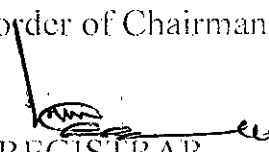


FORM OF ORDER SHEET

Court of _____

Case No.- _____

793/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/04/2023	<p>The appeal of Mr. Sabir Khan presented today by Mr. Adnan Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

CHECK LIST

1.	Case titled	Sabir Khan Vs. Government of KPK at Peshawar & others	
2.	Case is duly signed	Yes	
3.	Law under which the case is preferred has been mentioned	Yes	
4.	Approved file cover is used	Yes	
5.	Affidavit is duly attested and appended	Yes	
6.	Case and the annexure are properly paged and number according to the index	Yes	
7.	Case and the annexure are properly paged and numbered according to the index	Yes	
8.	Certified copies of all the requisite documents have been filed	Yes	
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court	Yes	
10.	Case is within time	Yes	
11.	That the value for the purpose of the court fee and jurisdiction has been mentioned in the relevant column	Yes	
12.	Court fee in shape of stamp is affixed (for writ 500, for others is required)	N/A	
13.	Power of attorney is in proper form	Yes	
14.	Memo of addresses is filed	Yes	
15.	List of books mentioned in the petition	Yes	
16.	The requisite number if spare copies attached	Yes	
17.	Case (Revision/Appeal/Petition etc./ is filed in a prescribed form	Yes	
18.	Power of attorney is attached by jail authority (for jail prisoners only)	NA	

It is certified that the formalities/documents as required in column 2 to 18 above have been fulfilled.

Name: Dr. ADNAN KHAN

Signature

Dated: 05-04-2023

FOR OFFICE USE ONLY

Case No. _____

Case Received on: _____

Complete in all respect: Yes/No (If no, the grounds) _____

Date in Court _____

Signature _____

Countersigned _____

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

Service Appeal No. 793 of 2023

Sabir Khan.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa and another

.....Respondents

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S. No.	Description	Annexure	Pages No.
1.	Memo of Service Appeal with Certificate		1-5
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3.	Addresses of parties		7
4.	Copy of Appointment Order	A	8
5.	Copy of relevant text of Service Rules notified in February 2013	B	9-12
6.	Copy of amended Rules notified in December 2013	C	13-14
7.	Copy of amendments notified in July 2020.	D	15-16
8.	Copy of amended Rules notified in March 2021	E	17-22
9.	Copy of retirement order	F	23
10.	Copy of memo of appeal/representation	G	24
12.	Copy of order 17-02-2023	H	25
13.	Wakalatnama		26

Appellant

Sabir Khan
Identified by counsels

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

&

Umar Sadiq Advocate High Court
Office: Adnan Law Associates,
Opposite Shuhada Park College Colony,
Saidu Sharif, Swat.
Cell No. 0346-9415233

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

Service Appeal No. 793 of 2023

Sabir Khan S/o Sardaraz Khan R/O Ouch Gharbi Tehsil
Adenzai, District Dir Lower [Sepoy No.1937]

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

On acceptance of this Appeal, **Notifications No. SO(Police-II)HD/MKD/Levies/Misc./2020 dated 22-03-2021 & No. SO (Police-II)HD/1-3/Federal Levies 2021 dated 21-10-2021** and subsequent orders dated 01-02-2023 & 17-02-2023 issued by respondent No.3 & 2 respectively may be declared as illegal and the same be set aside. Consequently, the appellant may be re-instated into service and held entitled to complete his service till attaining 60 years age in light of Notification dated 14-07-2020.

Alternatively, the impugned notifications may be declared to be ineffective upon the rights of the

appellant and he may be allowed to complete his service till attaining 60 years of age.

Respectfully Sheweth:

- 1) That the appellant has been serving as regular member of Levies Force having a considerable length of service at his credit (Copy of Appointment Order is Annexure "A").
- 2) That services of the appellant were initially regulated under the Federal Levies Force Rules, 1962, which were non-statutory.
- 3) That subsequently, the Governor Khyber Pakhtunkhwa, under the omitted Article 247(4) of the Constitution promulgated the PATA Levies Force Regulations, 2012. Consequently, the Provincial Government framed Service Rules for the Levies Force in 2013 (Copy of relevant text of Service Rules notified in February 2013 is Annexure "B").
- 4) That Schedule-III of the above mentioned Rules, which provided for length of service towards retirement had certain anomalies. Hence, the said Rules were amended in December 2013 and the above stated anomalies were removed to a larger extent (Copy of amended Rules notified in December 2013 are Annexure "C").
- 5) That the relevant Rules were further amended in July 2020. Regarding the length of service towards retirement, Rule 17 was amended to the effect that all Levies personnel shall retire from service on attaining the age of superannuation i.e Sixty Years. Furthermore, Schedule-III which provided for certain length of service, was deleted by virtue of the amendment (Copy of amendments notified in July 2020 are Annexure "D").
- 6) That the rules were further amended on 23-03-2021. Rule 17, which provided for retirement on reaching superannuation was again omitted and Schedule-III was

revived with certain amendments. (Copy of amended Rules notified in March 2021 and October 2021 are Annexure "E").

- 6) That the appellant got retired from service on reaching 45 years of service as prescribed by the above mentioned Rules vide office order dated 01-02-2023 (Copy of retirement order is attached as Annexure "F").
- 7) That the appellant filed representation against the above mentioned further amendments and retirement order (Copy of memo of appeal/representation is Annexure "G").
- 8) That respondent No. dismissed the appellant's representation vide order dated 17-02-2023, which order was received by the DC office on 01-03-2023 and process for informing the appellant was issued on the same day. Hence, the appellant received copy of the appeal dismissal order on 08-03-2023 (Copy of order 17-02-2023 is attached as Annexure "H").
- 9) That being aggrieved with the impugned notifications and subsequent retirement order, the instant appeal is being filed before this Hon'ble Tribunal, *inter alia*, on the following grounds:

GROUND:

- A) That the impugned act of amending the relevant Service Rules to the detriment of the appellant and subsequent retirement is illegal and un-Constitutional. Hence, the same acts are liable to be declared as such.

- B) That it is a settled law that service rules cannot be amended to the detriment of public sector employees. Even, if they are so amended, the same having prospective effect cannot be applied against the existing employees.
- C) That after the 25th Constitutional amendment, the new Constitutional regime demanded streamlining of the erstwhile Tribal Areas with the rest of the Province. So much so, Levies personnel serving in erstwhile FATA and Khasadar Force were accommodated to a larger extent where the Provincial Assembly passed an Act aimed at streamlining the service structure of Ex. FATA Levies Force. The Act not only provides uniform retirement age i.e 60 years for the whole Force but rather enjoins upon the Provincial Government to take steps towards absorption of the said Levies and Khasadars in regular police. Regrettably, the appellant have been treated in violation of the Constitutional spirit particularly after the 25th Constitutional amendment and subsequent orders.
- D) That further grounds, with leave of this Hon'ble Tribunal, would be raised at the time of oral submissions.

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

- (i) The impugned Notifications **No. SO(Police-II)HD/MKD/Levies/Misc./2020 & No. SO (Police-II)HD/1-3/Federal Levies 2021 dated 21-10-2021** and subsequent retirement order dated 01-02-2023 issued by respondent No.3 and appeal dismissal order dated 17-02-2023 issued by respondent No. 2 be declared as illegal, the same may be set aside. Consequently, the appellant may be held entitled to complete his service till attaining 60

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

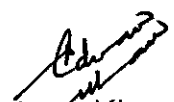
Alternatively, the impugned notifications may be declared to be ineffective upon the rights of the appellant and the appellant be allowed to complete his service till attaining 60 years of age.

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

Appellant

Sabir Khan

Identified by counsels


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

&


Umar Sadiq Advocate High Court

CERTIFICATE:

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

Appellant


Sabir Khan

6

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

Service Appeal No. _____ of 2023

Sabir Khan *Appellant*

VERSUS

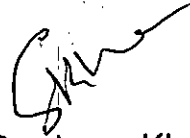
Government of Khyber Pakhtunkhwa and another

..... *Respondents*

AFFIDAVIT

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

DEPONENT



Sabir Khan S/o Sardaraz Khan

NIC#15302-0928273-3



ATTESTED



7

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

Service Appeal No. _____ of 2023

Sabir KhanAppellant

VERSUS

Government of Khyber Pakhtunkhwa and another

.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Sabir Khan S/o Sardaraz Khan R/O Ouch Gharbi Tehsil
Adenzai, District Dir Lower [Sepoy No.1937]
(NIC#15302-0928273-3) (Cell#03454583433)

RESPONDENTS:

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

Appellant

Sabir Khan
Identified by counsels

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

&

Umar Sadiq Advocate High Court

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OFFICE OF THE
DISTRICT COORDINATION OFFICER
DIR LOWER

No. _____ /A/10(LHC)

Dated Dherghara, the 26/02/2010

OFFICE ORDER.

The following persons are hereby appointed as
Sepoys in Dir Levies against the vacant posts with immediate effect
in the time pay Scale EP-5 (3340-160-8140) plus usual allowances as
admissible under the rules subject to the production of Health and
age Certificate from the MS DHO Hospital Dherghara.


- ✓ 1) Sabir Khan S/O Sardar Khan R/O West Guch Mullahi Bangal Tehsil Adenzai Distt: Dir Lower.
- 2) In'am S/O Hazrat Muhammad R/O West Guch Gally Bagh Tehsil Adenzai Distt: Dir Lower.
- 3) ~~Qasim S/O ...~~

District Coordination Officer
Dir Lower, at Dherghara.

No. _____ /A/10(LHC)

Copy Forwarded to the

- 1) District Accounts Officer Dir Lower at Dherghara.
 - 2) Subedar Major Dir Levies at Chakdara.
 - ✓ 3) Officials Concerned.
- For information and necessary action.


District Coordination Officer
Dir Lower, at Dherghara.



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DEPARTMENT

GAZETTE



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, 2007, 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 transfer;

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

Signature
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12/02/13

Signature

Signature CTC
Signature CTC

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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	NalbSubedar (BS-11)	32 years service or 03 years service as NalbSubedar or 54 years age whichever is earlier ✓
4	Havaldar (BS-8)	29 years service or 03 years service as Havaldar or 51 years age whichever is earlier ✓
5	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 ✓
	Sepoy (BS-5)	20 years service or 42 years age whichever is earlier ✓

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar the 4th February 2013

SERVICE RULES FOR FEDERAL LEVIES FORCE IN PATA

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

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

(2) They shall come into force at once.

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

- (a) "Appointing Authority" means the appointing authority specified in rule-4;
- (b) "Commandant" means Commandant of the Force, who shall be the Deputy Commissioner in their respective jurisdiction;
- (c) "Deputy Commandant (Operation)" means as Assistant Commissioner or any officer of the District designated as such by the provincial government who shall be Deputy Commandant (Operation) of the Force in PATA, to exercise in his respective jurisdiction such power and perform such functions as may be prescribed; and who shall be responsible to the Commandant for operational matters of the Force in PATA.
- (d) "Deputy Commandant (Administration)" means Deputy Commandant (Administration) of the Force, who shall be an officer of the provincial government or any officer of the District designated as such by the provincial government to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed and who shall be responsible to the Commandant in administration and establishment matters of the Force in PATA.
- (e) "Government" means the Government of Khyber Pakhtunkhwa;
- (f) "Home Department" means Provincial Home & 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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SCHEDULE-III
See Rule 17.

12

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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Home & Tribal Affairs Department
Dated Peshawar the 12th December, 2013

NOTIFICATION

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

Rule-4(2) Schedule-I

SCHEDULE-I
See Rule 4 (2)

S.No	Post/Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
	<u>Uniformed Force</u>				
	Subedar Major (SS-1)	One year service as Subedar	100%		
	Subedar (SS-23)	One year service as Naib Subedar	100%		
	Naib Subedar (BS-11)	One year service as Hawaldar	100%		
	Hawaldar (BS-8)	One year service as Nalk	100%		
	Nalk (BS-7)	One year service as Lance Nalk	100%		
	Lance Nalk (BS-6)	Five years' service as Sepoy	100%		Middle Matric
	Sepoy (BS-5)			100%	Middle Matric
	Head Armorer (BPS-5)	Five years' service as Assistant Armorer	100%		Middle Matric v of Armo
	Assistant Armorer (BPS-1)			100%	Middle Matric v of Armo

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

SCHEDULE-III

Rule-17 (Retirement)

Post/Rank	Length of service / age for retirement.
Subedar Major (BS-16)	37 years' service or 80 years of age whichever is earli
Subedar (BS-13)	35 years' service or 80 years of age whichever is earli
Naib Subedar (BS-11)	33 years' service or 60 years of age whichever is earli
Hawaldar (BS-8)	31 years' service or 60 years of age whichever is earli
Nalk (BS-7)	29 years' service or 60 years of age whichever is earli
Lance Nalk (BS-6)	27 years' service or 60 years of age whichever is earli
Sepoy (BS-5)	25 years' service or 60 years of age whichever is earli

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

NOTIFICATION

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

SCHEDULE-I
See Rule 4(2)

Uniformed Force					
S.No	Post/Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
1.	Subedar Major (BS-16)	One year service as Subedar	100%		
2.	Subedar (BS-13)	One year service as Naib Subedar	100%		
3.	Naib Subedar (BS-11)	One year service as Hawaldar	100%		
4.	Hawaldar (BS-8)	One year service as Naik	100%		
5.	Naik (BS-7)	One year service as Lance Naik	100%		
6.	Lance Naik (BS-6)	One year service as Sepoy	100%		
7.	Sepoy (BS-5)			100%	Middle Pass/Matric
8.	Head Armorer (BS-5)	One year service as Assistant Armorer	100%		Middle Pass/Matric
9.	Assistant Armorer (BS-1)			100%	Middle Pass/Matric

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

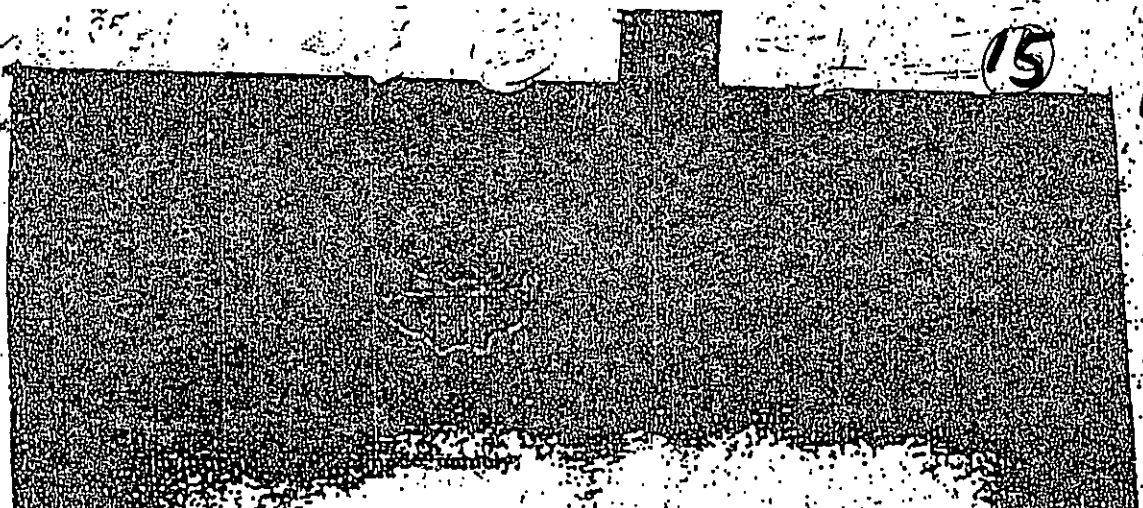
SCHEDULE -III
Rule -17 (Retirement)

S.No	Post/Rank	Length of service/age for retirement
1.	Subedar Major (BS-16)	37 years' of service or 60 years of age whichever is earlier
2.	Subedar (BS-13)	35 years' of service or 60 years of age whichever is earlier
3.	Naib Subedar (BS-11)	33 years' of service or 60 years of age whichever is earlier
4.	Hawaldar (BS-8)	31 years' of service or 60 years of age whichever is earlier
5.	Naik (BS-7)	29 years' of service or 60 years of age whichever is earlier
6.	Lance Naik (BS-6)	28 years' of service or 60 years of age whichever is earlier
7.	Sepoy (BS-5)	25 years' of service or 60 years of age whichever is earlier

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Amendments

14-07-2020

In the said rules:-

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

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA HOME DEPARTMENT

Copy forwarded to the:-

1. Principal Secretary to Government Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.
3. All Administrative Secretaries in Government of Khyber Pakhtunkhwa.
4. Registrar Peshawar High Court, Peshawar.
5. All Commissioners, Khyber Pakhtunkhwa.
6. All Deputy Commissioners, Khyber Pakhtunkhwa.
7. Provincial Election Commissioner, Khyber Pakhtunkhwa.
8. Provincial Police Officer, Khyber Pakhtunkhwa.
9. All Heads of Attached Departments in Khyber Pakhtunkhwa.
10. I/SO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
11. Accounts General in Khyber Pakhtunkhwa.
12. Director Information Khyber Pakhtunkhwa, Peshawar.
13. The Manager Government Printing & Stationery Department, Khyber Pakhtunkhwa.

It is requested to publish the above amendments in the Government Gazette of Khyber Pakhtunkhwa and supply 50 Copies (Printed) of the same in the Home Department.

Secretary

Handwritten initials and signatures, including "CTC" and "GFC".

RECEIVED TO... COPY... stamp at the bottom right.

BETTER COPY
HOME DEPARTMENT
NOTIFICATION
Dated Peshawar the 14-07-2020

16

No. SO (Police-IDHD/1-3: In exercise of the power conferred by Section 9 of the Provincially Administered Tribal Areas Levies Force Regulation 2012, the Government of the Khyber Pakhtunkhwa is pleased to direct that in the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013, the following further amendments shall be made, namely:

Amendments

In the said rules:-

a) Fro rule 17, the following shall be substituted, namely:

"17, Retirement.--- All Levies Personal shall retire from service on attaining then age of superannuation i.e sixty (60) years or they may opt for retirement after completion of twenty-five (25) years regular service, and

b) Schedule-III shall be deleted.

SECRETARY TO
GOVT: OF KHYBER PAKHTUNKHWA
HOME DEPARTMENT

Copy forwarded to:-

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

NOTIFICATION

Provision, dated the 22-1-2023

RO/Post-28/00001-2013/1012/2020

In exercise of the powers conferred by Section-8 of the PATA Local Force Regulation, 2012, the Provincial Government of Khyber Pakhtunkhwa is pleased to direct that in this PATA Federal Rules Force Service (Amended) Rules, 2013, the following further amendments shall be made, namely:-

Amendments

In the said rules:-

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

S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
1	Subedar Major (DG-16)	On the basis of Seniority 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 (DG-13)	By promotion, on the basis of Seniority Cum Fitness in the following manner: (i) PAF Personel (2023) from amongst the Subedars having intermediate qualification, and (ii) PAF Personel (2012) from amongst the Subedars having Secondary School Certificate	Thirty Two Years Service or Five Years Service as Subedar or Sixty years of age whichever is earlier
3	Head Constable (DG-11)	By promotion, on the basis of Seniority Cum Fitness in the following manner: (i) PAF Personel (2023) from amongst the Head Constables having intermediate qualification and (ii) PAF Personel (2012) from amongst Head Constables.	Thirty Three Years Service or Six Years Service as Head Constable or Sixty Years of age whichever is earlier.

FOR THE SECRETARY

SECRETARY, HOME DEPARTMENT

10/11/2023

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[Signature]

10/11/2023

Sl. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
4	Inspector (22-04)		Thirty One years service or Three years service as provided in Part One of the age, whichever is earlier
5	Constable (22-04)		Twenty Five years service or Three years service as provided in Part One of the age, whichever is earlier
6	Jathi (22-04)		Twenty Seven years service or Three years service as provided in Part One of the age, whichever is earlier
7	Boy (22-05)		Twenty Five years service or Three years service as provided in Part One of the age, whichever is earlier

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

Jobs Reserved 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. Magistrate, Peshawar High Court, Peshawar.
 5. All Commissioners, Khyber Pakhtunkhwa.
 6. All Deputy Commissioners & Revenue Commissioners.
 7. Provincial Police Officer, Khyber Pakhtunkhwa.
 8. All Heads of Attached Offices in Khyber Pakhtunkhwa.
 9. P.S.O to the Chief Secretary, Khyber Pakhtunkhwa.
 10. Assistant General, Khyber Pakhtunkhwa.
 11. Director, Information, Khyber Pakhtunkhwa.
 12. The Manager Government Printing & Stationery Department, Khyber Pakhtunkhwa.
- It is requested to publish the above notification in the Extra Ordinary Gazette of Khyber Pakhtunkhwa and copy 50 copies (prints) of the same to the Home Department.

Section Officer (Police-II)

[Signature]

CT-C



Better Copy

To be substituted notification of even No & date.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar, dated the 22-3-2021

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

Amendments

In the said rules:-

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:	Thirty Three Years' Service or Seven Years' Service as Naib Subedar or Sixty Years

[Handwritten signatures and initials]

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

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

Copy forwarded to the:-

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

Section Officer (Police-II)

C.T.C
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GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar, dated the 21-10-2021

NO. SO(POLICE-II)HD/1-3/FEDERAL LEVIES 2021:- In exercise of the powers conferred by Section-9 of the PATA Levies Force Regulation, 2012, and in continuation of this department notification No. SO(Police-II)HD/MKD/levies/Misc/2020 dated 22-03-2021, the Provincial Government of Khyber Pakhtunkhwa is pleased to direct that in the PATA Federal Levies Force Service (Amended) Rules, 2013, the following further amendments shall be made, namely:-

SCHEDULE-III

S. No.	Name of the Post / Rank	Length of Service / Age
1	Subedar Major (BS-16)	Thirty Seven Years of service or Three Years' Service as Subedar Major or Sixty Years of age whichever is earlier.
2	Subedar (BS-14)	Thirty Five Years of service or Five Years' service as Subedar or Sixty years of age whichever is earlier.
3	Naib Subedar (BS-11)	Thirty Three Years of Service or Seven Years' service as Naib Subedar or Sixty Years of age whichever is earlier.
4	Hawaldar (BS-09)	Thirty one years of service or fifty one year of age whichever is earlier.
5	Naik (BS-08)	Twenty nine years of service or forty nine years age whichever is earlier.
6	L/Naik (BS-06)	Twenty seven years of service or forty seven years age whichever is earlier.
7	Sepoy (BS-07)	Twenty five years of service or forty five year of age whichever is earlier.

SCHEDULE-I

S.N o	Post/ Rank	Eligibility for Promotion	Promotion Quota	Direct Quota	Qualification
1	Subedar Major (BS-16)	02 years' service as Subedar Or Total 21 years of service	100%		
2	Subedar (BS-14)	02 years' service as Naib Subedar Or Total 19 years of service	100%		
3	Naib Subedar (BS-11)	04 years' service as Hawaldar Or Total 17 years of service	100%		
4	Hawaldar (BS-09)	05 years' service as Naik Or Total 13 years of service	100%		
5	Naik (BS-08)	03 years' service as Lance Naik Or Total 08 years of service			
6	L/Naik (BS-06)	05 years' service as Sepoy			
7	Sepoy (BS-07)			100%	SSC
8	Head Armorer (BS-3)	05 years' service as Assistant Armorer	100%		SSC Qualification with Certificate of Armorer
9	Assistant Armorer (BS-1)			100%	SSC Qualification with certificate of Armorer

C.T.C

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA.

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Copy forwarded to the:-

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

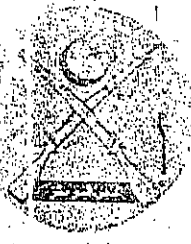
Section Officer (Police-II)

21/10/2024

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21/10/2024



(23)

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

No. 506 /LHC

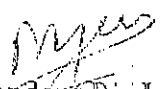
Dated Timergara the 01/02/2023.

Am.
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OFFICE ORDER

In pursuance of Notification No. SO(Police-II)/HD/1-3/2020/MKD/Levies Amended Service Rules 2021 Schedule-III dated 21-10-2021, issued by the Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department Peshawar. Sepoy Sabir Khan s/o Sardaraz Khan No. 1937 of Dir Levies is hereby retired from service on attaining the age of 45 years as Sepoy w.e.f 29/01/2023 (A.N), with full pension benefits admissible under the relevant rules.

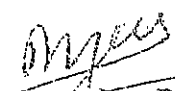
Necessary entry to this effect should be made in his service book/sheet roll accordingly.


Commandant Dir Levies/
Deputy Commissioner,
Dir Lower.

No. 507-13 /LHC

Copy forwarded for information to the:-

1. Secretary to Commission Malakand Division Swat.
2. Section officer (Police-II) Home & TAs Department: Peshawar.
3. Deputy Commandant/ Assistant Commissioner Adenzai.
4. District Accounts Officer Dir Lower.
5. Subedar Major Dir Levies.
- ✓ 6. Official Concerned.
7. Office file.


Commandant Dir Levies/
Deputy Commissioner,
Dir Lower.

C.T.C
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عنوان :- اول نظر رکھنے والے لیوینرزوں اور 2013 کے لیوینرز کے لیے 24-10-2021

جیات مالی :-

کراچی سے 26-04-2021 کو سیکرٹری ہوم ڈیپارٹمنٹ صاحب کے زیر
صدارت شاورین لیوینرزوں کے لیے 2013 کے بارے میں ایک اعلان مستند کیا جس میں دیگر سفارشات کے
علاوہ سیاہی رنگ کے لیے بالترتیب مدت ملازمت 25 سال سروس اور عمر کی حد 45 سال لائسنس ٹائیک کے لیے
27 سال سروس اور 47 سال عمر ٹائیک کے لیے 29 سال سروس اور 49 سال عمر جو والد کے لیے مدت ملازمت
31 سال جبکہ عمر کی حد 51 سال مقرر کرنے کی سفارش کی گئی ہے۔

جبکہ اس کے برعکس اوپر کے جین ریٹیکس صاحب بیدار منجھر، صوبیدار اور نائب صوبیدار کے
لئے عمر کی حد 60 سال برقرار رکھا گیا ہے۔ چونکہ سائل کو مورخہ 01-02-2023 صرف 13 سال سروس پر
45 سال کی عمر میں ریٹائر کیا گیا ہے۔ جو کہ لیوینرز ملازمین کے درمیان امتیازی سلوک کے مترادف ہے۔

لہذا بذریعہ درخواست استدعا ہے۔ کہ آپ صاحبان مہربانی فرما کر مذکورہ بالا حقائق کو
مد نظر رکھتے ہوئے۔ سیاہی رنگ کے لیے 25 سال مدت ملازمت اور عمر کی حد 60 سال، لائسنس ٹائیک کے لیے
27 سال سروس اور 60 سال عمر ٹائیک کے لیے 29 سال سروس اور 60 سال اور جو والد کے لیے 31 سال سروس
عمر 60 سال بر نظر ثانی کر کے ریٹائر ملازمین کے مطابق نوٹیفیکیشن مورخہ 21-10-2021 نوٹیفیکیشن کو منسوخ کرنے
اور سائل دوبارہ بحال کرنے کے احکامات صادر فرمائیں۔

تاجیات دغا گورینگے۔

Issue Branch, Home Deptt:

Diary No. 2889 Dated 27

Spt Secy

Add Secy

Deputy Secy

سرفہرست

التاریخ 03954583133

مورخہ :- 02-01-2023

صابر خان ولد سردار ازرا خان پبلٹ نمبر 1937 اسکے اوج عمر بی تحصیل ادیتوزنی ضلع دیپلو اور

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GOVERNMENT OF KHYBER PAKHTUNKHWA

Home & Tribal Affairs Department

Kachehri Gate # 3, Khyber Road, Peshawar, Phone: 091-9212147

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SO(L&K)/Dir Low/

Dated 17/02/2023

To

The Deputy Commissioner,
District Dir Lower.

Amer
'H'

Subject:- APPLICATIONS FOR REINSTATEMENT INTO SERVICE

Memo:

I am directed to enclose herewith copies of applications submitted by the following Ex-Levy Sepoy retired on dates as noted against each vide your office order No.386/LHC/ dated 10-01-2023 and No. 506/LHC dated 01-02-2023 and to state that since the officials have been retired in pursuance of Notification No. SO.(Police-II)HD/1-3/2020/MKD/Levies Amended Service Rules 2021 Schedule-III dated 21-10-202, therefore it is requested to kindly inform the applicants accordingly, please.

S.No	Name & Rank	Date of retirement
1	Sabir Khan Sepoy	Retired on 29-01-2023 on attaining the age of 45 years.
2	Saeed Ullah Sepoy	Retired on 03-01-2023 on attaining the age of 45 years

Encl (As above)

Yours Sincerely,

(HAKHEM JAN)
Section Officer (L&K)

Copy to :

PS to Secretary Home & Tribal Affairs Department

Supd / Dir Levies put up

Section Officer (L&K)

24/2/23 979 L
11/3/2023

LHC process sd

DC Dir (L)
28/02/2023

1/3

C-T-C

1/3

کورٹ فیس

قیمت ایک روپیہ

مورخہ

3 اپریل

مقدمہ

صابر خان

دعویٰ

جرم

سروس اپیل

پشاور 2023
بنام، حکومت دغمبرہ

باعث تحریر آئنگہ

مقدمہ مندرجہ بالا میں اپنے طرف سے واسطے بیروی و جواب دی وکل کاروائی متعلقہ آن

مقام پشاور ہائی کورٹ سوات کیلئے پٹر مٹھان خان ASC عمر صادق ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب

کو راضی نامہ و تقرر حالت و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر

اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم بیروی یا ڈگری ایک طرف یا اپیل کی برآمدگی اور منسوخ دائر

کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے

واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ

بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ

التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی

اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی بیروی مقدمہ

مذکور لہذا وکالت نامہ لکھ دیا کہ سندر ہے

23

اپریل

ماہ

3

المرقوم

گواہ شدہ

کے لئے منظور ہے

Umar Sodwa

بمقام بینام کلمہ کورٹ سوات

Barrister
Dr. Adnan Khan
Advocate Supreme Court of Pakistan