) AGAINST THE UNJUSTIFIABLE  
AND CORAM-NON-JUDICE IMPUGNED  
NOTIFICATION NO. SO (POLICE-II)HD/1-  
3/FEDERAL LEVIES 2021, DATED:21.10.2021  
AND NOTIFICATION NO.SO(POLICE-  
II)HD/MKD/LEVIES /MISC NO.2020 DATED:  
22.03.2021, WHEREBY, ASTONISHINGLY THE  
APPELLANT WOULD BE RETIRED FROM  
SERVICE AT THE AGE OF FIFTY (50) YEARS  
INSTEAD OF 60 YEARS. DESPITE THE FACT  
THE APPELLANT HAS SERVED THE  
RESPONDENT DEPARTMENT FOR 30 YEARS  
AND IS HAVING UNBLEMISHED SERVICE  
CAREER.**

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Prayer:

It is therefore, most humbly prayed that on the basis of expounded subject, facts and circumstances, the service appeal may kindly be accepted i.e.

- i. The Impugned NOTIFICATIONS NO.SO(POLICE-II)HD/1-3/FEDERAL LEVIES 2021, DATED:21.10.2021 AND NOTIFICATION NO.SO(POLICE-II)HD/MKD/LEVIES /MISC NO.2020 DATED: 22.03.2021 issued by respondents (Res:No.01) whereby the length of service/retiring age of the appellant's post has been fixed as to serve three years on the post of Subedar Major (Bps-16) (instead of only 60 years of age of superannuation) may kindly be declared as coram-Non-Judice, illegal, unconstitutional, ineffective upon the rights of the appellant and may kindly be set aside for the best administration of justice and fair play.

Respectfully Sheweth:

1. That the appellant hails from a venerable family presently holds the post of Subedar Major, Levies Force. Since the inception of the appointment, the Appellant hold good, soft and sober reputation and having great respect for the high ups. Ever tried his level best to keep the moral of the force high, ever resisted the militants and with wisdom via bravery, have over power the Anti State activities. As expounded above, during the entire period of more than 30 years of service is having unblemished service career. **(Copy of the Service Record is annexed as annexure "A")**

2. That on 29<sup>th</sup> of August, 2012, the Provincially Administered Tribal Areas Levies Force Regulation 2012 were introduced which were applicable to all the levies personnel in the area of Provincially Administered Tribal Areas of Khyber Pakhtunkhwa. **(Copy of the Provincially Administered Tribal Areas Levies Force Regulation, 2012 is annexed as Annexure "B").**
3. That in exercise of the powers conferred by Section 9 of the PATA Levies Force Regulation, 2012, the Provincial Government of Khyber Pakhtunkhwa has made certain rules on 15<sup>th</sup> February, 2013 for Levies employees, called Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013. **(Copy of the Provincially Administered Tribal Areas (PATA) Federal Levies Service (Amended) Rules, dated 15<sup>th</sup> February 2013 is annexed as Annexure "C").**
4. That, in exercise of the powers conferred by clause (4) of Article 247 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa, with the prior approval of the President of the Islamic Republic of Pakistan, is pleased to make and promulgate "the Provincially Administered Tribal Areas Provincial Levies Force Regulation, 2014" on dated 14<sup>th</sup> April, 2014. **(Copy of the PATA Provincial Levies Force Regulation, dated 14.04.2014 is annexed as Annexure "D").**
5. That the Government of the Khyber Pakhtunkhwa Home & Tribal Affairs Department through Notification Peshawar, dated the 14<sup>th</sup> April, 2015. No.ALD-III/REG: 1(6)2012/8066-68, in exercise of the powers conferred by regulation 9 of the Provincially Administered Tribal Areas Provincial Levies

Force Regulation, 2014 (Khyber Pakhtunkhwa Regulation No.01 of 2014), is pleased to make the rules called, "The Provincially Administered Tribal Areas Provincial Levies Force Rules, 2015. (Copy of the Provincially Administered Tribal Areas Provincial Levies Force Rules, 2015, Peshawar, dated the 14<sup>th</sup> April, 2015 is annexed as Annexure "E").

6. That according to rule a 16 (1) of the PATA Levies Force Rules 2015 all Uniform Force shall retire as per Schedule-IV and now extension in service after retirement shall be granted and rule 16 (2) all non uniformed force shall retire from service on attaining the age of superannuation i.e 60 years or they may opt from the retirement after completion of 25 years of regular service and no extension in service after retirement shall be granted.
7. That after the 25<sup>th</sup> Constitutional Amendment in the Constitution of Pakistan, 1973, the erstwhile Federally administrated Tribal Areas have been merged in the province of Khyber Pakhtunkhwa and Federal Levies Force Established under the Federal Levies Force Regulation 2012 etc, working in the said areas has lost his legal status for working in the merged Districts & sub Divisions, hence it was 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, "The Levies Force Act, 2019" was enacted on 16<sup>th</sup> September 2019. (Copy of the Khyber Paktunkhwa Levies Force Act, 2019 dated 16.09.2019 is annexed as Annexure "F").

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8. That according to rule 9 Khyber Pakhtunkhwa Levies Force Act, 2019 (1) Notwithstanding anything, contained in any other law for the time being enforce, a members of the levies force may be absorbed in the police, subject to the procedure as may determine by Government (2) until there absorption in the police, 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.
9. That according to Rule 15 (1) Khyber Pakhtunkhwa Levies Force Act, 2019 the Federal Levies Force Regulation 2012 and the Khyber Pakhtunkhwa Levies Force Ordinance 2019 (Khyber Pakhtunkhwa Ordinance No.III of 2019) were repealed but according to rule 15 (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 there under until new rules are made under this Act.
10. That on the dated, Peshawar the 14.07.2020 the respondents department issued another notification No.SO Police-IIHD/1-3/, whereby the following amendments were made in PATA Provincial Levies Force, Rules 2015, in the said rules, in Rule 16 (a) for sub rule 1 all uniformed force shall retired from service on attaining the age of superannuation i.e 60 years or they may opt for retirement after completion of 25 years "regular service" and the Schedule-IV shall be dated. (Copy of the notification No.SO Police-IIHD/1-3/ dated:14.07.2020 is annexed as Annexure "G").

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11. That despite the clear cut ibid Notification dated:14.07.2021, the appellant was shocked and astonish to know that the respondents in order to favor the blue eyed people vides Coram-Non-Judice and IMPUGNED NOTIFICATION NO.SO(POLICE-II)HD/1-3/FEDERAL LEVIES 2021, DATED:21.10.2021 , the detail is mentioned therein, whereby the length of service of the appellant's post (Subedar Major (BPS-16)) has been fixed as (Thirty Seven Years of Service or Three Years' Service as Subedar Major or Sixty Years of age whichever is earlier) further aggravate to know that the expounded amendments has been further made in the light of impugned Notification No. SO-II Police HD/MKD/Levies/MISE/2020 dated: 21.03.2021, whereby the respondents department illegally amended the PATA Federal Levies Force Service (Amended) Rules 2013 Under section 9 of the repealed PATA Levies Force Regulation 2012 and reduced the age of retirement of other employees from Superannuation i.e. 60 years to 48 years for Naik (BS-07) to 45 Years for Lance Naik of (BS-06) and to 42 years for Sepoy BS-05 which is suffered the appellant a lot. **(Copy of the impugned Notifications Dated: 21.10.2021 and 21.03.2021 are annexed as Annexure "H").**
12. That as mentioned in the subject, the appellant is yet to serve the force for further 10 years, till 60 years of age but by abating the service of the appellant vides impugned notification. The same unjustifiable and impugned notification ibid have really traumatize and aggravate the strained mental position of the appellant and in such a doldrums sort of situation, the appellant has moved series of application and even run from pillar to post but of no avail and finally filed constitutional petition vides W.P No. 5092-P/2021 against the expounded impugned notification and the



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Hon'ble Peshawar High court, Peshawar by admitting the writ petition of the petitioner has been pleased to suspend the impugned notification vides order dated 13.01.2022 and since then the appellant is performing his legal and lawful duty. **(Copy of the application and grounds of writ petition alongwith suspension order of the impugned notification dated 22.03.2021 and 21.10.2022 are attached as annexure "I")**

13. That as mentioned above, finally the Hon'ble Peshawar High court, Peshawar vides Judgment dated 29.11.2022 has been pleased to declare the appellant/petitioner as Civil Servant and by declaring a civil servant as per the domain of Article 212 of the constitution of Pakistan, 1973, directed the appellant/petitioner to put his claim before the proper forum i.e. Hon'ble Service Tribunal and hence, the instant appeal before this Hon'ble tribunal, so that the genuine grievance of the appellant may be redress. **(Copy of the judgment dated 29.11.2022 of Hon'ble Peshawar High court, Peshawar is annexure "J")**
14. That it is also indispensable to mention here that this Hon'ble tribunal exactly on the same footing of appeal has also been allowed and hence as per the domain of Article 25 & 27 of the Constitution of Pakistan, 1973 viz a viz the apex court vides reported judgment "2009 SCMR Page 01" depicts that similar treatment has to be given to the alike employees and vice versa for complete detail the judgment of this Hon'ble tribunal and the ibid apex court judgment would be provide at the time of argument for the best decision of the case.
15. That the law demands justice may not only be done but it should manifestly be seen to be done, keeping in view the impugned amendments is clear disparity amongst the

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different forces of the Government, as the domain of article 25 and 27 of the Constitution of Pakistan, 1973 has been violated by the respondents in order to adopt favoritism and biased approach. Hence not only illegal, ultravires, unjustifiable, Coram-non-judice but against the fundamental vested right of the appellant being enshrined in the Constitution of Pakistan, 1973.

16. That in fact for the redressal of the grievance, the appellant has strived/run from pillar to post via series of application but of no avail and finally having no other option to put his grievance in the mercy of this Honorable tribunal.
17. That the expounded subject, facts and circumstances may also be considered as ground of the instant service appeal and any other points may be raised at the time of arguments for the best administration of Justice and fair play.

Prayer:

It is therefore, most humbly prayed that on the basis of expounded subject, facts and circumstances, the service appeal may kindly be accepted i.e.

- i. The Impugned NOTIFICATIONS NO.SO(POLICE-II)HD/1-3/FEDERAL LEVIES, 2021, DATED:21.10.2021 AND NOTIFICATION NO.SO(POLICE-II)HD/MKD/LEVIES /MISC NO.2020 DATED: 22.03.2021 issued by respondents whereby the length of service/retiring age of the appellant's post has been fixed as to serve three years on the post of Subedar Major (Bps-16) (instead of only 60 years of age of superannuation) may kindly be declared as coram-Non-Judice, illegal, unconstitutional,

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ineffective upon the rights of the appellant and may kindly be set aside. Similarly any other order which could effect the service of the appellant may also be declared as coram-non-judice via set aside for the best administration of justice and fair play.

Any other remedy which this Honorable court deems fit and proper may also be granted in favor of the appellant.

  
APPELLANT



Through Counsel

**Taimur Haider Khan**  
Advocate, Supreme court

  
**Shahryar Ahmad**  
Advocate

Taimur Law Associates  
Advocates, High Court  
Off: 37<sup>th</sup>, 2<sup>nd</sup> Floor, Malik  
Tower, Peshawar  
Cell No.03469192561

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

Service Appeal No. \_\_\_\_\_/2023

Muhammad Jamal .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affair department & others

.....Respondents

**AFFIDAVIT**

I, Muhammad Jamal S/o Noor Jamal (Subedar Major (BPS-16) Levies Force) R/o Mohallah Ghari Bazar, Hangu, do hereby solemnly affirm and declares that the contents of instant appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



Deponent

CNIC# 14101-5015679-1

Cell No. 0332-9540485

Identified by:

**Taimur Haider Khan,**  
Advocate, Supreme Court.

(11)

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

Service Appeal No. \_\_\_\_\_/2023

Muhammad Jamal .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa, through Secretary  
Home & Tribal Affair department & others

.....Respondents

**APPLICATION IN RESPECT TO SUSPEND  
THE IMPUGNED NOTIFICATION NO.SO  
(POLICE-II)HD/1-3/FEDERAL LEVIES  
2021, DATED:21.10.2021 AND  
NOTIFICATION NO.SO(POLICE-  
II)HD/MKD/LEVIES /MISC NO.2020  
DATED: 22.03.2021 OR ANY OTHER ORDER  
WHICH COULD EFFECT THE SERVICE OF  
THE APPELLANT MAY ALSO SUSPENDED  
AND THE RESPONDENTS MAY KINDLY BE  
DIRECTED NOT TO TAKE ANY ADVERSE  
ORDER OF WHATSOEVER AGAINST THE  
APPELLANT TILL THE FINAL DISPOSAL OF  
THE INSTANT SERVICE APPEAL.**

Respectfully Sheweth:-

1. That the above titled service appeal has filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the appellant is having good prima facie a good arguable and are sanguine about its success.

- 3. That if the needful is not done, the appellant will face irreparable losses via balance of convenience also lies in favour of the appellant.
- 4. That any other point will be raised at the time of argument for the best assistance of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on the basis of expounded subject, facts and circumstance the needful may kindly be done for the best administration of justice and fair play.

Through *Not*  
Applicant/Appellant  
**Taimur Haider Khan**  
Advocate,  
Supreme Court of Pakistan  
**Taimur Law Associates**  
Off: 37<sup>th</sup>, 2<sup>nd</sup> Floor, Malik  
Tower, Peshawar  
Cell No.0346-9192561



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"A"  
Amir

**Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department**

Dated Peshawar the 18<sup>th</sup> February 2019

**NOTIFICATION**

**No. So (Levies) HD/2-4/DIR(U&L)**. Consequent upon the recommendation of the Departmental Promotion Committee Mr. Muhammad Jamal, Subedar of Federal Levies, District Hangu is hereby promoted to the rank of Subedar Major with immediate effect.

He shall remain on probation for a period of one year extendable by a further period of one year of as per Rule-5 of the Federal Levies Force (Amended) Rules, 2013.

**HOME SECRETARY  
KHYBER PAKHTUNKHWA**

**Ends No. & dated of even.**

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

1. The Commissioner, Kohat Division, Kohat.
2. The D.C / Commandant Levies, District Hangu.
3. District Accounts Officer, District Hangu.
4. PS to Secretary Home & Tribal Affairs Department.

Section Officer (Levies)



*Levy Board*

*For n/a p/3.*

*Recpts  
18/2/19*

*18-2-19*

**HAJIMUR HAIDER KHAN  
ADVOCATE HIGH COURT**



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DEPUTY COMMISSIONER/COMMANDANT

FEDERAL LEVIES FORCE HANGU

Tel: 0925621175-621466-622366-623968

Fax: 0925620050, Email: [deolhangu@gmail.com](mailto:deolhangu@gmail.com)

No. 737-62 LAIDC (FD)

Dated: 08/11/2017

**OFFICE ORDER**

In pursuance of the recommendations of Departmental Promotion Committee in its meeting held in the office of undersigned on 08th November, 2017, the following Levy Personnel are promoted to the vacant posts of Subedar, Naib Subedar, Havaldar, Naib Havaldar and Lance Naik as noted against each in Federal Levies Force Hangu with immediate effect.

S#	Name	Designation	Promoted to
1	Muhammad Jamal	N/Subedar	Subedar
2	Amal Zar Khan	Havaldar	N/Subedar
3	Sher Mir Khan	Havaldar	N/Subedar
4	Said Alam	Havaldar	N/Subedar
5	Pozad Gul	Havaldar	N/Subedar
6	Siraj Ali	Havaldar	N/Subedar
7	Riaz Uj Din	Havaldar	N/Subedar
8	Muhammad Taqi	Havaldar	N/Subedar
9	Tabeer Hussain	Naik	Havaldar
10	Sher Azam	Naik	Havaldar
11	Shahzad Hussain	Naik	Havaldar
12	Amin Ali	Naik	Havaldar
13	Irfan Hussain	Lance Naik	Havaldar
14	Riyad Ali	Lance Naik	Naik
15	Mishri Gul	Lance Naik	Naik
16	Bismillah Khan	Sepoy	Lance Naik
17	Muhammad Naseer	Sepoy	Lance Naik
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*From Subedar  
a copy to  
Subedar  
D. P. Khan*

**TERMS & CONDITIONS**

1. The priorities will remain on probation for 01 year may be extended for further 01 year under the Federal Government prescribed rules for Levies in Settled Districts of Khyber Pakhtunkhwa.
2. Before assumption of charge, the selectees will provide Medical fitness certificate within 15 days from the Medical Superintendent Shalied Parid Khan Hospital Hangu.
3. They will have all rights and privileges contained in Federal Government prescribed rules for Federal Levies in Settled Districts of Khyber Pakhtunkhwa.
4. The promotees will be dispensed with or reverted, if in the opinion of the competent authority, his work and conduct is not satisfactory during probation or due to the abolishment of posts as the case may be.

*[Signature]*  
Deputy Commissioner/Commandant  
Federal Levies Force Hangu

Enclt: Even No. & Date  
Copy to:

1. The Deputy Secretary, Home & TAs Department, Khyber Pakhtunkhwa Peshawar.
2. The Additional Deputy Commissioner, Hangu.
3. The Assistant Commissioner, Hangu.
4. The Section Officer (Police-II), Home & TA's Department, Peshawar.
5. The Section Officer (LK & B), SAFRON Division, Islamabad.
6. The District Accounts Officer, Hangu.
7. The PS to Commissioner Kohat Division, Kohat.
8. The Subedar Major, District Levy Force, Hangu.
9. Jawans /NCOs/ICOs Concerned.

*[Signature]*  
Deputy Commissioner/Commandant  
Federal Levies Force Hangu

*[Signature]*  
TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

**ATTESTED**





OFFICE OF THE  
DCO/COMMANDANT LEVIES  
HANGU

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No. 1006 / DLF / DCO (H)  
Dated: Thursday, April 28, 2011

**OFFICE ORDER**

In pursuance of the DPC meeting held on 28-04-2011, the following Levy personnel of District Levy Force Hangu are hereby promoted against the vacant posts mentioned against each with immediate effect in the best interest of public.

S#	Name	Designation	Date of Birth	Date of Appointment	Promoted To	B/S
✓ 1	Muhammad Jamal	Sepoyce	01-01-1972	01-03-1993	Naib Subedar	11
2	Riaz Ud Din	Sepoyce	21-05-1964	01-08-1994	Havaldar	08

The promotion is subject to the successful completion of mandatory training as and when arranged. In case of failure the above promotion will stand reverted to their original lower posts.

  
DCO/Commandant Levies  
Hangu

Cc:

1. The District Accounts Officer, Hangu.
2. All the above concerned.
3. Levy File.

  
DCO/Commandant Levies  
Hangu

  
TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

  
**ATTESTED**



Amendure

**THE PROVINCIALY ADMINISTERED TRIBAL AREAS  
LEVIES FORCE REGULATION, 2012.**

**(KHYBER PAKHTUNKHWA REG. NO: I OF 2012)**

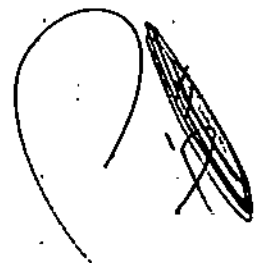


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**PREAMBLE**

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- 2. Definitions.
- 3. Power to constitute and maintain by the Force and its functions.
- 4. Powers and duties of officers and members of the Force.
- 5. Liabilities of officers and members of the Force.
- 6. Indemnity.
- 7. Delegation of powers by the Provincial Government.
- 8. Delegation of powers by Commandant.
- 9. Power to make rules.
- 10. Power to issue instructions.



**ATTESTED**

**FAIMUR HAIDER KHAN**  
ADVOCATE HIGH COURT

(17)

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**THE PROvincially Administered Tribal Areas  
LeVies Force Regulation, 2012.**

(KHYBER PAKHTUNKHWA REG. NO. I OF 2012)

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

**A  
REGULATION**

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

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

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

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

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

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

(3) It shall come into force at once.

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

- (a) "Commandant" means Commandant of the Force, who shall be District Coordination Officer of District in his respective jurisdiction;
- (b) "competent authority" means competent authority of the Force, who shall be Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa for the Force in PATA;
- (c) "Deputy Commandant (Administration)" means Deputy Commandant (Administration) of the Force, who shall be an officer of Federal or Provincial civil service or any officer of the District designated as such officer by the Provincial Government to exercise in his respective jurisdiction such powers and perform such functions as may be

ATTESTED

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

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prescribed and who shall be responsible to the Commandant for administration and establishment matter of the Force in PATA.

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

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

- (a) ✓ ensuring security of roads in PATA;
- (b) ✓ ensuring security and manning of piquets;
- (c) ✓ guarding Government institutions and installations;
- (d) ✓ ensuring security of jail guards and arrested criminals;
- (e) generally maintaining law and order and providing mobile escort to very important persons;
- (f) anti-smuggling activities;
- (g) destruction of illicit crops;
- (h) ✓ serving of summons or procedures;
- (i) ✓ policing, investigation and prosecution in certain areas as notified by the Provincial Government;
- (j) ✓ raid and ambush; and
- (k) such other functions as the Provincial Government may, by notification in the official Gazette, require the Force to perform.

ALISTED

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

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(2) In discharge of their functions, officers and staff of the Force in PATA shall be guided in accordance with this Regulation and the rules made thereunder.

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

(4) The Secretary, Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa shall be the competent authority of the Force in PATA.

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

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

Provided that terms and condition of service of the persons of other forces including Federal Levies Force borrowed shall not be varied to their disadvantage.

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

(8) The Director shall coordinate at the Federal level and shall be responsible for budgetary and procurement matter of the Force and shall exercise such powers and perform such function, as may be prescribed.

(9) The administration of the Force shall vest in the Commandant in his jurisdiction, who shall administer it in accordance with the provisions of this Regulation, rules made thereunder and such orders and instructions as may be made or issued by the Provincial Government.

(10) The Commandant shall exercise his powers and perform his function under the general supervision and directions of the Provincial Government, and where services of the Federal levies Force are borrowed such power of general supervision and directions shall vest in the Federal Government.

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

- (a) take effective measures for ensuring security of assigned jurisdiction and for safeguarding against acts of unlawful interference;
- (b) prevent unauthorized persons and vehicles from access to the territorial jurisdiction;
- (c) take effective measures for preventing sabotage, placement of car bombs, letter bombs, dangerous article and carriage of arms and ammunition into the restricted area;
- (d) use such arms and ammunition and equipments as may be authorized by the Commandant or an officer authorized by him;

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- (e) search and arrest without warrant any person who he suspects of endangering or attempting to endanger or having endangered the safety of an installation and may use such force as may be necessary in the discharge of his aforesaid duties; and
- (f) perform such other legal functions as the competent authority may require him to perform.

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

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

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

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

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

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

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

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

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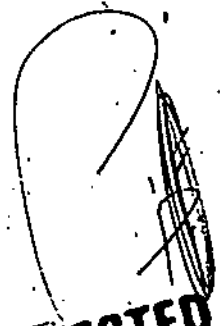
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10. Power to issue instructions.—The Provincial Government may, by notification in the official Gazette, issue instructions from time to time consistent with this Regulation and the rules made thereunder for carrying out the purpose of this Regulation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

  
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**SCHEDULE**

See sub-section (2) of section 1

**LIST OF PROVINCIALLY ADMINISTERED TRIBAL AREAS (PATA)**

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

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

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

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EXTRAORDINARY  
GOVERNMENT



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Annex  
REGISTERED NO. P.H.  
GAZETTE

"C"  
Annex

## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 15TH FEBRUARY, 2013.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

### NOTIFICATION

Peshawar the 4th February 2013

#### SERVICE RULES FOR FEDERAL LEVIES FORCE IN PATA

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

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

(2) They shall come into force at once.

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

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

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

(j) "Service" means the levies service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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3. **Training.** - (1) All newly recruited personnel of the Force shall undergo six months pre-service training before being assigned duties of the rank for which they selected. Initially, the Appointing Authority shall arrange for appropriate training till a proper Levies Training Center is established.

(2) The pre-service training mentioned in sub-rule (1) may contain training on basic laws, investigation techniques, mob control, basic intelligence, arrest and detention procedure, jail duties, drill, weapons training, field craft, bomb disposal, counter assault, traffic control, raids, watch & ward etc. Proper training syllabus and modules shall be developed through mutual consultation with local law enforcing agencies by the Home Department.

7. **Resignation.**-No member of the Force shall resign before the expiry of the first three months of his recruitment or he shall deposit an amount equal to his three months pay in lieu of his three months essential service.

8. **Seniority and promotion.**- (1) Promotion shall be strictly on seniority cum fitness basis as well as on the required length of service as specified in Schedule-I.

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

Provided that in case of dispensing with their service or reversion the concerned authority shall record cogent reasons for such action in writing.

(3) The seniority list of the Force shall be maintained at district level. Commandant shall be responsible for maintaining the seniority list of the force and shall notify annually.

9. **Transfer during service.** - Every member of the service shall be liable to serve anywhere within PATA with the prior approval of the Commissioner Malakand Division.

10. **Punishment.** -After satisfying himself regarding punishable acts (as referred in Schedule-II) through a charge duly framed in writing, necessary punishments specified in Schedule-IV may be awarded by the respective authority.

Provided that punishment so awarded shall be duly incorporated in service rolls / service dossier accordingly.

11. **Appeal.** - If any personnel of the force is aggrieved by any order issued under these rules, within thirty days of communication to him of such order, may prefer an appeal to the competent authority.

Provided that no appeal shall lie against the punishments specified at S.No. (1) and (2) of Schedule-IV.

12. **Awards and commendations.** - (1) Force personnel may be given special award and commendation certificate for devotion to duty, demonstration of gallantry and such achievement in the performance of duty, in the manners as prescribed by the Commandant, and shall be made part of the service rolls / service dossier.

(2) Force personnel, if embraces martyrdom in the discharge of his duty, will be given proper Guard of Honour at the time of burial.

13. **Service Record.** -Proper service rolls / service dossiers of all Force Personnel shall be maintained in Levy Office of each district. Annual reports of all Hovaldars and Junior Commissioned Officers (JCOs) will also be maintained for the purpose of promotion.

14. **Uniform.**-The levy personal shall attire black shalwar qamees with brown chappli, white socks, black beretta cap and black belt whereas the JCOs will wear brown belt during duty hours.

15. **Leave.**- (1) Leave may be granted depending on the exigencies and at the discretion of the Commandant. All leave of ten days or above, will be considered as long leave and shall be granted on the recommendations of Subedar Major by the Commandant.

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(2) Casual leave may be allowed upto three days by Subedar Major. Casual leave up to five days may be granted by the Deputy Commandant (to be notified by the Commandant) on the recommendation of the concerned JCO.

(3) Medical leave shall be granted by the Commandant on the production of medical certificate from the medical superintendent concerned.

16. Salary.-The Force personnel shall be entitled to receive pay and allowances as per their pay scales notified by the Federal Government from time to time.

17. Retirement.-All Levy personnel shall retire as per Schedule III and no extension in service beyond retirement shall be granted.

18. Conduct.-The conduct of Force personnel shall be regulated by these rules or instructions issued by Government from time to time.

19. Gratuity and pension.-All Force personnel will be entitled to pension as per prevailing Federal Government rules.

20. Compensation.- (1) The family of Force personnel shall be granted death compensation in case the Force Personnel embraces martyrdom during discharge of his duty as per rates prescribed by the Federal Government

(2) Force personnel shall be granted compensation in case of sustaining fatal injury or injuries during the discharge of his duty, if he is declared incapacitated for further services due to such fatality, he shall be entitled to gratuity and pension as per Federal Government Rules.

(3) 5% quota shall be reserved for sons and wards of martyred in initial recruitment of Force personnel.

Proviso that in case of permanently incapacitated personnel of the force during the course of duty preference shall be given to the sons and wards of such incapacitated Force Personnel in general recruitment.

21. Funds.-Force personnel shall be governed by the provision of general provident funds, benevolent funds and group insurance as prescribed for other employees of the Federal Government.

22. Health care.-Medical facilities for the Force personnel and their families shall be catered for at Government hospitals and dispensaries at par with other employees of the Federal Government.

23. Monitoring and evaluation.- (1) Commandant or Deputy Commandant of the Force shall set up suitable number of levy posts in their respective jurisdiction and shall assign suitable number of Force personnel at each of such levy post. In case of establishment of Levy Station within their jurisdiction shall require prior approval of the government.

(2) There shall be levy line in each district, which shall have all necessary facilities including parade ground, barracks, quarter guards, koth/armoury etc.

(3) Duty Register showing the duties assigned to each individual on day-to-day basis shall be maintained in each levy post /Levy Station/Levy Lines by a levy Muhtar.

(4) Naib Subedar shall be responsible for carrying out the work assigned to Force personnel whose duties shall be entered in advance in the duty register.

(5) Registers including *roznamchas* as prescribed by the Commandant shall be maintained in every levy post/Station/Lines.

(6) Commandant, Deputy Commandant or any other officer of the District Administration shall in the course of their tours in their jurisdiction, may inspect duty register and *roznamchas* of Levy posts/stations and satisfy themselves that Force Personnel are carrying out their assigned duties. A note regarding absences from the post or from the place of duty of any Force personnel without leave, shall invariably be recorded by inspecting officers in the duty register. Such entry shall be communicated to the Commandant and Deputy Commandant (Operations) by Incharge of the post/station within twenty four hours for appropriate action.

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

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

Secretary  
Home & Tribal Affairs Department  
Government of Khyber Pakhtunkhwa

  
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ADVOCATE HIGH COURT

## SCHEDULE - I

See rules 4(2) and 8

## A. Uniformed Force

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

## B. Ministerial staff

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

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**SCHEDULE - II**  
(see Rule 10)

**Grounds of penalty**

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

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

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SCHEDULE - III  
Suo Rule 17

*length of service*  
*length of service*

S.No	Post/Rank	Length of service / Age
1	Subedar Major (BS-16)	38 years service or 03 years as Subedar Major or 80 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	NalbSubedar (RS-11)	32 years service or 03 years service as NalbSubedar 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	Nalk (BS-7)	20 years service or 03 years service as Nalk or 48 years age whichever is earlier
6	L/Nalk (BS-6)	23 years service or 03 years service as L/Nalk or 46 years age whichever is earlier
7	Sepoy (BS-5)	20 years service or 42 years age whichever is earlier

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TAIMUR HAIDER KHAN  
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SCHEDULE - IV  
See Rule 10

S.No	Punishment	Subedar Major and Subedar	NalibSubedar or Havaldar	Nalik or Lance Nalik	Sepoy
1	Extra Drill not exceeding fifteen days fardug or other duties.			Subedar	NalibSubedar
2	Confinement to quarter guard upto fifteen days.	Commandant	Deputy Commandant	Deputy Commandant	Subedar Major
3	Censure	-do-	-do-	-do-	-do-
4	Furlough of approved service upto two years	-do-	-do-	-do-	-do-
5	Stoppage of increment not exceeding one month's pay	-do-	-do-	-do-	-do-
6	Fine to any amount not exceeding one month's pay	-do-	-do-	-do-	-do-
7	Withholding of promotion for one year or less.	-do-	-do-	-do-	-do-
8	Reduction from substantive rank to a lower rank or reduction in pay.	-do-	-do-	-do-	-do-
9	Dismissal or removal from service or compulsory retirement.	-do-	-do-	-do-	-do-

Printed and published by the Manager,  
S.P. & P. Dept., Khyber Pakhtunkhwa, Peshawar.

  
TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

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

**NOTIFICATION**

No.50(Levies)HD/FLW/1-1/2013/Vol.1. The competent authority has been pleased to approve further amendments in Schedule-I of Rule-4(2) and Schedule-III of Rules-17 under Para-10 of the Regulation for PATA Levies Force, 2012 & Rule-24 of the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013 as under:-

Rule-4(2) Schedule-I

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

**A. Uniformed Force**

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

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

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

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

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ADVOCATE HIGH COURT

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

Secretary to Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Ends No. & dated of even.

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

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

  
Section Officer (Levies)

  
**ATTESTED**

  
**FAIMUR HAIDER KHAN**  
ADVOCATE HIGH COURT

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

**NOTIFICATION**



76482

~~NOES OF THE LEVIES (AMENDED) 2013 / VOL-I~~ In partial modification of this Department Notification of even No. dated 12.12.2013, the Competent Authority has been pleased to approve the recommendations of the Anomaly Committee of its meeting held on 28.02.2014 in the Ministry of SAFRON Islamabad that amendments made in the PATA Levies Force (Amended) Service Rules 3013 shall be effective from 4<sup>th</sup> February, 2013.

HOME SECRETARY

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

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

Copy forwarded to the:-

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

  
SECTION OFFICER (LEVIES)

**ATTESTED**

  
TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

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**THE PROVINCIALY ADMINISTERED TRIBAL AREAS  
PROVINCIAL LEVIES FORCE REGULATION, 2014.**

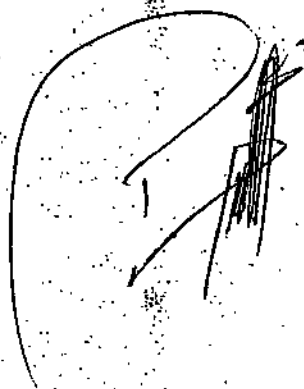
**(KHYBER PAKHTUNKHWA REG. NO. I OF 2014)**

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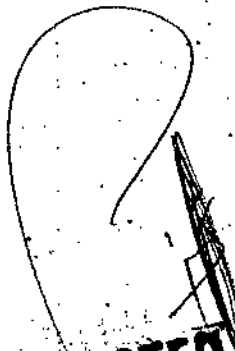
**PREAMBLE**

**SECTIONS**

1. Short title, application and commencement.
2. Definitions.
3. Power to constitute and maintain by the Force and its functions.
4. Powers and duties of officers and members of the Force.
5. Liabilities of officers and members of the Force.
6. Indemnity.
7. Delegation of powers by Government.
8. Delegation of powers by Commandant.
9. Power to make rules.
10. Power to issue instructions.



  
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ADVOCATE HIGH COURT

  
**ATTESTED**

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**THE PROVINCIALLY ADMINISTERED TRIBAL AREAS  
PROVINCIAL LEVIES FORCE REGULATION, 2014.**

**(KHYBER PAKHTUNKHWA REG. NO. I OF 2014)**

**A  
REGULATION**

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

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

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

1. Short title, application and commencement.—(1) This Regulation may be called the Provincially Administered Tribal Areas Provincial Levies Force Regulation, 2014.

(2) It shall apply to all the Provincial levies personnel, who are paid from the Provincial Exchequer of the Khyber Pakhtunkhwa, in Dir Upper and such other areas of Provincially Administered Tribal Areas, Khyber Pakhtunkhwa, as the Government may by notification in the official Gazette specify, from time to time.

(3) It shall come into force at once.

2. Definitions.—(1) In this Regulation, unless there is anything repugnant in the subject or context,-

- (a) "Commandant" means Commandant of the Force who shall be Deputy Commissioner of District in his respective jurisdiction;
- (b) "competent authority" means competent authority of the Force, who shall be Secretary to Government, Home and Tribal Affairs Department;
- (c) "Deputy Commandant (Administration)" means Deputy Commandant (Administration) of the Force, who shall be an officer of Federal or Provincial Civil Service or any officer of the District designated as such officer by Government to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed and who shall be responsible to the Commandant for administrative and establishment matters of the Force;

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- (d) "Deputy Commandant (Operations)" means an Assistant Commissioner or any officer of the District designated as such officer by Government, who shall be Deputy Commandant (Operation) of the Force, to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed;
- (e) "Force" means the Provincial Levies Force paid from the Provincial Exchequer of the Khyber Pakhtunkhwa, in PATA;
- (f) "Government" means the Government of the Khyber Pakhtunkhwa;
- (g) "instructions" mean instructions issued under this Regulation;
- (h) "PATA" means the Provincially Administered Tribal Areas as mentioned in sub-section (2) of section 1;
- (i) "prescribed" means prescribed by rules and instructions; and
- (j) "rules" mean rules made under this Regulation.

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.

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

4. Powers and duties of officers and members of the Force.—(1) 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

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safety of an installation and may use such force as may be necessary in the discharge of his aforesaid duties; and

(f) perform such other legal functions as the competent authority may require him to perform.

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

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

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

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

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

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

- (a) regulating the functions and powers of officers and members of the Force;
- (b) regulating the classes and grades of and the remuneration and rewards to be paid to officers and members of the Force;
- (c) for efficiency and discipline in the Force and punishment;
- (d) to provide for appeal; and

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(e) generally for the purpose of carrying into effect the provisions of this Regulation.

10. Power to issue instructions.—Government may, by notification in the official Gazette, issue instructions from time to time consistent with this Regulation and the rules for carrying out the purposes of this Regulation and in relation to the Force.

Peshawar,  
dated the 4<sup>th</sup> March, 2014.

Engr. SHAUKAT ULLAH  
Governor of the Khyber Pakhtunkhwa

  
TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

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

**NOTIFICATION**

Peshawar, dated the 14<sup>th</sup> April, 2015.

No. ALD-II/REG: 1(6)2012/8066-68.—In exercise of the powers conferred by regulation 9 of the Provincially Administered Tribal Areas Provincial Levies Force Regulation, 2014 (Khyber Pakhtunkhwa Regulation No. 1 of 2014), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE PROvincially ADMINISTERED TRIBAL AREAS  
PROVINCIAL LEVIES FORCE RULES, 2015.**

**1. Short title and commencement.—**(1) These rules may be called the Provincially Administered Tribal Areas Provincial Levies Force Rules, 2015.

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

**2. Definition.—**(1) In these rules, unless the context otherwise require, the following expressions shall have the meanings hereby respectively assigned to them that is to say,—

- (a) "Appointing Authority" means the Appointing Authority specified in rule 4 of these rules;
- (b) "Department" means the Home and Tribal Affairs Department of the Government;
- (c) "employee" means and includes uniformed Force and non-uniformed Force;
- (d) "Initial recruitment" means appointment made other than by promotion;
- (e) "non-uniformed Force" means and includes those employees of the Force as mentioned in column No. 2 against serial Nos. 7 and 8 of Schedule-1;
- (f) "post" means a post mentioned in Schedule-1;
- (g) "Regulation" means the Provincially Administered Tribal Areas Provincial Force Regulation, 2014 (Khyber Pakhtunkhwa Regulation No. 1 of 2014);
- (h) "Schedule" means a Schedule appended to these rules;
- (i) "service" means the Provincial Levies Service;

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- (j) "Selection and Promotion Committee" means a Committee constituted under rule 4, for initial recruitment or promotion, as the case may be; and
- (k) "uniformed Force" means and includes those employees of the Force as mentioned in column No. 2 against serial No. 1 to 6 of Schedule-I.

(2) The expression used but not defined herein shall have the same meanings as are assigned to them under the Regulation.

**3. Method of Appointment.**—Appointment to various posts specified in Schedule-I shall be made by any of the following method, namely:

(i) by initial recruitment in accordance with the provisions contained in Schedule-I with the following conditions:

- (a) the candidate shall be a citizen of Pakistan and bonafide resident of the respective district of Khyber Pakhtunkhwa;
- (b) the candidate shall be, in good mental and bodily health and free from physical defect, which likely to interfere in the efficient discharge of his duties;
- (c) Medical Superintendent of the respective district headquarter hospital shall issue a certificate of medical fitness to the candidate;
- (d) the candidate have a minimum height of 5'7" and chest measurement of 34"-35 1/2" with an age of not less than eighteen years and not more than twenty-five years on the last date of submission of application;
- (e) no person except those who are already in Government Service shall be appointed to the Levies Force unless he produces a certificate of character from the Head of Academic Institution last attended or a certificate of character from two gazetted officers from respective districts, not being his relative and who are well acquainted with his character; and
- (f) no person who is married to foreign national shall be eligible for appointment in the Levies Force, unless allowed by the Government, in writing; and

(ii) by promotion in accordance with provisions contained in Schedule-I.

**4. Appointing Authority.**—(1) The Commandant shall be the Appointing Authority for initial recruitment and promotion up to the rank of Subedar.

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(2) Appointment by initial recruitment or promotion, as the case may be, shall be made on the recommendation of Selection and Promotion Committee, which consists of the following:

- (a) Commandant. --- Chairman
- (b) representative of the Department. --- Member
- (c) representative of Commissioner Office. --- Member

(3) In case of creation of Force in new district, the Commandant shall have the authority to recruit ex-serviceman above the rank of sepoy on adhoc basis for a period of one year extendable for a further period of one year but not exceeding two years in total, with prior approval of the Government:

Provided further that the ex-serviceman so appointed on adhoc basis shall not be more than forty five years of age.

5. Probation.—The employees appointed to posts by initial recruitment or promotion, as the case may be, shall be on probation for one year, extendable by a further period of another one year. If no confirmation order is issued on the expiry of the extended period, the period of probation shall be deemed to have been extended for further one year. If no order is issued on the completion of further extended period, the probation shall be deemed to have been successfully completed.

6. Training.—(1) All newly recruited uniformed Force shall undergo six months pre-service training before being assigned duties of the rank for which they are selected. Initially, the Appointing Authority shall arrange for appropriate training.

(2) The pre-service training mentioned in sub-rule (1), may contain training on basic laws, investigation techniques, mob control, basic intelligence, arrest and detention procedure, jail duties, drill, weapons training, field craft, bomb disposal, counter assault, traffic control, raids, watch and ward etc. Proper training syllabus and modules shall be developed through mutual consultation with local law enforcing agencies by the Appointing Authority.

7. Resignation.—No employee shall resign before the expiry of the first three months of his recruitment or he shall deposit an amount equal to his three months' pay in lieu of his three months essential service.

8. Seniority and promotion.—(1) Promotion shall be strictly on seniority-cum-fitness basis as well as on the required length of service as specified in Schedule-I.

(2) The service of an employee by initial recruitment or promotion, as the case may be, may be dispensed with or reverted if, in the opinion of the competent authority his work and conduct is not satisfactory during probation period or due to abolishment of posts, as the case may be:

Provided that in case of dispensing with the service or reversion the competent authority, shall record cogent reasons for such action in writing.

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(3) The seniority list of the employees shall be maintained at district level. Commandant shall notify the seniority list annually.

9. Awards and commendations.—(1) An employee may be given special award and commendation certificate for devotion to duty, demonstration of gallantry and such achievement in the performance of his duty, in the manners as prescribed by the Commandant, and shall be made part of the service rolls or service dossier, as the case may be.

(2) The uniformed Force, if embraces martyrdom in the discharge of his duty, shall be given proper Guard of Honour at the time of burial.

10. Service record.—Proper service rolls or service dossiers, as the case may be, of all employees shall be maintained in the Levy Office of each district. Annual reports of all Havaldars and Junior Commissioned Officers shall also be maintained for the purpose of promotion.

11. Uniform.—The uniformed Force shall attire black shalwar qamees with brown chappli, white socks, black berette cap and black belt whereas the Junior Commissioned Officer shall wear brown belt during duty hours.

12. Salary.—The employees shall be entitled to receive pay and allowances as per their pay scales notified by Government from time to time.

13. Leave.—(1) Leave may be granted depending on the exigencies and at the discretion of the Commandant. All leave of ten days or above shall be considered as long leave and shall be granted on the recommendations of Subedar Major by the Commandant.

(2) Casual leave may be allowed up to three days by Subedar Major. Casual leave up to nine days may be granted by the Deputy Commandant on the recommendation of the concerned Junior Commissioned Officer.

(3) Medical leave shall be granted by the Commandant on the production of medical certificate from the Medical Superintendent of the concerned district.

14. Punishment.—After satisfying himself regarding punishable acts, as mentioned in Schedule-II, through a charge duly framed in writing, necessary punishments specified in Schedule-III may be awarded by the respective authority:

Provided that punishment so awarded shall be duly incorporated in service rolls or service dossier, as the case may be, accordingly.

15. Appeal.—If any employee is aggrieved by any order issued under these rules, such employee may prefer an appeal to the competent authority, within thirty days of communication to him of such order:

Provided that no appeal shall lie against the punishments, as specified at serial No. 1 and 2 of Schedule-III.

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16. Retirement.—(1) All uniformed Force shall retire as per Schedule-IV and no extension in service after retirement shall be granted.

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

17. Pension and Gratuity.—All employees shall be entitled to pension and gratuity as per Government rules.

18. Compensation.—(1)The family of employees shall be granted death compensation in case the employees embrace martyrdom during discharge of his duty as per rates prescribed by Government.

(2) An employee shall be granted compensation in case of sustaining fatal injury or injuries during the discharge of his duty. If he is declared incapacitated for further service due to such fatality, he shall be entitled to pension and gratuity as per Government rules.

(3) Where an employee dies during service the Appointing Authority may, subject to availability of the post, appoint one of the children of the deceased if the child attained or on attaining the age prescribed for appointment as Sepoy:

Provided that in case of permanently incapacitated uniformed Force during the course of duty, preference shall be given to the sons and wards of such incapacitated uniformed Force in general recruitment.

19. Fund.—An employee shall be governed by the provision of General Provident Fund, Benevolent Funds and Group Insurance, as prescribed for other employees of Government.

20. Health care.—Medical facilities for the employees and their families shall be catered for at Government hospitals and dispensaries at par with other employees of Government.

21. Monitoring and evaluation.—(1) Duty register showing the duties assigned to uniformed Force on day-to-day basis shall be maintained in each levy post, levy station, levy lines, as the case may be, by a levy Muharrir.

(2) Naib Subedar shall be responsible for carrying out the work assigned to uniformed Force whose duties shall be entered in advance in the duty register.

(3) Registers including roznamchas as prescribed by the Commandant shall be maintained in every levy post, levy station, levy lines, as the case may be.

(4) Commandant, Deputy Commandant or any other officer of the District Administration shall in the course of their tours in their jurisdiction, may inspect duty register and roznamchas of levy posts, levy lines stations, as the case may be,

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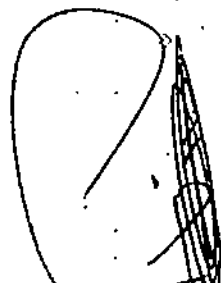
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and satisfy themselves that uniform Force are carrying out their assigned duties. A note regarding absence from the post or from the place of duty of any uniformed Force without leave, shall invariably be recorded by inspecting officers in the duty register. Such entry shall be communicated to the Commandant and Deputy Commandant (Operations) by Incharge of the levy post levy station, levy lines, as the case may be, within twenty four hours for appropriate action.

  
TAIMUR HAIDER KHAN  
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Schedule - I  
(see rules 2 (e)(k), 3 and 8).

S.No.	Post/ Rank.	Minimum Qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Subedar (BS-13).			By promotion, on the basis of seniority-cum-fitness, from amongst Naib Subedars with one year service as such.
2.	Naib Subedar (BS-11).			By promotion, on the basis of seniority-cum-fitness, from amongst Havaldars with one year service as such.
3.	Havaldar (BS-08).			By promotion, on the basis of seniority-cum-fitness, from amongst Naiks with one year service as such.
4.	Naik (BS-07).			By promotion, on the basis of seniority-cum-fitness, from amongst Lance Naiks with one year service as such.
5.	Lance Naik (BS-06).			By promotion, on the basis of seniority-cum-fitness, from amongst Sepoy with five year service as such.
6.	Sepoy (BS-05).	Middle pass preferably Metric.	18 to 25 years.	By initial recruitment.
7.	Junior Clerk (BS-11).	Intermediate in second division from a recognized Board with a typing speed of 30 words per minutes/ preferably computer literate.	18 to 30 years	By initial recruitment
8.	Khateeb (BS-13)	Secondary School Certificate in Second Division from a recognized Board or Shahadat-e-Almia from Wafaq-ul-Madareesa  Note: Preferable Sanad in Hafiz-e-Quran, Tajweed&Qirat	18 to 30 years	By initial recruitment

  
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**Schedule - II**  
**(see rule 14)**

**Grounds of penalty**

The concerned authority may impose one or more penalties, where a person of the levies force, in the opinion of the authority: -

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

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**Schedule - III**  
(see rules 14 and 15)

S.No.	Punishment.
1.	Extra Drill not exceeding fifteen days fatigue or other duties.
2.	Confinement to quarter guard up to fifteen days.
3.	Censure.
4.	Forfeiture of approved service up to two years.
5.	Stoppage of increment not exceeding one month's pay.
6.	Fine to any amount not exceeding one month's pay.
7.	Withholding of promotion for one year or less.
8.	Reduction from substantive rank to a lower rank or reduction in pay.
9.	Dismissal or removal from service or compulsory retirement.

S.No.	Authority.	Rank.	Category of punishment.	Remarks.
1.	Commandant.	All ranks i.e. Sepoy to Subedar.	All punishment mentioned above	
2.	Deputy Commandant.	Sepoy to Subedar.	For punishment mentioned at S.No. 1 to 3 above.	Make recommendation on case to case basis to the Commandant
3.	Subedar.	Sepoy to Havaladar.	-do-	-do-
4.	NaibSubedar.	Sepoy to Naik.	-do-	-do-
5.	Hawaladar.	Sepoy to Lance Naik.	-do-	-do-
6.	Naik.	Sepoy.	-do-	-do-

ATTORNEY

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

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Schedule -IV  
(see rule 16)

S#	Post/Rank	Length of service / Age
1	Subedar (BS-13)	35 years' service or 60 years of age whichever earlier.
2	Naib Subedar (BS-11)	33 years' service or 60 years of age whichever earlier.
3	Havaldar (BS-8)	31 years' service or 60 years of age whichever earlier.
4	Naik (BS-7)	29 years' service or 60 years of age whichever earlier.
5	L/Naik (BS-6)	27 years' service or 60 years of age whichever earlier.
6	Sepoy (BS-5)	25 years' service or 60 years of age whichever earlier.

Secretary to  
Home and Tribal Affairs Department,  
Government of the Khyber Pakhtunkhwa

Handwritten notes in Urdu:  
Subedar major  
Subedar major  
Subedar major

TAIMUR HAIDER KHAN  
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EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
GAZETTE

Annex—

Annex

**KHYBER PAKHTUNKHWA**

Published by Authority

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

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

**NOTIFICATION**

Dated Peshawar, the 16<sup>th</sup> September, 2019.

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

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

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

AN  
ACT

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

ATTESTED

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;

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

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.

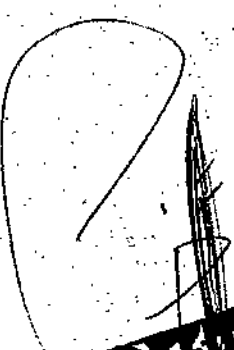
(2) It shall apply to all the members of Levies Force.


(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.

  
**ATTACHED**

  
**TAIMUR HAIDER KHAN**  
ADVOCATE HIGH COURT

(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.

  
**ATTESTED**

  
**TAIMUR HAIDER KHAN**  
ADVOCATE HIGH COURT

(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.

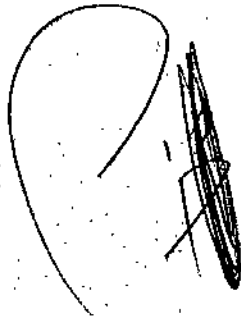
12. Act to override other laws.—The provisions of this Act shall be in force notwithstanding anything repugnant or contrary contained in any other law for the time being in force.

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.



TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT



(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.	Bujaur.
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.	Jandala in district Tank.
6.	Durazinda in district Dera Ismail Khan.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(AMJAD ALI)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,  
Stang. & Ptg. Dept., Khyber Pakhtunkhwa, Peshawar

  
**TAIMUR HAIDER KHAN**  
ADVOCATE HIGH COURT

  
**ATTESTED**

(15) (56)

"G"  
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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME DEPARTMENT**

**NOTIFICATION**

Dated Peshawar the 14.07.2020

No. SO(Police-JDHD/1-3). In exercise of the powers conferred by Section 9 of the Provincially Administered Tribal Areas Provincial Levies Force Regulation, 2014 (Khyber Pakhtunkhwa Regulation No.1 of 2014), the Government of the Khyber Pakhtunkhwa is pleased to direct that in the Provincially Administered Tribal Areas Provincial Levies Force Rules, 2015, the following amendments shall be made, namely:

Amendments

In the said rules, in rule 16,-

- (a) for sub-rule (1), the following shall be substituted, namely:  
“(1) 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.” and
- (b) Schedule -IV 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. 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)

**ATTESTED**

**TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT**

57

"H"  
Amir

FROM : KPK HO ME

FAX NO. : 0919210351

22 Oct 2021 11:14 AM F1



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

NO. 80 (POLICE-II)/HD/1-3/2020/MKD/LEVIES  
Dated Peshawar the 21-10-2021

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 & Torghar.

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 enclose herewith a copy of Notification dated 21-10-2021 of Amendment in Federal Levies Rules 2013, for your perusal and further necessary action, please

Yours faithfully,

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

21/10/2021

Copy forwarded to:-

1. PS to Home Secretary, Khyber Pakhtunkhwa.
2. PS to Special Secretary Home, Khyber Pakhtunkhwa.
3. PA to Additional Secretary Home, Khyber Pakhtunkhwa.
4. PA to Deputy Secretary Home, Khyber Pakhtunkhwa.

Levy Assist  
Discuss  
Dc - Hangu 18/10/21  
95-X-21

NO.	
DATE	
8782	
25/10/21	

ATTESTED

TAMUR HAIDER KHAN  
JUDGE HIGH COURT



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

**NOTIFICATION**

*Peshawar, dated the 21-10-2021*

**NO. SO(POLICE-II)HD/1-3/FEDERAL LEVIES 2021**:- In exercise of the powers conferred by Section-9 of the PATA Levies Force Regulation, 2012, and in continuation of this department notification No. SO(Police-II)HD/MKD/levies/Misc/2020 dated 22-03-2021, 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:-

**SCHEDULE-III**

S. No.	Name of the Post / Rank	Length of Service / Age
1	Subedar Major (BS-16)	Thirty Seven Years of service or Three Years' Service as Subedar Major or Sixty Years of age whichever is earlier.
2	Subedar (BS-14)	Thirty Five Years of service or Five Years' service as Subedar or Sixty years of age whichever is earlier.
3	Naib Subedar (BS-11)	Thirty Three Years of Service or Seven Years' service as Naib Subedar or Sixty Years of age whichever is earlier.
4	Hawaldar (BS-09)	Thirty one years of service or fifty one year of age whichever is earlier.
5	Naik (BS-08)	Twenty nine years of service or forty nine years age whichever is earlier.
6	L/Naik (BS-08)	Twenty seven years of service or forty seven years age whichever is earlier.
7	Sepoy (BS-07)	Twenty five years of service or forty five year of age whichever is earlier.

**SCHEDULE-I**

S.No	Post/ Rank	Eligibility for Promotion	Promotion Quota	Direct Quota	Qualification
1	Subedar Major (BS-16)	02 years' service as Subedar Or Total 21 years of service	100%		
2	Subedar (BS-14)	02 years' service as Naib Subedar Or Total 19 years of service	100%		
3	Naib Subedar (BS-11)	04 years' service as Hawaldar Or Total 17 years of service	100%		
4	Hawaldar (BS-09)	05 years' service as Naik Or Total 13 years of service	100%		
5	Naik (BS-08)	03 years' service as Lance Naik Or Total 08 years of service			
6	L/Naik (BS-08)	05 years' service as Sepoy		100%	SSC
7	Sepoy (BS-07)				
8	Head Armorer (BS-5)	05 years' service as Assistant Armorer	100%		SSC Qualification with certificate of Armorer
9	Assistant Armorer (BS-1)			100%	SSC Qualification with certificate of Armorer

**TAIMUR HAIDER KHAN**  
ADVOCATE HIGH COURT

**TESTED**

SECRETARY TO

FROM : KPK HO ME

FAX NO. : 0919210051

22 Oct. 2021 11:15AM P3

(59)

(59)

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 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)

21/10/2021

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

ATTESTED



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

**NOTIFICATION**

*Peshawar, dated the 22-3-2021*

No. SO/Police-II/HD/MKD/Levies/Allec./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:-

1. 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."

2. 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".

3. 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: (i) Fifty Percent (50%) from amongst the Naib Subedars having Intermediate qualification; and (ii) Fifty Percent (50%) from amongst Haveldars.	Thirty Three Years Service or Seven Years Service as Naib Subedar or Sixty Years of age whichever is earlier.

**TAIMUR HAIDER KHAN**  
ADVOCATE HIGH COURT

**ATTESTED**

S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
4	Hawaldar (BS-09)	-	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	Sapoy (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)

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

ATTESTE

(62)



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

SO (Police-II)/ED/1-3/2020  
Dated Peshawar the 16-07-2020

(20)

The Deputy Commissioners/Commandant, Levies Force

- |              |             |                 |
|--------------|-------------|-----------------|
| 1. Chitral   | 2. Swat     | 3. Dir Lower    |
| 4. Dir Upper | 5. Malakand | 6. Kohat        |
| 7. Hangu     | 8. Karak    | 9. Lakki Marwat |
| 10. Torghar  |             |                 |

**Subject: AMENDMENT IN PROVINCIALLY ADMINISTERED TRIBAL AREAS FEDERAL LEVIES FORCE SERVICE (AMENDED) RULES, 2013 AND PROVINCIAL LEVIES FORCE RULES, 2015**

Dear Sir,

I am directed to refer to the subject noted above and to state that this department has issued amendments in the subject rules which are forwarded for your information and further necessary action at your end, please.

Yours Faithfully,

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

Encls as Above

Encl: No & date of even  
Copy forwarded to:-

- PS to Secretary Home & TA's Department.

**TAIMUR HAIDER KHAN**  
ADVOCATE HIGH COURT

ATTACHED



63

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME DEPARTMENT

NOTIFICATION

Dated Peshawar the 14.07.2020

59

No. SO(Police-IDHD/1-3/. In exercise of the powers conferred by Section 9 of the Provincially Administered Tribal Areas Provincial Levies Force Regulation, 2014 (Khyber Pakhtunkhwa Regulation No.1 of 2014), the Government of the Khyber Pakhtunkhwa is pleased to direct that in the Provincially Administered Tribal Areas Provincial Levies Force Rules, 2015, the following amendments shall be made, namely:

Amendments

In the said rules, in rule 16,-

- (a) for sub- rule (1), the following shall be substituted, namely:  
“(1) 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.”; and
- (b) Schedule -IV 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. 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.

FAMUR HAIDER KHAN  
ADVOCATE HIGH COURT

Section officer (Police-II)



(64) (K.P.) (3)

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

No. SO(Police-II)HD/MKD/Levies/Misc./2020  
Dated, Peshawar the 22-3-2021.

To

The Deputy Commissioners.

1. Malakand
2. Swat
3. Upper Dir
4. Lower Dir
5. Upper Chitral
6. Lower Chitral
7. Kohat
8. Hangu
9. Karak
10. Lakki Marwat
11. Torghar

**SUBJECT: CHIEF MINISTER 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 forward herewith approved notification regarding amendments in Federal Levies Rules, 2013 in compliance of the Provincial Cabinet Decision dated 24-02-2021, for further necessary action with intimation to this department, please.

Encls. As above:-

Yours faithfully,

*[Signature]*  
Section Officer (Police-II)

Copy of the above is forwarded to the:-

1. Section Officer (Cabinet), Administration Department, Khyber Pakhtunkhwa with reference to the letter No. SOC(E&AD)8-51/2021 dated 08-3-2021.
2. Section Officer (D/AB), Home Department, with reference to the letter No. SO(D/AB)HD/8-8/2020, dated 15-3-2021, in compliance of SO (Cabinet), Administration Department letter quoted above.
3. Assistant to the Commissioners of Malakand, Hazara, Kohat and Bannu, for information please.
4. District Accounts Officers, Malakand, Swat, Upper Dir, Lower Dir, Upper Chitral, Lower Chitral, Kohat, Hangu, Karak, Lakki Marwat and Torghar
5. PS to the Secretary Home Department
6. PS to the Special Secretary-II, Home Department
7. Mater File

*[Handwritten initials]*  
24/3/21

**ATTEST**

*[Signature]*  
**TAIMUR HAIDER KHAN**  
ADVOCATE HIGH COURT

*[Signature]*  
Section Officer (Police-II)

65

FROM : PAKISTAN

FAK NO. : 0310310065

18 May 2021 1:25PM P1



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

SO (Police-II)/HD/7-1/2020/Malakand  
Dated Peshawar the 18-1-2021

To

The Commissioners,  
Malakand, Hazara and Kohat Divisions,  
Khyber Pakhtunkhwa

Subject: MINUTES OF THE MEETING OF ANOMALY COMMITTEE HELD ON 26-04-2021 REGARDING FEDERAL LEVIES RULES 2013

Dear Sir,

I am directed to forward herewith a copy of the minutes of the meeting in r/o Anomaly Committee held on 26-04-2021 vide notification dated 20-4-2021 under the Chairmanship of Special Secretary-II Home Department regarding Federal Levies Rules 2013 for further necessary action please.

Encls: as above:-

Yours faithfully,

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

Copy is forwarded to the:-

1. Deputy Commissioners, Dir upper, Dir Lower, Chitral Upper, Chitral Lower, Swat, Malakand Bannu, Lakki Marwal, Karak, Kohat, Hangu & Torghar.
2. PS to Special Secretary-II Home Department
3. PA to Additional Secretary (Security) Home Department
4. PA to DS (Police) Home Department
5. Master file SO Police II.

Ao / Supdt.

Section Officer (Police-II)

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

DZ (WS)  
18/5/2021

ATTESTED

(66)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. SO (Budget)/HD/16-6/2021  
Dated Peshawar the 30<sup>th</sup> Sep, 2021

To  
Levy Asst.

1. The Deputy Commissioner, Swat.
2. The Deputy Commissioner, Mafkand.
3. The Deputy Commissioner, Lower Dir.
4. The Deputy Commissioner, Upper Dir.
5. The Deputy Commissioner, Chitral Upper.
6. The Deputy Commissioner, Chitral Lower.
7. The Deputy Commissioner, Karak.
8. The Deputy Commissioner, Hangu.
9. The Deputy Commissioner, Torghar.
10. The Deputy Commissioner, Kohat.
11. The Deputy Commissioner, Lakki Marwat.

Subject: - CHANGE OF NOMENCLATURE OF FEDERAL AS WELL AS PROVINCIAL LEVIES

Dear Sir,

I am directed to refer to the captioned subject and to enclose herewith copy of letter received from Section Officer (FR) Finance Department alongwith copy of minutes of the meeting held on 01.07.2021 at 0300 pm in the Committee Room of Finance Department under the Chairmanship of Special Secretary Finance, for necessary action, please.

Encl: As above.

Yours faithfully,

SECTION OFFICER (BUDGET)

ENDST NO & DATE EVEN

Copy forwarded for information to the:

- i. Section Officer (FR), Finance Department with reference to his letter referred to above.
- ii. Section Officer (Police-II), alongwith copy of minutes of the instant meeting for necessary action.
- iii. PS to Secretary, Home Department.
- iv. PS Special Secretary-II, Home Department.
- v. PA to Additional Secretary (Dev), Home Department.
- vi. PA to Deputy Secretary (Dev), Home Department.
- vii. Master File.

SECTION OFFICER (BUDGET)

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

RECEIVED

(67)

MINUTES OF THE MEETING

Subject: CHANGE OF NOMENCLATURE OF FEDERAL AS WELL AS PROVINCIAL LEVIES.

A meeting under the Chairmanship of Special Secretary Finance was held on 1<sup>st</sup> July, 2021 at 03:00 PM in the Committee Room of Finance Department. The following attended the meeting.

(63)

1. Special Secretary Finance Department.
2. Additional Finance Secretary (Regulation)
3. Deputy Secretary Home Department.
4. Deputy Secretary (Regulation) Establishment Department
5. Section Officer (Regulation) Establishment Department.
6. Section Officer (FR) Finance Department

in Chair

1-7-2021

Opening the discussion, with recitation from Holly Quran. The Chair invited the Deputy Secretary of the Home Department to brief the forum. The Home Department informed that, due to merger of erstwhile FATA, all posts of levies force have been placed at the disposal of Police Department with changed nomenclature as Inspector, Sub-Inspector and police constable. The force is directly needed for security purpose of District Administration, which off and on deals with risky public affairs and service delivery and the Department want to retain it at par with pre-merger designation i.e Subedar Major, Hawaldar and Sepoy on Provincial side. Additional Finance Secretary (Regulation) pointed out that levies Act 2019 provides for merger of the Ex-FATA levies force in to Police Department, which have been reflected in the Budget Book in accordance with police designation. It was further stated that, the instant proposal is regarding change of nomenclature of levies force working in settled district like Dir, Malanand, Chitral etc. which have not been merged through Act and their salary are paid out of Provincial consolidated Fund, but their merger from Federal to Provincial side through Act is necessary. Establishment Department representative endorsed the view point of Finance Department and suggested that levies force working in settled districts may first be brought into mainstream of Provincial side and then further process with regard to this service structure will follow.

After threadbare discussion, the forum unanimously decided that Home Department may first absorb the levies force working in settled district through an Act and initiate process for its service structure including basic pay scale, nomenclature etc.

Threadbare

ATTESTED

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

and then further process with regard to some structure will follow

(68)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

(67)

Finance Department Civil Secretariat Peshawar <http://www.finance.gov.pk> [facebook.com/GoKPFD](https://www.facebook.com/GoKPFD) [twitter.com/GoKPFD](https://twitter.com/GoKPFD)  
No.SQ(FR)FD/7-8/2021/Home Dept Dated Peshawar the 16-09- 2021

To  
The Secretary to Govt. of Khyber Pakhtunkhwa,  
Home Department Peshawar.

Subject: - CHANGE OF NOMENCLATURE OF FEDERAL S WELL AS  
PROVINCIAL LEVIES.

Dear Sir,

I am directed to refer to your Department letter No. SO (Budget)/HD/1-1/2019 dated 11<sup>th</sup> June, 2021 on the subject noted above and to enclose herewith minutes of the meeting held on 01-07-2021 on the subject for further necessary action please.

Yours faithfully,

(Tariq Mehmood Khattak)  
SECTION OFFICER (FR)

Copy is forwarded to the:-

1. Section Officer (Admn), Khyber Pakhtunkhwa Finance Department (NMAs), w/r to his letter No. SO (Admn)/FD/Mas/4-154/19 dated 01-09-2021

SECTION OFFICER (FR)

TAIMUR HAIDER KHAN  
ADVOCATE HIGH COURT

SOB

16/09/21

16/09/21

(SOB) / 17/9  
17/9

ATTESTED

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. 50921/2021

Muhammad Jamal S/O Noor Jamal (Subedar Major (BPS-16))

Levies



Versus

Petitioner

R/O Mohallah Chari Bazar, Hangu

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
  2. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
  3. Deputy Commissioner, Commandant Levy Force, Kohat Division Office of the Deputy Commissioner Kohat.
  4. District Police Officer (D.P.O.), District Kohat(Hangu).
- .....Respondents

WRT. PETITION UNDER ARTICLE 199

READ WITH ARTICLE 04, 25 AND 27 OF

THE CONSTITUTION OF PAKISTAN, 1973

AGAINST THE UNJUSTIFIABLE AND

CORAM-NON-JUDICE IMPUGNED

NOTIFICATION NO.SOPOLICE-IHD/1-

3/FEDERAL LEVIES 2021.

DATED:21.10.2021 AND NOTIFICATION

NO.SOPOLICE-IHD/MKD/LEVIES/MISC

NO.2020 DATED: 22.03.2021, WHEREBY,

ASTONISHINGLY THE PETITIONER

WOULD BE RETIRED FROM SERVICE AT

THE AGE OF FIFTY (50) YEARS DESPITE

THE FACT THE PETITIONER HAS SERVED

THE RESPONDENT DEPARTMENT FOR 30

YEARS AND IS HAVING UNBLEMISHED

SERVICE CAREER.

Prayer:

It is therefore, most humbly prayed that

on the basis of expounded subject, facts and

circumstances, the writ petition may kindly be

accepted i.e.

ATTESTED  
EXAMINER  
Peshawar High Court

03 DEC 2021

Deputy Registrar

FILED/TODAY

69

1

NAME

(2) (70)

The Impugned NOTIFICATIONS  
NO.SO(POLICE-II)HD/1-3/FEDERAL LEVIES  
2021, DATED:21.10.2021 AND  
NOTIFICATION NO.SO(POLICE-  
II)HD/MKD/LEVIES /MISC NO.2020 DATED:  
22.03.2021 issued by respondents (Res:No.02)  
whereby the length of service/retiring age of the  
petitioner's post has been fixed as to serve three  
years on the post of Subedar Major (Bps-16)  
(instead of only 60 years of age of  
superannuation )may kindly be declared as  
coram-Non-Judice, illegal, unconstitutional,  
ineffective upon the rights of the petitioner and  
may kindly be set aside for the best  
administration of justice and fair play.

**Respectfully Sheweth:**

1. That the petitioner hails from a venerable family presently holds the post of **Subedar Major, Levies Force**. Since the inception of the appointment, the Petitioner hold good, soft and sober reputation and having great respect for the high ups. Ever tried his level best to keep the moral of the force high, ever resisted the militants and with wisdom via bravery, have power over the anti state activities. As expounded above, during the entire period of about 30 years of service is having unblemished service career. (Copy of the Service Record is annexed as annexure "A")
2. That on 29<sup>th</sup> of August, 2012, the Provincially Administered Tribal Areas Levies Force Regulation 2012 were introduced which were applicable to all the levies personnel in the area of Provincially Administered Tribal Areas of Khyber Pakhtunkhwa. (Copy of the Provincially Administered Tribal Areas Levies Force Regulation, 2012 is annexed as Annexure "B").
3. That in exercise of the powers conferred by Section 9 of the PATA Levies Force Regulation, 2012, the Provincial Government of Khyber Pakhtunkhwa has made certain rules on 15<sup>th</sup> February, 2013 for Levies employees, called Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013. (Copy of the Provincially

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**03 DEC 2021**

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**EXAMINER**  
High Court



(3)

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**Administered Tribal Areas (PATA) Federal Levies Service (Amended) Rules, dated 15<sup>th</sup> February 2013 is annexed as Annexure "C").**

4. That, in exercise of the powers conferred by clause (4) of Article 247 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa, with the prior approval of the President of the Islamic Republic of Pakistan, is pleased to make and promulgate "the Provincially Administered Tribal Areas Provincial Levies Force Regulation, 2014" on dated 14<sup>th</sup> April, 2014. (Copy of the PATA Provincial Levies Force Regulation, dated 14.04.2014 is annexed as Annexure "D").
5. That the Government of the Khyber Pakhtunkhwa Home & Tribal Affairs Department through Notification Peshawar, dated the 14<sup>th</sup> April, 2015. No.ALD-III/REG: 1(6)2012/8066-68, in exercise of the powers conferred by regulation 9 of the Provincially Administered Tribal Areas Provincial Levies Force Regulation, 2014 (Khyber Pakhtunkhwa Regulation No.01 of 2014), is pleased to make the rules called, "The Provincially Administered Tribal Areas Provincial Levies Force Rules, 2015. (Copy of the Provincially Administered Tribal Areas Provincial Levies Force Rules, 2015, Peshawar, dated the 14<sup>th</sup> April, 2015 is annexed as Annexure "E").
6. That according to rule a 16 (1) of the PATA Levies Force Rules 2015 all Uniform Force shall retire as per Schedule-IV and now extension in service after retirement shall be granted and rule 16 (2) all non uniformed force shall retire from service on attaining the age of superannuation i.e 60 years or they may opt from the retirement after completion of 25 years of regular service and no extension in service after retirement shall be granted.
7. That after the 25<sup>th</sup> Constitutional Amendment in the Constitution of Pakistan, 1973, the erstwhile Federally administrated Tribal Areas have been merged in the province of Khyber Pakhtunkhwa and Federal Levies Force Established under the Federal Levies Force Regulation 2012 etc, working in the said areas has lost his legal status for working in the merged Districts & sub Divisions, hence it was 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, "The Levies Force

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**03 DEC 2021**

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**EXAMINER**  
Peshawar High Court

(1)

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Act, 2019" was enacted on 16<sup>th</sup> September 2019. (Copy of the Khyber Paktunkhwa Levies Force Act, 2019 dated 16.09.2019 is annexed as Annexure "F").

8. That according to rule 9 Khyber Paktunkhwa Levies Force Act, 2019 (1) Notwithstanding anything, contained in any other law for the time being enforce, a members of the levies force may be absorbed in the police, subject to the procedure as may determine by Government (2) until there absorption in the police, 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.
9. That according to Rule 15 (1) Khyber Paktunkhwa Levies Force Act, 2019 the Federal Levies Force Regulation 2012 and the Khyber Pakhtunkhwa Levies Force Ordinance 2019 (Khyber Pakhtunkhwa Ordinance No.III of 2019) were repealed but according to rule 15 (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 there under until new rules are made under this Act.
10. That on the dated, Peshawar the 14.07.2020 the respondents department issued another notification No.SO Police-IIHD/1-3/, whereby the following amendments were made in PATA Provincial Levies Force, Rules 2015, in the said rules, in Rule 16 (a) for sub rule 1 all uniformed force shall retired from service on attaining the age of superannuation i.e 60 years or they may opt for retirement after completion of 25 years "regular service" and the Schedule-IV shall be dated. (Copy of the notification No.SO Police-IIHD/1-3/ dated:14.07.2020 is annexed as Annexure "G").

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11.  
**Deputy Registrar**  
03 DEC 2021

That despite the clear cut ibid Notification dated:14.07.2021, the petitioner was shocked and astonish to know that the respondents in order to favor the blue eyed people vides Coram-Non-Judice and IMPUGNED NOTIFICATION NO.SO(POLICE-ID)HD/1-3/FEDERAL LEVIES 2021, DATED:21.10.2021, the detail is mentioned therein, whereby the length of service of the petitioner's post (Subedar Major (BPS-16)) has been fixed as (Thirty Seven Years of Service or Three Years'

**ATTESTED**  
**EXAMINER**

(5)

(73)

**Service as Subedar Major** or Sixty Years of age whichever is earlier) further aggravate to know that the expounded amendments has been further made in the light of impugned Notification No. SO-II Police HD/MKD/Levies/MISE/2020 dated: 21.03.2021, whereby the respondents department illegally amended the PATA Federal Levies Force Service (Amended) Rules 2013 Under section 9 of the repealed PATA Levies Force Regulation 2012 and reduced the age of retirement of other employees from Superannuation i.e. 60 years to 48 years for Naik (BS-07) to 45 Years for Lance Naik of (BS-06) and to 42 years for Sepoy BS-05 which is suffered the petitioner a lot. (Copy of the impugned Notifications Dated: 21.10.2021 and 21.03.2021 are annexed as Annexure "H").

12. That as mentioned in the subject, the petitioner is yet to serve the force for further 10 years, till 60 years of age but abating the service of the petitioner vides impugned notification till Second Month of the Year 2022 will be illegal, unlawful, against the vested right of the petitioner and tantamount to have favor with the blue eyed people by the respondents.
13. That the law demands justice may not only be done but it should manifestly be seen to be done, keeping in view the impugned amendments is clear disparity amongst the different forces of the Government, as the domain of article 25 and 27 of the Constitution of Pakistan, 1973 has been violated by the respondents in order to adopts favoritism and biased approach. Hence not only illegal, ultravires, unjustifiable, Coram-non-judice but against the fundamental vested right of the petitioner being enshrined in the Constitution of Pakistan, 1973.
14. That in fact for the redressal of the grievance, the petitioner has strived/run from pillar to post via series of application but of no avail and finally having no other option to put his grievance in the mercy of this Honorable court.
15. That the expounded subject, facts and circumstances may also be considered as ground of the instant writ Petition and any other points may be raised at the time of arguments for the best administration of Justice and fair play.

**Prayer:**

It is, therefore, most humbly prayed that on the basis of expounded subject, facts and circumstances, the writ petition may kindly be allowed i.e.

FILED TODAY  
Deputy Registrar

03 DEC 2021

ATTESTED  
EXAMINER  
Peshawar High Court

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**THE IMPUGNED NOTIFICATIONS NO.SO(POLICE-IDHD/1-3/FEDERAL LEVIES 2021, DATED:21.10.2021 AND NOTIFICATION NO.SO(POLICE-IDHD/MKD/LEVIES /MISC NO.2020 DATED: 22.03.2021** issued by respondents (Res:No.02) whereby the length of service/retiring age of the petitioner's post has been fixed as to serve three years on the post of Subedar Major (Bps-16) instead of only 60 years of age of superannuation may kindly be declared as coram-Non-Judice, illegal, unconstitutional, ineffective upon the rights of the petitioner and may kindly be set aside for the best administration of justice and fair play.

Any other remedy which this Honorable court deems fit and proper may also be granted in favor of the petitioner.

**INTERIM RELIEF:-**

In the mean while, the notifications i.e. Dated: 21.10.2021 and 22.03.2021 may kindly be suspended and the respondents may kindly be directed not to take any adverse order of whatsoever against the petitioner till the final disposal of the instant writ petition.

Petitioner 

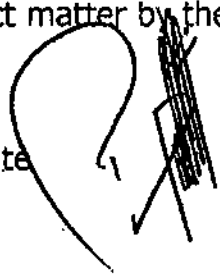
Through

Taimur Haider Khan,  
Advocate, High Court  
Taimur Law Associates  
Office:- 37, 2<sup>nd</sup> Floor, Malak Tower  
Pajjagi Road, Peshawar  
Cell#0346-9192561

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03 DEC 2021

**Certificate.**

It is certified that as per instruction of the petitioner no such like Writ Petition has earlier been filed on the subject matter by the petitioner.

Advocate 

**List of Books.**

1. Constitution of Islamic republic of Pakistan 1973.
2. Any other book at the time of need.

Advocate

**ATTESTED**  
EXAMINER  
Peshawar High Court

(7) (75)

**BEFORE THE HON'BLE PESHAWAR HIGH COURT,**  
**PESHAWAR**

W.P.No. 5092P /2021

Muhammad Jamal .....Petitioner

**VERSUS**

Govt. of KP through Chief Secretary,  
Secretariat, Building, Peshawar and others.....Respondents

**AFFIDAVIT**

I, Muhammad Jamal S/o Noor Jamal R/o Mohallah Ghari Bazar, Hangu (Petitioner), do hereby, solemnly declare on oath that the contents of the **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

*[Signature]*  
**DEPONENT**

CNIC No.14101-5015679-1 ✓

Cell No. 0332-9540485

*[Signature]*

Identified by

**Taimur Haider Khan**  
Advocate High Court

**FILED TODAY**  
Deputy Registrar  
03 DEC 2021

39773  
I certify that the above was verified on solemnly affirmation before me in office, this 16 day of Nov 2021 by M. Jamal s/o Noor Jamal r/o Hangu who was identified by Taimur Haider who is personally known to me:

*[Signature]*  
Coff. Commissioner  
Peshawar, NWFP  
16/11/2021

Nadra verifies

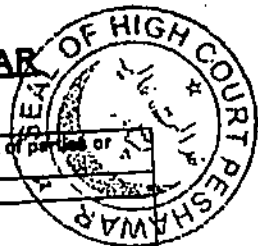
**NOTIFIED TO BE ISSUED COPIES**  
The Clerk  
The General Secretary  
The Deputy Registrar  
The District Judge  
The District Sessions Judge  
The District Magistrate  
The District Collector  
The District Engineer  
The District Inspector of Schools  
The District Inspector of Hospitals  
The District Inspector of Prisons  
The District Inspector of Factories  
The District Inspector of Mines  
The District Inspector of Forests  
The District Inspector of Fisheries  
The District Inspector of Livestock  
The District Inspector of Poultry  
The District Inspector of Cattle  
The District Inspector of Sheep  
The District Inspector of Goats  
The District Inspector of Pigs  
The District Inspector of Horses  
The District Inspector of Mules  
The District Inspector of Donkeys  
The District Inspector of Camels  
The District Inspector of Elephants  
The District Inspector of Buffaloes  
The District Inspector of Cows  
The District Inspector of Oxen  
The District Inspector of Sheep  
The District Inspector of Goats  
The District Inspector of Pigs  
The District Inspector of Horses  
The District Inspector of Mules  
The District Inspector of Donkeys  
The District Inspector of Camels  
The District Inspector of Elephants  
The District Inspector of Buffaloes  
The District Inspector of Cows  
The District Inspector of Oxen

19 DEC 2022

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**PESHAWAR HIGH COURT PESHAWAR  
ORDER SHEET**



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
13.01.2022.	<p><b>WP No. 5092-P/2021.</b></p> <p>Present : Mr. Taimur Halder Khan, advocate for the petitioner.</p> <p>.....</p> <p>Comments of respondent No.2 to 4 be called for so as to reach this court within a fortnight. Adjourned.</p> <p><b><u>Interim Relief.</u></b></p> <p>Notice, in the meanwhile, operation of the impugned notifications dated 22.03.2021 &amp; 21.10.2021 shall remain suspended.</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

**ATTESTED**

No. 20852

Date of Presentation 14/1/2022

No. of Pages 7-9

Copying fee 28/-

Total 28/-

Date of Preparation 14/1/2022

Date of Delivery of Copy 14/1/2022

Received By [Signature]

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(77)

Annexure

J



Judgment Sheet  
PESHAWAR HIGH COURT, PESHAWAR.  
(JUDICIAL DEPARTMENT)

W.P.No.5092-P/2021.

**JUDGMENT**

Date of hearing — 29.11.2022.

Mr.Taimur Haider Khan, Advocate for the petitioners:

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

=====

**S M ATTIQUE SHAH, J:-**, For the reasons recorded in our detailed judgment of even date in W.P.No.367-M/2021 titled "Muhammad Ghafar etc. Vs. Govt: of Khyber Pakhtunkhwa" this writ petition is dismissed.

JUDGE

JUDGE

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

(A-11/11/2022 Court Secretary)

RECORDED TO BE TRUE COPY  
PESHAWAR HIGH COURT, PESHAWAR  
PESHAWAR, PAKISTAN

19 DEC 2022

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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



(79)

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."*

**ATTESTED**  
EXAMINER  
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

**ATTESTED**  
EXAMINER  
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



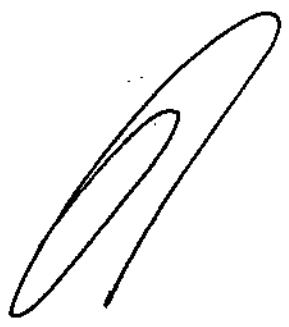
**ATTESTED**  
EXAMINER  
Peshawar High Court

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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



**ATTESTED**  
**EXAMINER**  
 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 25<sup>th</sup> 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 25<sup>th</sup> 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;



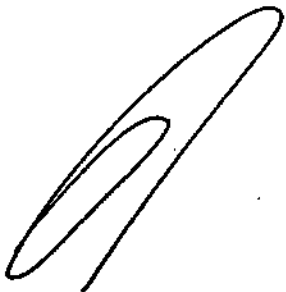
**ATTESTED**  
EXAMINER  
Peshawar High Court

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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*



**ATTESTED**  
EXAMINER  
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 25<sup>th</sup> 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 25<sup>th</sup> amendment in 2018, both *FATA & PATA* were merged in the province of *Khyber Pakhtunkhwa* and *Federal Levies Force*

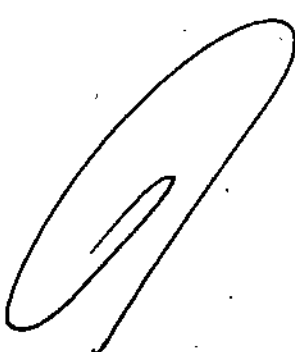
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working in *FATA* was merged into the regular police of the province. Albeit, in Malakand Division, *Levies Force* is still regulated by "*PATA Federal Levies Force Service (Amended) Rules 2013* in view of the Khyber Pakhtunkhwa Act No 111 of 2019 through which the laws prevalent in erstwhile *PATA* at the time of 25<sup>th</sup> 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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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.

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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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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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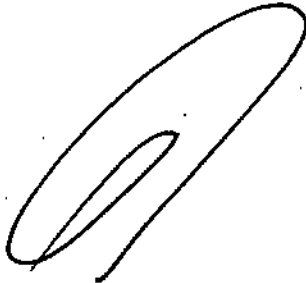
- (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
- (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or
- (iii) a person who is a "worker" or "workman" as defined in the Factories Act, 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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(Parliament)] or of a Provincial Assembly, but does not include service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister, [Attorney-General], [Advocate-General],] Parliament Secretary] or [Chairman or member of a Law Commission, Chairman or member of the Council of Islamic Ideology, Special Assistant to the Prime Minister, Adviser to the Prime Minister, Special Assistant to a Chief Minister, Adviser to a Chief Minister] or member of a House or a Provincial Assembly;

Whereas Article 240 of the Constitution envisages that:-

"240. Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined -

- (a) .....
- (b) in the case of the services of a Province and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly.

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

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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..."*

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

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**others vs. Gul Raqlb 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 foregoing 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 prescribed 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 prescribed

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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 Muhammad 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

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**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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**vs. RO-177 Ex-DSR Muhammad Nazir (1998 SCMR 1081) and Commandant, Frontier Constabulary, Khyber Pakhtunkhwa, Peshawar and others vs. Gul Raqib Khan and others (2018 SCMR 903)**, thus, the preliminary objection raised by the learned counsels for the respondents is sustained and accordingly, the present petitions in view of clear bar contained in Article 212 of the Constitution are not maintainable. The present petitioners may agitate their grievances before the Provincial Services Tribunal. However, prior to this judgment, the status of present petitioners being a civil servant was not determined and in the similar cases, the Apex Court in **Gul Raqib Khan's case (2018 SCMR 903)** has held that:

*"11. It follows from the dicta laid down above that the protection of the border areas is a sovereign function belonging to and performed by the Federation. The same duty is performed equally in the present case by the FC not only on the frontiers of KPK Province but also by maintaining order in other parts of Pakistan. For discharging such functions, the*

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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 according allowed in above terms".*

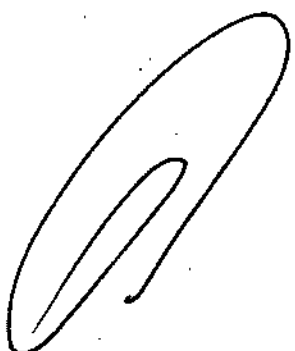
When case of the petitioners (*PATA Federal Levies Force*) was examined in juxtaposition with the *Provincial Levies Force* and *ibid* judgment, we observed that service of both the forces is governed under the rules so framed under the provisions of "*Provincial Administered Tribal Areas Levies Force 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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not distinguish the status of petitioners (PATA Federal Levies Force) vis a vis Provincial Leavy 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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P/2022 in W.P.No.1335-P/2022 are dismissed for having become infructuous.

*[Signature]*  
JUDGE

*[Signature]*  
JUDGE

*[Signature]*  
JUDGE

Announced.  
Dt.29/11/2022.

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

(A-KHAN Court Secretary)

~~NOTIFIED TO BE TRUE COPY~~  
19 DEC 2022

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Signed by *[Signature]*

خدمت جناب ڈپٹی کمشنر صاحب سیکو

موجودہ باندگی تراش ہے کہ میں لہور میں بطور صوبہ بیدار مینجر  
اپنی ذمہ داری اہم انداز میں سرانجام دے رہا ہوں۔ یہ وہ  
2021 کے اوائل نو تشکیلی ادارے کے ذریعے صرف مدت ملازمت کو  
ساتھ ساتھ سے تم کر کے 5 سال کر دیا گیا جس کی وجہ سے میری  
ملازمت وقت سے پہلے ختم کر دی گئی حالانکہ میری ملازمت  
میں ابھی 15 سال باقی ہے۔

یہ کہ میں نے ادارے کو 30 سال تک سروس سرانجام دی ہے۔  
اور اس عرصے سے کہ میرا ادارہ مجھے اپنی مدت ملازمت پورا  
کرے گا وہ قعود ہے گا۔ یہ کہ میں ایک عزیز اور محنت  
گھرانے سے تعلق رکھتا ہوں اور اس حکم نامہ کی وجہ سے میرا خاندان  
بہت متاثر ہو جائیگا۔

اس لیے میری آپ صاحبان سے درخواست ہے کہ میری مدت ملازمت  
کو کم نہ کیا جائے اور مجھے اپنی سروس پوری کرنا کی اجازت دے۔  
محمد جمال  
درخواست گزار

محمد جمال ولد نور محمد جمال  
(BPS-16) صوبہ بیدار مینجر

نیویز فورس

ATTESTED

تاریخ

11 / 11 / 2021

خدمت جناب سید شری حکیم انبذ نزل افسر ڈیپارٹمنٹ K-P لاہور

خود باز گزروشن ہے کہ میں سوئیز میں بطور صوبیدار ریجنل ایجنسی ذمہ داری

ایمانداری سے سر انجام دے رہا ہوں۔ یہ کہ عرصہ  $\frac{3}{20}$  20 کواہیں

نوعیتیں کے لئے صبری عورت ملازمت کے 5 سال سے کم کرنا

5 سال کر دیا گیا جس کی وجہ سے صبری ملازمت وقت سے

پہلے ختم کر دی گئی۔ حالانکہ صبری ملازمت میں ابھی 5 سال

باقی ہے۔

یہ کہ میں نے ادارے کو 30 سال تک سروس سر انجام دی ہے۔

اور اس عرصہ سے کہ میرا ادارہ مجھے ایسی عورت ملازمت

پورا کرنے کا موقع دیا گیا کہ میں اس عرصہ اور عورت

گھرانے سے تعلق رکھتا ہوں اور اس حکم نامے کی وجہ سے

میرا خاندان بہت متاثر ہو جائیگا۔

اس لیے صبری آپ صاحبان سے درخواست ہے کہ میری عورت ملازمت

کو کم نہ کیا جائے اور مجھے اپنی بقید سروس پورا کرنے کی اجازت

دی جائے۔

رافضہ نزار محمد جمال

ATTESTED

(صوبیدار ریجنل ایجنسی)

BPS-16

سوئیز عورتیں

محمد جمال و مولانا جمال

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**POWER OF ATTORNEY**

IN THE COURT OF Honble Khyber Pakhtunkhwa Service Tribunal Date: \_\_\_\_\_

Ref.# \_\_\_\_\_ Muhammad Jamal

(Petitioner)  
(Appellant) Peshawar  
(Plaintiff)

Versus

Court of K.P & others

(Defendant)  
(Respondent)

I/We, the undersigned do hereby nominate and appoint

**TAIMUR HAIDER KHAN  
ADVOCATE, SUPREME COURT**

On behalf of Appellant

Know all to whom these presents shall come that I/We the undersigned appoint; the above named Advocate in District Peshawar in the above mentioned case to do all the following acts, deeds and things.

1. To act, appear and plead in the above mentioned case in this court or any other court in which same may be tried or heard in the first instance or in appeal or review or revision or application or at any other stage of its progress until its final decision.
2. To present pleadings, appeals, case objection or petitioners for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution/defence of the said case at all stages.
3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or any manner relating to said cause.
4. To employ, authorize any other legal practitioner to assist or exercise the power in authority hereby conferred on the advocate whenever he may think to do so.

AND I/We, hereby agree to ratify whatever the advocate or his substitute shall do in this behalf and I/We hereby agree not to hold the advocate or his substitute responsible for the result of the case in consequences of his absence from the Court when the said case is called up for hearing.

AND I/We in case of expiry of the said advocate any full fee or part payment thereof, will not claim in any manner whatsoever, or in case of disengagement of the said advocate will not make any claim regarding fee.

*Attested and Accepted by  
Taimur Haider Khan  
Adv. Supreme Court*

(Signature/thumb impression of the Executant)

Muhammad Jamal & Noor Jamal  
(Subedar Major (BPs 116) Levies Force,  
R/o Mohallah Gheri Bazar, Hanju

Dated: 17-1-2023  
Accepted subject of the terms  
And full payment of Settled Fee

Taimur Haider Khan  
Advocate, Supreme Court

**ATTESTED**

**ATTESTED**