

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Appeal No.1300 /2023**

Mustafa Kamal .....Appellant


**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs & others...Respondents

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Additional Assistant Commissioner-I Karak



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

**Service Appeal No. 1300/2023.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6498

Dated 14/7/2023

Mustafa Kamal ..... Appellant

Versus

Govt: of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs & others

..... Respondents

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1 and 3.**

Respectfully Sheweth

**PRELIMINARY OBJECTION.**

1. That the case of the petitioner is premature therefore he has got no cause of action.
2. That the appellant has no locus standi to bring the present service appeal.
3. That the appellant has no legal grounds in support of his service appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands, apart from other infirmities the service appeal suffers from gross concealment and misstatement of facts. The petitioner are therefore, not entitled to any relief.

**FACTS.**

1. Pertains to record, hence, no comments.
2. Pertains to record, hence, no comments.
3. Incorrect. It relates merged Districts areas i.e. (Ex-FATA) "Khyber Pakhtunkhwa Levies Force Act 2019. Furthermore separate service rules were framed for PATA Federal Levies Force performing duties in "PATA" known as "PATA Federal Levies Service (Amended) Rules 2013".
4. As explained in Para-03.
5. Incorrect. The mandate of the law does not cover District Karak and the appellant's services have not been merged in Khyber Pakhtunkhwa Police.
6. Incorrect. As stated in Para-5 above.
7. Pertains to record.
8. No comments.

**GROUNDS.**


- a. Incorrect. The Notifications issued by Respondent No. 1 with lawful authority under the PATA Federal Levies Force (Amended) Rules, 2013. Furthermore, separate service rules were also framed thereunder for PATA Federal Levies Force performing duties in "PATA" known as "PATA Federal Levies Service (Amended) Rules, 2013.
- b. Incorrect. The appellant has not been absorbed in the Khyber Pakhtunkhwa Police and Rules of Home & Tribal Affairs Department Govt. of Khyber Pakhtunkhwa with regard to levies force is in operation which is strictly followed.
- c. Incorrect as stated in Para-b above.
- d. Incorrect. The Notification dated 29/05/2019 relates to Merged Areas Districts.
- e. Incorrect being policy matter.
- f. As stated in Para-e above.
- g. Incorrect. The Notification is lawful.
- h. As stated in Para-e above.
- i. As stated in Para-g above.
- j. As stated in Para-e above.
- k. Incorrect. Both the notifications are lawful.
- l. As stated in Para-k above.

**PRAYER.**

It is therefore, humbly prayed that the service appeal of the appellants is being incorrect, frivolous, illegal without any substance and against the record be dismissed with cost.



Secretary  
Home & Tribal Affairs Deptt:  
Govt. of Khyber Pakhtunkhwa  
Peshawar  
(Respondent No. 01)



Commandant Levies/  
Deputy Commissioner  
Karak  
(Respondent No. 03)

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Appeal No.1300 /2023**

Mustafa Kama.l.....Appellant

**VERSUS**

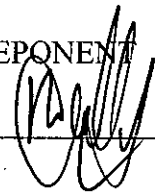
Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs & others...Respondents

**AFFIDAVIT**

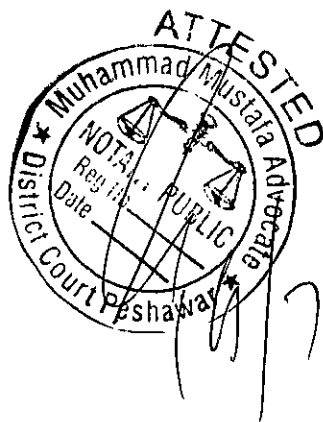
I, Shamimullah, Additional Assistant Commissioner-I Karak (BPS-17) do hereby solemnly affirm and declare that comments in the above Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Tribunal.

It is further stated on oath that in this appeal, the answering respondent neither has been placed ex-party nor their defence has been struck off.

DEPONENT



CNIC 17301-91662125





(4)

**OFFICE OF THE DEPUTY COMMISSIONER /  
COMMANDANT LEVIES FORCE KARAK**

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No. 179 /DC/Levy/C.Cases

Dated Karak the 14/07 /2023

**AUTHORITY LETTER**

Mr. Shamim Ullah, CNIC No. 17301-9166212-5, Additional Assistant Commissioner-I Karak (BPS-17) is hereby authorized to vet/ file comments on behalf of Respondent No. 01 & 03 before the Khyber Pakhtunkhwa Service Tribunal Peshawar in Appeal No. 1300/2023 titled as Mustafa Kamal Versus Govt. of Khyber Pakhtunkhwa & Others.

He is further authorized to defend the case on behalf of the undersigned (Respondent No. 04) on the date of hearing which is fixed as 14-07-2023.

Secretary

Govt. of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department  
(Respondent No. 01)

DEPUTY COMMISSIONER KARAK  
(Respondent No. 03)