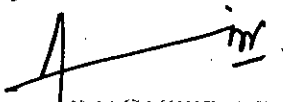


FORM OF ORDER SHEET

Court of

Appeal No. 1288/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/06/2023	<p>The appeal of Mr. Zoor Mast presented today by Mr. Hassam Raoun Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>09-06-2023</u>.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1288 /2023

ZOOR MAST VS GOVERNMENT OF KPK ETC

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4.	Copy of the Regulation, 2013	"A-1"	9-20
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6.	Copy of relevant notification no. 4476/GB	C	26-27
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APPELLANT

THROUGH:

HASSAM RAOON
LLM UK
ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1289 /2023

Zoor Mast s/o Akbar Khan r/o Mohalla Mardankheil, Matkaney, Tehsil Batkheila, District Malakand

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Commissioner/Commandant Malakand Levies, District Malakand
- 4- The District Police Officer, District Malakand

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ISSUANCE OF THE IMPUGNED NOTIFICATION DATED 22-03-2022 WHEREBY THE APPELLANT BEING A CIVIL SERVANT IS BEING PRE MATURELY RETIRED FROM SERVICE ON REACHING 33 YEARS OF SERVICE AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this service appeal the impugned notification dated 22.-03-2022, be declared as unconstitutional, void ab initio and ineffective upon the rights of the appellant. That the respondents may very kindly be directed not to retire the appellant pre maturely on reaching 33 years of service. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:-

1- That the appellant is the bona fide & law abiding citizen of Pakistan. The appellant was initially appointed as Sepoy, later on he was promoted to the rank of Lance Naik, then to the rank of Naik, Hawaldar and then later Naib Subedar (BPS-11) in the respondent department and was performing his duty on different positions.

(Copy of Pay Slip is attached as annexure "A").

2- That it is important to mention here that the appellant's terms and conditions of service, prior to the promulgation of the 25th Constitutional Amendment Act, were regulated by the PATA Levies Force Regulation, 2012 (hereafter to be called Regulation of 2012) read with the PATA Federal Levies Force Service (Amendment) Rules, 2013 (hereinafter to be called Regulation of 2013) and vide Rule 17 read with schedule-III of the Regulation, 2013 the retirement age was specified.

Copy of the Regulation, 2013 is attached as Annexure "A-1"

3- That after the promulgation of the 25th Constitutional Amendment, the then FATA and PATA were merged in to the province of Khyber, Pakhtunkhwa and the Forces were also absorbed into the regular Police of Khyber Pakhtunkhwa through different enactments. Similarly the Levies Forces of the then PATA were also absorbed in the Khyber Pakhtunkhwa Police vide Section 9 of the Khyber Pakhtunkhwa Levies Force Act, 2019. It is important to mention here that according to Section 9 (2) of the Act ibid until the absorption in the Police, the Levies Force terms and conditions shall be governed by the Regulation of 2013.

Copy of the Khyber Pakhtunkhwa Levies Force Act, 2019 is attached as Annexure "B"

- 4- That according to this subject act, the services of petitioner were absorbed and he was re-designated as Assistant Sub-Inspector (BPS-11) vide notification No.4476/GB.

(Copy of relevant notification no. 4476/GB is attached as appendix "C")

- 5- That it is pertinent to mention here that through notification the Khyber Pakhtunkhwa Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules 2019 (hereinafter to be called Absorption Rule, 2019) was promulgated and vide section 3 of the Rules ibid the Levies Force absorbed permanently in the Khyber Pakhtunkhwa Police meaning there by, the Regulation of 2012 and Regulation 2013 and all the rules and notification issued under the old rules and regulation became ineffective and inoperative over the appellant as well as over all the forces of the PATA and the Civil Servant Act, 1973, the Police Act, 2017 and the Police Rules, 1975 became operative over the appellant and other Levies Forces.

- 6- That astonishingly the respondent No.2 issued the impugned notification dated 22.03.2022 whereby the retirement age of the then Levies Force now Police Force has again been determined as per the regulation, 2013 despite the fact that the Regulation 2013 has no legal status after the promulgation of the Absorption Rule 2019 as the Levies Force has attain the status of the regular police and are now absorbed permanently, so the notification dated 22.03.2022 is null and void ab-initio and is issued by an incompetent authority.

Copy of the impugned notification dated 22.03.2022 is attached as Annexure "D"

- 7- That in light of the impugned notification dated 22.03.2022 the appellant will stand retired from service on reaching the age of 33 years of service on 12-06-2023. It is noteworthy to mention that the appellant has now attained the status of civil servant and the respondents have no authority to retire the appellant prior to reaching the age of superannuation i.e. 60 years.

8- That the appellant feeling aggrieved from the impugned service rule/notifications dated 22.03.2022, preferred departmental appeal dated 04-03-2023 but no response has been given till date.

Copy of the Departmental Appeal is attached as Annexure "E"

9- That the appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

A- That the impugned notification dated 22.03.2022 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That the appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 3, 4, 10-A and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That the impugned notification dated 22.03.2022 is issued under the regulation of 2012 and amended service rules 2013 but both of these regulations were declared as inoperative after the promulgation of the 25th constitutional amendment Act and the absorption Rules, 2019 so the notification is null and void.

D- That the treatment meted out to the appellant is clear violation of the Fundamental Rights of the appellant as enshrined in the Constitution of Pakistan, 1973.

E- That the appellant has been discriminated by the respondents on the subject noted above and as such the respondents violated the principle of Natural Justice.

- F- That under section 13 of Khyber Pakhtunkhwa Civil Servant Act, 1973 the age of retirement of a civil servant has been prescribed, so the act of the respondents by issuing the impugned notification dated 22.03.2022 is illegal and unconstitutional.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

Dated:- 08/06/2023

APPELLANT
ZOOM MAST
THROUGH:
HASSAM RAOON
LLM UK
ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. _____/2023

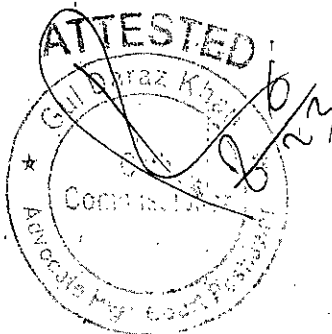
Zoor Mast

V/s

Government of Kpk through Chief Secretary etc

AFFIDAVIT

I, Zoor Mast S/o Akbar Khan, District Malakand, do hereby solemnly affirm and declare on Oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.



DEPONENT

6A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. _____/2023

Zoor Mast

V/s

Government of Kpk through Chief Secretary etc

APPLICATION FOR SUSPENSION OF THE IMPUGNED NOTIFICATION DATED 22/03/2022 AND RESTRAINING THE RESPONDENTS FROM RETIRING THE APPELLANT FROM HIS SERVICES, TILL THE FINAL DECISION OF THE INSTANT SERVICE APPEAL.

Respectfully Sheweth:-

- 1. That the above noted Service Appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.*
- 2. That the appellant has got a good prima facie case in his favour, and is sanguine about its success.*
- 3. That the balance of convenience also lies in favour of the appellant.*

6B

4. That if the Notification dated 22/03/2022 is not suspended, than the appellant will suffer irreparable loss.
5. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned notification dated 22/03/2022 may kindly be suspended, till the final decision of the service appeal.

Dated:- 08/06/2023

APPELLANT
Zoor Mast
THROUGH:
HASSAM RAQON
LLM UK
ADVOCATE HIGH COURT

AFFIDAVIT

I, Zoor Mast the appellant, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. _____ /2023



Zoor Mast

V/s

Government of Kpk through Chief Secretary etc

ADDRESSES OF PARTIES

APPELLANT

Zoor Mast s/o Akbar Khan r/o Mohalla Mardankheil, Matkaney, Tehsil Batkheila, District Malakand

RESPONDENTS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Home and Tribal Affairs Department. Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Commissioner/Commandant Malakand Levies, District Malakand
- 4- The District Police Officer, District Malakand

Dated:- 08/06/2023

APPELLANT

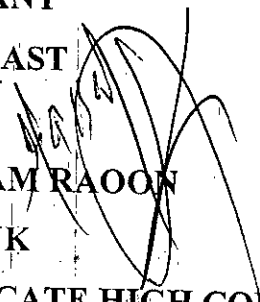
ZOOR MAST

THROUGH:

HASSAM RAOON

LLM UK

ADVOCATE HIGH COURT



Government of Khyber Pakhtunkhwa
District Accounts Office Malakand
Monthly Salary Statement (April-2023)



Appendix: (A)

Personal Information of Mr ZOOR MAST d/w/s of AKBAR KHAN
Personnel Number: 00243200 CNIC: 1540286410809
Date of Birth: 12.06.1968 Entry into Govt. Service: 12.06.1990

NTN: Length of Service: 32 Years 10 Months 020 Days

Employment Category: Active Temporary

Designation: ASSISTANT SUB INSPECTOR
DDO Code: MD4294-Levics Malakand

80877509-GOVERNMENT OF KHYBER PAKH

Payroll Section: 003

GPF Section: 003

Cash Center: 06

GPF A/C No: ML MD001843

Interest Applied: Yqs

GPF Balance:

454,520.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For + 2022

Pay Scale Type: Civil [BPS: 11]

Pay Stage: 18

Wage type		Amount	Wage type		Amount
0001	Basic Pay	42,230.00	1001	House Rent Allowance 45%	2,778.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1547	Ration Allowance	681.00	1567	Washing Allowance	150.00
1646	Constabulary R Allowance	500.00	1902	Special Incentive Allowance	775.00
1911	Compen Allow 20% (1-15)	1,000.00	1933	Special Risk Allowance	4,000.00
2168	Fixed Daily Allowance	2,730.00	2814	Risk Allow Police - 2021	8,600.00
2347	Adhoc Ref Al 15% 22(PS17)	4,130.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3011	GPF Subscription	-1,070.00	3530	Police welf: Fud BS-1 to 18	-845.00
3534	R. Ben & Death Corhp Fresh	-600.00	3609	Income Tax	-1,413.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 9,700.10 Recovered till April-2023: 6,877.00 Exempted: 0.96 Recoverable: 2,824.06

Gross Pay (Rs.): 71,930.00 Deductions: (Rs.): -3,928.00 Net Pay: (Rs.): 68,002.00

Payee Name: ZOOR MAST

Account Number: 4224-2

Bank Details: HABIB BANK LIMITED, 221139 TOTAKAN, MALAKAND, TOTAKAN, MALAKAND., MALAKAND

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MATKANI

City: MALAKAND

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email:

Housing Status: No Official

ATTESTED

(288590/27.04.2023/13:25:26) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted.

FEDERAL LEVIES FORCE (AMENDED) SERVICE RULES, 2013

9

Annexure "A-1"

pakistanlawyer.com/2016/06/27/federal-levies-force-amended-service-rules-2013/

admin

June 27, 2016



NOTIFICATION

FEDERAL LEVIES FORCE (AMENDED) SERVICE RULES, 2013

th June, 2013]

S.R.O. 580 (I)/2013, dated 8.4.2013.—In exercise of the powers conferred by Section 10 of the Federal Levies Force Regulation, 2012 the Federal Government is pleased to make the following rules, namely;-

1. **Short title and commencement.**—(1) These rules may be called Federal Levies Force (Amended) Service 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 meanings 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 Political Agent of the Agency or, as the case may be, Deputy Commissioner for FRs in their respective jurisdiction;
 - (c) "Director-General" means an officer appointed as such by the Federal Government, to exercise such powers and functions as may be prescribed;
 - (d) "Director" means an officer appointed as such by the FATA Secretariat who shall have practical experience of civil administration in tribal areas and who shall exercise such powers and functions as may be prescribed;
 - (e) "Deputy Commandant (Operations)" means an Assistant Political Agent of a Sub-Division or an Agency or FR or any officer of the District designated as such officer by the Provincial Government, who shall be Deputy Commandant (Operations) of the Force in

their respective jurisdiction to exercise such powers and functions as may be prescribed; and

(f) "Deputy Commandant (Administration)" means an officer of Federal or Provincial civil service or any officer of the District designated as such officer by the Provincial Government in their respective jurisdiction to exercise such powers and functions as may be prescribed and who shall be responsible to the Commandant for administrative and establishment matters of the Force;

(g) "FR" means Frontier Regions;

(h) "Government" means the Federal Government;

(i) "initial recruitment" means appointment made other than by promotion or by transfer from other services;

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

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

(l) "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 Federal 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. The following conditions shall also be fulfilled, namely:—

(a) A candidate for appointment shall be a citizen of Pakistan and *bona-fide* resident of the respective district, agency or Frontier Region, as the case may be;

(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 or Agency Headquarters Hospital shall issue a certificate of medical fitness of the candidate;

(d) Recruitment to all ranks of the Force shall be made from amongst those persons having a minimum height 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 or Academic Officer of the academic institution last attended and also 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 a 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 or promotion of the Force personnel.

(2) Appointment to the post shall be made in accordance with the provision 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 Federal Government;

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

5. **Probation.**—(1) 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 are selected. Initially, the Appointing Authority shall arrange for appropriate training till a proper Levies Training Centre 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 Commandant.

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 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 Agency/FR/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 Force shall be liable to serve anywhere in their respective District, Agency or Frontier Region. An officer of the force may be transferred to any other District, Agency or Frontier Region in the public interest.

10. **Punishment.**—After satisfying himself regarding punishable act (as referred to in Schedule-II) through a charge duly framed in writing necessary punishment specified in Schedule-III shall be awarded by the respective authority:

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

11. **Appeal.**—If any personnel for 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 be lie against the punishments specified at S. No. (1) and (2) of Schedule-III.

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 or Agency or Frontier Region. 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 *barrete* 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.

(2) Casual leave may be allowed upto three days by the Subedar Major. Casual leave upto 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-IV 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 Federal 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 service 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.**—(1) 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.

(2) A special welfare funds for Force personnel shall be created by the Government at Federal level with monthly contribution from all Force personnel at the rate as prescribed by the Commandant, which shall be utilized for the general welfare of Force personnel and their families.

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 the 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 Federal Government.

(2) There shall be levy line in each District, Agency or Frontier Region which shall have all necessary facilities including parade ground, barracks, quarter guards, koth/armory 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 Muharrir.

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

(5) Registers including roznamchas as prescribed by the Commandant shall be maintained in every 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 levy 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 (Operation) by in-charge of the Post/Station within twenty four hours for appropriate action.

24. Anomalies.—An Anomaly Committee duly constituted/notified shall be set up in the States & Frontier Regions Division 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 Federal Levies Force, immediately before the commencement of these rules shall stand repealed in so far as those rules, orders or instructions are inconsistent with the rules.

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)	Three years service as Subedar	100%	—	—
2.	Subedar (BS-13)	Three years service as Naib Subedar	100%	—	—
3.	Naib Subedar (BS-11)	Three years service as Havaldar	100%	—	—
4.	Havaldar (BS-8)	Three years service as Naik	100%	—	—
5.	Naik (BS-7)	Three years service as Lance Naik	100%	—	—
6.	L/Natk (BS-6)	Three years service as Sepoy	100%	—	—
7.	Sepoy (BS-5)	—	—	100%	Middle pass preferably Matric
8.	Head Armourer BPS-5	5 years service as Assistant Armourer	100%	—	Middle pass preferably Matric with Certificate of Armourer
9.	Assistant Armmourer BPS-1	—	—	100%	Middle pass preferably Matric with Certificate of Armourer

B. Ministerial Staff

S. No.	Post/Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
10.	Assistant (BS-14)	KPO/Computer Operator/Senior Clerk/Junior Clerk (i) Minimum five years service as KPO/Computer (ii) Five years service as Senior Clerk (iii) Seven 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 in to service
11.	KPO/Computer Operator (BPS-12)	—	—	100%	Intermediate with one year diploma in IT from a recognized institute
12.	Senior Clerk (BS-9)	Five years service as Junior Clerk	100%	—	F.A. or equivalent (Preferably know Typing/ Computer)
13.	Junior Clerk (BS-7)	—	10% from lower staff with Matric	90%	Matric with a typing speed of 30 w.p.m./ preferably Computer literate
14.	Behishti (BS-5)	—	—	100%	Literate.
15.	Driver (BS-5)	—	—	100%	Driving License/ Driving Experience
16.	Pesh Imam (BS-2)	—	—	100%	Moulyj Fazil
17.	Tracker (BS-2)	5 years service in BS-1	10%	90%	Primary Pass

17

18.	Najib Qasid (02)	—	—	100%	—
19.	Sweeper (BS- 2)	—	—	100%	Literate

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 duty, breach of order, disobedience, unruly behavior, passing on official secrets to unauthorized persons, etc;
- (c) is corrupt, or may reasonably be considered as corrupt;
- (d) is guilty of any violation of duty;
- (e) losses, misplaces or causes harm to a weapon through insubordinate or lack of maintenance;
- (f) is insubordinate to his superiors;
- (g) is convicted of a criminal offense;
- (h) is guilty of cowardice, or abandons any piquet, 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) attempt collective bargaining, conspiring or attempting to call off duty or take procession to press for the demands, or is guilty of omission and commission under the law and rules;
- (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, leave his commanding officer, or his post or party, to go in search of plunder; or
- (p) Quits his guard, piquet, party or patrol without being regularly relieved or without leave; or
- (q) User criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp of quarters, for plunder, or plunders, destroys, or damages any property of any kind; or
- (r) Internally causes or spreads of false alarm or rumor during action or in post, camp, lines, or quarters.

SCHEDULE-III

(see Rules 10)

Punishment and Competent Authority

S. No.	Punishment	Subedar Major & Subedar	Naib Subedar or Havuldar	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-	Commandant	Commandant	Commandant

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 low rank or reduction in pay	-do-	-do-	-do-	-do-
9.	Dismissal or removal from service or compulsory retirement	-do-	-do-	-do-	-do-

SCHEDULE-IV

(SEE Rules 17)

S. No.	Post/Rank	Length of service/age
1.	Subedar Major (BS-16)	38 years service or 03 years service as Subedar Major or 60 years of age whichever is earlier
2.	Subedar (BS-13)	35 years service or 03 years service as Subedar or 57 years of age whichever is earlier
3.	Naib Subedar (BS-11)	32 years service or 03 years service as Naib Subedar or 54 years of age whichever is earlier

4.	Havaldar (BS-8)	29 years service or 03 years service as Havaldar or 51 years of age whichever is earlier
5.	Naik (BS-7)	26 years service or 03 years service as Naik or 48 years of age whichever is earlier
6.	L/Naik (BS-6)	23 years service or 03 years service as L/Naik or 45 years of age whichever is earlier
7.	Sepoy (BS-5)	20 years service or 42 years age whichever is earlier



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 16th SEPTEMBER, 2019.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 16th September, 2019.

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

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

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

AN
ACT

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

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

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

Attested
[Signature]

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;

Allotted
Jadh

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attested
[Signature]

(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.

Accepted
J. J. J.

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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. 11) 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

A. C. S. J. J. J.



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26

Annexure "C"

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

NOTIFICATION

Dated Peshawar the 29/08/2010

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

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

-Sd/-

MUHAMMAD NAREEM KHAN, D.O.
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Enclst: No. & date even.

Copy forwarded to the:-

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

ATTESTED

(SADIQ BAY SOFI)
AC/Estab/Secy
For Inspector General of
Khyber Pakhtunkhwa, Peshawar.

(27)

BETTER COPY PG NO.

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

NOTIFICATION

Dated Peshawar the 29/05/20

No 4476/-GB the provincial Police officer, Khyber Pakhtunkhwa is pleased to re-designate the following ranks of Levies and Khasadar forces for the purpose of the induction / absorption in khyber Pakhtunkhwa Police with immediate effect:-

S No.	From Rank in Levies/ Khasadar	To Ranks in Police
1	Sepoy	Constable (BPS-07)
2	Lance Naik	Constable-A1 (BPS-07)
3	Naik	Constable B-1, LHC (BPS-07)
4	Hawaldar	Head Constable (BPS-09)
5	Naib Subedar	Assistant Sub Inspector (BPS-11)
6	Subedar	Sub Inspector (BPS-14)
7	Subedar Major	Inspector (BPS-16)

-sd/-

MUHAMMAD NAEEM KHAN, Dr. PS
Inspector General of Police
Khyber Pakhtunkhwa
Peshawar

Endst: No. & date even.

Copy forwarded to the

1. Secretary establishment, Govt of Khyber Pakhtunkhwa, Peshawar.
2. Secretary Finance. Govt of Khyber Pakhtunkhwa, Peshawar
3. Secretary Home and Fool Affairs Department Govt of Khyber Pakhtunkhwa Peshawar
4. All heads of Police, Khyber Pakhtunkhwa
5. PSO to iGP Khyber Pakhtunkhwa, Peshawar
6. Registrar CPO

(SADIQ BALOCH)
AIG/Establishment
For Inspector General Khyber
Pakhtunkhwa
Peshawar

Attested
Yasir
29/05/20

28

Annexure "D"



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar, dated the 22-03-2022

NO. 50(POLICE-II)HD/1-3/FEDERAL LEVIES, 2021:- In exercise of the powers conferred by Section 4 of the PATA Levies (Amendment) Rules, 2012, and in continuation of this department's notifications No. 50 (Police-II) HD/1-3/Levies/ Misc/2020 dated 22-03-202, No. 50(Police-II)HD/1-3/Federal Levies 2021 dated 21.10.2021, the Provincial Government of Khyber Pakhtunkhwa is pleased to direct that in the PATA Federal Levies (Amendment) Rules, 2013, the following further amendments shall be made, to-wit:

SCHEDULE-III

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

SCHEDULE-I

S. No	Post/ Rank	Eligibility for Promotion	Promotion Quota	Direct Quota	Qualification
1	Subedar Major (BS-16)	02 years' service as Subedar OR Total 21 years of service	100%	NIL	F.A/ Intermediate Qualification
2	Subedar (BS-14)	02 years' service as Naib Subedar OR Total 19 years of service	100%	NIL	50% from Naib Subedar with FA Qualification, 50% Matric Education
3	Naib Subedar (BS-11)	04 years' service as Havildar OR Total 17 years of service	100%	NIL	50% from Havildar with Matric qualification, 50% from Havildar on Seniority
4	Havildar (BS-09)	05 years' service as Nak OR Total 13 years of service	100%	NIL	On the basis of Seniority
5	Nak (BS-08)	03 years' service as Lance Nak OR Total 08 years of service	100%	NIL	On the basis of Seniority
6	L/Nak (BS-08)	05 years' service as Sepoy	100%	NIL	On the basis of Seniority
7	Sepoy (BS-07)	By Tribal Recruitment	NIL	100%	SSC

SECRETARY
HOME & TRIBAL AFFAIRS DEPARTMENT

Copy forwarded to the:

1. All Deputy Commissioners, Khyber Pakhtunkhwa.
2. PS to Secretary Home & TA's Department Khyber Pakhtunkhwa.

ATTESTED

Section Officer (Police-II)
22-03-2022

(29)

BETTER COPY PG NO.

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

NOTIFICATION

Peshawar, Dated the 22/03/2022

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 departmental notification No. SO (POLICE-II) HD/MKD/Levies/ misc/2020 dated 22.03.2022. No. SO (Police-II) HD/1-3/Federal Levies 2021, Dated 21-10-2021, 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 years of service OR three years' Service as Subedar Major OR Sixty years of age whichever is earlier
2	Subdar (BS-14)	Thirty years of Service OR Five years' service as Subedar OR Sixty years of age whichever is earlier
3	Naib Subedar (BS-11)	Thirty years of Service OR Seven years' service as Naib Subedar OR Sixty years of age whichever is earlier
4	Hawaladar (BS-09)	Thirty one years of service OR Fifty one years of age whichever is earlier
5	Naik (BS-08)	Twenty Nine years of service OR Forty nine years of age whichever is earlier
6	L/Naik (BS-08)	Twenty seven years of service OR forty seven years age whichever is earlier
7	Sepoy (BS-07)	Twenty five years of service OR Forty five years of age whichever is earlier

SCHEDULE-I

S No.	Post / Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
1	Subedar Major (BS-16)	02 years' Service as subedar OR Total 21 years of service	100%	NIL	F.A/ Intermediate Qualification
2	Subdar (BS-14)	02 years of service as Naib Subedar OR Total 19 years of service	100%	NIL	50% From Naib Subedar With F.A Qualification. 50% Matric Education
3	Naib Subedar (BS-11)	04 years' service as Hawaladar OR Total 13 years of service	100%	NIL	50% From Hawaladar with Matric Qualification. 50% From Hawadars on Seniority
4	Hawaladar (BS-09)	05 years' service as Naik OR Total 13 years of service	100%	NIL	On the basis of seniority
5	Naik (BS-08)	03 years' service as Lance Naik OR Total 08 years of service	100%	NIL	On the basis of seniority.
6	L/Naik (BS-08)	05 years' service as Sepoy	100%	NIL	On the basis of Seniority
7	Sepoy (BS-07)	By initial recruitment	NIL	100%	SSC

**SECRETARY
HOME AND TRIBAL AFFAIRS
DEPARTMENT**

Copy forwarded to the:

1. All Deputy Commissioners, Khyber Pakhtunkhwa
2. PS to Secretary Home & TA's Department Khyber Pakhtunkhwa

Section officer (Police-II)

[Handwritten signatures]

TO,

THE DEPUTY COMMISSIONER/
COMMANDANT LEVIES
DISTRICT MALAKAND

Levy Deptt
Place on file
Appendix (D)
4/15/23

Subject: Appeal against the impugned notification dated 22-3-2022 wherein the appellant/undersigned is being prematurely retired from the service on reaching 33 years of service on 12.06.2023 under the PATA Levies Force Service (Amended) rules, 2013, despite being absorbed in the KPK Police Force.

Respectfully Sheweth,

The undersigned hereby submits,

1. That the appellant was initially appointed as Sepoy in the levies force on 12.06.1990. Later on he was promoted the rank of Lance Naik, then to the rank of Naik, Hawaldar and then finally Naib Subedar
2. That the levies force was regulated through their own dispensation
3. That after the 25th constitutional amendment the levies personnel were to be absorbed in the kpk police department through act namely Khyber Pakhtunkhwa Levies Force Act, 2019
4. That according to the subject act the services of the appellant/undersigned were absorbed and he was re-designated as Assistant Sub-Inspector (BPS-11) in the computerised pay slip as attached and vide notification no 4476/GB.
copy of relevant notification is annexed A
5. Astonishingly the appellant even though has been absorbed into KP Police department, the Government of Kpk Home and Tribal Affairs had issued a notification according to which the appellant/undersigned is going to be retired on 12.06.2023 completing his 33 years of service despite the fact that he has now come under the provincial subject through the act ibid and is being dealt as Naib Subedar under the defunct PATA/Federal Levies Force Regulation 2012, and PATA/federal levies force rules 2013
6. That since now after the promulgation of the Khyber Pakhtunkhwa levies force act 2019, the appellant/undersigned has attained the status of regular police and is now absorbed permanently, therefore the notification dated 22-03-2022 is null and void and without any lawful authority.

Therefore, with due responsibility the appellant/undersigned is humbly approaching your good self through this departmental appeal, seeks redressal of the above mentioned grievance and therefore kindly may not be retired prematurely on reaching the service length of 33 years despite being absorbed into the regular Police force of KPK and attaining the status of a civil servant. Hence keeping in view the circumstances, the appellant/undersigned may kindly be dealt with in accordance with the law in field.

APPELLANT

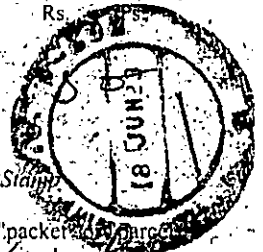
Assistant Sub-Inspector Res.

03472285149

153

RGL116902046

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BEFORE THE KHYBER PAKHTUNKHWA

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Date Stamp _____

*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Insured for Rs. (in figures) _____ (in words) _____

APPEAL NO. _____

Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo Grams
Zoor Name and address }
V/s of sender }

Government of Kpk through Chief Secretary etc

NOTICE UNDER RULE 1 b. 150
SERVICE TRIBUNAL RI
INSTANT APPEAL

RGL116902043

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Rs. Ps.

To

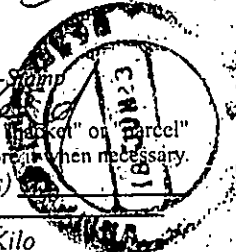
- 1- The Government of Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Home, Pakhtunkhwa, Peshawar.
- 3- The Deputy Commissioner, Malakand
- 4- The District Police Officer, Malakand

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Date Stamp _____

*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo Grams
Name and address of sender }



Respected Sir

No. 151

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Rs. Ps.

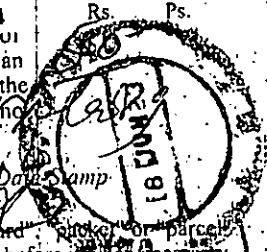
Please take notice that before the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar, you are hereby instituting an appeal.

Received a registered letter addressed to _____

Date Stamp _____

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Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo Grams
Name and address of sender }



Dated:- 08/06/2023

No. 152

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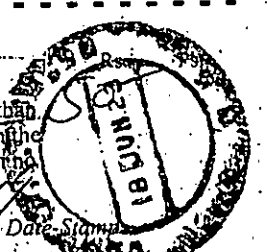
Rs. Ps.




Received a registered letter addressed to _____

Date Stamp _____

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Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo Grams
Name and address of sender }



50 روپے	77091			
ایڈوکیٹ: <u>حسام راجپوت</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: <u>5C-16-6743</u>				
رابطہ نمبر (ممبر): <u>0333-1443400 / 0319-0196600</u>				

محترم سر جسٹس ایف ایچ بیٹا

بعدالت جناب:

Appellant	مخائب:	Appel	دعویٰ:
			علت نمبر:
			مورخہ:
			جرم:
			تھانہ:

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ

آن مقام میں حسام راجپوت کو کیل 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 کرنے و تقرر ثالث و فیصلہ برحلف 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 اپیل کی برآمدگی اور منسوخی، نیز دائر کر کے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی 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 اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المقوم: 2023-2024

PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

کے لیے منظور ہے جو

نوٹ: اس وکالت نامہ کی نوٹو کالی ناقابل قبول ہوگی۔

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