

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

CM NO...../2022

In

Service Appeal No...11920.../2020

Hazrat Tariq

**VERSUS**

Government of KP And Others


**APPLICATION FOR GRANT OF PERMISSION TO PLACE ON FILE  
ADDITIONAL DOCUMENTS**

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Applicant

Through

  
M Ashfaq Khan Akhunkhail  
&

Mujeeb Ullah  
Advocates,

High court Peshawar

1

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**Respectfully Sheweth**

**The applicant/appellant humbly submits as under,**

1. That the above titled appeal is pending adjudication before this Hon'ble tribunal and is fixed for today.
2. That admittedly after 25<sup>th</sup> constitutional amendment, the Appellant's erstwhile department( federal levies force) was provincialized on 12 march 2019 through promulgation of KP levies force ( transition) ordinance 2019 and vide notification / memorandum dated 18<sup>th</sup> march 2019, all the administrative, legal, ancillary matters including service appeal, promotions and litigation in respect of both forces i.e levies and khasadar were transferred to Government of KP and ministry of SAFRAN has ceased its authority over the Appellant's erstwhile department.

Thereafter' Khyber Pakhtunkhwa Levies Force Act 2019 was promulgated on 16<sup>th</sup> September 2019 but during period of conversion of Ordinance to Act (12<sup>th</sup> march 2019 to 16<sup>th</sup> september 2019) no cutoff date has been mentioned for the retirement notification of Ex Levies and Khasadar.it is worth to mention that the said controversy /cutoff date has already been resolved by committee constituted under chairmanship of regional police officer vide its meeting held on 02/ 06/ 2021. But the Senate Of Pakistan vide its minutes of standing committee held on 29<sup>th</sup> march 2022 at Parliament Lodges Islamabad in presence of the Secretary Home Department KP as well as Inspector General of Police KP unanimously recommended in the following words

**“ the committee recommended that the Levies and khasadar official whose retirement according t levis act has been due but still performing**

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their duties, may be merged in KP police immediately and allow them to complete their service according to police Act”

It is worth to mention that the home and tribal affairs department vide letter dated 6/07/2022 directed the concerned competent authority for implementation and further necessary action. In compliance of the above directives the DPO and DC Bajor khar submitted the list of the Appellant's to the concerned quarter.



Copies of minutes of the Senate standing committee dated 29/03/2022, letter dated 6/07/2022 issued by KP home and tribal department and list of Appellants submitted by the DC and DPO Bajor khar annexed as annexure A1 to A3

3. That the aforementioned documents will in able this honorable court for just and proper decision and there is no legal impediment on acceptance of this application.

In wake of above submission it is, therefore, most humbly prayed that on acceptance of this application, the Applicant may be allowed to place on file the attached document as additional document for ends of justice.

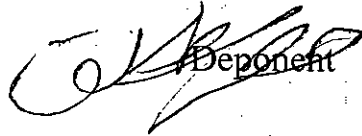
  
Applicant

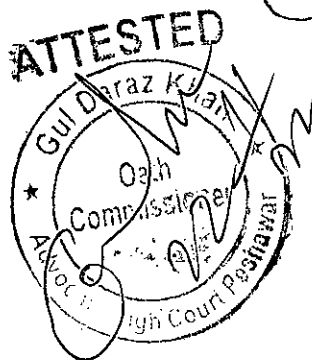
Through

  
M Ashfaq Khan Akhunkhail  
&  
Mujeeb Ullah  
Advocates,   
High court Peshawar

### Affidavit

I Hazrat Tariq Khasadar Bajor Do hereby solemnly affirm that the contents of the accompanied application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
Deponent



R 68257-14-  
**SENATE SECRETARIAT**

BY SPECIAL MESSENGER

(3)

124

Subject:-

**APPROVED MINUTES OF THE MEETING OF THE SENATE STANDING COMMITTEE ON STATES AND FRONTIER REGIONS.**

I am directed to enclose a copy of approved minutes of the meeting of the Standing Committee on States and Frontier Regions held on 29<sup>th</sup> March, 2022 at 10:30 a.m. at OLD PIPS Hall, Parliament Lodges Islamabad, for further necessary action at your end.

*Shamim Aslam*  
**(SHAMIM ASLAM)**  
Superintendent (C-II)  
Tele No. 9103175  
Fax- No. 9213446

- The Secretary, Ministry of States and Frontier Regions, Islamabad.
  - The Secretary, Ministry of Finance, Islamabad.
  - The Secretary, Ministry of Planning Development and Special Initiatives, Islamabad.
  - The Additional Chief Secretary, Planning and Development, Peshawar.
  - The Secretary, Finance Department, Peshawar.
  - The Secretary, Planning & Development, Peshawar.
  - The Secretary, Home Department, Khyber Pakhtunkhwa.
  - The Inspector General of Police, Khyber Pakhtunkhwa.
  - The DIG Police, Mardan Division, Khyber Pakhtunkhwa.
- Senate Secretariat, u.o. F. No. 18(1)/2021-24-C-I 19-04-2022
- Copy for information and necessary action to:-

1. The Director Staff to Chairman Standing Committee on States and Frontier Regions Islamabad.
2. The Section Officer (Council), Ministry of States and Frontier Regions, Islamabad.
3. The Section Officer (Council), Ministry of Planning Development and Special Initiatives, Islamabad.
4. The Section Officer (Council), Ministry of Finance, Islamabad.

6-8

7/5/22  
(Prisons)

*Shamim Aslam*  
**(SHAMIM ASLAM)**  
Superintendent (C-II)

S.O. (D/AB),  
M.A. O. W.  
22/04/22

D.S. (PR) mya  
21/4

21/4

**SENATE SECRETARIAT**

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**MINUTES OF THE MEETING OF THE SENATE STANDING COMMITTEE ON STATES AND FRONTIER REGIONS (SAFRON) HELD ON 29<sup>th</sup> March, 2022.**

A meeting of the Standing Committee on States and Frontier Regions was held on 29<sup>th</sup> March, 2022 at 10:30 a.m. in Old PIPS Hall, Parliament Lodges, Islamabad. The meeting was chaired by Senator Hllal-ur-Rehman. The following members of the committee also attended the meeting: -

|    |                                  |        |
|----|----------------------------------|--------|
| 1. | Senator Hidayatullah,            | Member |
| 2. | Senator Anwar Lal Dean           | Member |
| 3. | Senator Bahramand Tangi          | Member |
| 4. | Senator Danesh Kumar             | Member |
| 5. | Senator Dost Muhammad Khan       | Member |
| 6. | Senator Gurdeep Singh            | Member |
| 7. | Senator Shamim Afridi            | Member |
| 8. | Senator Sania Nishter            | Member |
| 9. | Senator Syed Muhammad Sabir Shah | Member |

List of participants from the M/o States and Frontier Regions (SAFRON), Govt. of Khyber Pakhtunkhwa and other related departments is annexed.

2. The agenda before the Committee was as under: -

- (1) Discussion on the point of public importance raised by Senator Hidayatullah referred to the committee for report regarding arising of problems in Merged Districts after integration into Khyber Pakhtunkhwa like:
  - a. Briefing regarding commitments / announcement of Federal government for FATA areas during 25th Constitutional amendment and comprehensive report about its implementation.
  - b. Brief report regarding step taken about mainstreaming of Merged districts (Ex-FATA) like other districts of Khyber Pakhtunkhwa.
  - c. Briefing by Secretary Planning, Development and Special Initiatives about updated status of allocation of 3% share in NFC to finance the special development projects of merged areas (Ex-FATA) along with status of findings/recommendation of NFC sub-committee on FATA.
  - d. Briefing by Secretary Home and IGP Khyber Pakhtunkhwa regarding merger, status of Levies & Khasadar Force of FATA into KP Police with district wise status of capacity building of LEAs, provision of Arms / Ammunition, Service Card & uniform etc.
  - e. Provision of District wise list of DSPs, SHOs and Additional SHOs etc. who were promoted and deputed in Merged District without following due process with their actual scale, present posting and shoulder promotion.
  - f. Details of levies employees whose retirement according to Levies Act has been due but still performing their duties.
- (2) Any other item with permission of the Chair.

3. The meeting started with recitation from Holy Quran. An introduction of the participants was made. The Chairman Committee welcomed and thanked the participants for attending the meeting.

4. The Committee discussed the point of public importance raised by Senator Hidayatullah regarding the problems arising in Merged Districts after merger in Khyber Pakhtunkhwa. The Committee was apprised by Senator Hidayatullah that after merger, not even a single primary school was set up, in Tribal District Bajaur. He pointed out that without education to the children; eradication of terrorism is not possible in the erstwhile FATA. He further narrated that the merger in present form is just a futile effort. Neither a single new health facility nor any veterinary center etc was established after merger. No weapon has been provided to the Police to combat any emergency situation. He inquired about the outcome of Sub-committee of NFC constituted for the 3% share of Ex-FATA. The committee showed displeasure while stating the fact that after merger of FATA into Khyber Pakhtunkhwa, most of the funds of last three years allocated by Federal Govt. for ADP and AIP were utilized in the settled districts of Khyber Pakhtunkhwa that resulted into the embezzlement of Rs. 45 billion which was verified by representative of Accountant General Khyber Pakhtunkhwa in previous meeting. Committee showed reservation that the funds for ADP & AIP were neither prioritized nor it was expended on the constructive and practical ground while the inhabitants of FATA were never comfortable on this act of merger. The Committee was of the view that in this situation of mal-administration in financial management, such release of funds from Federal Govt. may be ceased. Senator Dost Muhammad Khan also suggested a separate account for funds allocated for merged district so that funds may be utilized specifically in Erstwhile FATA areas.

5. While discussing the implementation of commitments made by Federal Government for erstwhile FATA, the officials of Ministry of Finance clarified that after the 25<sup>th</sup> Constitutional amendment, we are only allocating and transfer the funds to province and has nothing to do with its implementation. The representative of M/o Planning and Development also elucidated that this matter is not related to Federal Government; the wrong utilization of fund is the issue of Khyber Pakhtunkhwa Government. However, the officials of Khyber Pakhtunkhwa Government briefed the Committee about the steps taken for mainstreaming of Merged Districts. Officials told that the KP government has utilized 100% of funds released by Federal Government during last two years, which is amounting to Rs. 95 billion. The Committee was informed that no province except Federal Government is ready to pay their respective share in NFC to finance special development project of erstwhile FATA areas. The Finance department KPK apprised the Committee that they had held meetings with all the provinces regarding the issues of erstwhile FATA in those meetings all the provinces vowed to facilitate the FATA affairs as FATA did a lot of work on war on terror. Accordingly the smooth functioning for the FATA affairs is being carried out. The progress in this regard shall be communicated to the committee. However the committee was not satisfied on the performance of KPK government because of the disparity in expenditure of fund. The Finance and P&D departments KP imparted that unfortunately the allocation of 3% share in NFC to Finance the special

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ment projects of merged area (Ex FATA) could not be made smoothly and the required funds could not be fulfilled. However the KPK government now has the capacity to spend the funds on various projects of FATA if the Federal government bestows the fund. The Committee inquired that whether the KPK government can explain the exact allocation of the funds on the distinct projects separately with examples, the departments could not however give any such example. The Committee recommended that Planning and Finance Department, KP should ensure to release funds against those projects for which the funds were actually allocated. The Planning department should do the meaningful with the true spirit of implementation pledged and to act in accordance with the spirit of this recommendation. The committee observed that funds for merged district are quite enormous, but unfortunately KP government has failed to utilize it properly.

6. The committee recommended the Khyber Pakhtunkhwa Govt. to install biometrics machines in the office of District Administration, all the line departments, educational institutions, health facilities etc across the erstwhile FATA to curb ghost employees in different departments. The accounts books must be maintained accurately. A transparent system must be introduced. Government contract system should be systematized and all work plans must be accurate, tangible and actionable that needs to be surveyed on monthly basis which should come up with the positive response of KPK Government otherwise if the KPK government does not clarify or justify it, the AIP and ADP funds may be ceased. Committee also decided to hold Committee meeting in Merged Districts, so that the Committee can practically observe the "on ground, ongoing projects" with prevailing situation.

7. The committee was briefed by Home Department of KP that construction of Judicial Complex, Jails and Police Stations has been started in merged district. On this issue Senator Hidayatullah pointed out that in reality the Home Department has not purchased land for these projects up till now. The Chairman Committee showed displeasure on poor performance of KP Govt. in addressing the issues of erstwhile FATA. The committee recommended the need of prioritizing the scheme with the proposal of the need based expenditure of the installations.

8. Finally, the Committee discussed the merger status of Levies and Khasadar Force of FATA into KP Police. The Special Secretary of Home Department (KPK) informed the Committee that Arms, Ammunition, Service Card and uniform has been given to every Khasadar Force employee. The police officers apprised the Committee that 21194 Khasadar and levies employees have been trained and the same personnel have been provided with SMG, LMG, pistols, rifles and Kalashnikov. The Committee showed satisfaction over the efforts of KP police and advised to carry on the good work for the betterment of people of erstwhile FATA. The Committee also recommended that the police officials who are wearing ranks of SHOs /DSP /SDPO while they do not fulfill the criteria must be reverted.

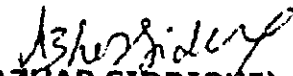
brieted the committee on agenda item No. F, regarding levies and Khasadar official whose retirement according to levies act has been due but still performing their duties. They also presented a list of such employee to the committee. At this point Senator Hidayatullah inquired about the present status of those 23 levies employees whose retirement was due according to leaves rules but they are continuing their service according to Police act/rules. DIG Police informed the committee that we are considering these levies personal as police employees and they will continue their work and will retire as per police rules. Senator Hidayatullah appreciated the statement of the Department. The committee recommended that those levies official may be merged in Khyber Pakhtunkhwa Police immediately and allow them to complete their service according to the Police rules / Act.

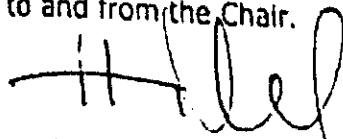
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10. After detailed deliberations, the Committee made following recommendations/ directions: -

- i) Due to embezzlement in financial management in funds to Merged District a separate account may be established so that funds may be utilized purely on merged districts, FATA Schemes.
- ii) The Committee directed Finance and P&D Department, Govt. of Khyber Pakhtunkhwa that the funds of ADP & AIP must be prioritized and should be spent on the constructive and practical grounds if failed the funds may ceased by Federal Government
- iii) The Committee recommended that Ministry of Finance may take-up the matter of 3% NFC share to finance the special development project of erstwhile FATA areas with the provinces
- iv) The Committee directed the Government of Khyber Pakhtunkhwa to install biometrics machines in the office of District Administration, all the line departments, educational institutions, health facilities etc across the erstwhile FATA to curb ghost employees in different departments
- v) The Committee recommended that in all matters of planning and development therein the accounts books must be maintained accurately, the government contract system should be systematized and all work plans must be accurate, tangible and actionable.
- vi) The Committee also decided to hold meetings in the merged districts so that the Committee can practically observe the "on ground, ongoing projects" with prevailing situation.
- vii) The Committee recommended Home Department that the police officials who are wearing ranks of SHO / DSP /SDPO and they do not fulfill the criteria, must be reverted to their actual ranks and the promotion system must be in accordance with law.
- viii) The committee recommended that levies and Khasadar official whose retirement according to levies act has been due but still performing their duties, may be merged in Khyber Pakhtunkhwa Police immediately and allow them to complete their service according to the Police Act.

11. The meeting ended with a vote of thanks to and from the Chair.

  
(AZHAR SIDDIQUE)

  
(SENATOR HIDAYATULLAH)



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List of Levies whose retirement is due

| S# | District | Name                | Rank                       | Remarks   |
|----|----------|---------------------|----------------------------|---|
| 1  | Khyber   | Nil                 | Nil                        |   |
| 2  | Bajaur   | 1. Gulzar Khan      | Subedar<br>Major/Inspector | Due for retirement under the Levy Act: however still serving as these were earlier granted with Interim relief by Peshawar High Court, Peshawar and thereafter by KP Service "Tribunal.     |
|    |          | 2. Sattar           | Subedar Major/Inspector    |   |
|    |          | 3. Amanullah        | Subedar/SI                 |   |
|    |          | 4. Muneer Zada      | Subedar/SI                 |   |
|    |          | 5. Muhammad Jan     | Subedar/SI                 |   |
|    |          | 6. Dilawar Khan     | Subedar/SI                 |   |
|    |          | 7. Kamin Bacha      | Subedar/SI                 | Due for retirement under the Khasadar Act: however still serving as these were earlier granted with Interim relief by Peshawar High Court, Peshawar and thereafter by KP Service "Tribunal. |
|    |          | 8. Muhammad Jan     | Naib Subedar/ASI           |   |
|    |          | 9. Hazrat Tariq     | Naib Subedar/ASI           |   |
| 3  | North/W  | Nil                 | Nil                        |   |
| 4  | Mohmand  | Nil                 | Nil                        |   |
| 5  | South/W  | Nil                 | Nil                        |   |
| 6  | Orakzai  | 1. Diswar Ali       | Subedar/SI BPS-14          | Their Retirement is due according to levy Rules but not according to police rules.  |
|    |          | 2. Fanoos Khan      | Naib Subedar/ASI BPS-11    |   |
|    |          | 3. Mehboob Khan     | "Do"                       |   |
|    |          | 4. Azmat Ullah      | "Do"                       |   |
|    |          | 5. Lateef Khan      | Hav/HC BPS-09              |   |
|    |          | 6. Muhammad Hamayun | "Do"                       |   |
|    |          | 7. Muhammad Anwar   | "Do"                       |   |
|    |          | 8. Noshier Ali      | NK/FC                      |   |
|    |          | 9. Ibraheem Shah    | "Do"                       |   |
|    |          | 10. Pir Bat Khan    | "Do"                       |   |
|    |          | 11. Murtaza Hassan  | "Do"                       |   |
|    |          | 12. Ashraf Khan     | LNK/FC                     |   |
|    |          | 13. Muqem Khan      | "Do"                       |   |
|    |          | 14. Sailoon Khan    | "Do"                       |   |
|    |          | 15. Muhammad Bacha  | "Do"                       |   |
|    |          | 16. Muhammad Rasool | "Do"                       |   |
|    |          | 17. Ashiq Ali       | "Do"                       |   |
|    |          | 18. Noor Khaliq     | "Do"                       |   |
|    |          | 19. Saif Ur Rahman  | "Do"                       |   |



GOVERNMENT OF KHYBER PAKHTUNKHWA  
Home & Tribal Affairs Department

No. CS (F)/L&K/2-General/ 640-44  
Dated 6/7/2022

To:

1. The All Deputy Commissioners,  
Newly Merged Districts

✓ 2. The All District Police Officers, *Bayan*  
Newly Merged Districts

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*Ammed A-2*

Subject: APPROVED MINUTES OF THE MEETING OF SENATE STANDING  
COMMITTEE ON STATES AND FRONTIER REGIONS

Dear Sir (s)

I am directed to enclose herewith Senate Secretariat Islamabad U.O. letter No. 18 (1)/2021-24-C-1 dated 19.04.2022 along with its enclosures which is self-explanatory for implementation and further necessary action at your end, please.

Yours Faithfully,

*[Signature]*  
Section Officer  
(Levy & Khassadar)  
6/7/2022

Copy to the:

1. Section Officer (Directives/Assembly Business) w/r to your letter No. SO (D/AB)/HD/2-51/2022 dated 28.04.2022.
2. PS to Secretary Home & TAs Department, Peshawar Khyber Pakhtunkhwa.
3. PS to Special Secretary-I, Home & TAs Department, Peshawar Khyber Pakhtunkhwa
4. Master File.

*[Signature]*  
Section Officer  
(Levy & Khassadar)

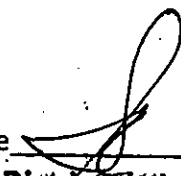
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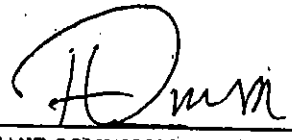
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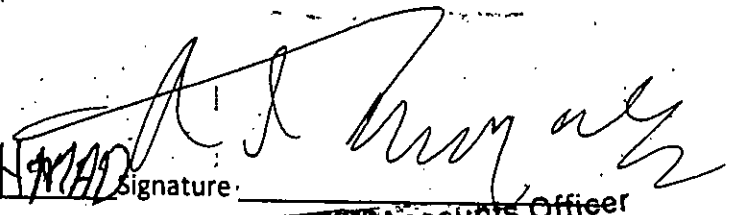
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**SCRUTINY CERTIFICATE**

It is certified that the Scrutiny Committee of the District Bajaur has prepared lists of 09Nos. of executive staff of Levy/Khassadars as per their inter-se-seniority, relevant documents, physical checking and secret verification. The page of the list is numbered and duly signed by the committee. This certificate is hereby signed by all members and submitted.

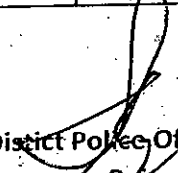
1. Name & Designation ABDUS SAMAD Signature   
District Police Officer  
Bajaur at Khar.

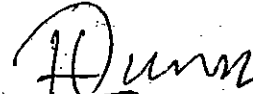
2. Name & Designation HAMZA ZAHOR Signature   
ASSISTANT COMMISSIONER KHAR

3. Name & Designation SIYYAR AHMAD Signature   
District Accounts Officer  
Bajaur at Khar

(11)

| S.No | Personnel No | Reg. No | Name         | Perantage    | Rank with BPS | Date of Birth | Date of Appointment | D.O.Last Prom; | CNIC No.      | Equivalence of Rank in BPS Police | Remarks |
|------|--------------|---------|--------------|--------------|---------------|---------------|---------------------|----------------|---------------|-----------------------------------|---------|
| 1    | 464664       | 2208    | Gul Zar Khan | Mahibullah   | SM (16)       | 01.07.1964    | 19.07.1982          | 06.07.2017     | 2110446544501 | Insp: 16                          |         |
| 2    | 464665       | 2217    | Abdul Satar  | Talib        | SM (16)       | 19.07.1964    | 19.07.1982          | 06.07.2017     | 2110421664699 | Insp: 16                          |         |
| 3    | 464686       | 2430    | Amanullah    | Bacha Khan   | Sub (13)      | 1966          | 29.05.1984          | 28.08.2014     | 2110383934427 | Sub: Insp: 14                     |         |
| 4    | 464687       | 2436    | Munir Zada   | Gul Amin     | Sub (13)      | 1966          | 17.07.1984          | 28.08.2014     | 2110717157235 | Sub: Insp: 14                     |         |
| 5    | 464688       | 2439    | Muhammad Jan | Sher Azam    | Sub (13)      | 19.07.1966    | 19.07.1984          | 28.08.2014     | 2110658613279 | Sub: Insp: 14                     |         |
| 6    | 464690       | 2451    | Dilawar Khan | Zarawar      | Sub (13)      | 06.08.1964    | 06.08.1984          | 01.01.2015     | 2110692739401 | Sub: Insp: 14                     |         |
| 7    | 460556       | 3388    | Kamin Bacha  | Bahadar Khan | Sub (05)      | 01.05.1974    | 01.05.1996          | 26.01.2012     | 2110732596947 | Sub: Insp -14                     |         |
| 8    | 460557       | 3289    | Muhd Jan     | Bakht Poor   | N/Sub(04)     | 01.05.1972    | 01.05.1996          | 26.01.2012     | 2110323016613 | ASI-11                            |         |
| 9    | 460560       | 3392    | Hazrat Tariq | Gul Zeb Khan | N/Sub(04)     | 01.05.1977    | 01.05.1996          | 26.01.2012     | 2110772401179 | ASI-11                            |         |

  
District Police Officer  
Bajaur  
District Police Officer  
Bajaur at Khar.

  
Assistant Commissioner  
Khar Bajaur  
**ASSISTANT COMMISSIONER KHAR**

  
District Accounts Officer  
Bajaur