


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 2471/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/11/2024	<p>The appeal of Mr. Akbar Shah presented today by Clerk of counsel for the appellant. It is fixed for preliminary hearing before touring Single Bench, at Swat on 04.12.2024. Parcha Peshi given to clerk of counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)**

Service Appeal No. 2471 of 2024

Akbar Shah ..... Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa & others

..... Respondents

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Appellant

Akbar Shah

Identified by counsels

  
Dr. Adnan Khan, Barrister-at-Law,  
Advocate Supreme Court of Pakistan.

&

  
Wajahat Ullah Advocate

Office: Adnan Law Associates,  
Opposite Shuhada Park College Colony,  
Saidu Sharif, Swat.  
Cell No. 0346-9415233  
0343-5841755

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)**

Service Appeal No. 2471 of 2024

Akbar Shah S/o Zahir Shah R/o Mohalla Musa Khel Naway Kalay  
Mingora, District Swat [Sepoy/Electrician/Constable  
No.00537934].

.....Appellant

**VERSUS**

1) Government of Khyber through Secretary Home & Tribal Affairs  
Department, Civil Secretariat at Peshawar.

2) Commandant Swat Levies/Deputy Commissioner, District Swat.

.....Respondents

**APPEAL UNDER SECTION 4 OF  
THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974.**

**PRAYER:**

On acceptance of this Appeal, Notifications No. SO(Police-II)HD/MKD/Levies/Misc./2020 dated 22-03-2021 & No. SO (Police-II)HD/1-3/Federal Levies 2021 dated 21-10-2021 and subsequent retirement order dated 21-06-2024 issued by respondent No.2 may be declared as illegal and the same be set aside. Consequently, the appellant may be held entitled to complete his service till attaining 60 years age in light of Notification dated 14-07-2020.

Alternatively, the impugned notifications may be declared to be ineffective upon the rights of the appellant and he may be allowed to complete his service till attaining 60 years of age.

Respectfully Sheweth:

- 1) That the appellant was serving as regular member of Levies Force, Swat having a considerable length of service at his credit (Copy of Appointment Order is Annexure "A").
- 2) That services of the appellant were initially regulated under the Federal Levies Force Rules, 1962, which were non-statutory.
- 3) That subsequently, the Governor Khyber Pakhtunkhwa, under the omitted Article 247(4) of the Constitution promulgated the PATA Levies Force Regulations, 2012. Consequently, the Provincial Government framed Service Rules for the Levies Force in 2013 (Copy of relevant text of Service Rules notified in February 2013 is Annexure "B").
- 4) That Schedule-III of the above mentioned Rules, which provided for length of service towards retirement had certain anomalies. Hence, the said Rules were amended in December 2013 and the above stated anomalies were removed to a larger extent (Copy of amended Rules notified in December 2013 are Annexure "C").
- 5) That the relevant Rules were further amended in July 2020. Regarding the length of service towards retirement, Rule 17 was amended to the effect that all Levies personnel shall retire from service on attaining the age of superannuation i.e Sixty Years. Furthermore, Schedule-III which provided for certain length of service, was deleted by virtue of the amendment (Copy of amendments notified in July 2020 are Annexure "D").
- 6) That the rules were further amended on 23-03-2021. Rule 17, which provided for retirement on reaching superannuation was again omitted and Schedule-III was revived with certain amendments. Consequently, the junior rank officials like the present appellant would retire after performing certain years of service or on reaching certain age. For instance Hawaldar

would retire on reaching 31 years of service or 51 years of age, Naik 29 years of service or 48 years of age, L/Naik 27 year of service or 45 years of age and Sepoy 25 years of service or 42 years of age, whichever is earlier (Copy of amended Rules notified in March 2021 are Annexure "E").

- 7) That the Provincial Government made further amendments in the Federal Levies Rules on 21-10-2021, whereby retirement age in respect of lower ranked members of the Force was enhanced by a few years (Copy of amended Levies Rules notified on 21-10-2021 are Annexure "F").
- 8) That there have been various legal developments before this Tribunal and the august Peshawar High Court. In addition, the Provincial Assembly had passed an Act in November, 2021, whereby those levies personnel who had been retired pursuant to the amended rules shall be reinstated into service. Hence, the appellant filed an application to the Commandant requesting therein that he may not be retired from service (Copy of application filed before Commandant is attached as Annexure "G").
- 9) That in light of the above mentioned rules, the appellant got retired from service on attaining the age of 45 years vide order dated 21-06-2024 (Copy of retirement order dated 21-06-2024 is attached as Annexure "H").
- 10) That the appellant filed departmental appeal against the above mentioned further amendments in the relevant rules and his subsequent retirement order on 19-07-2024, which was registered by the Home Department on 24-07-2024 vide Diary No.12756. (Copy of memo of departmental appeal is Annexure "I").
- 11) That needless to say that the departmental appeal has not been respondent as yet, hence after the lapse of the statutory period, this appeal is being filed, inter alia, on the following grounds:

**GROUND:**

- A) That the impugned act of amending the relevant Service Rules to the detriment of the appellant and subsequent retirement is illegal and un-Constitutional. Hence, the same acts are liable to be declared as such.
- B) That it is a settled law that service rules cannot be amended to the detriment of public sector employees. Even, if they are so amended, the same having prospective effect cannot be applied against the existing employees
- C) That after the 25<sup>th</sup> Constitutional amendment, the new Constitutional regime demanded streamlining of the erstwhile Tribal Areas with the rest of the Province. So much so, Levies personnel serving in erstwhile FATA and Khasadar Force were accommodated to a larger extent where the Provincial Assembly passed an Act aimed at streamlining the service structure of Ex. FATA Levies Force. The Act not only provides uniform retirement age i.e 60 years for the whole Force but rather enjoins upon the Provincial Government to take steps towards absorption of the said Levies and Khasadars in regular police. Regrettably, the appellant have been treated in violation of the Constitutional spirit particularly after the 25<sup>th</sup> Constitutional amendment and subsequent orders.
- D) That the larger bench of the Hon'ble Peshawar High Court has declared members of the levies force as Civil Servants. To be a civil servant means subject of the Khyber Pakhtunkhwa Civil Servant Act, 1973. Needless to say that under the said Act, retirement age for all civil servants has been mentioned as 60 years.
- E) That this Tribunal has already held that the impugned rules do not exist pursuant to the Provincial Act of 2021. Being so, a declaration ought to be issued regarding the non-existence of the impugned rules and subsequent re-instatement of the appellant.

- F) That further grounds, with leave of this Hon'ble Tribunal, would be raised at the time of oral submissions.

It is, therefore, humbly prayed that on acceptance of this appeal,

- (i) The impugned Notifications No. SO(Police-II)HD/MKD/Levies/Misc./2020 & No. SO (Police-II)HD/1-3/Federal Levies 2021 dated 21-10-2021 and subsequent retirement order dated 21-06-2024 issued by respondent No. 3 be declared as illegal, the same may be set aside. Consequently, the appellant may be held entitled to complete his service till attaining 60 years of age in light with Notification dated 14-07-2020.

Alternatively, the impugned notifications may be declared to be ineffective upon the rights of the appellant and the appellant be allowed to complete his service till attaining 60 years of age.

- (ii) Any other remedy though may not specifically prayed for, but which circumstances of the case would demand in the interests of justice, may also be granted.

Appellant  
Akbar Shah  
Identified by counsel

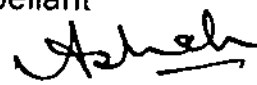
  
Dr. Adnan Khan Barrister-at-Law,  
Advocate Supreme Court of Pakistan.

&  
  
Wajahat Ullah Advocate

**CERTIFICATE:**

Certified that no such like appeal has earlier been filed before this Hon'ble Tribunal on the subject matter.

Appellant

  
Akbar Shah

(6)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)**

Service Appeal No. \_\_\_\_\_ of 2024

Akbar Shah .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa & others

.....Respondents

**AFFIDAVIT**

I, Akbar Shah S/o Zahir Shah (Appellant), do hereby solemnly affirm and declare that the contents of the above titled Appeal are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Hon'ble Tribunal or elsewhere on this subject matter

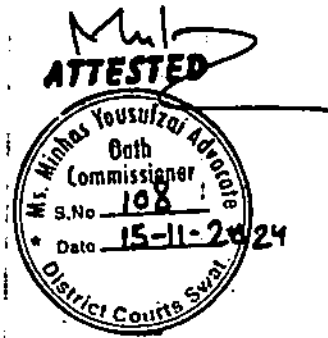
DEPONENT

*Akbar Shah*

Akbar Shah

S/o Zahir Shah

CNIC#





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR (CAMP COURT AT SWAT)**

Service Appeal No. \_\_\_\_\_ of 2024

Akbar Shah .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa & others

.....Respondents

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Akbar Shah S/o Zahir Shah R/o Mohalla Musa Khel Naway Kalay  
Mingora; District Swat [Sepoy/Electrician/Constable  
No.00537934].

(NIC# 15602-0251467-5)

(Cell# 0345 8834815)

**RESPONDENTS:**

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat at Peshawar.
- 2) Government of Khyber through Secretary Home & Tribal Affairs Department, Civil Secretariat at Peshawar.
- 3) Commandant Swat Levies/Deputy Commissioner, District Swat.

.....Respondents

Appellant

Akbar Shah  
Identified by counsel



Dr. Adnan Khan Barrister-at-Law,  
Advocate Supreme Court of Pakistan.



Wajahat Ullah Advocate

(8)

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**OFFICE OF THE DISTRICT COORDINATION OFFICER SWAT/COMMANDANT  
SWAT LEVIES.**

No. 15263 DCO

Dated the 25/6/2010.

**ORDER.**

As per recommendations of the Departmental Selection Committee, the District Coordination Officer/Commandant Swat Levies has been pleased to notify the appointment of the following candidates as Sepoy BPS-05 as Technical Staff plus usual allowances against the vacant post with immediate effect:-

S.No	Name	Father Name	Address
<b>Cook</b>			
1	Amjad Ali	Usman Ali	Watkay Shahdara, Mingora, Swat
2	Sami Ullah	Mian Gul Bostan	Near Girls College Vill & P.O Saidu Sharif
<b>Plumber</b>			
3	Islam Ullah	Rustam Zaman	Afsar Abad, Saidu Sharif, Swat.
4	Riaz Ahmad	Hameed Gul	New Chail P.O Madiyan, Teh. Bahrain District Swat.
<b>Carpenter</b>			
5	Barkat Ali Khan	Buzarg Jamcer Khan	Moh. Dag Bazar, Bahrain
6	Mian Umar Khan	Juma Khan	Skha Chena Amankot
7	Muhammad Rasool Khan	Muhammad Aziz	Gulkada No. 1 Saidu Sharif, Swat.
<b>Electrician</b>			
8	Farman Ali	Said Faqir	Nasar Khel Saidu Sharif District Swat.
9	Sana Ullah	Janullah	Moh. Afsar Abad P.O Saidu Sharif District Swat.
10	Ibrahim Khan	Muhammad Zarin Khan	Mingora Swat
11	Akbar Shah	Zahir Shah	Moh. Musa Khel Naway Kilay Mingora, District Swat
<b>Tailor</b>			
12	Sajjad Ahmad	Farid Gul	Moh. Zorr Cham Saidu Sharif District Swat
13	Sher Alam	Haidar Zaman	Moh. Nasar Khel Saidu Sharif District Swat
14	Rahmat Ali	Ali Rahman	Moh. Molvi Abdul Manan Rahim Abad Mingora District Swat
<b>Sweeper</b>			
15	Shah Wali	Shah Zamcen Khan	Moh. Usaman Khel Amankot District Swat
16	Muhammad Rahim	Fazal Karim	Bashigram P.O Madiyan Teh Bahrain
17	Zia Ullah Jan	Atta Ullah Jan	Moh. Zorr Cham Saidu Sharif, Swat
18	Imran Ullah	Aziz ur Rahman	Moh. Marghazar Town, Mingora Swat
<b>Cobbler</b>			
19	Naimat Gul	Rahim Gul	Goli Gram P.O Saidu Sharif District Swat
<b>Dhobi</b>			
20	Abdul Bari	Abdul Khaliq	Afsar Abad, Saidu Sharif, Distt. Swat

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BE TRUE COPY

(9)

Gardener			
21	Muhammad Naeem	Muhammad Iqbal	Moh. Khona Cham P.O Saidu Sharif District Swat.
Mason			
22	Shafi ur Rahman	Shamsul Amin	Baram Akbar Abad, Mingora Swat
23	Adnan	Pervesh Khan	Moh. Usman Khel Amankot, Swat
24	Umar Zada	Arsala Khan	Moh. Shahid Abad P.O Saidu Sharif Swat
Dhobi			
25	Abdullah	Gul	Muhalla, Matikhel, Kot
26	Asad Khan	Sarfaraz Khan	Moh. Mat Khel Amankot, Swat
Painter			
27	Haidar Ali	Ziarat Gul	Sohrab Khan Mingora Swat
28	Fozal Maula	Akhar Khan	Moh. Nasar Khel Vill & P.O Saidu Sharif Swat
Barber			
29	Afzal Khan	Muhammad Rasool Khan	Moh. Bostan Khel Ingaro Dherai, Swat
30	Ajmal	Sher Bahadar	Moh. Dawlat Khel Amankot, Swat

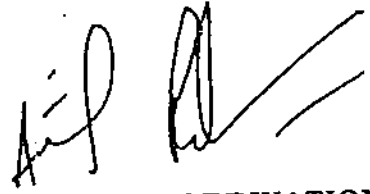
### TERMS AND CONDITIONS

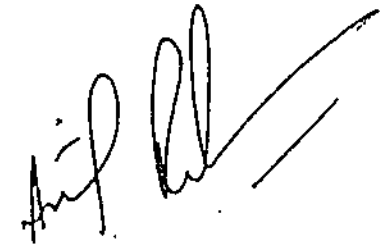
- 1- Their recruitment will be subject to the verification of the antecedents of the applicant from the concerned agencies.
- 2- The appointees will be allowed to resign the service on one month prior notice and in case of resignation without notice, two months Pay/allowances if any shall be forfeited in favour of Government.
- 3- Their services can be terminated at any time in case their performance is found un-satisfactory.
- 4- The appointees should join duties within one week of the issue of this order.

No. 15264-65/DCO

#### Copy forwarded to:-

- 1- District Accounts Officer, Swat.
- 2- Officials concerned.

  
DISTRICT COORDINATION OFFICER/  
COMMANDANT SWAT LEVIES SWAT

  
DISTRICT COORDINATION OFFICER/  
COMMANDANT SWAT LEVIES SWAT

  
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Annex B

DEPARTMENT

GAZETTE



# KEYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 15TH FEBRUARY, 2013.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

## NOTIFICATION

Peshawar the 4th February 2013

### SERVICE RULES FOR FEDERAL LEVIES FORCE IN PATA

In exercise of the powers conferred by Section 9 of the PATA Levies Force Regulation, 2013, the Provincial Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

1. Short title and commencement- (1) These rules may be called Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) 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 meaning 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 the Deputy Commissioner in their respective jurisdiction;
- (c) "Deputy Commandant (Operation)" means an Assistant Commissioner or any officer of the District designated as such by the provincial government who shall be Deputy Commandant (Operation) of the Force in PATA, to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed, and who shall be responsible to the Commandant for operational matters of the Force in PATA.
- (d) "Deputy Commandant (Administration)" means Deputy Commandant (Administration) of the Force, who shall be an officer of the provincial government or any officer of the District designated as such by the provincial government, to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed and who shall be responsible to the Commandant for administration and establishment matters of the Force in PATA.
- (e) "Government" means the Government of Khyber Pakhtunkhwa;
- (f) "Home Department" means Provincial Home & Tribal Affairs Department;
- (g) "Initial recruitment" means appointment made other than by promotion or transfer;
- (h) "Schedule" means the Schedule appended to these rules;

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*DC*  
*12/13/13*

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SCHEDULE - III  
See Rule 17

Sl. 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 age whichever is earlier
2	Subedar (BS-15)	35 years service or 03 years service as Subedar or 57 years age whichever is earlier
3	Naib Subedar (BS-11)	32 years service or 03 years service as Naib Subedar or 64 years age whichever is earlier
4	Haraldar (BS-8)	29 years service or 03 years service as Haraldar or 61 years age whichever is earlier
5	Naik (BS-7)	28 years service or 03 years service as Naik or 48 years age whichever is earlier
6	L/Naik (BS-6)	25 years service or 03 years service as L/Naik or 45 years age whichever is earlier
7	Head Constable (BS-5)	22 years service or 03 years service as Head Constable or 42 years age whichever is earlier

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar the 4<sup>th</sup> February 2013

SERVICE RULES FOR FEDERAL LEVIES FORCE IN PATA

In exercise of the power conferred by Section 9 of the PATA Levies Force Regulation 2012, the Provincially Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

1. **Short title and commencement:-** (1) These rules may be called Provincially Administrated Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013.

(2) They shall come into force at once.

2. **Definition:-** (1) In these Rules, unless the context otherwise require, the following expression shall have the meaning 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 the Deputy Commissioner in their respective jurisdiction;
- (c) "Deputy Commandant (Operation)" means as Assistant Commissioner or any officer of the District designated as such by the provincial government who shall be Deputy Commandant (Operation) of the Force in PATA, to exercise in his respective jurisdiction such power and perform such functions as may be prescribed; and who shall be responsible to the Commandant for operational matters of the Force in PATA.
- (d) "Deputy Commandant (Administration)" means Deputy Commandant (Administration) of the Force, who shall be an officer of the provincial government or any officer of the District designated as such by the provincial government to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed and who shall be responsible to the Commandant in administration and establishment matters of the Force in PATA.
- (e) "Government" means the Government of Khyber Pakhtunkhwa;
- (f) "Home Department" means Provincial Home & Tribunal Affairs Department;
- (g) "Initial recruitment" means appointment made other than by promotion or by transfer;
- (h) "Schedule" means the Schedule appended to these rules'

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SCHEDULE-III  
See Rule 17

S.#	Post/Rank	Length of service/Age
1	Subedar Major (BS-16)	38 years service or 03 years service as Subedar Major or 60 years age whichever is earlier
2	Subedar (BS-13)	35 years service or 03 years service as Subedar or 57 years age whichever is earlier
3	Naib Subedar (BS-11)	32 years service or 03 years service as Naib Subedar or 54 years age whichever is earlier
4	Havaldar (BS-8)	29 years service or 03 years service as Havaldar or 51 years age whichever is earlier
5	Naik (BS-7)	26 years service or 03 years service as Naik or 48 years age whichever is earlier
6	L/Naik (BS-6)	23 years service or 03 years service as L/Naik or 45 years age whichever is earlier
7	Sepoy (BS-5)	20 years service or 42 years age whichever is earlier

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Home Department  
Dated Peshawar the 12th December, 2015

**NOTIFICATION**

No. So (Levy) HD/ELW/1-4/2015 Vol. 1. The competent authority has been pleased to effect further amendments in Schedule-I of Rule-4(2) and Schedule-III of Rules-17 under Part II of the Regulation for PATA Levy Force, 2012 & Rule-24 of the Provincially Administered Areas (PATA) Federal Levy Force Service (Amended) Rules, 2013 as under:-

Rule-4(2) Schedules

SCHEDULE-I  
See Rule 4 (2)

S.No	Post/ Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
	Subedar Major (BS-10)	One year service as Subedar	100%		
	Subedar (BS-11)	One year service as Naib Subedar	100%		
	Naib Subedar (BS-12)	One year service as Hawaldar	100%		
	Hawaldar (BS-8)	One year service as Naik	100%		
	Naik (BS-7)	One year service as Lance Naik	100%		
	Lance Naik (BS-6)	Five years service as Sepoy	100%		
	Sepoy (BS-5)			100%	Middle Metric
	Head Armorer (BPS-5)	Five years service as Assistant Armorer	100%		Middle Metric v of Armo
	Assistant Armorer (BPS-1)			100%	Middle Metric v of Armo

Rule-17 (Retirement), (1) All uniform levy personnel shall retire as per Schedule-III or opt for retirement after completion of 25 years of regular service and no extension beyond retirement shall be granted.

SCHEDULE-III

Rule-17 Retirement

S.No	Post/ Rank	Length of service / age for retirement.
	Subedar Major (BS-10)	37 years' service or 60 years of age whichever is earlier
	Subedar (BS-11)	35 years' service or 60 years of age whichever is earlier
	Naib Subedar (BS-12)	33 years' service or 60 years of age whichever is earlier
	Hawaldar (BS-8)	31 years' service or 60 years of age whichever is earlier
	Naik (BS-7)	29 years' service or 60 years of age whichever is earlier
	Lance Naik (BS-6)	27 years' service or 60 years of age whichever is earlier
	Sepoy (BS-5)	25 years' service or 60 years of age whichever is earlier

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Government of Kyber Pakhtunkhwa,  
Home & Tribal Affairs Department  
Dated Peshawar the 12<sup>th</sup> December, 2013

**NOTIFICATION**

**No. SO(Levies)HD/FLW/1-1/2013/Vol.1.** The Competent authority has been pleased to order further amendments in Schedule-I of Rule-4(2) and Schedule-III of Rules-17 under Para of the Regulation for PATA Levies Force, 2012 & Rule-24 of the Provincially Administered Area (PATA) Federal Levies Force Service (Amended) Rules, 2013 as under:-  
**Rule-4(2) Schedule -I**

**SCHEDULE-I**  
**See Rule 4(2)**

Uniformed Force		Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
S.No	Post/Rank				
1.	Subedar Major (BS-16)	One year service as Subedar	100%		
2.	Subedar (BS-13)	One year service as Naib Subedar	100%		
3.	Naib Subedar (BS-11)	One year service as Hawaldar	100%		
4.	Hawaldar (BS-8)	One year service as Naik	100%		
5.	Naik (BS-7)	One year service as Lance Naik	100%		
6.	Lance Naik (BS-6)	One year service as Sepoy	100%		
7.	Sepoy (BS-5)			100%	Middle Pass/Matric
8.	Head Armorer (BS-5)	One year service as Assistant Armorer	100%		Middle Pass/Matric
9.	Assistant Armorer (BS-1)			100%	Middle Pass/Matric

**Rule-17 (Retirement):** (1) All uniform levy personnel shall retire as per Schedule-III or opt for retirement after completion of 25 years of regular service and no extension beyond retirement shall be granted.

**SCHEDULE -III**  
**Rule -17 (Retirement)**

S.No	Post/Rank	Length of service/age for retirement
1.	Subedar Major (BS-16)	37 years' of service or 60 years of age whichever is earlier
2.	Subedar (BS-13)	35 years' of service or 60 years of age whichever is earlier
3.	Naib Subedar (BS-11)	33 years' of service or 60 years of age whichever is earlier
4.	Hawaldar (BS-8)	31 years' of service or 60 years of age whichever is earlier
5.	Naik (BS-7)	29 years' of service or 60 years of age whichever is earlier
6.	Lance Naik (BS-6)	28 years' of service or 60 years of age whichever is earlier
7.	Sepoy (BS-5)	25 years' of service or 60 years of age whichever is earlier

CFC

(16) Annex D

Amendments

14-07-2020

In the said rules:-

- (a) For rule 17, the following shall be substituted, namely:-  
 "17. Retirement— All Levy Personnel shall retire from service on attaining their age of superannuation i.e. sixty (60) years or they may opt for retirement after completion of twenty-five (25) years' regular service; and
- (b) Schedule-III shall be deleted.

SECRETARY TO GOVERNMENT  
KHYBER PAKHTUNKHWA  
HUMAN RESOURCE DEPARTMENT

Copy forwarded to the:-

1. Principal Secretary to Government, Secretariat, Khyber Pakhtunkhwa, Peshawar.
  2. Principal Secretary to Chief Minister's Secretariat Khyber Pakhtunkhwa, Peshawar.
  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 Election Commissioner, Khyber Pakhtunkhwa.
  8. Provincial Police Officer, Khyber Pakhtunkhwa.
  9. All Heads of Attached Departments in Khyber Pakhtunkhwa.
  10. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
  11. Accountant General of Khyber Pakhtunkhwa.
  12. Director Information Khyber Pakhtunkhwa, Peshawar.
  13. The Manager Government Printing & Stationery Department, Khyber Pakhtunkhwa.
- It is requested to publish the above amendments in the official gazette of Khyber Pakhtunkhwa and supply 50 Copies (Printed) of the same to the Home Department.

Section Officer

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HOME DEPARTMENT  
NOTIFICATION  
Dated Peshawar the 14-07-2020

No. SO (Police-IDHD/1-3: In exercise of the power conferred by Section 9 of the Provincially Administered Tribal Areas Levies Force Regulation 2012, the Government of the Khyber Pakhtunkhwa is pleased to direct that in the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013, the following further amendments shall be made, namely:

Amendments

In the said rules:-

- a) For rule 17, the following shall be substituted, namely:

"17, Retirement.— All Levies Personal shall retire from service on attaining then age of superannuation i.e sixty (60) years or they may opt for retirement after completion of twenty-five (25) years regular service, and

- b) Schedule-III shall be deleted.

SECRETARY TO  
GOVT: OF KHYBER PAKHTUNKHWA  
HOME DEPARTMENT

Copy forwarded to the:-

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To be substituted notification of even No & date.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME AND TRIBAL AFFAIRS DEPARTMENT

(18)

E

NOTIFICATION

Peshawar, dated the 22-3-2021

No. SO(Police-II)HD/MKD/Levies/Misc./2020:- In exercise of the powers conferred by Section-9 of the PATA Levies Force Regulation, 2012, 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:-

Amendments

In the said rules:-

1. In Rule 4, sub-rule (1), the following shall be substituted, namely:

"(I) Commandant shall be the appointing authority for initial recruitment and promotion up to the rank of Subedar:

Provided that the appointing authority for purpose of promotion to the posts of Subedar Major and Superintendents shall be Secretary, Home Department."

2. For Rule 17, the following shall be substituted namely:

"17. Retirement: All Levy personnel shall retire as per Schedule-III and no extension in service after retirement shall be granted".

3. For Schedule-III, the following shall be substituted, namely:

"Schedule-III  
[see rule 17]

S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
1	Subedar Major (BS-16)	On the basis of Seniority-cum-fitness from amongst the Subedars having Intermediate Qualification.	Thirty Seven Years or Three Years' Service as Subedar Major or Sixty Years of age whichever is earlier
2	Subedar (BS-13)	By promotion, on the basis of Seniority Cum Fitness in the following manner, namely: (i) Fifty Percent (50%) from amongst the Naib Subedars having Intermediate qualification; and (ii) Fifty Percent (50%) from amongst Naib Subedars having Secondary School Certificate	Thirty Five Years service or Five Years service as Subedar or Sixty years of age whichever is earlier
3.	Naib Subedar (BS-11)	By promotion, on the basis of Seniority Cum Fitness in the following manner, namely: (i) Fifty Percent (50%) from amongst the Hawaldars having intermediate	Thirty Three Years' Service or Seven Years' Service as Naib Subedar or Sixty Years of age whichever is earlier.

Qualification:

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S. No.	Name of the Post / Rank	Qualification for Promotion	Length of Service / Age
4	Hawaladar (BS-08)	qualification; and (ii) Fifty Percent (50%) from amongst Hawaldars.	Thirty One years service or Three years service as Hawaldar or Fifty One years of age, whichever is earlier.
5	Naik (BS-07)		Twenty Nine years service or Three years service as Naik or Forty Eight years of age, whichever is earlier.
6	L/naik (BS-06)		Twenty Seven years service or Three years service as L/Naik or Forty Five years of age, whichever is earlier.
7	Sepoy (BS-05)		Twenty Five years service or Forty Two years of age, whichever is earlier.

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

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.

Section Officer (Police-II)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME AND TRIBAL AFFAIRS DEPARTMENT

20

F

**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.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%		
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

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Copy forwarded to the:-

(21)

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.

Section Officer (Police-II)

21/10/2024

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# بخدمت جناب کمانڈنٹ، صاحب سوات لیویز

بوساطت: صوبیدار میجر صاحب سوات لیویز

درخواست بمراد برقراری بر فرائض منصبی در محکمہ لیویز (سوات)

جناب عالی!۔۔

حسب ذیل عرض ہے:

1. یہ کہ من سائل آپ صاحبان کے زیر سایہ آپ صاحبان کے بنگلے میں فرائض سر انجام دے رہا ہوں۔

2. یہ کہ نئے رولز 2021 معطل شدہ کے تحت سپاہی کے لئے ریٹائرمنٹ کی عمر 45 سال ہے۔

3. یہ کہ 03.05.2024 کو من سائل کی عمر 45 سال پوری ہونے والی ہے

4. یہ کہ سوات لیویز کے چند سپاہیوں نے خیبر پختونخواہ سروس ٹریبونل میں رولز 2021 کے خلاف مقدمہ دائر کیا تھا جس میں سماعت کے دوران مذکورہ سروس ٹریبونل نے رولز 2021 معطل کیے۔

5. یہ کہ بعد ازاں مذکورہ سروس ٹریبونل نے فیصلہ لیویز سپاہیوں کے حق میں دیا۔

6. یہ کہ مذکورہ سروس ٹریبونل کے رولز معطلی اور لیویز سپاہیوں کے حق میں فیصلے کے خلاف محکمہ نے سپریم کورٹ میں اپیل دائر نہیں کیا۔

7. یہ کہ سروس ٹریبونل کے رولز معطلی اور لیویز کے حق میں فیصلے کے بعد ڈیپارٹمنٹ کی جانب سے لیویز سپاہیوں کو 45 سال پورا ہونے پر ریٹائر کرنے کا دوسرا نوٹیفیکیشن بھی جاری نہیں ہوا ہے، جبکہ مذکورہ رولز 2021 سروس ٹریبونل نے معطل کئے ہیں۔

8. یہ کہ بمطابق 2022 SCMR 448 سروس ٹریبونل کے فیصلے کا اطلاق تمام ملازمین پر ہوتا ہے چاہے وہ کیس میں فریق ہو یا نہ ہو۔ (نوٹ) سپریم کورٹ فیصلہ (سوات لیویز)

9. یہ کہ سروس ٹریبونل کی طرف سے رولز معطلی اور فیصلہ لیویز سپاہیوں کے حق میں ہونے کے بعد محکمہ کے لیویز سپاہیوں کو ریٹائر کرنا درست نہیں۔

لہذا بذریعہ درخواست ہذا استدعا کی جاتی ہے کہ من سائل کو فرائض منصبی پر برقرار رکھا جائے۔

فدوی تا حیات دعا گو رہیگا۔

العارض

اکبر شاہ  
سپاہی/الیکٹریشن  
سوات لیویز

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OFFICE OF THE  
DEPUTY COMMISSIONER/  
COMMANDANT SWAT LEVIES SWAT

No. 245 JDC/CSL  
Dated the 21/06/2024

**ORDER (Retirement)**

In pursuance of PATA Federal Levies Force Service (Amended) Rules, 2013, Schedule-III amended Notification No. SO (POLICE-I)HD/1-3/FEDERAL LEVIES 2021, dated 21/10/2021, issued by the Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department Peshawar, Mr. Akbar Shah S/O Zahir Shah, Swat Levies Force Sepoy Electrician/Constable (BPS-07), P.No.00537934, who has attained the requisite sepoy rank age i.e. 45-years, is hereby retired from service w.e.f. 03/05/2024 (A/N), with allowed financial benefits under the rules/policy in vogue.

  
DEPUTY COMMISSIONER/  
COMMANDANT SWAT LEVIES SWAT  
Phone & Fax: 0946-9240439

Encls: No. & Date each.

Copy forwarded to:-

- 1- The Commissioner Malakand Division at Saidu Sharif Swat.
- 2- The PS to Secretary Home & TAs Deptt. Peshawar.
- 3- The Section Officer (L&K) Home & TAs Deptt. Peshawar.
- 4- The Section Officer (Budget) Home & TAs Deptt. Peshawar.

For information w/r to the above, please.

- 5- The District Comptroller of Accounts Swat, for information w/r to the above and necessary action, please.
- 6- The Subedar Major Swat Levies Force.
- 7- The Incharge Levies Line.

For information w/r to the above and further direction for necessary action as well as collections of Swat Levies Service Cards, weapons, kit items and other related accessories if any issued to the above individual with proper note of handing/taking.

- 8- Mr. Akbar Shah, Sepoy Electrician/Constable Swat Levies Force, for information w/r to the above and compliance.

  
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DEPUTY COMMISSIONER/  
COMMANDANT SWAT LEVIES SWAT  
Phone & Fax: 0946-9240439

خدمت جناب ہجوم سیکرٹری صاحب غیر ملکی خواتین اور  
عنوان: محکمہ اہل بہرہ خلاف ریٹائرمنٹ آرڈر 2024  
پریشن کا عدالت کی تیاری و کارروائی اور بحالی پر نوٹری

(29)

جناب عالی!  
موردہ تہ گزار سے کی جا رہی ہے کہ من سائل 2010

میں بطور سپاہی الیکٹریٹ سوات لیونیر میں بھرتی ہوا  
یہ کہ لیونیر رولز وقتاً فوقتاً تبدیل ہوتے رہتے۔

یہ کہ من سائل کو 13 سال اور 10 ماہ نوٹری کرنے پر  
نئے رولز کے تحت ریٹائر کیا گیا۔ (نقل ریٹائرمنٹ ہمراہ لٹیک)

یہ کہ ہجوم ڈیپارٹمنٹ KPK نے قبل ازیں لیونیر کیلئے  
25 سال سروس یا 60 سال کی عمر کی حد مقرر کی تھی لیکن  
2021 میں سیاسی بنیادوں پر اسے کالعدم قرار دے کر 45 سال  
کی عمر کی حد مقرر کی گئی۔

یہ کہ مذکورہ رولز نے 2021 مختلف اعلیٰ عدالتوں  
بشمول سپریم کورٹ میں چیلنج کیے گئے ہیں۔

یہ کہ من سائل نے مذکورہ رولز کے تحت ریٹائر گرنے کے خلاف  
ڈی سی صاحب سوات کو درخواست دی لیکن ڈی سی

صاحب سوات نے سیاسی ممبران کی جانب سے شدید دباؤ  
ہے، جس کی وجہ سے انہوں نے من سائل کو ریٹائر کیا۔

چونکہ مذکورہ نئے رولز 2021 غیر منصفانہ، غیر قانونی  
اور آئین سے متصادم ہیں، بدین وجہ ان رولز کو

مستوح کرنے اور من مسائل کی بحالی کے احکامات صادر  
کرتا عین الصاف کا لقا ہے۔

لہذا استدعا کی جاتی ہے کہ ایمن رولز کو مستوح  
کرتے اور من مسائل کی بحالی کے احکامات صادر  
فرمائے جائیں۔

فدوی تاحیات آپ صاحبان کے بچوں  
کیلئے دعا گو ہے گا۔

العارضا  
حبیبی ریٹائر ایبل کار اکبر شاہ ولد نظام شاہ  
سوات ٹیوٹر

مورخ 19/07/2024

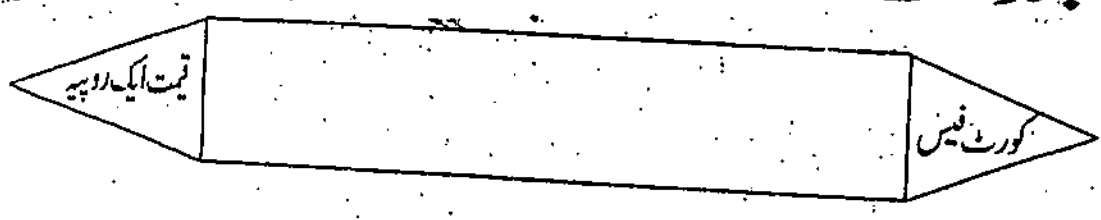
12756

سید ڈیپارٹمنٹ ڈائری جنرل

24/07/2024 مورخ

پیپر پختونخوا سروس ٹریبونل پشاور / سوات کیپ کورٹ

# بعدالت



مورخہ 17 نومبر 2024ء منجانب **پشاور**  
 مقدمہ **الدر شاہ** بنام **حکومت و غیرہ**

## دعویٰ سروس اپیل — 24 جرم باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی

ایڈووکیٹ  
 ایڈووکیٹ

متعلقہ آن مقام **پشاور ٹریبونل کیپ کورٹ سوات** کیلئے **سر محمد ان خان ASC** مرصوق ایڈووکیٹ ایڈووکیٹ اور جاسٹس ایڈووکیٹ  
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل  
 احتیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے کو جواب  
 دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔  
 نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل  
 یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔  
 اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ  
 برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوا ایسے مقدمہ کے  
 سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے  
 وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل  
 صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

ایڈووکیٹ  
 ایڈووکیٹ

الدر شاہ ولد ظہار شاہ

الرقوم 17 ماہ نومبر 2024ء

العبد الغدہ العبد الغدہ

بقام کیپ کورٹ سوات کے لئے منظور ہے

Handwritten signature