

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. 880/2024.

Gulab Zar son of Zubair Khan resident of Darband Shahnawian, District Torghar.

... Appellant


Versus

1. Commissioner, Hazara Division, at Abbottabad.
2. Deputy Commissioner, Torghar/ Commandant Levies Force, at Torghar.

... Respondents

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Deponent

(11)

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

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GulabZar son of Zubair Khan resident of DarbandShahnawian, District Torghar

... Appellant

Versus

1. Commissioner, Hazara Division, at Abbottabad.
2. Deputy Commissioner, Torghar/ Commandant Levies Force, at Torghar.

Khyber Pakhtunkhwa
Services Tribunal
Dialy No. 18107
Dated 20/11/24

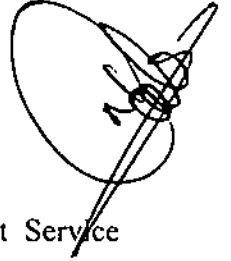
... Respondents

Joint Para-wise comments in respect of the Commissioner, Hazara Division, Abbottabad (Respondent No. 01) and Deputy Commissioner, Torghar (Respondent No.02) are hereby submitted before this Honorable Tribunal in Service Appeal No. 880/2024 together with Preliminary Objections, please:

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. The Petitioner has not come to this Honorable Tribunal with clean hands.
2. The Petitioner is estopped by his own conduct to file the instant Service Appeal.
3. The Petitioner has not served the notice/ intimation of filing of the instant Service Appeal, as required.
4. The appellant or his attorney has not signed the appeal, affidavit & addresses of the parties.
5. The instant appeal is not maintainable, being time barred.



FACTS:

1. Correct to extent that the appellant was appointed as Sepoy in levies force Torghar on 10.05.2010.
2. No comments. Pertains to record.
3. Correct. Copy of the suspension order dated 21-02-2024. Copy annexed as **Annexure-A**.
4. Correct. Copy of order No.4708-11/Levies/DC/TG dated 06-03-2024 is annexed as **Annexure-B**.
5. Incorrect. The Inquiry Officer served the charge sheet vide No.4692-94/Levies/TG dated 27-02-2024 upon the appellant as well as he was afforded the opportunity of personal hearing who after fulfilling all formalities submitted his recommendations for appropriate action against the accused. Copy of the charge sheet is annexed as **Annexure C**. The

appellant submitted his written reply as well as appeared before the Inquiry Officer in person on 28-02-2024. Copy annexed as **Annexure D**.

- 6. Correct to the extent that the appellant preferred departmental appeal before the Commissioner, Hazara Division, Abbottabad which was dismissed vide Order No.CHD/ACR/Reader/10/02/(B)/5347-51 dated 21.05.2024. However, as far as the contention of the appellant that the order was not conveyed to him is incorrect as he personally appeared before the Appellate Authority during the hearing on 15.05.2024 and the order was announced in his presence, other accused and the departmental representative. Copy of the Order announced on 15.05.2024 by the Commissioner, Hazara Division, Abbottabad is annexed as **Annexure E**.

GROUND:

- a. Incorrect. Major Penalty of removal from service imposed upon the appellant U/S 14 (Schedule-II) (b) of Provincially Administered Tribal Area (PATA) Federal Levies Force Service (Amended) Rule 2013, is justified, legal and according to law/rules.
- b. Incorrect. As enumerated in "a" above.
- c. No comments. Pertains to record.
- d. Correct to the extent that no Show Cause Notice was issued to the Appellant.
- e. Incorrect. The levies force in the Province is not governed under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 rather Federal Levies Force Service (Amended) Rule, 2013 are applicable upon them being a belt force. Copy of the said Rules is annexed as **Annexure F**.
- f. Incorrect. As enumerated in "5-Facts" above.
- g. Incorrect. As stated in Para 5-Facts of the instant appeal.
- h. Incorrect. The period of absence is clearly mentioned in the order dated 06.03.2024 and in Para 04 of Facts above.
- i. Incorrect. As enumerated "e" above.
- j. No Comments.
- k. Incorrect. As enumerated "e" above.
- l. No Comments.
- 7. No Comments.
- 8. Incorrect. The instant appeal sent for comments cannot be reckoned as within time as the same has not been signed by the Appellant or his attorney and undated too.

In the light of above narrated facts, the instant appeal may graciously be dismissed in limine, please.

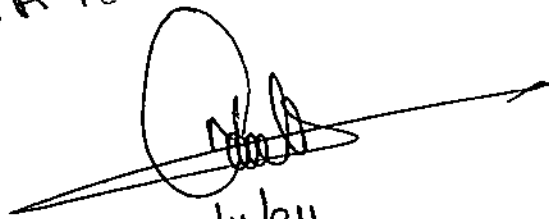


Deputy Commissioner, Torghar.
by (Respondent No .02)
Anwar Zeb Khan



Commissioner, Hazara Division,
Abbottabad. (Respondent No. 1)
Syed Zakeer ul-Islam

Uttled as per in the light of
S.A No. 882/2024.



18/11/24
Assistant Adjunct General
Khyber Pakhtunkhwa
Services Tribunal Peshawar

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. 880/2024.

Gulab Zar son of Zubair Khan resident of Darband Shahnawian, District Torghar

... Appellant

Versus

1. Commissioner, Hazara Division, at Abbottabad.
2. Deputy Commissioner, Torghar/ Commandant Levies Force, at Torghar.

... Respondents

AFFIDAVIT.

I, Anwer Zeb Khan, Deputy Commissioner, Torghar (Respondent No. 02) do hereby declare on oath that the contents of the reply of Appeal No. 880/2024 are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that the answering respondent have neither been placed ex-parte nor their defense has been struck off, also no cost is imposed.



DEPONENT

M

20 NOV 2024



20 NOV 2024

**OFFICE OF THE
DEPUTY COMMISSIONER
TORGHAR.**

1/Litigation /DC/TG/2024

Dated Torghar the 31/10/2024

AUTHORITY LETTER.

Raja Tasawar Khan, Additional Assistant Commissioner Tehsil Hassanzai District Torghar is authorized to attend the Khyber Pakhtunkhwa Services Tribunal Peshawar in Appeal No. 880/2024 titled Gulab Zar Versus Deputy Commissioner, Torghar and others on 27.11.2024 and subsequent date(s) regularly on behalf of the undersigned.



Deputy Commissioner,
by Torghar.

Copy to the:-

1. Additional Registrar, Khyber Pakhtunkhwa Service Tribunal with reference to above for information please.
2. Syed Zaheer Shah, Court Assistant for necessary action & compliance.
3. Officer concerned for compliance please.



Deputy Commissioner,
by Torghar.



OFFICE OF THE
DEPUTY COMMISSIONER/
COMMANDANT LEVIES FORCE
TORGHAR



16
Annex - A

<http://facebook.com/detorghar> dstorghar@gmail.com +92 0997-541003

No. 4675-77 /Levies/DC/TG

Dated Torghar the 21 / 02 /2024

OFFICE ORDER

Due to willful absence from duty since 15-01-2024 till date, the services of the following levies personnel are hereby placed under suspension with immediate effect:-

1. Abdul Rauf (Sepoy/Head Quarter Levies)
2. Gulab Zar (Sepoy/Head Quarter Levies)
3. Gul Muhammad (Sepoy/Head Quarter Levies)
4. Niamat Ullah (Sepoy/Head Quarter Levies)

[Signature]
DEPUTY COMMISSIONER/COMMANDANT
LEVIES FORCE, TORGHAR

Enstt: No & Date Even:

Copy forwarded to,

1. The Assistant Commissioner/Deputy Commandant Levies Force, Torghar for information.
2. The Subidar Levies Force, Torghar with the direction to inform concerned.

[Signature]
DEPUTY COMMISSIONER/COMMANDANT
LEVIES FORCE, TORGHAR

[Signature]
Additional Assistant Commissioner
Kandar



**DEPUTY COMMISSIONER/
Commandant Levies Force
TORGHAR**



Amex - B

7

No. 4708-11 /Levies/DC/TG

Dated Torghar the 06/03 /2024

OFFICE ORDER

WHEREAS, Mr. Gulab Zar Sepoy Levies Force, Torghar was reported willfully absent from his duty without any prior approval from competent authority w.e.f 15-01-2024 to 27-02-2024.

AND WHEREAS, the accused was proceeded against under the relevant law/rules on that count as well as showing lack of discipline; Mr. Hasrat Khan Assistant Commissioner (HQ) Judba was appointed as an Inquiry Officer. A Charge Sheet was served to Mr. Gulab Zar vide letter No. 4692-94/Levies/DC/TG dated 27-02-2024; the delinquent official submitted his reply to the charge sheet and the Inquiry Officer in his inquiry report vide letter No. 4698/Levies/DC/TG dated 04-03-2024 submitted that the delinquent official had willfully absented himself from duty w.e.f 15-01-2024 till 27-02-2024; that the Inquiry Officer proved willful absence of the delinquent and recommended strict disciplinary action.

AND WHEREAS, Mr. Gulab Zar was directed to appear before the undersigned on 04-03-2024; the delinquent official attended the office of the undersigned on 05-03-2024. The written reply available on file was perused wherein, the delinquent official has taken a stance that his blood relative was ill due to which he couldn't attend his duty but he hasn't substantiated his stance with any documentary evidence. Also, he couldn't mention any cogent reason for his absence.

AND WHEREAS, in view of the foregoing facts regarding the absence of the delinquent official, findings and recommendations of the Inquiry Officer/ Deputy Commandant Levies Force Torghar as well as his unsatisfactory written reply and failure to justify his unauthorized absence during the personal hearing, it can be safely concluded that Mr. Gulab Zar has committed gross misconduct; has been absent from duty without any prior approval in the instant case and has also ceased to be efficient anymore.

NOW THEREFORE, I, Deputy Commissioner/Commandant Levies Force, Torghar impose major penalty of Removal from Service upon Mr. Gulab Zar, Sepoy Levies Force, Torghar U/S 10 (Schedule-II) (b) of Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013 with effect from 15-01-2024.

(Zia Ur Rehman Marwat)
DEPUTY COMMISSIONER/
Commandant Levies Force
TORGHAR

Enstt: No & Date Even:

Copy forwarded to the:-

1. Commissioner, Hazara Division, Abbottabad.
2. District Account Officer Torghar.
3. Section officer (Police-II), Government of Khyber Pakhtunkhwa Peshawar.
4. Mr. Gulab Zar C/O Subidar Levies Force, Torghar to serve the order upon the official concerned.

Additional Assistant Commissioner
Kandar

(Zia Ur Rehman Marwat)
DEPUTY COMMISSIONER/
Commandant Levies Force
TORGHAR



OFFICE OF THE
DEPUTY COMMISSIONER
TORGHAR

Annex - 02

No. 4692-94 / Levies/DC/TG

Dated Torghar the 27/02/2024

CHARGE SHEET

1. Mr. Abdur Raof Gul, Mr. Niamat Ullah, and Mr. Gulab Zar Sepoy Federal Levies Force Torghar

Formerly Nil

Presently posted as Sentry at Levies Head Quarter Judba, Torghar.

is accused of inefficiency/ misconduct/ absent from duty due to following acts(s) of omission and commission:-

That while posted as Sentry at Levies Head Quarter Judba, Torghar:-

- I. You have continuously showed lack of discipline regarding duty timing;
- II. You have remained absent from duty since 15-01-2024 to till date without prior permission from the Competent Authority.

2. For the purpose of inquiry against the said delinquent with reference to the above allegations following inquiry officer is appointed under the relevant rules:-

Mr. Nasrat Khan Assistant Commissioner HQ/IO

3. The inquiry officer shall, in accordance with provision of the rules, serve this Charge Sheet upon the accused as well as to provide reasonable opportunity of hearing to the accused, record its findings and make within 03 days of receipt of this order, recommendations as to punishment or other appropriate action against the accused.

(Zia Ur Reman Marwat)
DEPUTY COMMISSIONER/COMMANDANT
LEVIES FORCE, TORGHAR

Enstt: No & Date Even:

Copy forwarded to,

1. The Inquiry Officer.
2. Subidar Levies Force Torghar with the directions to serve the charge sheet upon the above accused officials.

DEPUTY COMMISSIONER/COMMANDANT
LEVIES FORCE, TORGHAR

Additional Assistant Commissioner
Kandar

۲۸/۱۲/۲۰۲۴

Handwritten notes in the top left corner, including the word "کابل" (Kabul).

Handwritten text in the main body of the document, including the name "Jaan by hand" and several lines of cursive script.

Handwritten text at the bottom of the main body, possibly a signature or name.

Handwritten text at the very bottom of the page, including the word "Annex-D" and a circled number "9".



Annex - E

COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. CHD/ACR/Reader/10/2 (II) 534/21

Dated Tuesday, May 21, 2024

Phone No: 0992-9110111-461

Fax No. 0992-9310500

10

ORDER
15/05/2024

Whereas, the appellants Mr. Gul Muhammad S/o Hazrat Umar Ex-Sepoy Levies Force Torghar, Mr. Niamatullah S/o Jan. Muhammad Khan Umar Ex-Sepoy Levies Force Torghar, Mr. Gulab Zar S/o Zubair Khan Umar Ex-Sepoy Levies Force Torghar, and Mr. Abdur Rauf Gul S/o Rozinat Gul Ex-Sepoy Levies Force Torghar, have filed a joint appeal dated; 08/03/2024 against the impugned orders No. 4716-20, 4708-11, 4704-7, -4712-15 /Levies/DC/TG, dated 06/03/2024 passed by the Deputy Commissioner/Commandant Levies Force Torghar whereby major Penalty of removal from service had been imposed upon the appellants under the provisions of Section- 10(Schedule-II) (b) of Provincially Administered Tribal Area (PATA) Federal Levies Force Service (Amended) Rules, 2013 and Section- 14 (schedule-II) (b) of Provincially Administered Tribal Areas (PATA) Federal Levies Force Service Rules, 2015.

The brief history of the case in hand is that the above mentioned appellants were serving as Sepoy Levies Force Torghar. They were reported willfully absent from their duties without any prior approval of the Competent Authority w.e.f 15/01/2024 to 26/02/2024.

A fact finding inquiry was conducted by the Assistant Commissioner/Deputy Commandant Levies Force District Torghar against the accused. The inquiry proceedings transpired that the accused have failed to justify their willful absence and also committed gross negligence and defiance. The Deputy Commissioner/Commandant Levies Force after completion of all legal formalities and in light of the recommendations made by the Inquiry Officer had imposed major penalty of removal from service upon the accused.

Whereas, the comments on the instant appeals were requisitioned from Deputy Commissioner/Commandant Levies Force vide his letter No.4774/Levies/DC (TG) dated 30/04/2024.

And whereas, the appellants appeared in person for personal hearing on 15/05/2024 in the presence of Mr. Hasrat Khan, Assistant Commissioner/Deputy Commandant Levies Force Torghar, representative of the Deputy Commissioner/Commandant Levies Force Torghar and it was also revealed that appellants have failed to report for duty despite various telephonic calls made by their immediate supervisor to the same effect.

Handwritten notes and stamps:
w/v
A.S.H.
M
04/16/24
Circular stamp: DEPUTY COMMISSIONER, TORGHAR, No. 1126, dated 16-2-24

Handwritten signature and stamp:
Additional Assistant Commissioner
Kandahar

Now therefore, after going through the contents of the appeal, careful perusal of available record, comments offered by the Deputy Commissioner/Commandant Levies Force Torghar, the written reply of the accused and their stance during the personal hearing they were found guilty of the charges.

Therefore, I see no valid grounds to set aside the order of the Deputy Commissioner /Commandant levies force Torghar which is upheld. The instant appeals are hereby rejected.

ANNOUNCED
15/05/2024


Commissioner
Hazara Division Abbottabad





GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

(57) (12)
Annex - F

NO. SO (POLICE-II)/HD/1-3/2020/MKD/LEVIES
Dated Peshawar the 21-10-2021

To,

1. All Divisional Commissioners,
2. The Deputy Commissioners/Commandants Levies,
Malakand, Swat, Dir Upper, Lower Dir, Upper Chitral,
Lower Chitral, Hangu, Kohat, Karak, Lakki Marwat & Torghar.

Subject: - CHIEF MINISTERS DIRECTIVES- RESTORATION OF SCHEDULE-III OF FEDERAL LEVIES RULES, 2013 AND SCHEDULE-IV OF PROVINCIAL LEVIES RULES, 2015

Dear Sir,

I am directed to enclose herewith a copy of Notification dated 21-10-2021 of Amendment in Federal Levies Rules 2013, for your perusal and further necessary action, please

Yours faithfully,

Section Officer (Police-II)
Ph No. 091-9210503 Fax No. 9210201

21/10/2021

Copy forwarded to:-

1. PS to Home Secretary, Khyber Pakhtunkhwa.
2. PS to Special Secretary Home, Khyber Pakhtunkhwa.
3. PA to Additional Secretary Home, Khyber Pakhtunkhwa.
4. PA to Deputy Secretary Home, Khyber Pakhtunkhwa.

levies clerk

*DC/1
3-11-20*

Attested

[Signature]
Additional Assistant Commissioner
Kandar





GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

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	Hawaladar (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	Hawaladar (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-3)	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

Additional Assistant Commissioner,
Kandar

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



KHYBER 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, 2012 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.

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 by transfer;
- (h) "Schedule" means the Schedule appended to these rules;

Attested

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Additional Assistant Commissioner
Kandar

- (i) "Selection or Promotion Committee" means a Committee for recruitment or as the case may be, promotion of Force personnel as notified by the Government;
- (j) "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 PATA Levies Force Regulation 2012.

2. Composition and eligibility of the Force.- (1) The Force shall comprise of the posts specified in Schedule-1 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-1. No person shall be appointed unless he fulfills the following conditions:-

- (a) The candidate shall be a citizen of Pakistan and bonafide resident of the respective district of Khyber Pakhtunkhwa.
- (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 shall issue a certificate of medical fitness to the candidate.
- (d) Recruitment to all ranks of the Force shall be made from amongst those persons having a minimum height of 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 of Academic Institution last attended or 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 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 and promotion up to the rank of Subedar. Whereas promotion to the rank of Subedar Major and above, the authority shall rest with the provincial government.

(2) Appointment to the post shall be made in accordance with the provisions contained in Schedule-1 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 government.

It is further provided that the ex-serviceman so appointed on contract shall not be more than forty five years of age.

5. Probation.-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.

Attested


Additional Assistant Commissioner
Kandahar

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 selected. Initially, the Appointing Authority shall arrange for appropriate training till a proper Levies Training Center 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 Home Department.

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 a 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 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 service shall be liable to serve anywhere within PATA with the prior approval of the Commissioner Malakand Division.

10. Punishment. - After satisfying himself regarding punishable acts (as referred in Schedule-II) through a charge duly framed in writing, necessary punishments specified in Schedule-IV may be awarded by the respective authority.

Provided that punishment so awarded shall be duly incorporated in service rolls / service dossier accordingly

11. Appeal. - If any personnel of 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 lie against the punishments specified at S.No. (1) and (2) of Schedule-IV.

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. Annual reports of all Havaldars and Junior Commissioned Officers (JCOs) will also be maintained for the purpose of promotion.

14. Uniform. - The levy personal shall attire black shalwar qamees with brown chappli, white socks, black berette 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.

Attested

Additional Assistant Commissioner
Kandar

(2) Casual leave may be allowed upto three days by Subedar Major. Casual leave up to 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 III 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 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 services 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.-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.

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. Manning and evaluation.- (1) Commandant or Deputy Commandant of the Force shall set up suitable number of levy posts in their respective jurisdiction and shall assign suitable number of Force personnel at each of such levy post. In case of establishment of Levy Station within their jurisdiction shall require prior approval of the government.

(2) There shall be levy line in each district, which shall have all necessary facilities including waste ground, barracks, quarter guards, koth/armoury 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 levy Muharrir.

(4) Naib Subedar shall be responsible for carrying out the work assigned to Force personnel whose duties shall be entered in advance in the duty register.

(5) Registers including *roznamchas* as prescribed by the Commandant shall be maintained in every levy 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 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 (Operations) by incharge of the post/station within twenty four hours for appropriate action.

Attested

Additional Assistant Commissioner

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An Anomaly Committee duly constituted/notified vide Home and Tribal Affairs Department, Khyber Pakhtunkhwa Notification No.SO(Police)/HD/12-19/2012 dated 11th December, 2012 shall consider 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 PATA Levies Force, Immediately before the commencement of these rules shall stand repealed in so far as these rules, orders or instructions are inconsistent with the rules.

Secretary
Home & Tribal Affairs Department
Government of Khyber Pakhtunkhwa

Attested


Additional Assistant Commissioner
Kandar

SCHEDULE - I

See rules 4(2) and 8

A. Uniformed Force

S.#	Post/Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
1.	Subedar Major (BS-16)	03 years service as Subedar	100%		
2.	Subedar (BS-13)	03 years service as Naib Subedar	100%		
3.	Naib Subedar (BS-11)	03 years service as Havaldar	100%		
4.	Havaldar (BS-8)	03 years service as Naik	100%		
5.	Naik (BS-7)	03 years service as Lance Naik	100%		
6.	L/Naik (BS-6)	03 years service as Sepoy	100%		
7.	Sepoy (BS-5)			100%	Middle pass preferably Matric
8.	Head Armourer BPS-05	05 years service as Assistant Armourer	100%		
9.	Assistant Armourer BPS-01			100%	Certificate of Armourer

B. Ministerial staff

10.	Assistant (BS-14)	KPO/ Computer Operator/ Senior clerk/ Junior Clerk (i) Minimum 5 years service as KPO/ Computer Operator; (ii) 5 years service as Senior Clerk; (iii) 7 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 into service.
11.	KPO/ Computer Operator BPS-12			100%	Intermediate with one year diploma in IT from a recognized institute
12.	Senior Clerk (BS-9)	5 years service as Junior Clerk	100%		
13.	Junior Clerk (BS-7)		10% from lower staff with Matric	90%	Matric with a typing speed of 30 words per minutes / preferably computer literate
14.	Behishti (BS-5)			100%	Literate
15.	Driver (BS-4)			100%	Driving License /Driving Experience
16.	Pesh Imam BPS-02			100%	Moulvi/Fazil
17.	Tracker (BS-2)	5 years service in BS-1	10%	90%	Primary Pass
18.	Naib Qasid BPS-01			100%	Literate
19.	Sweeper (BS-1)			100%	Literate

Attested

Additional Assistant Commissioner
Kandar

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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 leave, breach of order, disobedience, unruly behavior, passing on official secrets to unauthorized persons, etc;
- c. is corrupt, or may reasonably be considered corrupt;
- d. is guilty of any violation of duty;
- e. losses, misplaces or causes harm to a weapon through negligence or lack of maintenance;
- f. is insubordinate to his superiors;
- g. is convicted of a criminal offence;
- h. is guilty of cowardice, or abandons any picket, 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. attempts collective bargaining, conspiring or attempting to call off duty or take procession to press for the demands; or
- 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, leaves his commanding officer, or his post or party, to go in search of plunder; or
- p. Quits his guard, picket, party or patrol without being regularly relieved or without leave; or
- q. Uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or without authority breaks into any house or any other place for plunder, or plunders, destroys, or damages any property of any kind; or
- r. Internally causes or spreads a false alarm or rumour during action or in post, camp, lines, or quarters.

Attested


Additional Assistant Commissioner
Kandahar

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-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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Attested

 Additional Assistant Commissioner
 Kandahar

SCHEDULE - IV
See Rule 10

	Punishment	Subedar Major and Subedar	NaibSubedar or Havaldar	Naik or Lance Naik	Sepoy
1	Lack of Drill not exceeding fifteen days fatigue or other duties.			Subedar	NaibSubedar
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-	-do-	-do-	-do-
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 lower rank or reduction in pay.	-do-	-do-	-do-	-do-
9	Dismissal or removal from service or compulsory retirement.	-do-	-do-	-do-	-do-

Attested


Additional Assistant Commissioner
Kandar



NOTIFICATION

No.50(Levies)HD/FLW/1-1/2013/Vol.1 The competent authority has been pleased to approve further amendments in Schedule-I of Rule-4(2) and Schedule-III of Rules-17 under Para-10 of the Regulation for PATA Levies Force, 2012 & Rule-24 of the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013 as under:-

Rule-4(2) Schedule-I

SCHEDULE-I
See Rule 4 (2)

S.No	Post/ Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
	Subedar Major (BS-16)	One year service as Subedr	100%	-	-
	Subedar (BS-13)	One year service as Naib Subedar	100%	-	-
	Naib Subedar (BS-11)	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 pass preferably Matric
	Lead Armourer (BPS-5)	Five years' service as Assistant Armourer	100%	-	Middle pass preferably Matric with Certificate of Armourer
	Assistant Armourer (BPS-1)			100%	Middle pass preferably Matric with Certificate of Armourer

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

SCHEDULE-III
Rule-17(Retirement)

S.No	Post/ Rank	Length of service / age for retirement.
	Subedar Major (BS-16)	37 years' service or 60 years of age whichever is earlier.
	Subedar BS-13	35 years' service or 60 years of age whichever earlier.
	Naib Subedar (BS-11)	33 years' service or 60 years of age whichever earlier.
	Hawaldar BS-8	31 years' service or 60 years of age whichever earlier.
	Naik (BS-7)	29 years' service or 60 years of age whichever earlier.
	Lance Naik (BS-6)	27 years' service or 60 years of age whichever earlier.
	Sepoy (BS-5)	25 years' service or 60 years of age whichever earlier.

Attested

[Signature]

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Additional Assistant Commissioner
Kandar

All non-uniform personnel shall retire from service on attaining the age of superannuation or 60 years or they may opt for the retirement after completion of 25 years of regular service and an extension in service beyond retirement shall be granted.

Secretary to Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Order No. 8 dated 01/06/2013.

Copy of the above is forwarded for information and further necessary action to:-

- 1 The Secretary to Government of Pakistan, Ministry of SAFRON, Islamabad with reference to his Notification No.F.10 (S)-LK/2006 dated 05-12-2013.
- 2 The Commissioner, Malakand Division, Malakand.
- 3 The Deputy Commissioner/Commandant, Malakand Levies, Malakand.
- 4 The Deputy Commissioner/Commandant Levies, Chitral.
- 5 The Deputy Commissioner/Commandant Levies, Dir Upper.
- 6 The Deputy Commissioner/Commandant Levies, Dir Lower.
- 7 The Deputy Commissioner/Commandant Levies, Swat.
- 8 PS to Secretary to Governor to Khyber Pakhtunkhwa.
- 9 PS to Chief Secretary, Khyber Pakhtunkhwa.
- 10 PS to A.C.S (FATA) Secretariat Peshawar.
- 11 PS to Secretary Home & Tribal Affairs Department.
- 12 The Manager Government Printing Press, Peshawar for publication in the official gazette Peshawar as an extra ordinary copy.

Attested

Additional Assistant Commissioner
Kandahar

Section Officer (Levies)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT



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NOTIFICATION

~~NO. SOI/LEVIES/HB/HRM/15/2013/VOL-1~~ In partial modification of this Department Notification of even No. dated 12.12.2013, the Competent Authority has been pleased to approve the recommendations of the Anomaly Committee of its meeting held on 28.02.2014 in the Ministry of SAFRON Islamabad, that amendments made in the PATA Levies Force (Amended) Service Rules 2013 shall be effective from 4th February, 2013.

HOME SECRETARY

Indst. No. 50 (Levies) HD / 1 - 1 / 2013 / Vol-1


Dated 17th March, 2014

Copy forwarded to the:-

1. Secretary Ministry of SAFRON, Government of Pakistan, Islamabad.
2. AGPR, Khyber Pakhtunkhwa sub office Peshawar
3. Commissioner Malakand Division at Saidu Sharif Swat
4. The Deputy Commissioner Chitral, Upper Dir, Lower Dir, Malakand & Swat *(They are directed to inform all the affectees through special messenger)*
5. District Account Officer, Chitral, Upper Dir, Lower Dir, Malakand & Swat.
6. PS to Secretary to Governor Khyber Pakhtunkhwa
7. PS to Chief Secretary Khyber Pakhtunkhwa.
8. Section Officer (Budget) Home Department.
9. Section Officer (Courts) Home Department.
10. PS to Secretary Home, Khyber Pakhtunkhwa.

Attested

Additional Assistant Secretary
Kandahar


SECTION OFFICER (LEVIES)