

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.1060 of 2024

Sher Mir s/o Sher Mat Khan ..... Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa and others.....Respondents

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Deponed

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**APPEAL NO. 1060 of 2024**

Sher Mir s/o Sher Mat Khan r/o Village & P.O. Zargiri, District Hangu .....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & Others..... Respondents

**JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT No.01, 02.** Khyber Pakhtunkhwa  
Service Tribunal

Respectfully Sheweth:

Case No. 17590

**PRELIMINARY OBJECTIONS**

Dated 05-11-24

1. The Appellant has got no locus standi and cause of action to file the instant petition.
2. That the Appeal is liable to be dismissed.
3. Presently not maintainable in its present form.
4. That the Appellant has concealed the material facts from Worthy Service Tribunal.

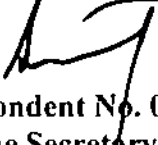
**FACTS:**

1. Correct.
2. Correct, the Appellant was serving as Subedar in Levies Force Hangu and retired after completion of 05 years service as "Subedar" in light of Notification dated: 21-10-2021 (copy attached as Annex-A).
3. Incorrect as the then Subedar Major Muhammad Jamal was retired on dated: 01-02-2023 considered w.e.f 17-02-2022 as he had filed writ petition in the Honorable Peshawar High Court Peshawar. Soon after his retirement, this office initiated promotion case of Subedar Major and submitted working papers alongwith relevant record, but the DPC meeting was postponed with the remarks that the then Subedar Major Muhammad Jamal approached the Honorable Service Tribunal Khyber Pakhtunkhwa against his retirement and subsequently the August court suspended the Notification dated: 21-10-2021. On dated: 27-02-2024, the then Subedar Major took his case back from the Honorable Service Tribunal Khyber Pakhtunkhwa. Hence the case for promotion was started at the Office of the Additional Chief Secretary Home & TA's Department Khyber Pakhtunkhwa. (copy attached as Annex-B,C)
4. Subedar Said Alam was promoted to the post of Subedar Major by the Additional Chief Secretary Home & TA's Department Khyber Pakhtunkhwa (Respondent#1) on the basis of fitness. (Copy attached as Annex-D).
5. The appellant was retired from service after completion of 05 years service as "Subedar" in light of Notification dated: 21-10-2021.
6. The appeal of the Appellant was considered and comments / detailed report was also sought from the Respondent# 02 and after examining the case, having no legal footings the Respondent# 01 being competent authority filed the case.
7. As the Appellant was not considered for further promotion by the Departmental Promotion Committee, subsequently he was retired from service on the basis of completion of rank service as Subedar i.e. 05 year in light of Notification dated: 21-10-2021.

**Grounds:**

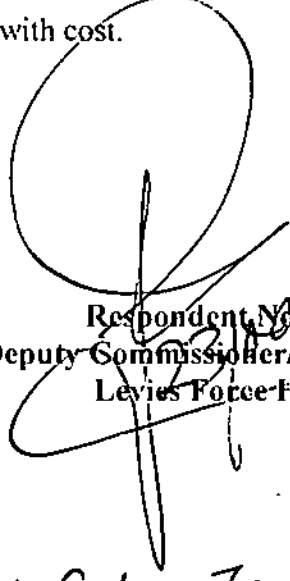
- A. Incorrect. As per the Notification dated: 21-10-2021, the prescribed length of service for "Subedar" is 05 years.
- B. Irrelevant as the said Notification dated: 22-03-2021 is not related to the Appellant.
- C. As mentioned in Para No. 04.
- D. The process of promotion has been conducted as per rules and no section of rules has been violated
- E. As mentioned in Para D.
- F. Agreed. The respondents are bound to follow the rules and instructions issued by the government.
- G. As mentioned in Para D.
- H. The respondents may also be allowed to raise additional grounds at the time of arguments.

Keeping in view the above mentioned facts, it is therefore, most humbly prayed that the petition in hand having no merit may please be dismissed alongwith cost.

  
Respondent No. 01  
The Secretary,  
Home & Tribal Affairs Department  
Khyber Pakhtunkhwa, Peshawar.

Additional Chief Secretary  
Home & T.As Department  
Khyber Pakhtunkhwa.

Mr. Abid Majeed

  
Respondent No. 02  
Deputy Commissioner/Commandant  
Levies Force Hangu



Mr. Gohar Zaman Wazir



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME AND TRIBAL AFFAIRS DEPARTMENT

Annex "A"

**NOTIFICATION**

Peshawar, dated the 21-10-2021

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

**SCHEDULE-III**

S. No.	Name of the Post / Rank	Length of Service / Age
1	Subedar Major (BS-16)	Thirty Seven Years of service or Three Years' Service as Subedar Major or Sixty Years of age whichever is earlier.
2	Subedar (BS-14)	Thirty Five Years of service or Five Years' service as Subedar or Sixty years of age whichever is earlier.
3	Naib Subedar (BS-11)	Thirty Three Years of Service or Seven Years' service as Naib Subedar or Sixty Years of age whichever is earlier.
4	Hawaldar (BS-09)	Thirty one years of service or fifty one year of age whichever is earlier.
5	Naik (BS-08)	Twenty nine years of service or forty nine years age whichever is earlier.
6	L/Naik (BS-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.N	Post/ Rank	Eligibility for Promotion	Promotion Quota	Direct Quota	Qualification
1	Subedar Major (BS-16)	02 years' service as Subedar Or Total 21 years of service	100%		
2	Subedar (BS-14)	02 years' service as Naib Subedar Or Total 19 years of service	100%		
3	Naib Subedar (BS-11)	04 years' service as Hawaldar Or Total 17 years of service	100%		
4	Hawaldar (BS-09)	05 years' service as Naik Or Total 13 years of service	100%		
5	Naik (BS-08)	03 years' service as Lance Naik Or Total 08 years of service			
6	L/Naik (BS-08)	05 years' service as Sepoy			
7	Sepoy (BS-07)			100%	SSC
8	Head Armorer (BS-5)	05 years' service as Assistant Armorer.	100%		SSC Qualification with certificate of Armorer
9	Assistant Armorer (BS-1)			100%	SSC Qualification with certificate of Armorer

Attested

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

Scanned with CamScanner

ACCOUNT OFFICER  
O/O the Deputy Commissioner  
Hangu

Copy forwarded to the:-

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

منشور

*[Handwritten signature]*  
19

Section Officer (Police-II)

21/10/2021

*Attested*



*[Handwritten signature]*  
ACCOUNT OFFICER  
O/O the Deputy Commissioner  
Hangu

2/

Annex "B"

Annex "B"

DEPUTY COMMISSIONER/COMMANDANT  
LEVIES FORCE HANGU

Tel: 0925/621175-620167-623968

Fax: 0925/620050, Email: dcohangu@gmail.com

No. 3095-32, MAADC (II)

Dated: 01/02/2023

(11)

OFFICE ORDER

Consequent upon the dismissal of the Writ Petition No.5092-I/2021 lodged by Muhammad Jamal in the August Peshawar High Court Peshawar dated: 29-11-2022 and in pursuance of the Notification No. SO(Police-II)11D/1-3/Federal Levies 2021 dated: 21-10-2021. Muhammad Jamal s/o Noor Jamal, Subedar Major (BPS-16), Levies Force Hangu is hereby retired from service w.e.f. 17-02-2022(A/N), on completion of 03 years rank service as Subedar Major, in the best public interest.

Deputy Commissioner/Commandant  
of Levies Force Hangu

Even No. & Date

Copy to:

1. The Secretary to Govt: of Khyber Pakhtunkhwa, Home & TA's Department, Peshawar.
2. The Commissioner, Kohat Division, Kohat.
3. The Assistant Commissioner/Dy. Commandant, Levies Force, Hangu.
4. The District Accounts Officer, Hangu for information and necessary action.
5. The Section Officer (Police-II), Home & TA's Department, Khyber Pakhtunkhwa, Peshawar.
6. Muhammad Jamal s/o Noor Jamal r/o Ghari Bazar, Tehsil & District, Hangu.
7. Personal File.

Deputy Commissioner/Commandant  
of Levies Force Hangu

Attested  
ACCOUNT OFFICER  
O/O the Deputy Commissioner  
Hangu

Annex "C"

E. P. No. 841/2023  
M. Jamal vs Govt

29<sup>th</sup> Jan. 2024



01. Petitioner present in person. Mr. Muhammad Jan, District Attorney alongwith Muhammad Asim, Assistant for the respondents present.

02. Petitioner submitted an application for withdrawal of the execution petition. Application is placed on file. In view of the request of the petitioner, instant execution petition is dismissed as withdrawn. Consign.

03. Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal on this 29<sup>th</sup> day of January, 2024.

Certified *[Signature]* to be true copy  
E. P. No. 841/2023  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Signature]*  
(Fazeha Paul)  
Member(E)

Date of Presentation of Application... 01-02-24  
Number of Words... 1-P  
Copying Fee... 5/-  
Urgent... 1/-  
Total... 10/-  
Name of U...  
Date of Completion... 01-02-24  
Date of Delivery... 01-02-24

Attested

*[Signature]*  
ACCOUNT OFFICER  
O/O the Deputy Commissioner  
Hangu

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CS CamScanner



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

(091)9210503

(091) 9210201

NOTIFICATION

No. SO(L&K)/HD/3-1/HANGU/DPC/2024  
Dated Poshawar the 27.03.2024

In light of the powers conferred under Rule-4 sub rule-3 the PATA (Federal) Levies Force Service Rules, 2013 amended on 21.10.2021<sup>1</sup>, the available service record and working paper provided by the Deputy Commissioner/ Commandant PATA (Federal) Levies Force Hangu, and consequent upon the recommendations of the Departmental Promotion Committee (DPC) meeting held on 27.03.2024<sup>2</sup>, under the Chairmanship of Special Secretary-II, Home, the Competent Authority (Additional Chief Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa) is pleased to promote Subedar Sald Alam of Hangu PATA (Federal) Levies against the vacant post of Subedar Major (BPS-16), with immediate effect.

SPECIAL SECRETARY-II  
HOME & TRIBAL AFFAIRS DEPARTMENT

Endst: No & date even.  
Copy forwarded to the:

1. Deputy Commissioner/ Commandant Hangu Levies Force for necessary action and implementation
2. District Account Officer Hangu for necessary action
3. PS to Additional Chief Secretary, Home & Tribal Affairs Department, Khyber Pakhtunkhwa.
4. Officer concerned for compliance
5. Master file.

L.A  
28/3

SECTION OFFICER (LEVY & KHASADARS)

- <sup>1</sup> "Provided that the appointing authority for purpose of promotion to the posts of Subedar Major and Superintendent shall be Secretary, Home Department".
- <sup>2</sup> The Departmental Promotion Committee recommends Subedar Sald Alam (BS-14) for promotion to the rank of Subedar Major Hangu Levies Force.

Attested

ACCOUNT OFFICER  
O/O the Deputy Commissioner  
Hangu



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**AFFIDAVIT**

I, Gohar Zaman Wazir, Deputy Commissioner/Commandant Levies Force. Hangu do hereby solemnly affirm on oath that the contents of Para wise comments on behalf of Respondent No.01 & 02 are correct to the best of my knowledge/belief. Nothing has been concealed from this Honorable Service Tribunal.

It is further stated on oath that in this Para wise comments, the answering respondents have neither been placed ex-parte nor their defense is struck off / *COB*

*(Handwritten Signature)*  
(Gohar Zaman Wazir)  
Deputy Commissioner/Commandant  
Levies Force Hangu  
(Respondent No. 02)  
Incumbent



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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**AUTHORITY LETTER**

Mr. Daleel Hassan, Assistant, office of the Deputy Commissioner/Commandant Levies Force, Hangu is authorized to submit Para wise comments/reply in the captioned Service Appeal in the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar and also to defend instant case on behalf of Respondent No.01 & 02.

(Gohar Zaman Wazir)  
Deputy Commissioner/Commandant  
Levies Force Hangu  
(Respondent No. 02)  
Incumbent

