


FORM OF ORDER SHEET

Court of _____

Appeal No. 1289/2023

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. Saeed Khan presented today by Mr. Hassam Raoun Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <i>09-06-2023</i>.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1289 /2023

SAEED KHAN VS GOVERNMENT OF KPK ETC

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Dated:- 08/06/2023

Through:-

APPELLANT

SAEED KHAN

HASSAM RAOON

LLM UK

ADVOCATE HIGH COURT

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1289 /2023

Saeed khan s/o Amir Azam khan r/o Mubari Kheil Totakkan 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 District police Officer, District Malakand
- 4- The Deputy Commissioner/Commandant Malakand Levies, 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 (BS-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 mentioned 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 Regulations, 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 be 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 to the age of 33 years of service on 08-12-2022. 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 appellant also filed a Writ Petition No 1375-M/2022 before the Honorable Peshawar High Court, Peshawar. In which the Honorable High Court maintained the status quo of the appellant dated 07-12-2022 and the subject writ was dismissed as withdrawn dated 07-06-2023.

Copy of the writ petition is attached as Annexure "F"

10- 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.

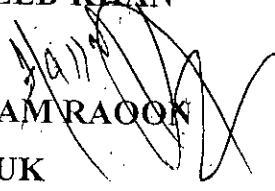
C- That the impugned notification dated 22.03.2022 is issued under the regulation of 2012 and amended service rules 2013 but both of these regulations were declared as inoperative after the promulgation of the 25th constitutional amendment Act and the absorption Rules, 2019 so the notification is null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

Through:-

APPELLANT
 SAEED KHAN

 HASSAM RAOUN
 LLM UK
 ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. /2023

Saeed Khan

V/s

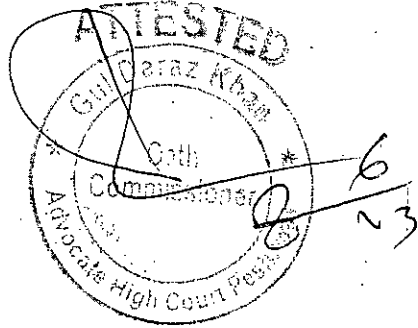
Government of KPK through Chief Secretary Etc

AFFIDAVIT

I, Saeed khan S/o Amir Azam Khan, Naib Subedar, 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.

Saeed Khan

DEPONENT



6A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. _____ /2023

Saeed Khan

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.*

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4. That if the Notification dated 22/03/2022 is not suspended, than the appellatant 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

Saeed Khan

THROUGH:

HASSAM RAOON

LLM UK

ADVOCATE HIGH COURT

AFFIDAVIT

I, Saeed Khan the appellatant, 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.

ATTESTED
Gul Dattaz Khan
Commissioner
Advocate High Court Peshawar
16/6/23


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. /2023

Saeed Khan

V/s

Government of KPK through Chief Secretary Etc

ADDRESSES OF PARTIES

APPELLANT

Saeed khan s/o Amir Azam khan r/o Mubari Kheil Totakkan 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 District police Officer, District Malakand
- 4- The Deputy Commissioner/Commandant Malakand Levies, District Malakand

Dated:- 08/06/2023

Through:-

APPELLANT

SAEED KHAN

HASSAM RAOON

LLM UK

ADVOCATE HIGH COURT

Government of Khyber Pakhtunkhwa
District Accounts Office Malakand
Monthly Salary Statement (August-2022)

(2)



Annexure: "A"

Personal Information of Mr SAEED KHAN d/w/s of SAID AZIM KHAN
 Personnel Number: 00240337 CNIC: 1540295679767
 Date of Birth: 09.12.1970 Entry into Govt. Service: 09.12.1989

NTN:
 Length of Service: 32 Years 08 Months 024 Days

Employment Category: Active Temporary
Designation: ASSISTANT SUB INSPECTOR

80877509-GOVERNMENT OF KHYBER PAKH

DDO Code: MD4294-Levies Malakand
 Payroll Section: 003 GPF Section: 003
 GPF A/C No: ML MD001566 Interest Applied: Yes

Cash Center: 06
 GPF Balance: 507,773.00

Vendor Number: -
 Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 11 Pay Stage: 17

Wage type		Amount	Wage type		Amount
0001	Basic Pay	40,920.00	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	2314	Risk Allow Police - 2021	6,707.00
2347	Adhoc Rel 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 wel:Fud BS-1 to 18	-818.00
3534	R. Ben & Death Comp Fresh	-600.00	3609	Income Tax	-452.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 5,413.78 Recovered till August-2022: 904.00 Exempted: 0.92 Recoverable: 4,510.70

Gross Pay (Rs.): 68,727.00 Deductions: (Rs.): -2,940.00 Net Pay: (Rs.): 65,787.00

Payee Name: SAEED KHAN
 Account Number: CA 2907-1

Bank Details: NATIONAL BANK OF PAKISTAN, 231910 Bus Stand Bathkela Malakand Bus Stand Bathkela Malakand, Malakand

Leaves: Opening Balance: Aailed: Eamed: Balance:

Permanent Address: TOTAKAN MALAKAND

City: MALAKAND

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

ATTACHED

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FEDERAL LEVIES FORCE (AMENDED) SERVICE RULES, 2013

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 personnel 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 Fore 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 Armourer 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%	Moulvi Fazil
17.	Tracker (BS-2)	5 years service in BS-1	10%	90%	Primary Pass

17

18.	Naib 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 or 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

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

(21)
Annexure "B"

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;

Allocated
Hadis

(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. 11 of 2017).

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

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

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

(2) Without prejudice to the generality of the foregoing policing powers under sub-section (1), the Levies Force shall perform such institutional or organizational functions and duties as provided under the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. 11 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]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Accepted
J. J. J.

25

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

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

SCHEDULE
[see section-1(3)]

Part-A

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

Part-B

S.No.	Sub-Division.
1.	Hasan Khel in district Peshawar
2.	Darra Adam Khel in district Kohat.
3.	Bettani in district Lakki Marwal.
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

Amjad Ali
Secretary



(15)

(26)

Annexure "C"

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

NOTIFICATION

No. 4476 /GB Dated Peshawar the 29/05/2011
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	Sepoy	Constable (BPS-07)
2	Lance Naik	Constable A-1 (BPS-07)
3	Naik	Constable B-1, LHC (BPS-07)
4	Head Naik	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 NAREEM KHAN, D.P.O.
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Encls: 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 RAY) S.C.I.P.
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

BETTER COPY PG NO.

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
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
Handwritten signature

28

Annexure "D"



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 4 of the PATA (Federal Levies) Regulation, 2012, and in continuation of this department notification No. SO (Police-II)HD/1(MFD) Levies/ Misc/2020 dated 22-03-2021, 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 (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)	Twenty seven 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 one years of service OR fifty one year of age whichever is earlier.
5	Naik (BS-08)	Twenty nine years of service OR forty nine years age whichever is earlier.
6	L/Naik (BS-08)	Twenty seven years of service OR forty seven years age whichever is earlier.
7	Sepoy (BS-07)	Twenty five years of service OR forty five year of age whichever is earlier.

SCHEDULE-I

S. No	Post/ Rank	Eligibility for Promotion	Promotion Quota	Direct Quota	Qualification
1	Subedar Major (BS-16)	02 years' service as Subedar OR Total 21 years of service	100%	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 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 direct Recruitment	100% NIL	NIL 100%	SSC

SECRETARY
HOME & TRIBAL AFFAIRS DEPARTMENT

Copy forwarded to the:-

- All Deputy Commissioners, Khyber Pakhtunkhwa.
- 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 PAKHUNKHWA
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 department 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	Hawaldar (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	Subedar (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 Hawaldar OR Total 13 years of service	100%	NIL	50% From Hawaldar with Matric Qualification. 50% From Hawadars on Seniority
4	Hawaldar (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 inicial recruitment	NIL	100%	SSC

SECRETARY
HOME AND TRIBAL AFFAIRS
DEPARTMENT

Copy forwarded to the:

- All Deputy Commissioners, Khyber Pakhtunkhwa
- PS to Secretary Home & TA's Department Khyber Pakhtunkhwa

Section officer (Police-II)

Handwritten signatures and initials

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.

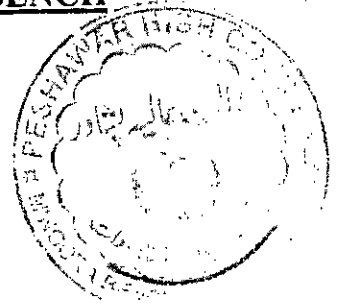
APPELLANT

Assistant Sub-Inspector Recd.

31

Anneure - "F"

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



Writ Petition No. 1375 -M/2022

Saeed Khan S/o Amir Azam Khan R/o Mubari Kheil Totakkan Tehsil
Batkhela, District Malakand.

..... Petitioner

VERSUS

1. **Government of KPK**
Through Chief Secretary, KPK Peshawar
2. **Government of KPK**
Through Secretary Home and Tribal Affairs
3. **Deputy Commissioner, Commandant Malakand Levies, District Malakand.**
4. **The District Accounts Officer, District Malakand.**

..... Respondents

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

May it please this Honorable Court,

The instant constitutional petition raises following questions of law
for consideration and determination:-

Questions of Law:

1. Whether the actions/inactions of the respondents of not extending the
length of service of the petitioner despite being absorbed and re-

FILED TODAY

30 NOV 2022

Additional Registrar

ATTENDED
Examiner
Peshawar High Court Bench
Mingora Swat

- designated under the regular Police of Khyber Pukhtunkhwa after the 25th Constitutional is a result of colorable exercise of authority, without following due process of law, having a non-transparent approach and against the principles of justice?
2. Whether the act of the respondents of not treating the petitioner under the laws regulating the employees of the Khyber Pukhtunkhwa Police Department discriminatory towards the petitioner?
 3. Whether the impugned notification of the respondents outrages the system of transparency, justice and fairness?
 4. Whether the respondents are not bound by law to treat the petitioner in accordance with the law that is in field under which he has been absorbed and re-designated in under the regular Police of Khyber Pukhtunkhwa?
 5. Any other question of law, with the prior permission of the Hon'ble Court shall be raised at the bar.

Respectfully Sheweth;

1. That the petitioner herein is a humble citizen of Islamic Republic of Pakistan. Initially he was appointed as a Sepoy in the Levies Force on 9-12-1989. Later on the petitioner was promoted to the rank of Lance Naik on 1-12-2007 and then to the rank of Naik 18-1-2010, Hawaldar on 9-1-2011 and Naib Subaidar 19-10-2017.

FILED TODAY

30 NOV 2022

Additional Registrar

ATTESTED
 Examiner
 Peshawar District Court Bench
 Muzaffargarh District Court, Swat.

2. That the Levies force was regulated through their own formulated structure under which a levies personnel by attaining length of service/age on different ranks/posts.
3. That it is worthwhile to mention it here that after the 25th Constitutional Amendment the levies personnel were to be absorbed in KPK Police Department through Act namely Khyber Pukhtunkhwa Levies Force Act, 2019.
4. That according to this subject act, the services of the petitioner were absorbed and he was re-designated as Assistant Sub-Inspector (BPS-11) vide Notification No. 4476/GB. (Copy of relevant Notification is annexed as 'A')
5. That on the other hand the Government of KPK Home and Tribal Affairs had issued a Notification No. NO.SO(Police-2)HD/1-3/FEDERAL LEVIES 2021) under which although the petitioner has been absorbed into the KPK Police Department is being retired since his length of service of 33 years will complete on 8th of December, 2022. (Copy of Notification and pay slip attached as "B" & 'C').
6. That it is worthwhile to mention here that under the notification mentioned in the preceding par and according to the pay slip of the petitioner, he will be retired after qualifying 33 years of service.
7. That it noteworthy that since now the petitioner has come under the Provincial subject through the act ibid is being dealt as Naib Subaidar under the defunct PATA/Federal Levies Force Regulation 2012 and PATA Federal Levies Force Rules 2013 by retiring him.

Hence, feeling aggrieved and having no other alternate remedy

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ATTESTED
 Examiner
 Peshawar High Court Bench
 Minors Dar-ul-Qaza Swat.

available, the petitioner approaches this Hon'ble court in its Constitutional Jurisdiction on the following grounds inter-alia.

GROUNDS:

1. That the actions/inactions of the respondents of not extending the length of service of the petitioner in accordance with the Khyber Pukhtunkhwa Levies Force Act, 2019 after being absorbed and re-designated as Assistant Sub-inspector under the regular police of KP is a sheer violation of the fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973.
2. That despite the absorption of the petitioner under the KP police after the merger under the 25th Constitutional Amendment and being treated under the defunct rules of 2013 shows arbitrary and colorable exercise of authority on part of the respondents.
3. That the Khyber Pukhtunkhwa Police Department is a Provincial subject in which age of retirement is either sixty years, superannuation or attaining the age of qualifying service i.e twenty five years but on the other hand under the previous dispensation, the retirement of the Levies Force personnel, there was a length of service for various ranks by attaining which the retirement took place. That now the Levies Force is the part and parcel of Khyber Pakhtunkhwa and since the old law is no more in field, the employees shall be dealt under the laws governing the service of the employees of Khyber Pukhtunkhwa Police Department.

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 Examiner
 Peshawar High Court Bench
 Minara Dar-ul-Qadri

4. That the notification NO.SO(Police-2)HD/1-3/FEDERAL LEVIES 2021 dated 22-03-2022 causes infringement to the basic fundamental rights of the petitioner since after the 25th Constitutional Amendment, he has been absorbed and re-designated under the regular KP Police and is to be dealt in accordance with the laws provided thereunder for the employees of the Khyber Pukhtunkhwa Police Department.

5. That it is one of the State guarantees included in the Constitution that every individual shall enjoy equal protection of law and would be treated in accordance with law. It is also one of the fundamental rights guaranteed to every person that he would have a right to fair trial and due process. On the contrary, however, the case of the petitioner is a vivid example of violation of the aforesaid constitutional guarantees. The indulgence of this court has therefore become indispensable in order to save the ends of justice and to prevent the petitioner from injustice of highest degrees.

6. The petitioner may be allowed to raise any other legal ground at the time of hearing of this instant petitioner.

PRAYER:

It is, therefore, prayed that on acceptance of this writ petition this august court may be pleased to:

A. Declare the Notification NO.SO(Police-2)HD/1-3/FEDERAL LEVIES 2021 dated 22-03-2022 to the extent of Schedule-III as illegal, unlawful, void ab-

ATTENDED
Examiner
Peshawar High Court Bench
Minsara Darul-Uloom Seat.

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Additional Registrar

initio and of no legal effect against the rights of the petitioner.

B. Direct further that the petitioner shall be dealt in accordance with the service laws/legal dispensation under which the employees of Khyber Pukhtunkhwa police Department are being dealt.

Petitioner

Through

[Signature]
Hassam Raouf
LLM UK
Advocate High Court

Interim Relief

It is further prayed that this august court may also be pleased to direct the respondents to maintain the status quo of the petitioner till the final disposal of this writ petition.

Note: Certified that no such writ petition except as mentioned in the body of this petition has earlier been filed by the petitioner in this august court or any court of law in Pakistan.

[Signature]
COUNSEL

List of Books:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. Case Law shall be produced at the time of hearing.

[Signature]
COUNSEL

FILED TODAY

30 NOV 2022

Additional Registrar

ATTESTED
[Signature]
Peshawar High Court Bench
Mian Muhammad Aslam
Clerk

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

Writ Petition No. 1375 -M/2022

Saeed Khan

..... **Petitioner**

VERSUS

Government of KPK

Through Chief Secretary, KPK Peshawar & others..... Respondents

AFFIDAVIT

I, **Saeed Khan** S/O Amir Azam Khan, do hereby declare and affirm on oath that the contents of the subject **Writ Petition** is true and correct to the best of my knowledge and belief, and that nothing has been concealed from the Court which it is necessary to disclose.

Saeed Khan

DEPONENT
Saeed Khan
CNIC No. 15402-9567976-7
Cell No. 0346-8008219

Identified by:-

Hassam
Hassam Raoun
Advocate High Court
LLM (U.K)

FILED TODAY

30 NOV 2022

Additional Registrar

S.No. 5293
Certified that the above was verified on Solemn affirmation before me on this 30 day of Nov 2022
by Saeed Khan
S/O Amir Azam Khan who was identified by Hassam Raoun
..... Who is personally known to me.

30/11/22
Oath Commissioner
Peshawar High Court
Mingora Bench Dar-ul-Qaza, Swat.

ATTESTED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

38

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

Writ Petition No. 1375 -M/2022

Saeed Khan

..... Petitioner

VERSUS

Government of KPK

Through Chief Secretary, KPK Peshawar & others..... Respondents- -

MEMO OF PARTIES

PETITIONER

Saeed Khan s/o Amir Azam Khan r/o Mubari Kheil Totakkan Tehsil
Batkhela, District Malakand.

RESPONDENTS

1. **Government of KPK**
Through Chief Secretary, KPK Peshawar
2. **Government of KPK**
Through Secretary Home and Tribal Affairs
3. **Deputy Commissioner, Commandant Malakand, Levis, District Malakand.**
4. **The District Accounts Officer, District Malakand.**

Petitioners

Through

Hassam Raoun
Hassam Raoun
LLM UK
Advocate High Court

ATTENDED
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

FILED TODAY

30 NOV 2022


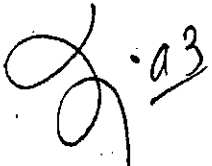
Additional Registrar

Saeed Khan s/o Amir Azam Khan
15402-9567976-7
0346-8008219

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT
FORM OF ORDER SHEET

Court of

Case No. of

1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary. 3
	07-12-2022	<p><u>W.P No. 1375-M/2022</u></p> <p>Present: Mr. Hassan Raoun, Advocate learned counsel for the petitioner, via video link from Peshawar.</p> <p>Mr. Razauddin Khan, A.A.G for the respondents.</p> <p>*****</p> <p>Learned A.A.G is present before the Court in connection with other cases, he is directed to submit para-wise comments on behalf of respondents No. 1 and 2, within a fortnight.</p> <p><u>interim Relief.</u></p> <p>Notice to the other side. In the meanwhile, status-quo be maintained.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

No. 149

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Received a registered* addressed to _____

Initials of Receiving Officer _____ *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

APPEAL Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo Grams

Name and address of sender _____

V/s.

Government of KPK No. 146

NOTICE UNDER RULE 1

SERVICE TRIBUNAL

SERVICE APPEAL

To

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

Respected Sir

Please take notice before the Honourable Peshawar, you are hereby appeal.

Dated:- 08/06/2023

Through _____

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo Grams

Name and address of sender _____

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered* addressed to _____

Initials of Receiving Officer _____ *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 _____

No. 147

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered* addressed to _____

Initials of Receiving Officer _____ *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 _____

No. 148

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

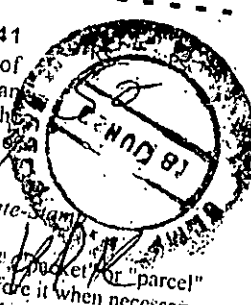
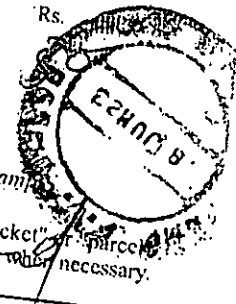
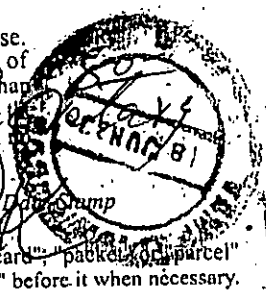
Received a registered* addressed to _____




Initials of Receiving Officer _____ *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 _____



قیمت 50 روپے	77090	  
ایڈویکٹ: <u>حسام راجپور</u>	بار کونسل / ایسوسی ایشن نمبر: <u>9C-16-6743</u>	
رابطہ نمبر: <u>0333-1443400</u>	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	

بجالات جناب: خیبر پختونخواہ

مخاطب: <u>Appellate</u>	دعویٰ: <u>appeal</u>
 <p>بنام <u>کوٹا ریسٹریکٹڈ ریسپونڈنٹ</u></p>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام پشاور حسام راجپور کیلئے کوٹا ریسٹریکٹڈ ریسپونڈنٹ مقرر کر کے اتر آ کر کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے سے ذمہ داریاں و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زر میں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائرہ کرنے 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 بااختیارات حاصل ہوں گے اور اس کا سناختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقام: پشاور
 PESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA
 رقم: 8-6-2023

کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی ذمہ داری ناقابل قبول ہوگی۔

Handwritten signatures and dates: 9C-16-6743, 0333-1443400, 17301-19788