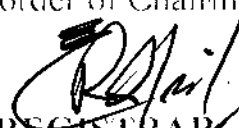


# FORM OF ORDER SHEET

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

**Appeal No.** 1060/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/07/2024	<p>The appeal of Mr. Sher Mir Khan presented today by Mr. Muhammad Ilyas Orakzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 31.07.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>





②

**Respectfully Sheweth:-**

1. *That the appellant is law abiding citizen of Pakistan, having fundamental right which is guaranteed by the Constitution of Islamic Republic of Pakistan, 1973. (Copy of CNIC is attached as annexure "A").*
2. *That the appellant was initially appointed as Sepoy in Levy Force of District Hangu, then promoted to the post of Hawaldar, then Naib Subaider and lastly promoted as Subaidar on 29/03/2019 and rendered 29 years of unblemished service to the department and most senior one in the list of Subaidar. (Copy of seniority list is attached as annexure "B").*
3. *That after retirement of the then Subaidar Major Levy Force District Hangu, the said post was lying vacant since 17/02/2022, appellant being most senior, eligible and fit for promotion, but the respondents ignored the promotion of the appellant till the completion of rank tenure as Subaidar i.e. 05 years of the appellant and that period the appellant submitted several applications to the respondents for his promotion on which the respondents made correspondence, but no fruitful result has been made out of the same. (Copy of application and correspondence letter are attached as annexure "C").*

3

4. That against the facts and rules, the respondents promoted the junior Subaidar namely Said Alam (respondent No 3) to the post of Subaidar Major vide notification dated 27/03/2024. (Copy of notification dated 27/03/2024 is attached as annexure "D").
5. That in result of the above discrimination and violation of rules, the appellant was retired from his service on completion of his tenure service as Subaidar by the respondent No 2 vide Office Order dated 28/03/2024. (Copy of retirement order is attached as annexure "E").
6. That the appellant was aggrieved from the impugned office order dated 28/03/2024 of respondent No 2 submitted a departmental appeal before respondent No 1 vide Diary No 7778 dated 26/04/2024, but that was un-responded till date. (Copy of departmental appeal is attached as annexure "F").
7. That the appellant is highly aggrieved from impugned office order dated 28/03/2024 of respondent No 2 and inaction of the respondent No 1, filed the instant Service Appeal inter alia on the following grounds:-

**Grounds:-**

- A. That impugned office order dated 28/03/2024 of respondent No 2 and inaction of the respondent No 1 is illegal, unlawful,

4

*and against law and PATA Federal Levy Force Service Rules, 2013 amended on 21/10/2021.*

- B. *That as per Section 11 of the amended Provincial Administered Tribal Areas Levy Force, 2012, all the levies personnel, who have been retired from the force w.e.f 22/03/2021 till the commencement of the Provincial Administered Tribal Areas Levy Force, 2012, shall be reinstated in the force as regular employees, w.e.f their respective dates of retirement and they shall be deemed never retired from the force. (Copy of Regulation is attached as annexure "G")*
- C. *That the promotion of the appellant is the legal and constitutional right of the appellant, but despite the fact that appellant was not promoted and the post of Subaidar Major was kept vacant till the completion of the Rank tenure of appellant as Subaidar i.e. 05 years, for the reason to promote the blue-eyed.*
- D. *That the act of the respondents of ignoring the appellant from his due right of promotion is clear cut violation of appointment & promotion rules.*
- E. *That the respondents are duty bound to perform their duties in accordance with law and not to treat the appellant in a discriminatory manner, therefore the action and inaction of*

5

*the respondents is ab-initio, void, hence without jurisdiction and without lawful authority.*

- F. *That all the citizen shall be treated equally as provided under Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 and there shall be no discrimination.*
- G. *That the action and inaction of the respondents is against the law, equity, natural justice and they have been treated in a favorable manner and clear cut violation of merits and transparency, which his inevitable condition for good governance and rule of law.*
- H. *That any other grounds will be raised at the time of arguments with the prior permission of this Honourable Tribunal.*

*It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned office order dated 28/03/2024 of respondent No 2 may kindly be set aside and appellant may kindly be reinstated from the date of his retirement and promoted to the post of Subaidar Major being most senior, eligible & fit with all back benefits for the large interest of justice.*

Dated:- 27/07/2024

Through:

Appellant

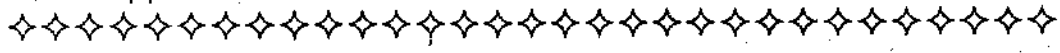
Muhammad Ilyas Orakzai  
Advocate Supreme Court  
Of Pakistan

6

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR**

Service Appeal No:- \_\_\_\_\_ /2024

Sher Mir **Versus** The Govt. of KP & others  
..... Appellant ..... Respondents



**AFFIDAVIT**

I, Sher Mir, Retired Subaider District Levy Force District Hangu, S/o Malik Sher Mat Khan R/o Village & P/o Zargari, District Hangu, (The appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified by

Muhammad Ilyas Orakzai,  
Advocate Supreme Court  
Of Pakistan

DEPONENT  
CNIC No:- 14101-0958794-5  
Cell No:- 0336-0536464

**ATTESTED**  
  
MUSHAHAR ADIL  
ADVOCATE



7

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR**

Service Appeal No:- \_\_\_\_\_/2024

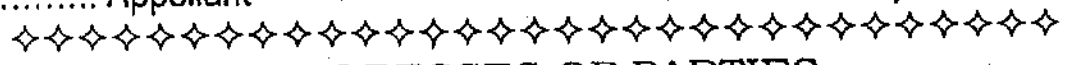
Sher Mir

**Versus**

The Govt: of KP & others

..... Appellant

..... Respondents



**ADDRESSES OF PARTIES**


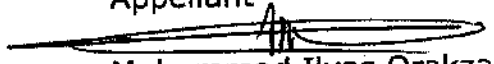
**APPELLANT**

Sher Mir (Retired Subaider District Levy Force District Hangu), S/o Malik Sher Mat Khan R/o Village & P/o Zargari, District Hangu.

**RESPONDENTS**

1. The Government of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar.
2. The Deputy Commissioner/Commandant Levy Force, District Hangu.
3. Said Alam (Subedar Major District Levy Force), District Hangu.

Dated:- 27/07/2024

Through:-   
Appellant  
  
Muhammad Ilyas Orakzai  
Advocate Supreme Court  
Of Pakistan

⑧ Annex-A

PAKISTAN National Identity Card

Name: Sher Mir

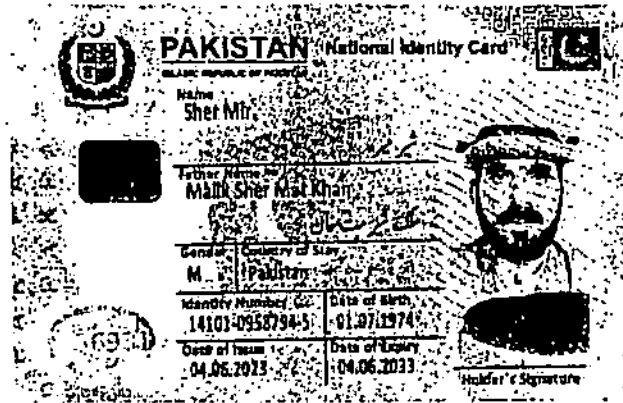
Father Name: Malik Sher Malik Khan

Gender: M Country of Stay: Pakistan

Identity Number: 14101-0958794-5 Date of Birth: 01.07.1974

Date of Issue: 04.06.2023 Date of Expiry: 04.06.2033

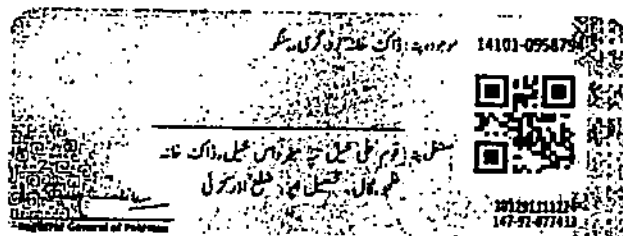
Holder's Signature



14101-0958794-5

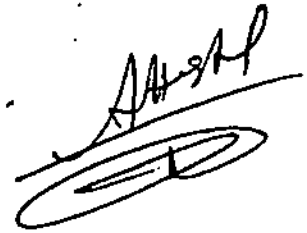
گمشدہ کارڈ ملنے پر قریبی ایئر بس میں ڈال دیں

147-97-477413



گمشدہ کارڈ ملنے پر قریبی ایئر بس میں ڈال دیں

ASAP



⑨ Annex-B<sup>47</sup>



DEPUTY COMMISSIONER/COMMANDANT

LEVIES FORCE HANGU

Tel: 0225421175-821407-82294-82293

Fax: 0225420000, Email: gchangu@gmail.com

No. 3093-96/LADC(H)

Date: 17/02/2023

To

The Secretary,  
To Govt. of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department,  
Peshawar.


Subject: APPOINTMENT OF SUBEDAR MAJOR FOR LEVIES FORCE HANGU.

Memorandum

Kindly refer to the subject noted above and to state that the working papers/synopsis of ACRs of following Subedars of Levies Force Hangu are submitted along with the seniority list for further promotion to the vacant post of Subedar Major.

S#	Name	Design	D.O.B	D.O.A	Date of last Promotion
01	Shah Mir Khan s/o Sheraz Khan	Subedar	08-01-1974	12-02-1994	29-03-2019
02	Said Alam s/o Muhammad Saif	Subedar	11-01-1973	21-02-1994	29-03-2019
03	Jam Shah Gul s/o Ghazal Haidari	Subedar	22-02-1975	01-08-1994	17-01-2022
04	Sard Ullah Khan s/o Ajeel Boddiali	Subedar	01-07-1973	01-08-1994	17-01-2022


Furthermore, it is certified that the seniority list of Levies Force Hangu is neither disputed nor subjudice in the court or any inquiry is pending against the panel data for promotion.

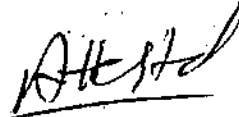
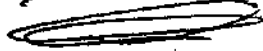
  
Deputy Commissioner/Commandant  
Levies Force Hangu

Encls Even No. & Dats

Copy to:

1. The Section Officer (Police-II), Home & Tribal Department, Peshawar.
2. The District Accounts Officer, Hangu.
3. PS to Commissioner Kohat Division, Kohat.

  
Deputy Commissioner/Commandant  
Levies Force Hangu

10

Better Copy

**DEPUTY COMMISSIONER/ COMMANDANT  
LEVIES FORCE HANGU**

(SIC)

No.3093-96/LA/DC(H)

Dated: 17.02/2023

To

The Secretary,  
To Govt. of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department,  
Peshawar.

Subject: **APPOINTMENT OF SUBEDAR MAJOR FOR LEVIES FORCE  
HANGU**

Memo:

Kindly refer to the subject noted above and to state that the working paper/ synopsis of ACRs of following Subedars of Levies Force Hangu are submitted alongwith the seniority list for further promotion to the vacant post of Subedar Major.

S#	Name	Desig#	D.O.B	D.O.A	Date of last promotion
01	Sher Mir Khan s/o Shermat Khan	Subedar	08.01.1974	12.02.1994	29.03.2019
02	Said Alam s/o Muhammad Salam	Subedar	11.07.1976	12.02.1994	29.03.2019
03	Jan Shah Gul s/o Ghazi Marjan	Subedar	(sic)	12.02.1994	17.01.2022
04	Saad Ulah Khan s/o Aleel Badshah	Subedar	(sic)	12.02.1994	17.01.2022

Furthermore, it is certified that the seniority list of Levies Force Hangu is neither disputed nor subjudice in the court or any Inquiry is pending against the panel date for promotion.

Sd/-

**Deputy Commissioner/Commandant  
Levies Force Hangu**

**Endst Even No. & Date**

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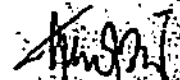
1. The Section Officer (Police-II), Home & TA Department, Peshawar.
2. The District Accounts Officer, Hangu.
3. PS to Commissioner Kohat Division, Kohat.

*[Handwritten Signature]*

10

FINAL SENIORITY LIST OF SUBEDARS OF LEVIES FORCE HANGU

Sr	Name	Designation	Date of Birth	Date of Appointment	Qualification	Date of Last Promotion
1	Shir Mir Khazi	Subedar	08-01-1974	12-02-1994	Nil	29-03-2019
2	Said Akbar	Subedar	11-07-1974	28-02-1994	Nil	29-03-2019
3	Jazi Shah Gul	Subedar	22-08-1965	01-08-1994	Nil	17-01-2022
4	Said Ullah Khan	Subedar	01-07-1967	01-08-1994	Nil	17-01-2022

  
Deputy Commissioner/Commandant  
Levies Force Hangu

No. 4698 /LADC (H) Dated: 08.03.2024

Copy to:

1. The Assistant Commissioner/Deputy Commandant, Levies Force, Hangu.
2. The Section Officer (L & K), Home & TAs Department, Khyber Pakhtunkhwa, Peshawar.
3. PS to Commissioner Kohat Division, Kohat.
4. The Subedar Major, Levies Force, Hangu.
5. All Subedars Concerned.

  
Deputy Commissioner/Commandant  
Levies Force Hangu



16/10/2023

11 Anwar

درخواست برادر ترقی دینی در ملازمت ڈسٹرکٹ ایجوکیشن آفیسر  
از صوبہ بہار نا میجر

جناب عالی انکوارٹس حسب ذیل ہے۔

۱۔ پلے ڈسٹرکٹ ایجوکیشن آفیسر صوبہ بہار  
۲۔ پلے ڈسٹرکٹ ایجوکیشن آفیسر صوبہ بہار

۳۔ پلے ڈسٹرکٹ ایجوکیشن آفیسر صوبہ بہار  
۴۔ پلے ڈسٹرکٹ ایجوکیشن آفیسر صوبہ بہار

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۹۔ پلے ڈسٹرکٹ ایجوکیشن آفیسر صوبہ بہار

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۱۱۔ پلے ڈسٹرکٹ ایجوکیشن آفیسر صوبہ بہار

14101-0958794-5

صوبہ بہار ڈسٹرکٹ ایجوکیشن آفیسر صوبہ بہار

03360536464

سید

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24/8/23

1028

Handwritten signature and stamp



محکمہ خواتین و بچوں کی تعلیم و ترقی، حکومت سندھ

(12)

درخواست برآمد ترقی دینے پر ملازمت سہولت  
از صوبہ ہمدان، تہہ صوبہ ہمدان، تہہ صوبہ ہمدان  
حکومت سندھ، حکومت سندھ

محکمہ خواتین و بچوں کی تعلیم و ترقی، حکومت سندھ  
محکمہ خواتین و بچوں کی تعلیم و ترقی، حکومت سندھ  
محکمہ خواتین و بچوں کی تعلیم و ترقی، حکومت سندھ

محکمہ خواتین و بچوں کی تعلیم و ترقی، حکومت سندھ

محکمہ خواتین و بچوں کی تعلیم و ترقی، حکومت سندھ

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محکمہ خواتین و بچوں کی تعلیم و ترقی، حکومت سندھ

محکمہ خواتین و بچوں کی تعلیم و ترقی، حکومت سندھ



13 3/7

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**Home & Tribal Affairs Department**

No. SO(L&K/HD/Hangu/  
Dated:23.10.2023

To

The Deputy Commissioner/Commandant  
Levy Force Hangu

Subject: **APPLICATION FOR CONVENING DEPARTMENTAL PROMOTION  
COMMITTEE MEETING FOR PROMOTION OF SUBEDAR TO SUBEDAR  
MAJOR**

Dear Sir,

I am directed to enclose herewith an application submitted by Subedar Sher Mir of Levy Force Hangu along with its enclosure on the subject noted above for necessary action under the rules/policy, please.

Yours Sincerely,

(Niaz Muhammad)  
Section Officer (L & K)

Copy to:

1. PS to Secretary, Home & TAs Department, Peshawar Khyber Pakhtunkhwa.
2. PS to Special Secretary-I, Home & TAs Department
3. PS to Additional Secretary (P/Levy & Khassadar)
4. Subedar Sher Mir s/o Malik Sher Mat Khan Zargari, District Hangu

Section Officer (L & K)





14 Annex-D

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

☎ (091)9210503

☎ (091) 9210201

NOTIFICATION

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

Dated Peshawar 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 Said 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.

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 Said Alam (BS-14) for promotion to the rank of Subedar Major Hangu Levies Force.



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Annex - E

**DEPUTY COMMISSIONER/COMMANDANT  
LEVIES FORCE HANGU**

Tel: 0925671175-671446-672366-672968

Fax: 0925676053, Email: uc@hangu.gov.pk

No. 4617 /LA/DC (H)

Date: 28/03/2024

**OFFICE ORDER**

In compliance with the Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar, Notification No. SO (Police-11/HD/1-0/FEDERAL LEVIES 2021 dated 21-10-2021, Mr. Sher Mir Khan s/o Sher Mat Khan, Subedar, Levies Force Hangu, is hereby retired on completion of (05) years of service as prescribed "rank service" for "Subedar", with effect from dated: 28-03-2024 (AN).

  
Deputy Commissioner/Commandant  
Levies Force Hangu

**Endst: Even No. & Date**

Copy to:

1. The Assistant Commissioner / Dy. Commandant Levies Force Hangu
2. The Section Officer (L&K), Home & TA's Department, Peshawar.
3. The District Accounts Officer, Hangu w/w source form for necessary action, please.
4. The Subedar Major, Levies Force Hangu for information.
5. Levies Personnel Concerned.
6. Service Book / Pension File etc.

  
Deputy Commissioner/Commandant  
Levies Force Hangu



Better Copy

Page No

15

Deputy Commissioner/Commandant  
Levy Force, District Hangu.  
No 4617/LC/DC(H)  
Dated 28/03/2024

**OFFICE ORDER:-**

In compliance with the Home & Tribunal Affairs Department, Khyber Pakhtunkhwa, Peshawar, Notification No SO (Police-II) HD/3/Federal Levies 2021 dated 21/10/2021 Mr. Sher Mir Khan S/o Sher Mat Khan, Subedar Levies Force Hangu is hereby retired on completion of (05) years of service as prescribed "rank service" for "Subedar" with effect from dated 28/03/2024 (AN).

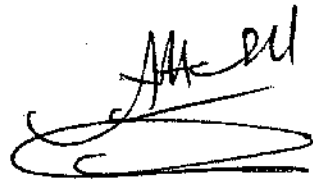
Deputy Commissioner/Commandant  
Levies Force Hangu

Endst: Even No & Date

Copy to:

1. The Assistant Commissioner/Dy. Commandant Levies Force, Hangu.
2. The Section Officer (L&K), Home & TA;s Department, Peshawar.
3. The District Accounts Officer, Hangu a/w Secure form for necessary action, please.
4. The Subedar Major, Levies Force Hangu for information.
5. Levies Personnel concerned.
6. Service Book/Pension File etc.

Deputy Commissioner/Commandant  
Levies Force Hangu



(16) Annex - F

To

**The Home Secretary**  
Government of Khyber Pakhtunkhwa,  
Peshawar

**Subject:- DEPARTMENTAL APPEAL AGAINST THE IMPUGNED OFFICE ORDER DATED 28/03/2024, WHEREBY THE APPELLANT WAS RETIRED FROM SERVICE.**

**Respected Sir!**

Succinctly stated facts giving rise to file the instant Departmental Appeal against the impugned office order dated are as under:-

1. That the appellant is the permanent resident of District Hangu and peaceful citizen of Pakistan.
2. That the appellant was serving as Subaider since, 2019 in District Levy Force District Hangu and seniority list the appellant was on top.
3. That the post of Subaidar Major was lying vacant from 01/02/2023 on the retirement of Subaidar Major Muhammad Jamal. The appellant submitted an application to your worthy Office for consideration and promotion to the rank of Subaidar Major being most senior, eligible and fit, but in vain.

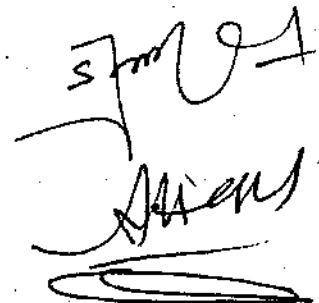
Deptt:

Clery No. 7778 Dated 26-4-24

Spt Secy.....

Addl Secy.....

Deputy Secy.....



17

4. That the promotion of the appellant is the legal and constitutional right of the appellant, but despite the fact the appellant was not promoted and the post of Subaidar Major was kept vacant till the completion of rank tenure of the appellant as Subaidar i.e. five years.
5. That the appellant filed a Service Appeal No 448/2024 titled "Subaidar Sher Mir...Versus....Govt: of KP & others" before the Khyber Pakhtunkhwa Service Tribunal, which is fixed for 17/05/2024 for convening DPC meeting, but astonishingly on the last day of the appellant's completion tenure, the DPC was conducted, whereby the appellant was deprived from the promotion and the junior Subaidar Said Alam is promoted to the post of Subaidar Major vide Notification dated 27/03/2024 against the seniority list maintained by competent authority.
6. That as per amended Section 11 of the Provincially Administered Tribal Areas Levies Force Act, 2021, all the levies personnel, who have been retired from the force with effect from 22/03/2021 till the commencement of the Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021, shall be reinstated in the force as regular employees, with effect from their respective dates of retirement and they shall be deemed never retired from the force.




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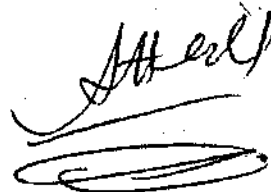
7. That the appellant is highly aggrieved from the impugned office order dated 28/03/2024 of the Deputy Commissioner /Commandant Levy Force Hangu and from the notification dated 27/03/2024 of your worthy Office, hence filed the instant Departmental Appeal before your honor.
8. That any other grounds may be raised during Personal hearing with the prior permission of your good office.

It is therefore , most humbly prayed, that on acceptance of this Departmental Appeal the impugned office order dated 28/03/2024 of the worthy Deputy Commissioner/Commandant Levy Force Hangu may kindly be set aside and the Appellant may kindly be reinstated and promoted to the post of Subaidar Major being most senior, eligible and fit.

Dated:- 26/04/2024

Appellant

  
Subaidar @ Sher Mir  
S/o Sher Mat Khan  
Cell No:- 0336-0536464



(19) Annex - 6

**THE PROVINCIALY ADMINISTERED TRIBAL AREAS  
LEVIES FORCE REGULATION, 2012.**

**(KHYBER PAKHTUNKHWA REG. NO. I OF 2012)**

**CONTENTS**

**PREAMBLE**

**SECTIONS**

1. Short title, application and commencement.
2. Definitions.
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4. Powers and duties of officers and members of the Force.
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8. Delegation of powers by Commandant.
9. Power to make rules.
10. Power to issue instructions.
11. Re-instatement of the levies personnel ]

*Atal*

<sup>1</sup> Added vide Khyber Pakhtunkhwa Act No. XXXIV OF 2021.

**THE PROVINCIALY ADMINISTERED TRIBAL AREAS  
LEVIES FORCE REGULATION, 2012.**

**(KHYBER PAKHTUNKHWA REG. NO. I OF 2012).**

[29<sup>th</sup> August, 2012]

**A  
REGULATION**

*to constitute and regulate Levies Force in the  
Provincially Administered Tribal Areas.*

WHEREAS it is expedient to constitute and regulate service matters of the Provincially Administered Tribal Areas Levies Force, for the purposes hereinafter appearing;

AND WHEREAS, the function has been entrusted to the Federal Government by the Provincial Government of Khyber Pakhtunkhwa under Article 147 of the constitution of Islamic Republic of Pakistan;

NOW, THEREFORE, in exercise of the powers conferred by clause (4) of Article 247 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Province of Khyber Pakhtunkhwa, with the prior approval of the President of the Islamic Republic of Pakistan, is pleased to make and promulgate the following Regulation, namely:

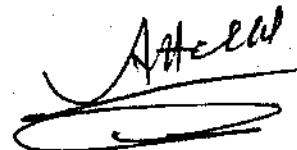
1. **Short title, application and commencement.**---(1) This Regulation may be called the Provincially Administered Tribal Areas Levies Force Regulation, 2012.

(2) It shall apply to all the levies personnel in such areas of Provincially Administered Tribal Areas, Khyber Pakhtunkhwa as specified in the Schedule.

(3) It shall come into force at once.

2. **Definitions.**---In this Regulation, unless there is anything repugnant in the subject or context,-

- (a) "Commandant" means Commandant of the Force, who shall be District Coordination Officer of District in his respective jurisdiction;
- (b) "competent authority" means competent authority of the Force, who shall be Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa for the Force in PATA;
- (c) "Deputy Commandant (Administration)" means Deputy Commandant (Administration) of the Force, who shall be an officer of Federal or Provincial civil service or any officer of the District designated as such officer by the Provincial Government to exercise in his respective jurisdiction such powers and perform such functions as may be





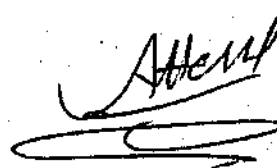
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prescribed and who shall be responsible to the Commandant for administration and establishment matter of the Force in PATA.

- (d) "Deputy Commandant (Operations)" means an Assistant Coordination Officer or any officer of the District designated as such officer 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;
- (e) "Force" means the Force constituted and maintained under section 3 and shall include similar Force of the Federal Government services whereof are borrowed and utilized for operation in PATA;
- (f) "instructions" mean instructions issued under this Regulation ;
- (g) "PATA" means Provincially Administered Tribal Areas as specified in the Schedule;
- (h) "prescribed" means prescribed by rules and instructions under this Regulation; and
- (i) "rules" means rules made under this Regulation.

**3. Power to constitute and maintain by the Force and its functions.**---(1) The Federal Government may in consultation with Government of Khyber Pakhtunkhwa constitute and maintain a force for performing the following functions, namely:-

- (a) ensuring security of roads in PATA;
- (b) ensuring security and manning of piquets;
- (c) guarding Government institutions and installations;
- (d) ensuring security of jail guards and arrested criminals;
- (e) generally maintaining law and order and providing mobile escort to very important persons;
- (f) anti-smuggling activities;
- (g) destruction of illicit crops;
- (h) serving of summons or procedures;
- (i) policing, investigation and prosecution in certain areas as notified by the Provincial Government;
- (j) raid and ambush; and
- (k) such other functions as the Provincial Government may, by notification in the official Gazette, require the Force to perform.



(22)

(2) In discharge of their functions, officers and staff of the Force in PATA shall be guided in accordance with this Regulation and the rules made thereunder.

(3) The head of the Force shall be Commandant in his respective jurisdiction.

(4) The Secretary, Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa shall be the competent authority of the Force in PATA.

(5) The Force shall consist of such ranks and number of officers and members and shall be constituted in such manner as may be prescribed by rules.

(6) The officers and members of the Force shall receive such pay, pension, allowances and other remunerations and shall enjoy such leave and other privileges as may be prescribed by rules:

Provided that terms and condition of service of the persons of other forces including Federal Levies Force borrowed shall not be varied to their disadvantage.

(7) Officers and members of the Force shall wear such uniform as may be prescribed by rules or orders.

(8) The Director shall coordinate at the Federal level and shall be responsible for budgetary and procurement, matter of the Force and shall exercise such powers and perform such function, as may be prescribed.

(9) The administration of the Force shall vest in the Commandant in his jurisdiction, who shall administer it in accordance with the provisions of this Regulation, rules made thereunder and such orders and instructions as may be made or issued by the Provincial Government.

(10) The Commandant shall exercise his powers and perform his function under the general supervision and directions of the Provincial Government, and where services of the Federal levies Force are borrowed such power of general supervision and directions shall vest in the Federal Government.

**4. Powers and duties of officers and members of the Force.**—An officer or member of the Force shall-

- (a) take effective measures for ensuring security of assigned jurisdiction and for safeguarding against acts of unlawful interference;
- (b) prevent unauthorized persons and vehicles from access to the territorial jurisdiction;
- (c) take effective measures for preventing sabotage, placement of car bombs, letter bombs, dangerous article and carriage of arms and ammunition into the restricted area;
- (d) use such arms and ammunition and equipments as may be authorized by the Commandant or an officer authorized by him;

Attested  


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- (e) search and arrest without warrant any person who he suspects of endangering or attempting to endanger or having endangered the safety of an installation and may use such force as may be necessary in the discharge of his aforesaid duties; and
- (f) perform such other legal functions as the competent authority may require him to perform.

**5. Liabilities of officers and members of the Force.**—(1) It shall be the duty of every officer and member of the Force promptly to obey and execute all lawful orders and instructions issued to him by the Commandant or any officer authorized by him in this behalf to issue such orders and instructions.

(2) Every officer and member of the Force shall be liable to serve wherever his required to serve by the competent authority.

**6. Indemnity.**—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Regulation or the rules or instructions made thereunder.

**7. Delegation of powers by the Provincial Government.**—The Provincial Government may, by notification in the official Gazette, delegate all or any of its powers under this Regulation to the Commandant or such other person as it may deem fit.

**8. Delegation of powers by Commandant.**—The Commandant may, by notification in the official Gazette and with prior approval in writing of the Provincial Government, delegate all or any of his powers, to any officer or authority subordinate to him, for the efficient functioning of the Force:

Provided that where services of Federal Levies Force are borrowed, the Commandant may exercise his power under this section with prior approval in writing of the Federal Government.

**9. Power to make rules.**—The Provincial Government may, by notification in the official Gazette, make rules for the following purposes, namely:

- (a) regulating the functions and powers of officers and members of the Force;
- (b) regulating the classes and grades of , and the remuneration and rewards to be paid to officers and members of the Force and their conditions of service, including remunerations and rewards to be paid to officers and members of the Federal Levies Force when their services are borrowed by the Provincial Government;
- (c) for efficiency and discipline in the Force and punishment;
- (d) to provide for appeal; and
- (e) generally for the purpose of carrying into effect the provisions of this Regulation.

*Mettel*

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10. **Power to issue instructions.**—The Provincial Government may, by notification in the official Gazette, issue instructions from time to time consistent with this Regulation and the rules made thereunder for carrying out the purpose of this Regulation and in relation to the Federal Levies Force such instructions shall be issued in consultation with the Federal Government.

11. **Re-instatement of the levies personnel.**— All levies personnel, who have been retired from the Force, with effect from 22.03.2021, till the commencement of the Provincially Administered Tribal Areas Levies Force (Amendment) Act, 2021, shall be reinstated in the Force, as regular employees, with effect from their respective dates of retirement and they shall be deemed as never retired from the Force.]

*Attested*





دو گالت نامہ

بعدالت جہا - ضیہ کھٹون فواہ سرور سے لکریہ بیفون

ضلع: جھنگ

مقدمہ جہادی اور پوائی

مخاتب: ایس ایف ایف

شہر: سرور  
بنام گورنمنٹ ضیہ کھٹون فواہ سرور  
باعث تحریر آنکہ

مقدمہ جہادی و پوائی بلا تسمیہ اپنی طرف سے دائر کی اور جناب جی ڈی اے کل کاروائی خلیفہ آن مقام کے حضور کیے

محمد الیاس اور کرنی ایڈوکیٹ سپریم کورٹ آف پاکستان تحریر کے

اقرار کیا جاتا ہے کہ صاحب موصوفہ کو مقدمہ کل کاروائی کا کال اپ اختیار ہوگا۔ نیز کل صاحب کو رضی مانگنے کے وقت رجسٹرار سے

لیٹریٹ طلب دینے جناب رجسٹرار اور آفیسر اور اس وقت ڈگری کرنے کے اجراء اور رجسٹرار کے ایک اور پیرا عرض دہانی اور درخواست

پر قسم کی تصدیق زور میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم جہادی یا اگر کسی کل کاروائی یا اپنی کی برآمدگی اور رجسٹرار سے

کرنے اپنی گمرانی جہادی کرنے کا اختیار ہوگا۔ اور صورت ضرورت مقدمہ ڈگری کے کل جہادی کاروائی کے واسطے اور کل یا

نئی کاروائی کا پے اراہا ہے۔ ہمارے تحریر کا اختیار ہوگا۔ اور صاحب تحریر شدہ کو کسی اور جہادی کو وہ اختیار حاصل ہوں گے

اور اس کا ساتھ پر دائرہ منظور قبول ہوگا اور اس مقدمہ میں جو چیز چاہر جانا ہوائے مقدمہ کے جب سے ان کا کوئی تعلق نہیں

تمام دوسرے اور واحد سے اپر ہوتی کل صاحب پائے ہوں گے۔ کہ جہادی ڈگری کریں۔

ایڈوکیٹ نامہ گورنمنٹ آف جھنگ۔

الرقوم: 27 جولائی 2024ء

محمد الیاس اور کرنی ایڈوکیٹ سپریم کورٹ آف پاکستان  
 حکم کاروائی دہانی نہ زور میں کھٹون فواہ سرور  
 (ایس ایف ایف)

بمقام شہادہ کے لئے منظور ہے۔

Attested & Accepted

  
 Muhammad Ilyas Orakzai

Advocate Supreme Court of Pakistan  
 SC Enrollment No:- 5801  
 BC No:- 10-3471  
 CNIC 14101-0798923-7  
 Call 0333-9191892