


FORM OF ORDER SHEET

Court of _____

Case No. - _____ **183/2023**


| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 20/1/2023 | <p>The appeal of Mr. Asif Sunny re-submitted today by Mr. Abdur Rahman Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |

The appeal of Mr. Asif Sunny Sepoy Levies Force r/o Near GPODI Office Kohat Cantt. Tehsil and Distt. Kohat received today i.e. on 4.01.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Pages no.22, 25, 30, 31, 32, 33, 50, 51, 53, 55, 63 and 64 of the appeal are illegible which may be replaced by legible/better one.
- 2- The authority to whom the departmental appeal was made has not been arrayed/made a necessary party.

No. 68 /S.T,

Dt. 5/1 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdur Rehman Mohmand Adv.Pesh.

*Resubmitted after removal of official
objections.*
Advocate *Ra. Mohmand*

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

S.A.No. 183 /2022.

Asif Sunny----- **APPELLANT.**

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.

.....**RESPONDENTS**

I N D E X

| S.No | Description of Documents | Annex | Pages |
|------|--|-------|-------|
| A. | SERVICE APPEAL | | 1-14 |
| 1. | Copy of The Provincially Administered Tribal Areas Levies Force Regulation, 2012 | A | 15-21 |
| 2. | Copy of the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, dated 15 th February 2013 | B | 22-30 |
| 3. | Copy of Notification No.So(Levies) HD/FLW/1-1/2013/Vol.1 dated Peshawar the 12 th December,2013 | C | 31-32 |
| 4. | Copy of the Notification No.SO(Levies)HD/FLW/1-1/2013/Vol.1 dated 17.03.2014 | D | 33 |
| 5. | Copy of the PATA Provincial Levies Force Regulation, dated 14.04.2014 | E | 34-39 |
| 6. | Copy of the Provincially Administered Tribal Areas Provincial Levies force Rules, 2015, Peshawar, dated the 14th April, 2015 | F | 40-49 |
| 7. | Copy of The Khyber Pakhtunkhwa Levies Force Act,2019 dated 16.09.2019 is annexure "G" | G | 50-54 |
| 8. | Copy of the notification No. SO(Police-II)HD/1-3/ dated 14.07.2020 | H | 55 |
| 9. | Copy of the notification No. SO(Police-II)HD/MKD/Levies/Misc./2020 dated 22.03.2021 | I | 56-57 |
| 10. | Copy of the impugned Office Order No.462/DC-KT/CMDT:/LEVY-SEC of the Deputy Commissioner/ Commandant Levy Force, Kohat dated 05.04.2021 | J | 58 |
| 11. | Copy of departmental Appeal dated 04.05.2021. | K | 59-60 |
| 14. | Copy of the Chief Minister Directives | L | 61 |
| 15. | Copy of Minutes of the meeting of anomaly committee held on 26.04.2021 | M | 62-65 |
| 16. | Copy of the Provincially Administered Tribal Area Levies Force (Amendment) Act,2021 | N | 66-67 |
| 17. | WAKALATNAMA | | 68 |

Appellant

Through

Abdur Rahman Mohmand Advocate. CELL:03005991598

Mohmand Law Chamber Charsadda Road Near Faqirabad Police Station

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

S.A.No.....¹⁸³...../2022.

Secretary Peshawar
2706
4/1/28

Asif Sunny (Sepoy) Levies Force R/O Near G.P.O.D.I.
Office Kohat Cantt. Tehsil & District Kohat.

----- **APPELLANT.**

VERSUS

1. Govt. Of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Secretariat Building Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affair Department, Khyber Pakhtunkhwa Secretariat Building Peshawar.
3. Deputy Commissioner, Commandant Levy Force, Kohat Division office of the Deputy Commissioner/Commandant Levy Force Kohat.
4. Special Secretary-II Home Department Khyber Pakhtunkhwa Khyber Pakhtunkhwa Secretariat Building Peshawar.
5. *Commissioner Kohat Division, office of Commissioner Kohat.*
6. Section Officer (Police-II) Khyber Pakhtunkhwa Secretariat Building Peshawar.

----- **RESPONDENTS**

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974
AGAINST THE ALLEGED, FAKE, ILLEGAL IMPUGNED
Office order No.462/DC-KT/CMDT:/LEVY-SEC: Dated
05.04.2021 of Respondent No.3 BASED ON
DISCRIMINATION, VIOLATION OF FUNDAMENTAL RIGHT
AND AGAINST KHYBER PAKHTUNKHWA CIVIL SERVANTS
RULES.**

.....

APPELLANT SUBMIT AS UNDER:-

- 1- That the Appellant is levies employee and was serving as Sepoy in Levies Force District Kohat Khyber Pakhtunkhwa, since his appointment.
- 2- That on dated 29th August, 2012, The Provincially Administered Tribal Areas Levies Force Regulation, 2012 were introduced which were applicable to all the levies personnel in such areas of Provincially Administered Tribal Areas of Khyber Pakhtunkhwa. **(Copy of The Provincially Administered Tribal Areas Levies Force Regulation, 2012 is annexure "A")**.
- 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 15th February, 2013, for Levies employees and are called Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013. **(Copy of the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, dated 15th February 2013 is annexure "B")**.
- 4- That according to Rule 17 of the above mentioned rules, all levies personnel shall retire as per Schedule-III of the Levies Force Service (Amended) Rules, 2013 and no extension in service beyond retirement shall be granted.
- 5- That according to schedule-III of Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013 which is reproduced as:

SCHEDULE-III**See Rule 17**

| s.# | Post/Rank | Length of service/Age |
|-----|-----------------------|--|
| 1 | Subedar Major (BS-16) | 38 Years service or 03 years service as Subedar Major or 60 years age whichever is |

| | | |
|----|----------------------|--|
| | | earlier |
| 2. | Subedar(BS-13) | 35 years service or 03 years service as Subedar or 57 years age whichever is earlier |
| 3. | Naib Subedar (BS-11) | 32 years service or 03 years service as Naibsubedar or 54 years age whichever is earlier |
| 4. | Havaldar (BS-8) | 29 years service or 03 years service as havaldar or 51 years age whichever is earlier |
| 5. | Naik (BS-7) | 26years service or 03 years service as Naik or 48 years age whichever is earlier. |
| 6. | L/Naik (BS-6) | 23 years service or 03 years service as L/Naik or 45 years age whichever is earlier. |
| 7. | Sepoy (BS-5) | 20 years service or 42 years age whichever is earlier |

6- That the Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department through Notification No.So(Levies) HD/FLW/1-1/2013/Vol.1 dated Peshawar the 12th December,2013 has been pleased to approve further amendments in Schedule-I of Rule-4(2) and Schedule-III of Rule-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. **(Copy of Notification No.So(Levies) HD/FLW/1-1/2013/Vol.1 dated Peshawar the 12th December,2013 is annexure "C").**

7- That according to this Notification No.So(Levies) HD/FLW/1-1/2013/Vol.1 dated Peshawar the 12th December,2013, the retirement age was extended to 60 years of age: Schedule -III of these amendments are reproduced as under:

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

| s.# | Post/Rank | Length of service /Age |
|-----|-----------------------|---|
| 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 is earlier. |

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| | | |
|----|----------------------|---|
| 3. | Naib Subedar (BS-11) | 33 years service or 60 years of age whichever is earlier. |
| 4. | Havaldar (BS-8) | 31 years service or 60 years of age whichever is earlier. |
| 5. | Naik (BS-7) | 29 years service or 60 years of age whichever is earlier. |
| 6. | L/Naik (BS-6) | 27 years service or 60 years of age whichever is earlier. |
| 7. | Sepoy (BS-5) | 25 years service or 60 years of age whichever is earlier. |

- 8- That on dated 17th March 2014, the Government of Khyber Pakhtunkhwa Home & Tribal affairs department partially modified the notification dated 12.12.2013 with recommendation from competent authority that the PATA Levies Force (Amended) Service Rules 2013 shall be effective from 4th February, 2013. **(Copy of the Notification No.SO(Levies)HD/FLW/1-1/2013/Vol.1 dated 17.03.2014 is annexure "D")**.
- 9- 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 14th April, 2014. **(Copy of the PATA Provincial Levies Force Regulation, dated 14.04.2014 is annexure "E")**.
- 10- That the Government of the Khyber Pakhtunkhwa Home & Tribal affairs Department through Notification Peshawar, dated the 14th 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

(5)

Pakhtunkhwa Regulation No. I 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 14th April, 2015 is annexure "F").

11- That according to Rule 16(1) of the PATA Levies force Rules,2015, all uniformed Force shall retire as per Schedule-IV and no extension in service after retirement shall be granted. &

Rule 16(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.

12- That Schedule-IV of PATA Levies force Rules,2015 is reproduced here:

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 is earlier. |
| 2. | Naib Subedar (BS-11) | 33 years service or 60 years of age whichever is earlier. |
| 3. | Havaldar (BS-8) | 31 years service or 60 years of age whichever is earlier. |
| 4. | Naik (BS-7) | 29 years service or 60 years of age whichever is earlier. |
| 5. | L/Naik (BS-6) | 27 years service or 60 years of age whichever is earlier. |
| 6. | Scpoy (BS-5) | 25 years service or 60 years of age whichever is earlier. |

13- That according to Rule 17 of the PATA Levies force Rules,2015, all employees shall be entitled to pension and gratuity as per Government rules.

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14- That after Constitution (Twenty-fifth Amendment) Act, 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, 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 Khyber Pakhtunkhwa Levies Force Act, 2019" was enacted on 16th September, 2019. **(Copy of The Khyber Pakhtunkhwa Levies Force Act, 2019 dated 16.09.2019 is annexure "G").**

15- That according to Rule 9 of The Khyber Pakhtunkhwa Levies Act, 2019 (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.

16- That according to **Rule 15 sub Rule (1) of the 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 sub Rule (2) Notwithstanding the repeal of the Federal Levies Force Regulation, 2012, under sub-section(1), the

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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.

17- That on dated Peshawar the 14.07.2020 the respondents department issued another notification No.SO(Police-II)HD/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 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.

(Copy of the notification No. SO(Police-II)HD/1-3/ dated 14.07.2020 is annexure "H").

18- That on dated Peshawar the 22.03.2021 through notification No. SO(Police-II)HD/MKD/Levies/Misc./2020, Respondents department again 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 the Appellant from superannuation i.e. 60 Years to Forty two (42) years for Sepoy (BS-05), which suffered the Appellant a lot.

(Copy of the notification No. SO(Police-II)HD/MKD/Levies/Misc./2020 dated 22.03.2021 is annexure "I").

19- That on the basis of new amendments dated 22.03.2021, Deputy Commissioner/Commandant Levy Force, Kohat i.e. respondent No.3 passed an order No.462/DC-

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KT/CMDT:/LEVY-SEC on dated 05.04.2021 whereby the Appellant were shown retired from service before the age of superannuation i.e. Sixty (60) Years. **(Copy of the impugned Office Order No.462/DC-KT/CMDT:/LEVY-SEC of the Deputy Commissioner/ Commandant Levy Force, Kohat dated 05.04.2021 is annexure "J").**

20- That the appellant filed a departmental appeal on dated 04.05.2021 against the alleged, fake, illegal impugned order No.462/DC-KT/CMDT:/LEVY-SEC dated 05.04.2021, but the same was not answered after expiry of 90 days. **(Copy of departmental Appeal dated 04.05.2021 is annexure "K")**

21- That being illegal and void amendments, the respondent No.6 i.e Section Officer (Police-II) forwarded the Chief Minister Directives for restoration of Schedule-III of Federal Levies Rules,2013 and Schedule-IV of Provincial Levies Rules, 2015, to all the Deputy Commissioners of Malakand, Swat, Upper Dir, Lower Dir, Upper Chitral, Lower Chitral, Kohat, Hangu, Karak, Lakki Marwat and Torghar. **(Copy of the Chief Minister Directives are annexure "L")**

22- That, under the chairmanship of the Special Secretary-II Home Department i.e. Respondent No.4, a meeting of the anomaly committee was held on dated 26.04.2021 regarding Federal Levies Rules 2013, who again proposed another amendment to Schedule-III in which the retiring age for Sepoy is proposed as Forty Five (45) Years, hence the proposed amendment is also against the law. **(Copy of Minutes of the meeting of anomaly committee held on 26.04.2021 is annexure "M").**

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23- That on dated 27.10.2021, a bill to amend the Provincially Administered Tribal Area Levies Force Regulation, 2012 which is called "the Provincially Administered Tribal Area Levies Force (Amendment) Act,2021. (Copy of the Provincially Administered Tribal Area Levies Force (Amendment) Act,2021 is annexure "N").

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

25- That due to the above mentioned reasons the Appellant filed writ petition No.2210-P/2021 wherein appellant was declared civil servant and directed to approach the worthy Service Tribunal for the redressal of his grievance within the statutory period of limitation commencing from the date of issuance of the certified copy of this judgment dated 29.11.2022. Hence, filing the instant Appeal on the following grounds inter-alia.

GROUND S : -

- i. That the amendment to Schedule -III of the PATA Federal Levies Rules 2013 dated 22.03.2021 is against the law and rules and as such the respondents are under obligation to withdraw it or mend it and bring it according to service law.

- ii. That the act of respondents by retiring the Appellant before the age of superannuation i.e. Sixty (60) Years is illegal and against the PATA Federal Levies Force Service (Amended) Rules, 2013 & PATA Provincial Levies Rules, 2015, hence against the fundamental rights of the Appellant as guaranteed by the constitution of Islamic Republic of Pakistan.
- iii. That according to Rule 9 of The Khyber Pakhtunkhwa Levies Act, 2019, the members of the Levies Force may be absorbed in the Police, subject to the procedure as may be determined by Government but 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, where the age for retirement is superannuation i.e. Sixty (60) Years.
- iv. That the discrimination as observed by the respondents with Appellant are highly deplorable and condemnable, being unlawful, unconstitutional, without authority, without jurisdiction, against the norms of natural justice and equity and against the law on subject, hence liable to be declared as such.
- v. That the act of respondents is based on malafide, on ulterior motive and against the norm of natural justice.
- vi. That the Appellant are eligible, qualified and experienced therefore their retirement before the age of superannuation is against the promotion as well as their pension rules.

- vii. That the act of the Respondents has adversely affected Appellant economically hence, the Appellant be treated in accordance with law.
- viii. That the action on the part of the Respondents has adversely affected Appellant rights as protected by the constitution and the Appellant be treated as part like other employees of the Levies Force and as such to be equally dealt in accordance with the law and rules.
- ix. That the Appellant seek the permission of this Hon'able court to rely on additional grounds at the hearing of this petition.

It is therefore, most humbly prayed that on acceptance of the instant Appeal an appropriate order may kindly be passed

1. *Declaring Notification No. SO(Police-II)HD/MKD/Levies/Misc.2020 dated 22.03.2021 issued by Respondent No.2 whereby using powers conferred by PATA Levies Force Regulation 2012 (Already Repealed), Schedule-III of PATA Federal Levies Force Service (Amended) Rules,2013 has been substituted and the retiring age of Appellant on superannuation i.e.Sixty (60) Years has now been curtailed to 42 years for Sepoy as illegal, unconstitutional and ineffective on the rights of Appellant.*
2. *Declaring the Office order No.462/DC-KT/CMDT:/LEVY-SEC: Dated 05.04.2021 of Respondent No.3 be null and void and against the law and rules.*

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3. Directing the respondents to reinstate the Appellant on his own pay and scale with all his salaries and back benefits already stopped by the respondents from dated 22.03.2021 till final disposal of this Appeal.

APPELLANT

Through

ABDUR RAHMAN MOHMAND
ADVOCATE HIGH COURT
PESHAWAR

Dated: 23/12/2022

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

S.A.No...../2022.

Asif Sunny----- **APPELLANT.**

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.

.....**RESPONDENTS**

Affidavit

I, Asif Sunny (Sepoy) Levies Force R/O Near G.P.O.D.I. Office Kohat Cantt. Tehsil & District Kohat do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

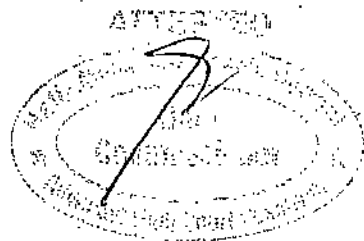
IDENTIFIED BY:



**Abdur Rehman Mohmand
Advocate, High Court
Peshawar.**


DEPONENT

23/05/2022



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

S.A.No...../2022.

Asif Sunny----- **APPELLANT.**

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS.

..... **RESPONDENTS**

ADDRESSES OF THE PARTIES:

Appellant:

Asif Sunny (Sepoy) Levies Force R/O Near G.P.O.D.I.
Office Kohat Cantt. Tehsil & District Kohat.

Respondents:

1. Govt. Of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa Secretariat Building Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Home
& Tribal Affair Department, Khyber Pakhtunkhwa
Secretariat Building Peshawar.
3. Deputy Commissioner, Commandant Levy Force, Kohat
Division office of the Deputy
Commissioner/Commandant Levy Force Kohat.
4. Special Secretary-II Home Department Khyber
Pakhtunkhwa Khyber Pakhtunkhwa Secretariat
Building Peshawar.
5. Section Officer Home Department Govt. of Khyber
Pakhtunkhwa Khyber Pakhtunkhwa Secretariat
Building Peshawar.
6. Section Officer (Police-II) Khyber Pakhtunkhwa
Secretariat Building Peshawar.

----- **RESPONDENTS**


APPELLANT

Through


**ABDUR RAHMAN MOHMAND
ADVOCATE HIGH COURT PESHAWAR**

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Annexure "A"

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

(KHYBER PAKHTUNKHWA REG. NO. I OF 2012)

CONTENTS

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 the Provincial Government.
8. Delegation of powers by Commandant.
9. Power to make rules.
10. Power to issue instructions.


ATTESTED

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

(KHYBER PAKHTUNKHWA REG. NO. I OF 2012)

[29th 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

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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.

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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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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
9th August, 2012

BARRISTER SYED MASOOD KAUSAR
Governor of the Khyber Pakhtunkhwa


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Annex — B
REGISTERED NO. PH

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GOVERNMENT OF KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 15TH FEBRUARY, 2013.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar the 4th February 2013

RULES FOR FEDERAL LEVIES FORCE IN PATA

In exercise of the powers conferred by Section 9 of the PATA Levies Force Regulation, 2013 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 requires, the following expressions shall have the meaning hereby respectively assigned to them, namely:

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

[Signature]
ATTESTED



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 15TH FEBRUARY, 2013.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar the 4th February 2013

SERVICE RULES FOR FEDERAL LEVIES FORCE IN PATA

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

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

(2) They shall come into force at once.

2. **Definitions.**-(1) In these Rules, unless the context otherwise 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. Whereas promotion to the rank of Subedar Major and above, the authority shall rests with the provincial government.
- (2) Appointment to the post shall be made in accordance with the provisions contained in Schedule-I read with Rule-3 of these rules.
- (3) Appointment either through initial recruitment or by promotion shall be made through duly constituted Selection/promotion Committees.
- Provided that in case of raising of force in a new district, the Commandant shall have the authority to recruit ex-servicemen above the rank of sepoy on contract basis for a period of one year extendable for a further period of one year but not exceeding three years in total, with prior approval of the government.
- It is further provided that the ex-serviceman so appointed on contract shall not be more than forty five years of age.
5. **Probation.** Persons appointed to posts by initial recruitment, promotion or transfer shall remain on probation for a period of one year extendable by a further period of one year. If no order is issued on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended for further one year. If no order is issued on the completion of extended period, the probation shall be deemed to have been terminated.

ATTESTED

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

(ii) "Service" means the levies service;

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

2. **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 ½ " with an age of not less than eighteen years and not more than twenty-five years on the last date of submission of application;

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

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

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

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

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

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

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

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

6. **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 Havaldars 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 barrette 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 three 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.

(4) 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.- As levy personnel shall retire as per Schedule III and no extension of service beyond retirement shall be granted.

(1) The conduct of Force personnel shall be regulated by these rules or instructions issued by the Government from time to time.

(2) The Force personnel will be entitled to pension as per prevailing Federal Government rules.

18. Compensation.- (1) The family of Force personnel shall be granted death compensation in each district. The Government will be liable to return during discharge of his duty as per rules 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) Quota shall be reserved for sons and wards of martyrs in initial recruitment of Force personnel.

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

19. 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.

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

21. 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 in each of such levy post. In case of establishment of Levies Station within their jurisdiction they require prior approval of the government.

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

(3) Levy registers 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 wazir.

(4) Khat 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 roznambas as prescribed by the Commandant shall be maintained in every levy post/Station/Levy 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 roznambas of Levy posts/stations and satisfy themselves that Force Personnel are carrying out their assigned duties. A note regarding absence from the post or from the place of duty of any Force personnel without leave shall invariably be recorded by inspecting officers in the duty register. Such entry shall be communicated to the Commandant and Deputy Commandant (Operations) by incharge of the post/station within twenty four hours for appropriate action.


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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013. 647

24. An Anomaly Committee duly constituted/notified vide Home and Tribal Affairs Department, Khyber Pakhtunkhwa Notification No. SO(Police)/HD/12-19/2012 dated 11th 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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24. An Anomaly Committee duly constituted/notified vide Home and Tribal Affairs Department, Khyber Pakhtunkhwa Notification No.SO(Police)/HD/12-19/2012 dated 11th 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

(27) (27)


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. | Behishti (BS-5) | | | 100% | Literate |
| 15. | Driver (BS-4) | | | 100% | Driving License / Driving Experience |
| 16. | Pesh Imari BPS-02 | | | 100% | MoujivFazil |
| 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 - 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 Havaladar | 100% | | |
| 4. | Havaladar (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. | Behishti (BS-5) | | | 100% | Literate |
| 15. | Driver (BS-4) | | | 100% | Driving License / Driving Experience |
| 16. | Pesh Imam BPS-02 | | | 100% | Moulvi/Fazil |
| 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. Intentionally causes or spreads a false alarm or rumour during action or in post, camp, lines, or quarters.

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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. 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 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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650 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013

SCHEDULE -III
See Rule 17

| S.# | Post/Rank | Length of service / Age |
|-----|-----------------------------|---|
| 1 | Subedar Major (BS-16) | 38 years service or 03 years service as Subedar Major or 60 years age whichever is earlier |
| 2 | Subedar (BS-15) | 35 years service or 03 years service as Subedar or 57 years age whichever is earlier |
| 3 | Naiib Subedar (BS-14) | 32 years service or 03 years service as Naiib Subedar or 54 years age whichever is earlier |
| 4 | Havaldar (BS-8) | 29 years service or 03 years service as Havaldar or 51 years age whichever is earlier |
| 5 | Naik (BS-7) | 26 years service or 03 years service as Naik or 48 years age whichever is earlier |
| 6 | 1 st Naik (BS-6) | 23 years service or 03 years service as 1 st Naik or 45 years age whichever is earlier |
| 7 | Sepoy (BS-5) | 20 years service or 42 years age whichever is earlier |


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SCHEDULE -III
See Rule 17

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

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SCHEDULE -IV
See Rule 10

| Sl. No. | Punishment | Subedar Major and Subedar | Naib Subedar or Havaldar | Naik or Lance Naik | Sepey |
|---------|--|---------------------------|--------------------------|--------------------|---------------|
| 1 | Extra Drill not exceeding fifteen days (reguc or other extra) | | | Subedar | Naib Subedar |
| 2 | Confinement to quarter guard upto fifteen days. | Commandant | Deputy Commandant | Deputy Commandant | Subedar Major |
| 3 | Penance | -do- | -do- | -do- | -do- |
| 4 | Reduction 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 or pay amount not exceeding one month's pay | -do- | -do- | -do- | -do- |
| 7 | Withholding of promotion for one year or less. | -do- | -do- | -do- | -do- |
| 8 | Reduction from substantive rank to a lower rank or reduction in pay. | -do- | -do- | -do- | -do- |
| 9 | Dismissal or removal from service or compulsory retirement. | -do- | -do- | -do- | -do- |

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at No. 4 P. G. Dept., Hyderabad, Pakistan.


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SCHEDULE - IV
See Rule 10

| S.No | Punishment | Subedar Major and Subedar | Naib Subedar or Havaldar | Naik or Lance Naik | Sepoy |
|------|--|---------------------------|--------------------------|--------------------|---------------|
| 1 | Extra Drill not exceeding fifteen days fatigue or other duties. | | | Subedar | Naib Subedar |
| 2 | Confinement to quarter guard upto fifteen days. | Commandant | Deputy Commandant | Deputy Commandant | Subedar Major |
| 3 | Censure | -do- | -do- | -do- | -do- |
| 4 | Forfeiture of approved service upto two years | -do- | -do- | -do- | -do- |
| 5 | Stoppage of increment not exceeding one month's pay | -do- | -do- | -do- | -do- |
| 6 | Fine to any amount not exceeding 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- |



(31) (25)

Annex - C

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

NOTIFICATION

No. So (Levies) HD/FLW/
for amendments in

the Regulation for PATA Levies Force, 2012 & Rule-24 of the Provincially Administered Tribal Areas (PATA) Levies Force Service (Amended) Rules, 2013 as under:-

Rule-4(2) Schedule-I

SCHEDULE-I
See Rule 4 (2)

| S.No | Post/ Rank | Eligibility for promotion | Promotion Quota | Direct Quota | Qualification |
|------|---------------------------|--|-----------------|--------------|---|
| 1 | Subedar Major (BS-16) | One year service as Subedr | 100% | | |
| 2 | Subedar (BS-15) | One year service as Naib Subedar | 100% | | |
| 3 | Naib Subedar (BS-11) | One year service as Hawaldar | 100% | | |
| 4 | Hawaldar (BS-8) | One year service as Naik | 100% | | |
| 5 | Naik (BS-7) | One year service as Lance Naik | 100% | | |
| 6 | Lance Naik (BS-6) | Five years' service as Sepoy | 100% | | |
| 7 | Sepoy (BS-5) | | | 100% | Middle pass preferably Matric |
| 8 | Head Armorer (BPS-5) | Five years' service as Assistant Armorer | 100% | | Middle pass preferably Matric with Certificate of Armorer |
| 9 | Assistant Armorer (BPS-1) | | | 100% | Middle pass preferably Matric with Certificate of Armorer |

⇒ **Rule-17 (Retirement).** 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-15) | 35 years' service or 60 years of age whichever earlier. |
| 3 | Naib Subedar (BS-11) | 33 years' service or 60 years of age whichever earlier. |
| 4 | Hawaldar (BS-8) | 31 years' service or 60 years of age whichever earlier. |
| 5 | Naik (BS-7) | 29 years' service or 60 years of age whichever earlier. |
| 6 | Lance Naik (BS-6) | 27 years' service or 60 years of age whichever earlier. |
| 7 | Sepoy (BS-5) | 25 years' service or 60 years of age whichever earlier. |

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

NOTIFICATION

No. So (Levies) HD/FLW/1-1/2013/Vol.1. The competent authority has been pleased to approve further amendments in Schedule-I of Rule-4(2) and Schedule-III of Rules-17 under Para-10 of the 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-6) | Five years' service as Sepoy | 100% | - | - |
| 7 | Sepoy (BS-5) | - | - | 100% | Middle pass preferably Matric |
| 8 | Head Armorer (BPS-5) | Five years' service as Assistant Armorer | 100% | - | Middle pass preferably Matric with Certificate of Armorer |
| 9 | Assistant Armorer (BPS-1) | - | - | 100% | Middle pass preferably Matric with Certificate of Armorer |

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

SCHEDULE-III
Rule-17(Retirement)

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

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All non-uniform personnel shall retire from service on attaining the age of superannuation
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

and No. & dated of even.

Copies of the above are 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

(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.

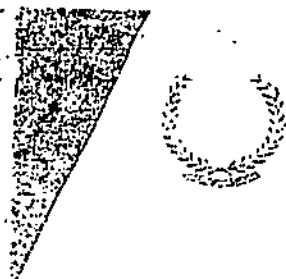
Secretary to Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Ends No. & dated of even.

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- 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)



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GOVERNMENT OF KHYBER PAKHTUNKHWA
IBAL AFFAIRS DEPARTMENT

Annex - D



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NOTIFICATION

~~NOTIFICATION NO. 17/2013/LEVIES~~ In partial modification of this Departmental 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) Section 2(b) shall be effective from 4th February, 2013.

HOME SECRETARY

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

Dated 17th 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. State 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.

[Signature]
SECTION OFFICER (LEVIES)

[Signature]
ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT



76482

NOTIFICATION

NO. SO (LEVIES) / HD / TFWA / 1 / 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 2013 shall be effective from 4th February, 2013.


HOME SECRETARY

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

Dated 17th 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)

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Annex - "E"

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

(KHYBER PAKHTUNKHWA REG. NO. I OF 2014)

CONTENTS

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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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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(37) (4)

- (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 4th March, 2014.

Engr. SHAUKAT ULLAH
Governor of the Khyber Pakhtunkhwa


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Annex — "F"

GOVERNMENT OF THE KHYBER
HOME & TRIBAL AFFAIRS D

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NOTIFICATION

Peshawar, dated the 14th 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-1 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 ½" 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 chappil, white socks, black barrette 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 Muharir.

(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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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.

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Schedule - I
(see rules 2 (a)(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 Matric. | 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-Almla from Wafaq-ul-Madaressa 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 Havaldar. | -do- | -do- |
| 4. | NaibSubedar. | Sepoy to Naik. | -do- | -do- |
| 5. | Hawaldar. | Sepoy to Lance Naik. | -do- | -do- |
| 6. | Naik. | Sepoy. | -do- | -do- |

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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

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Annex - "G"

EXTRAORDINARY
GOVERNMENT



REG. NO. 888
ZET 18

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 16th SEPTEMBER, 2019.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 16th September, 2019.

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

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

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


AN
ACT

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

WHEREAS after Constitution (Twenty-fifth Amendment) Act, 2018 (Act No. XXV 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 under the administrative control of the Government of Khyber Pakhtunkhwa:

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EXTRAORDINARY
GOVERNMENT

REGISTERD NO.P-III
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 16TH OF SEPTEMBER, 2019

PROVINCIAL ASSEMBLY SECRETARIAT

KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, 16th September, 2019

No. PA/Khyber Pakhtunkhwa/bills-68/2019/7010-the Khyber Pakhtunkhwa the levies force bill.2019 having been passed by the provincial assembly of Khyber Pakhtunkhwa on 12th Sep, 2019 and assented to by the governor of Khyber Pakhtunkhwa on 12th Sep, 2019 is herein, published as an Act provincial legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA LEVIES FORCE ACT, 2019

(KHYBER PAKHTUNKHWA ACT NO. XXXV OF 2019)

(First published after having received the assent of the governor of the Khyber Pakhtunkhwa in the gazette of the Khyber Pakhtunkhwa, (extraordinary), dated the 16th Sep, 2019)

AN

ACT

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

WHEREAS after Constitution (25th amendment) Act, 2018 {Act No XXXVII of 2018} the erstwhile Federally Administrated Tribal Areas have been merged in the province of the Khyber Pakhtunkhwa and federal Levies Force, established under the Federal Levies 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 maintained it under the administrative control of the Government of the Khyber Pakhtunkhwa.

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

It is hereby enacted as follows:

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

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

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

(4) It shall come into force at once.

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

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

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

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

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

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

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

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

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

(i) "prescribed" means prescribed by rules;

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

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

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


ATTESTED

AND WHEREAS to achieve the objective it is expedient to give legal status to the Federal Levies Force in the merged district and sub divisions and to re-visit its institutional structure and functional assignment for the 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 members of Levies Force
 - (3) It shall extent to the districts and sub divisions of the Province of the 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 the Khyber Pakhtunkhwa.
 - (d) "Deputy Director General" means the Deputy Director General of Levies Force
 - (e) "Director General" means the Director General of 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 reconstituted, regulated and maintained under this Act
 - (h) "Police" means the Khyber Pakhtunkhwa police
 - (i) " prescribed" means prescribed by rules
 - (j) " Provincial Police Offi cer" means the Provincial Police Officer of Khyber Pakhtunkhwa Police
 - (k) " Public Agency" means any department of the Government, attached department, public authority, commission, autonomous body, setup under any statutory instruments, or public sector company or body corporate, owned, controlled or financed by the Government.
 - (l) "Repealed Regulation" means the Federal Levies Regulation, 2012, repealed under section 15 of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTESTED

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

7. **Constitution of selection and promotion committees;** Government shall notify by selection and promotion committees for recruitment and promotion of employees of the Levies Force.

8. **Posting, Transfer 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 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 district administration and performing its legal mandated functions.

9. **Absorption;** (1) Notwithstanding anything contained in any other law for the time being enforce, the members of the Levies Force may be absorbed in the Police, subject to the procedure as may be determined by the 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 (amendment) service rules, 2013.

10. **Assistance and support to government functionaries;** On the requisition of the district administration, the commandant shall provide the 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 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 difficulties arose in giving effect to any of the provision of this Act. The Department may notify a committee to take a decision not inconsistent with the provision of this Act, as may appear to it to be necessary for the purpose of removing the difficulties.

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

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

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

SCHEDULE
[see section-1(3)]

Part-A

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

Part-B

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

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMJAD ALI)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME DEPARTMENT**

NOTIFICATION

Dated Peshawar the 14.07.2020

No. SQ/Police-II/HD/13. 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

GOVERNMENT OF KHYBER PAKHTUNKHWA HOME DEPARTMENT

NOTIFICATION

Dated Peshawar the 14.07.2020

No SO(Police-II)HD/1-3/- In exercise of the powers conferred by Section 9 of the Provincially Administered Tribal Area 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 Area Provincial Levies Force Rules, 2015, the following amendments shall be made, namely:

Amendments

In the said ruled, in rule 16,

- (a) For sub rule (1), the following shall be substituted, namely;
- (1) All uniformed force shall retire from service on amining the age of superannuation i.e sixty (60) years or they may opt for retirement after compellation 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 ministers secretariat Khyber Pakhtunkhwa Peshawar.
3. All administrative secretariats to government of Khyber Pakhtunkhwa .
4. Registrant 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 .
11. Accountant general of Khyber Pakhtunkhwa.
12. Director information Khyber Pakhtunkhwa .
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)



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Annex



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

NOTIFICATION

Peshawar, dated the 22-3-2021

No. SO/Police-III/HD/MKD/Levies/Misc./2020:- In exercise of the powers conferred by Section-9 of the PATA Levies Force Regulation, 2012, the Provincial Government of Khyber Pakhtunkhwa is pleased to direct that in the PATA Federal Levies Force Service (Amended) Rules, 2013, the following further amendments shall be made, namely:-

Amendments

In the said rules:-

1. In Rule 4, sub-rule (1), the following shall be substituted, namely:

"(1) Commandant shall be the appointing authority for initial recruitment and promotion up to the rank of Subedar;

Provided that the appointing authority for purpose of promotion to the posts of Subedar Major and Superintendents shall be Secretary, Home Department."

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 Howaldars. | Thirty Three Years Service or Seven Years Service as Naib Subedar or Sixty Years of age whichever is earlier |

ATTESTED

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

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

Copy forwarded to the:-

1. Principal Secretary to the Governor, Khyber Pakhtunkhwa.
 2. Principal Secretary to the Chief Minister, Khyber Pakhtunkhwa.
 3. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
 4. Registrar, Peshawar High Court, Peshawar.
 5. All Commissioners, Khyber Pakhtunkhwa.
 6. All Deputy Commissioners, Khyber Pakhtunkhwa.
 7. Provincial Police Officers, Khyber Pakhtunkhwa.
 8. All Heads of Attached Department in Khyber Pakhtunkhwa.
 9. PSO to the Chief Secretary, Khyber Pakhtunkhwa.
 10. Accountant General, Khyber Pakhtunkhwa.
 11. Direction Information, Khyber Pakhtunkhwa.
 12. The Manger Government Printing & Stationery Department, Khyber Pakhtunkhwa.
- He is requested to publish the above Notification in the Extra Ordinary Gazette of Khyber Pakhtunkhwa and supply 50 copies (Printed) of the same to the Home Department.

ATTESTED
Section Officer (Police-II)



(2) (58) Annx -
**OFFICE OF THE
DEPUTY COMMISSIONER / COMMANDANT LEVY FORCE,
KOHAT**

No. 462 /DS-KT/CMDT/LEVY-SEC:

Dated: 05/04/2021

OFFICE ORDER

In compliance with the Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Notification No. SO (Police-II) HD/MKD/Levics/Misc/2020, Dated: 22.03.2021 the following Personnel of District Kohat Levies Force, are hereby retired from service on attaining the age of retirement / completion of rank service, with effect from 22.03.2021 (A.N):-

| Ser. | Name | Designation | D.O.B | Age on 22.03.2021 YY-MM-DD | D.O.App | Service w.e.f App: Date YY-MM-DD | Retired w.e.f | Retired on account of |
|------|------------------|-------------|----------|----------------------------|----------|----------------------------------|---------------|-----------------------|
| ✓1. | Abdul Malik | Naik | 16-05-72 | 48-10-06 | 31-10-95 | 25-04-22 | 22.03.2021 | Age |
| 2. | Muhammad Uzair | L/Naik | 10-04-76 | 44-11-12 | 28-02-94 | 27-09-25 | 22.03.2021 | Service |
| ✓3. | Shafiq Ahmad | L/Naik | 01-04-72 | 49-11-21 | 10-03-96 | 25-09-12 | 22.03.2021 | Age |
| ✓4. | Nour Islam | L/Naik | 19-03-89 | 32-09-07 | 02-11-99 | 21-04-20 | 22.03.2021 | Age |
| 5. | Habibat Hussain | Sepoy | 01-07-66 | 54-08-21 | 01-12-05 | 35-03-21 | 22.03.2021 | Age |
| ✓6. | Shaukat Ali Shah | Sepoy | 01-07-70 | 42-08-21 | 31-03-00 | 29-11-22 | 22.03.2021 | Age |
| ✓7. | Abdur Rehman | Sepoy | 01-07-74 | 46-08-21 | 05-09-00 | 20-07-17 | 22.03.2021 | Age |
| 8. | Iqbal Khan | Sepoy | 23-12-62 | 58-02-30 | 02-11-00 | 20-04-20 | 22.03.2021 | Age |
| 9. | Gulab Sher | Sepoy | 14-02-63 | 58-01-00 | 05-08-00 | 20-07-17 | 22.03.2021 | Age |
| ✓10. | Muhammad Ijaz | Sepoy | 17-01-71 | 50-02-05 | 30-12-00 | 20-03-23 | 22.03.2021 | Age |
| ✓11. | Sher Bahadar | Sepoy | 28-10-70 | 50-04-25 | 03-07-02 | 18-08-19 | 22.03.2021 | Age |
| ✓12. | M. Sagheer Khan | Sepoy | 01-04-78 | 42-11-21 | 01-08-02 | 18-07-21 | 22.03.2021 | Age |
| ✓13. | Asif Sunny | Sepoy | 14-08-73 | 47-07-08 | 02-11-06 | 14-04-20 | 22.03.2021 | Age |
| 14. | Munir Hussain | Sepoy | 01-07-66 | 54-08-21 | 01-09-07 | 12-06-21 | 22.03.2021 | Age |
| ✓15. | Jawad Khan | Sepoy | 11-11-77 | 43-04-11 | 06-02-02 | 13-01-16 | 22.03.2021 | Age |
| 16. | Ian Muhammad | Sepoy | 01-07-69 | 51-08-21 | 08-07-10 | 10-08-14 | 22.03.2021 | Age |
| ✓17. | Liaqat Ali Khan | Sepoy | 01-07-73 | 47-08-21 | 08-07-13 | 10-08-14 | 22.03.2021 | Age |
| 18. | Aqeel Abbas | Sepoy | 05-07-67 | 53-08-17 | 08-07-10 | 10-08-14 | 22.03.2021 | Age |
| 19. | Ghan Mir | Sepoy | 03-03-71 | 50-08-19 | 08-07-10 | 10-08-14 | 22.03.2021 | Age |

✓20. Muz Kamal.

✓21. Naem Khan.

Deputy Commissioner,
Commandant Levy Force,
Kohat

Copy forwarded to:-

1. Commissioner Kohat Division, Kohat.
2. Assistant Commissioner, Kohat.
3. Accounts Officer, DC Office Kohat.
4. District Comptroller of Accounts, Kohat.
5. Section officer (Police-II) Home & Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
6. Section Officer (Budget), Home & Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar.
7. Officials Concerned.

ATTESTED

Deputy Commissioner,
Commandant Levy Force,
Kohat

TO, a

THE COMMISSIONER.
KOHAT DIVISION, KOHAT.

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DEPARTMENTAL APPEAL AGAINST RETIREMENT ORDER DATED 05/04/2021 OF DEPUTY COMMISSIONER, COMMANDANT LEVY FORCE, KOHAT FOR DISCRIMINATION, VIOLATION OF FUNDAMENTAL RIGHT AND NON OBSERVANCE OF NOTIFICATION DATED 14.07.2020 OF THE SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA HOME DEPARTMENT FOR RETIREMENT AND FOR RE-INSTATMENT OF THE APPELLANT ON HIS PREVIOUS POST.

.....
RESPECTED SIR!

Appellant submits as under:

1. That the Appellant was appointed as Sepoy on dated 02.11.2006 by your worthy department and has performed his duties on different locations with honesty and full devotion and has been a responsible, hard worker, skillful, dutiful, punctual and obedient District Levi Force.
2. That lastly the appellant was performing his duties at Deputy Commissioner Office Kohat when he came to know that the appellant had been enlisted in retired candidates from his service without any cogent reason.
3. That the Deputy Commissioner Commandant Levy Force, passed an order on dated 05.04.2021 whereby the appellant was shown retired from his service before attaining the age of superannuation i.e. 60 years. (Copy of the order dated 05.04.2021 is attached).
4. That the Secretary to Government of Khyber Pakhtunkhwa Home Department through Notification dated 14.07.2020, declared the that "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". (Copy of Notification dated 14.07.2020 is attached).


ATTESTED

(60)
5. That the order of the Hon'able Deputy Commissioner Kohat is against Notification dated 14.07.2020, So Appellant has not been treated in accordance with law, and appellant rights secured and guaranteed under the law and constitution have been violated.

6. That the discrimination as observed by this office with Appellant is highly deplorable and condemnable, being unlawful, unconstitutional, without lawful authority, without jurisdiction, against the norms of natural justice, equity and against the law on subject, hence liable to be declared void ab initio.

7. That the appellant is young, healthy and can still perform his duties with full devotion and responsibility is requesting for his re-instatement on his previous post.

8. That the action on the part of Hon'able Deputy Commissioner Kohat has been affecting adversely appellant financial rights as protected by the constitution and the Appellant be treated at par like other employees who are serving and as such to equally dealt in accordance with the law and rules.

It is therefore, most humbly prayed that on acceptance of the instant appeal an appropriate direction may please be issued and the appellant be reinstated on the post of Sepoy with all back benefits and any other relief not specifically prayed and to which the Appellant is found entitled may also be granted.

DATED: 04-05-2021

APPELLANT
Asif Sunny (Sepoy) District Kohat.

MOBILE No. _____


ATTESTED



61

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT
PESHAWAR

No SO(Police-II)/HD/MKD/Len/nes/II/misc/2
Dated, Peshawar the 22-3-2021

Annex

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

Encs. As above:-

Yours faithfully

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)/9-51/2021 dated 08-3-2021
- 2 Section Officer (D/AB), Home Department, with reference to the letter No. SO(D/AB)/HD/3-8/2020, 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

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Section Officer (Police-II)

ATTESTED

62 (68)

Annex M

FROM: COMMISSIONER

FAX NO. 9910210065

18 May 2021 1:25PM P1



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

SO (Police-II)/I-ID/2-1/2020/Malakand
Dated Peshawar the 18-5-2021

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 Marwat, 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)

ATTESTED

DZ (WJ)
18/5/2021

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

MINUTES OF THE MEETING OF 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

The subject meeting held under the Chairman Ship of Special Secretary-II Home department on 26-04-2021. The Following attended the meeting:

- i. Mr. Muhammad Amin Additional (Secretary) Security Home Department
- ii. Mr. Jehangir Azam DS (Police) Home Department
- iii. Mr. Muhammad Shoaib DC Dir Upper
- iv. Mr. Asghar Asad SO (Police) Home Department
- v. Mr. Sajid Ahmad, Secretary to Commission Kohat
- vi. Mr. Ghulam Mustafa Superintendent DC Dir Upper
- vii. Mr. Hakim Zada Superintendent DC Malakand
- viii. Mr. Razauallah Assistant DC Dir Upper

2. The chair started the meeting with the introduction of anomalies in the wake of recent amendments in levies Rules 2013. The representative of Commissioner Kohat highlighted that 103 officials of District Hangu, Karak and Kohat have been retired since issuance of fresh notification dated 22-3-2021. While representatives of Commissioner Malakand Division stated that total 598 levies officials have been retired since recent amendments in levies Rules 2013.

3. It was decided that a consolidated list of those levies officials who have been retired may be compiled by the representative of Commissioners Malakand/Kohat and may be shared with this forum.

4. The members of the committee raised the point that basic qualifications for recruitment for levy sepoy may be considered as Matric. Secondly the forum also decided that the pay scales of the levy officials which should be Up-graded and to remove the budget anomaly which have taken place after merger of levies in FATA

5. After threadbare discussions, the following further decision has been taken by the committee which will be placed before the competent forum for consideration/approval

Schedule - III

| S. No. | Name of the Post / Rank | Qualification for Promotion | Length of Service / Age |
|--------|---|---|---|
| 1 | Subedar Major (BS-16) Proposed (US-16) | On the basis of Seniority-cum-fitness from amongst the Subedars having Intermediate Qualification | Thirty Seven Years of service or Three Years' Service as Subedar Major or Sixty Years of age whichever is earlier |

[Signature]
ATTESTED

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

**MINUTES OF THE MEETING OF ANOMALY COMMITTEE HELD ON
26.04.2021 VIDE NOTIFICATION DATED 20.4.2021 UNDER THE
CHAIRMANSHIP OF SPECIAL SECURITY-II HOME DEPARTMENT
REGARDING FEDERAL LEVIES RULES 2013.**

The subject meeting held under the Chairmanship of Special Secretary-II Home department on 26.04.2021. The following attended the meeting:

- i. Mr. Muhammad Amin Additional (Secretary) Security Home Department.
- ii. Mr. Jehangir Azam DS (Police) Home Department.
- iii. Mr. Muhammad Shoaib Dc Dir Upper.
- iv. Mr. Asghar Asad SO (Police) Home Department.
- v. Mr. Sajid Ahmad, Secretary to Commissioner Kohat.
- vi. Mr. Ghulam Mustafa Superintendent DC Dir Upper.
- vii. Mr. Hakim Zada Superintendant DC Malakand.
- viii. Mr. Razaullah Assistant DC Dir Upper.

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remove the budget anomaly which have taken place after merger of levies in FATA.

5. After threadbare discussions, the following further decision has been taken by the committee which will be placed before the competent forum for consideration/approval.

Schedule -III

| S.No. | Name of the post/Rank | Qualification for promotion | Length of Service/Age |
|-------|---|---|---|
| 1. | Subedar Major (BS-16) Proposed (BS-16) | On the basis of Seniority cum fitness from amongst the Subedars having intermediate Qualification | Thirty Seven Years of service or Three Years Service as subedar Major of Sixty Years of age whichever is earlier. |
| 2. | Subedar (BS-13) Proposed (BS-14) | 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: Or If no intermediate qualified candidate is available, the SSC qualified amongst the Naib Subedars on seniority cum fitness | Thirty Five Years of service or Five Years service as Subedar or Sixty Years of age whichever is earlier. |

| | | | |
|---|--|--|--|
| 2 | Subedar (BS-13) Proposed (BS-14) | 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; OR If no intermediate qualified candidate is available, then SSC qualified amongst the Naib Subedars on seniority cum-fitness basis (ii) Fifty Percent (50%) from amongst Naib Subedars having Secondary School Certificate | Thirty Five Years of service or Five Years' service as Subedar or Sixty years of age whichever is earlier |
| 3 | Naib Subedar (BS-11) Proposed (BS-11) | By promotion, on the basis of Seniority Cum Fitness in the following manner, namely: (i) Fifty Percent (50%) from amongst the Hawaldars having Intermediate qualification; OR If no intermediate qualified is available, then SSC qualified amongst the Hawaldars on seniority cum-fitness basis (ii) Fifty Percent (50%) from amongst Hawaldars on seniority cum-fitness basis | Thirty Three Years' Service or Seven Years' Service as Naib Subedar or Sixty Years of age whichever is earlier |
| 4 | Hawaldar (BS-08) Proposed (BS-9) | | Thirty One years of service or Three years of service as Hawaldar or Fifty one years of age, whichever is earlier <u>Proposed amendment</u> Thirty one year service or fifty one year of age whichever is earlier |
| 5 | Naik (BS-07) Proposed (BS-8) | | Twenty Nine years of service or Three years of service as Naik or Forty eight years of age, whichever is earlier <u>Proposed amendment</u> Twenty nine year of service or forty five year age whichever is earlier |
| 6 | L/Naik (BS-06) Proposed (BS-8) | | Twenty Seven years of service or Three years of service as L/Naik or Forty Five years of age, whichever is earlier <u>Proposed amendment</u> Twenty seven year of service or forty seven year age whichever is earlier |
| 7 | Sepoy (BS-04) Proposed (BS-7) | Naik may be considered as minimum qualification for recruitment - | Twenty Five years of service or Forty five years of age, whichever is earlier. <u>Proposed amendment</u> Twenty five years of service or forty five year age whichever is earlier |

[Signature]
ATTESTED

| | | basis. | |
|----|--|--|---|
| 3. | Naib Subedar (BS-11) Proposed (BS-11) | By promotion On the basis of Seniority cum fitness in the following manner, namely: (i) Fifty Percent (50%) from amongst the Hawaldars having intermediate qualification: Or If no intermediate qualified candidate is available, then SSC qualified amongst the Hawaldars on seniority cum fitness basis | Thirty Three Years of service or Seven Years service as Naib Subedar or Sixty Years of age whichever is earlier. |
| 4. | Hawaldar (BS-08) Proposed (BS-9) | | Thirty one Years of service or three Years of service as Hawaldar or Fifty one Years of age whichever is earlier: <u>Proposed amendment</u> Thirty one year service or fifty one year of age whichever is earlier. |
| 5. | Naib (BS-07) Proposed (BS-8) | | Twenty Nine Years of service or three Years of service as Naik or Forty Eight Years of age whichever is earlier. <u>Proposed amendment</u> Twenty nine years of service or forty nine |

65 17

SCHEDULE-I

| S.No | Post/ Rank | Eligibility for promotion | Promotion Quota | Direct Quota | Qualification |
|------|----------------------------|--|-----------------|--------------|--|
| 1 | Subedar Major (BS-16) | 02 year service as Subedar or 19 years of service as such | 100% | | |
| 2 | Subedar (BS-13) | 02 year service as Naib Subedar or 19 years of service as such | 100% | | |
| 3 | Naib subedar (BS-11) | 04 year service as Hawaldar or 17 years of service as such | 100% | | |
| 4 | Hawaldar (BS-8) | 05 years of service as Naik or 13 years of service as such | 100% | | |
| 5 | Naik | 03 years as Naik or 08 years of total service as such | | | |
| 6 | Lance Naik | 05 years of service as sepoy | | | |
| 7 | Sepoy (BS-7) | | | 100% | |
| 8 | Head Armourer (BPS-5) | Five years' service as Assistant Armourer | 100% | | SSC Qualification with certificate of Armourer |
| 9 | Assistant Armourer (BPS-1) | | | 100% | SSC Qualification with certificate of Armourer |

6. The committee also observed that the length of service required for promotion is also less in each cadre which also leads to anomalies at the time of retirement.

7. The case will be sent to competent authority with consultation to law department that whether the amendments in Federal levies rules 2013 retrospective effect can be given to benefit those officers who have been retired vide notification of even No of Home department owing to amendment in levies rules.

The meeting ended with vote of thanks from and to the chair

[Signature]
ATTESTED

| | | | |
|----|-----------------------------------|---|--|
| | | | year age whichever is earlier. |
| 6. | L/Naik (BS-06) Proposed (BS-8) | | Twenty seven Years of service or three Years of service as L/Naik or Forty Five Years of age whichever is earlier. <u>Proposed amendment</u> Twenty seven years of service or forty seven year age whichever is earlier. |
| 7. | Sepoy (BS-05) Proposed (BS-7) | Matric may be considered as minimum qualification for recruitment. | Twenty Five Years of service or Forty Two Years of age whichever is earlier. <u>Proposed amendment</u> Twenty Five years of service or forty Five year age whichever is earlier. |

SCHEDULE-I

| S.No. | Post/Rank | Eligibility for promotion | Promotion Quota | Direct Quota | Qualification |
|-------|---------------------------|--|-----------------|--------------|---|
| 1. | Subedar Major (BS-16) | 02 year Service as Subedar or 19 years of service as such | 100% | - | - |
| 2. | Subedar (BS-13) | 02 year Service as Naib Subedar or 19 years of service as such | 100% | - | - |
| 3. | Naib Subedar (BS-11) | 04 year Service as Hawaldar or 17 years of service as such | 100% | - | - |
| 4. | Hawaldar (BS-8) | 05 year Service as Naik or 13 years of service as such | 100% | | |
| 5. | Naik | 03 year Lance Naik or 08 years of total service as such | | | |
| 6. | Lance Naik | 05 years of Service as Sepoy | | | |
| 7. | Sepoy (BS-7) | | - | 100% | |
| 8. | Head Armorer (BP-5) | Five years service as Assistant Armorer | 100% | | SSC Qualification with certificate of Armorer |
| 9. | Assistant Armorer (BPS-I) | | - | 100% | SSC Qualification with certificate of Armorer |

6. The committee also observed that the length of service required for promotion is also less in each cadre which also leads to anomalies at the time of retirement.

7. The case will be sent to competent authority with consultation to law department that whether with the amendments in Federal Levies Rules 2013 retrospective effect can be given to benefit those officials who have been retired vide notification of even No of Home Department owing to previous department in levies rules.

The meeting ended with vote of thanks from and to the chair.

66

Amend

A
BILL

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

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

It is hereby enacted by the Provincial Assembly of the Khyber Pakhtunkhwa as follows:

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

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

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

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

STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Provincially Administered Tribal Areas Levies Force Regulation, 2012 (Khyber Pakhtunkhwa Regulation No. 1 of 2012), for the purpose to re-instate the levies personnel, who have been retired in pursuance of the Home and Tribal Affairs Department's Notification No.MKD/MISC/2021, dated 22/03/2021, in order to provide them and their family financial assistance. Hence, this Bill.

—Peshawar,
dated the
22nd of 2021.

MINISTER-IN-CHARGE.

ATTESTED

Deputy Legislation Officer
Government of Khyber Pakhtunkhwa
Law Department

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To
The Secretary,
Provincial Assembly,
Khyber Pakhtunkhwa.

**SUBJECT: THE KHYBER PAKHTUNKHWA
PROVINCIALY ADMINISTERED TRIBAL
AREAS LEVIES FORCE (AMENDMENT) BILL,
2021.**

Dear Sir,

I have the privilege to state that I intend to introduce the Bill cited as subject and consequently I hereby give notice that I will move for leave to introduce the Khyber Pakhtunkhwa Provincially Administered Tribal Areas Levies Force (Amendment) Bill, 2021, in the coming session of the Provincial Assembly.

2. I further have the privilege to make the following motions at the time of consideration of the Bill by the Assembly:

- (a) that the Bill be taken into consideration at once; and
- (b) that the Bill be passed.




Peshawar,
dated the
27/10, 2021.

[Signature]
MINISTER-IN-CHARGE.

[Signature]
ATTESTED

Deputy Legislation Officer
Government of Khyber Pakhtunkhwa
Law Department

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| | |
|--|---|
|    | اڈریس: عبدالرحمن ہمدانی بار کونسل ایسوسی ایشن نمبر: 0611-10 رابطہ نمبر: 03005991598 |
| پشاور بار ایسوسی ایشن، خیبر پختونخواہ | |

بعدالت جناب: **حصید پختونخواہ سروس ٹریبونل پشاور**

| | |
|----------------------|-----------|
| Appellant منجانب: | دعویٰ: |
| آصف سنی | علت نمبر: |
| بنام | مورثہ: |
| حکومت وغیرہ | جرم: |
| | تھانہ: |

بات تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پشاور کیلئے عبدالرحمن ہمدانی کی طرف سے 7 کو مکمل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا ایجیل کی برآمدگی اور منسوخی، نیز دائر کرنے ایجیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پلہندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

Attested & Accepted
 المقدم: 03-01-2023
 المقدم: پشاور
 المقدم: پشاور
 المقدم: پشاور

نوٹ: اس وکالت نامہ کی فوٹو کاپی قابل قبول ہوگی۔

آصف سنی ولد لاطریع سنی جی او لیز ڈی جی آنس کوھاٹ
 CNIC: 14301-4643214-7