


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1217/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/08/2022	<p>The appeal of Zubaida Bibi presented today by Pir Adnan Zakori Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I. Khan on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Mst Zahanda bibi vs Govt of KPK - Others

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Counsel</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?		
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?		
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Per Adnan Zahir

Signature:

Adnan Zahir

Dated:

5/8/2022

BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA

ANO: 1217/2022

Mst. Zubaida Bibi **VERSUS** Government of KP and others

APPEAL U/S 4 OF KP CIVIL SERVANT ACT, 1973

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Zubaida

Yours Humble Appellant

Adnan Zakori

Through Counsel

Pir Adnan Zakori Advocate

High Court Dera Ismail Khan

①

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Service Tribunal Appeal No: _____ of 2022

Mst. Zubaida Bibi, Ex-Principle School of Nursing, Dera Ismail
Khan

(Appellant)

VERSUS

1. **Govt. of Khyber Pakhtunkhwa**, Through Secretary Health,
Khyber Pakhtunkhwa, Peshawar.
2. **Director General Health Services**, Director General of
Health, Khyber Pakhtunkhwa, Peshawar

(Respondents)

Adnan Zaidi

**APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT,
1973 KP AGAINST NOT DECIDING AND NON ACCEPTANCE OF
THE APPEAL DATED 16.01.2016 OF THE APPELLANT AS PER
THE DIRECTIONS GIVEN BY THE HONOURABLE HIGH COURT
DIKHAN BENCH DATED 29.03.2022 IN WRIT PETITION NO.400-
D/2016**

Respectfully Sheweth,

1. That appellant earlier filed Writ Petition No.400-D/16, which
was graciously allowed by the Honourable High Court DIKhan
Bench on 29.03.2022 with the direction to the respondents to

expeditiously decide the appeal of the appellant. Copies of the Writ Petition No.400-D/16 and its judgment & order Dated 29.03.2022 are attached as Annexure-A.

- 2. That the petitioner was initially appointed in BPS - 14, where after was promoted regularly from time to time initially to BPS - 16 & lastly to BPS - 17. The date of promotion of the petitioner to BPS - 17 is 22-11-2000.
- 3. That as per the judgment / order of the Honourable High Court Peshawar all the other employees have also been promoted with the remarks by the Honourable High Court that it is highly illogical to discriminate the petitioner by refusing the same treatment to her without any lawful justification. As the petitioner's promotion to BPS - 17 was made in the year 2000, according to which the petitioner had to be promoted to BPS-18 after (05) years service and to BPS - 19 after next seven (07) years. Hence, the petitioner also deserves the same treatment and shall be promoted to BPS - 19 as per the length of service and fitness and according to the Honourable High Court order. During her service various posts in BPS - 18 were lying vacant, while the petitioner was working against the post of BPS - 18 since 16years on his own pay scale. The appellant was entitled to Grade-18 but the department did not upgrade and continued to charge Grade-18 duty from the appellant for 16years. All the posts in BPS - 18 & 19 were / are lying vacant in KPK Province of all districts. The respondents denied the up-gradation of appellant due to malafide intention.
- 4. That even the respondents in their comments submitted in Writ Petition No.400-D/16 have admitted the criteria for the promotion. Copies of the comments in Writ Petition No.400-D/16 are attached as Annexure-B.
- 5. That earlier Honourable High Court has allowed the writ petitions of other employees on the same grounds. Copies of the judgment & order of the Honourable High Court in earlier writ petitions are attached as Annexure-C.
- 6. That the Honourable High Court DIKhan Bench decided the writ petition No.400-D/16 on 29.03.2022 wherein thirty days were given to the respondents to decide the appeal dated 16.01.2016, this means that the respondents were duty bound

Adnan Zameer

to implement the order till 29.04.2022. which was sent to

respondent Mike order no 2215/13/0 p dated 12/4/22 by Registrar. (A)

7. That however, the respondents contacted the appellant that they are going to decide the same within three months and requested the appellant to wait for this period. Thus, on their requests the appellant waited for three months but still they didn't decide and accepted the appeal of the appellant and is now instituting the instant appeal within next 30 days which is within time and jurisdiction of this Honourable court. Hence, the appellant is left with no other option but to invoke the appellate jurisdiction of this Honourable Court.

RELIEF:

IT IS, THEREFORE, REQUESTED TO ALLOW THE INSTANT APPEAL AND BY ACCEPTING THE APPEAL DATED 16.01.2016 OF THE APPELLANT THE RESPONDENTS BE DIRECTED TO GRANT BPS-18 & 19 TO THE APPELLANT FROM THE DATES DUE, WITH ALL BACK BENEFITS. ANY OTHER APPROPRIATE RELIEF WHICH THIS HONOURABLE COURT DEEMS FIT MAY ALSO BE GRANTED TO THE APPELLANT.

Zubaida

Your humble Appellant
Mst. Zubaida Bibi
Ex- Principal
School of Nursing
Dera Ismail Khan

Adnan Zakori
Through Counsel

Pir Adnan Zakori Advocate
High Court Dera Ismail Khan

Dated 5/8/2022

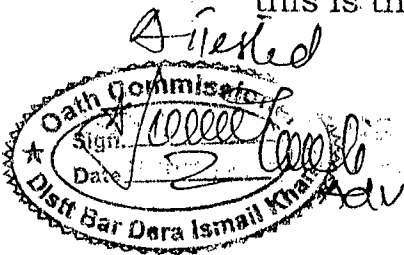
**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Mst. Zubaida Bibi **VERSUS** Government of KP and others

APPEAL U/S 4 OF KP CIVIL SERVANT ACT, 1973

AFFIDAVIT

I Mst. Zubaida Bibi do hereby solemnly affirm and declare that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal and this is the lone Appeal on the subject.



Zubaida

Deponent

CERTIFIED AT D.I. KHAN

That the parawise content of the instant appeal are true and correct and it is the lone petition on the subject matter

Zubaida

Mst. Zubaida Bibi.....
(Appellant)

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**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Mst. Zubaida Bibi **VERSUS** Government of KP and others

MEMO OF ADDRESSES

APPEAL U/S 4 OF KP CIVIL SERVANT ACT, 1973

Mst. Zubaida Bibi, Ex-Principle School of Nursing, Dera Ismail Khan

(Appellant)

VERSUS

3. **Govt. of Khyber Pakhtunkhwa**, Through Secretary Health, Khyber Pakhtunkhwa, Peshawar.
4. **Director General Health Services**, Director General of Health, Khyber Pakhtunkhwa, Peshawar

(Respondents)



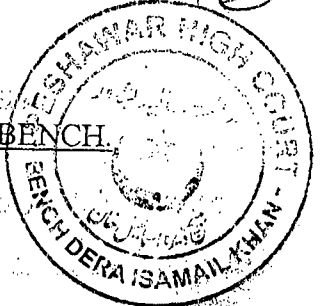
Your humble Appellant

(Mst. Zubaida Bibi)

Dated 5/2 / 2022

Adnan Zakori
Through Counsel
Pir Adnan Zakori Advocate
High Court Dera Ismail Khan

Art (A) (B)



IN THE PESHAWAR HIGH COURT, DERA ISMAIL KHAN BENCH.

Writ Petition No. 400 -D of 2016

Mst. Zubaida Bibi, Principal, School of Nursing, Dera Ismail Khan.

PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Health, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Directorate General of Health, Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

Filed today 1536

Add: Registrar.
20/4/16

WRIT PETITION U/ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth,

1. That the addresses of parties as given above are correct & sufficient for the purpose of service.
2. That the petitioner was initially appointed as Charge Nurse in BPS-14, where after she was promoted from time to time, initially to BPS-16 & lastly to BPS-17 effective 22-11-2000. Copies of relevant service record are placed herewith at Annex-A.
3. That as per the judgment dated 15.5.2013 passed by Hon'ble Peshawar High Court, Peshawar all the other employees placed similarly to the present petitioner were ordered to be promoted and placed in BPS-19 in consequence thereof.

ATTESTED

EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

08/04/022

4. The present petitioner was promoted to BPS-17 in the year 2000, thus in light of the fore mentioned judgment she ought to be promoted to BPS-18 after completion of continuous service for a period of 5 years in the said grade/scale i.e. effective 2005 and then to BPS-19 after completion of a further continuous period of 7 years service rendered in the former scale. Copy of Judgment of Hon'ble Peshawar high Court, Peshawar dated 15.5.2013 is placed herewith at Annex-B.
5. That a number of posts are lying vacant in BPS-18 and 19, respectively under the respondent department which are not being filled for no good or lawful reasons, apparently due to apathy of the dealing hands. Relevant details are available with the respondent department which may graciously be requisitioned.
6. That the petitioner being entitled to the same relief as availed by similarly placed employees in consequence of the pronouncement of the judgment (Annex-B), she moved an application with the respondent department for grant of BPS-18 effective 2005 and BPS-19 effective 2012 but with no success as her efforts were not even responded to. Copy of application is placed herewith at Annex-C.
7. That having no other efficacious remedy available, the petitioner seeks indulgence of this Hon'ble court for redressal of her grievance as prayed for, inter-alia, on the following grounds:-

GROUNDS:

Filed today 1536

Add: Registrar.
20/4/16

Records

- i. That due to inaction on part of the respondent department culminating in flagrant violation of the provisions of the Constitution of Islamic Republic of Pakistan, 1973, this Hon'ble Court has jurisdiction to interfere in the matter within the purview of Article 199 of the Constitution of IR of Pakistan, 1973.
- ii. That the discrimination meted out in denial of promotion / upgradation to the petitioner at the hands of respondent department is against law, is ultra-vires to the constitution, is outcome of mala fide on part of respondent department based on victimization, is abuse of procedures, misuse of lawful authority and thus not binding upon the rights of petitioner.
- iii. That counsel for the petitioner may kindly be allowed to add to the grounds

ATTESTED

EXAMINOR

Peshawar High Court Bench,
Dera Ismail Khan

68/04/022

2

15

Prayer:-

It is therefore, humbly prayed that on gracious acceptance of the present Petition, the respondent department may be required to grant BPS-18 & 19 to the petitioner from the dates due, with all back benefits. Any other appropriate relief which this Honourable Court, may deem fit in the given circumstances and in the interest of justice may also be granted to the petitioner.

Your's Humble Petitioner

[Handwritten signature]

[Handwritten signature]
(Mst. Zubaida Bibi)
Through Counsel

[Handwritten signature]
(Muhammad Ismail Alkhai)
Advocate High Court, D.I.Khan.
Advocate High Court
Dera Ismail Khan

CERTIFICATE:

I, Mst. Zubaida Bibi, Principal, School of Nursing, D.I.Khan, petitioner, do hereby certify that it is the first petition on the subject matter by the petitioner and no such petition has earlier been filed by the petitioner.

Filed today 1536.
Addl: Registrar.
20/4/16.

[Handwritten signature]
Petitioner

AFFIDAVIT:

I, Mst. Zubaida Bibi, Principal School of Nursing, D.I.Khan, the petitioner, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Writ Petition are true & correct to the best of my knowledge, belief and information as per official records and that nothing has been deliberately concealed from this Honourable Court.

[Handwritten signature]
Oath Commission
Sign: *[Signature]*
Distt Bar Dera Ismail Khan

[Handwritten signature]
Deponent

Identified By:

WP NO.400 OF 2016 Grounds

[Handwritten signature]

ATTESTED
EXAMINOR
High Court Bench
Dera Ismail Khan

08/4/022

BEFORE THE PESHAWAR HIGH COURT BENCH

DERA ISMAIL KHAN
Writ Petition No. 400-D/2016

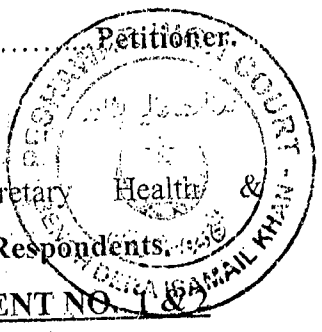
Mst. Zubaida Bibi

Versus.

led today 3631

12/07/2017
12/07/2017
Other.....

Government of Khyber Pakhtunkhwa through Secretary Health & Welfare
Respondents: 1 & 2



PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2

Preliminary Objections:-

1. That the Petitioner has neither cause of action nor locus standi.
2. That the Petition is not maintainable in its present form.
3. That the Petitioner has not come to the Court with clean hands and hit by laches.
4. That the Petition is bad due to non-joinder and mis-joinder of necessary parties.
5. That the Petition is time barred.
6. Jurisdiction of this Honorable Court is specifically barred by Article 212 of the Constitution of Islamic Republic of Pakistan 1973.

With Respectfully Sheweth:.

The Respondents submit as under:.

ON FACTS:-

1. Pertains to record. No need to reply.
2. Pertains to record.
3. Incorrect. As per rules, promotion from BPS-17 of (Nursing Instructor/Superintendent) are processed on the basis of seniority cum-fitness, while the present petitioner was junior in the seniority list of BSP-17 (Nursing Instructor/Superintendent) and got retired on the basis of superannuation before processing of her case for promotion.
4. Correct to the extent that minimum period for promotion from BPS-17 to BPS-18 is five years. Similarly promotion from BPS-18 to BPS-19 there must be further continuous service of at least 7 years in BPS-17 or BPS-18. However, if there is no vacant position in BPS-18 or BPS-19, as the case may be, the case may not be processed.

Zubaida

ATTEST

EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

08/4/2022

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cadre against which the case of senior-most officer of BPS-18 has already been processed for promotion.

6. Incorrect. The petitioner is not entitled to be promoted to BPS-18 as she has been retired from service and even if she was in service, she was not entitled being Junior in the seniority list (Annex-B).

7. No need to reply.

Filed today 3631

12/07/2017

Res: GROUNDS:-

- i. Incorrect. No violation of the provisions of the Constitution of Islamic Republic of Pakistan 1973, has been done by the Department. Furthermore, as the petitioner claimed to be a Civil Servant, therefore this Honorable Court has got no jurisdiction to entertain the instant Writ Petition as a bar contains in Article 212 of the Constitution of Islamic Republic of Pakistan 1973.
- ii. Incorrect. There is no mala-fide on the part of Respondent Department. Similarly no Discrimination, Victimization, Abuse of procedure or misuse of Local Authority has been done by the Respondent Department.
- iii. The other points will be raised during the course of arguments.

Prayer

So it is humbly requested that the Petition may be dismissed with cost.

Signature

Signature

Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No.01).

WP NO.400.OF 2016 Comments

ATTEST

EXAMINOR

Peshawar High Court Branch,
Dera Ismail Khan

08/14/2017

14

Before Honorable Peshawar High Court Bench DIKhan

W. P 400-D/2016

Filed today 3031 Zubaida Bibi Vs Government of KPK

Adl. Registrar

12/07/2017 AFFIDAVIT

I, **Dr. Tariq Masood Miankhel District Health Officer DIKhan** on behalf of respondent No. 2 do hereby solemnly affirm and declare on Oath that contents of the comments are true and correct to the best of my knowledge and nothing has been deliberately concealed from this Honourable Court.

Dated: /07/2017

[Handwritten signature]

Name Dr. Tariq Masood Miankhel
S/O D. H. O
R/O D. I. Khan
On the Identification of

[Handwritten signature]
District Health Officer
Dera Ismail Khan

12101-0969948-1

On this 12 day of July 2017

verified the contents of the above

affirmation before me on oath
No 3276 Date 12-07-2017

[Handwritten signature]
Additional Registrar
Oath Commissioner
Peshawar High Court
D.I. Khan Bench

[Handwritten signature]
Oath Commissioner
Dist Bar Dera Ismail Khan
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WP NO.400 OF 2016 Comments

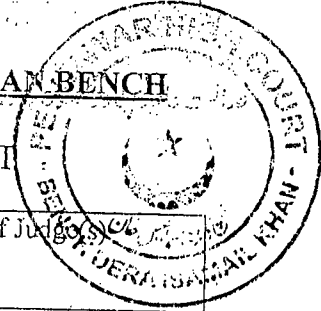
ATTESTED

EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan
08/07/2017

12

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of Order or proceedings	Order or other proceedings with signature of Judge
(1)	(2)
15.11.2016	<p><u>W.P.No.400-D2016.</u></p> <p>Present: Muhammad Ismail Alizai, Advocate for petitioner. ***</p> <p>Comments be called from respondents so as to reach this Court within a fortnight.</p> <p style="text-align: right;">JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> <u>JUDGE</u></p> <p style="text-align: center;">TESTED</p> <p style="text-align: center;">EXAMINOR Peshawar High Court Bench, Dera Ismail Khan <i>8/11/2016</i></p> <p>WP NO.400 OF 2016 Order Sheets</p>

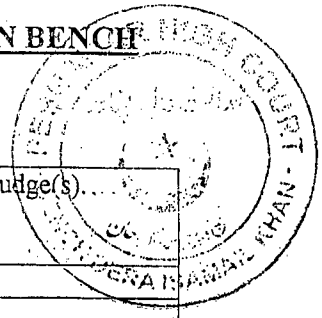
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15/11/16

[Signature]

13

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of Order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
25.5.2017	<p><u>W.P.No.400-D/2016.</u></p> <p>Present: Muhammad Ismail Alizai, Advocate for petitioner.</p> <p style="text-align: center;">***</p> <p style="text-align: center;">Comments of respondents not received.</p> <p>They be reminded to furnish their comments positively within a fortnight. Adjourned to a date in office.</p> <p style="text-align: right;">↓ <u>JUDGE</u></p> <p style="text-align: right;">↓ <u>JUDGE</u></p> <p style="text-align: center;">ATTESTED</p> <p style="text-align: center;">EXAMINOR Peshawar High Court Bench, Dera Ismail Khan</p> <p style="text-align: right;">08/11/2017</p>

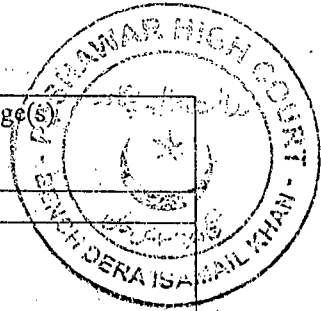
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27/5*

14

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of Order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
09.4.2019	<p><u>W.P No.400-D/2016.</u></p> <p>Present: Nemo for petitioner. ***</p> <p>Muhammad Ismail Alizai, Advocate, learned counsel for petitioner statedly busy before Model Court in criminal trial case, therefore, this case cannot be heard. Adjournd to a date in office.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: center;">ATTESTED</p> <p style="text-align: center;">EXAMINOR Peshawar High Court Bench, Dera Ismail Khan</p> <p style="text-align: center;">08/4/2019</p> <p>(D.B) Hon'ble Mr. Justice S.M Attique Shah Hon'ble Mr. Justice Shakeel Ahmad</p>

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9/4

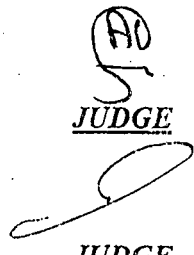
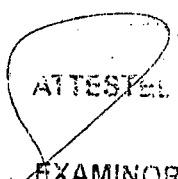
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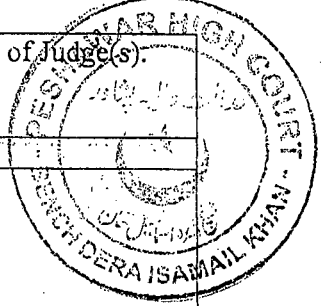
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PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET

Date of Order or Proceedings (1)	Order or other proceedings with signature of Judge(s). (2)
20.12.2021	<p><u>W.P.No.400-D/2016.</u></p> <p><u>Present:</u> Nemo for petitioner. ***</p> <p>On the call of High Court Bar Association, D.I.Khan, the lawyers are not appearing before this Court. Adjourned to a date in office.</p> <p style="text-align: right;">  JUDGE JUDGE </p> <p style="text-align: center;">  ATTESTED EXAMINOR Peshawar High Court Bench, Dera Ismail Khan 08/14/2022 </p>



File
20/12

Asad

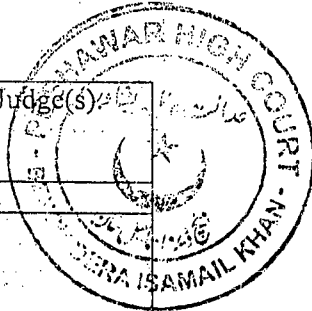
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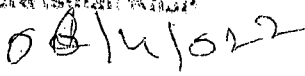
(DB)
Hon'ble Mr. Justice Abdul Shakoor
Hon'ble Mr. Justice Sazhibzada Asadullah

PESHAWAR HIGH COURT, D.I.KHAN BENCH

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FORM OF ORDER SHEET



Date of Order or Proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
17.01.2022	<p><u>W.P.No.400-D/2016.</u></p> <p><u>Present:</u> Mr. Saddam Hussain Zakori, Advocate for the petitioner.</p> <p>***</p> <p>Requests for adjournment as he has not gone through the comments. Adjourned to a date in office.</p> <p style="text-align: right;">  <u>JUDGE</u> </p> <p style="text-align: right;">  <u>JUDGE</u> </p> <p style="text-align: center;">  ATTESTED EXAMINOR Peshawar High Court Bench, Dera Ismail Khan  </p>

Office
18/01

Habib/

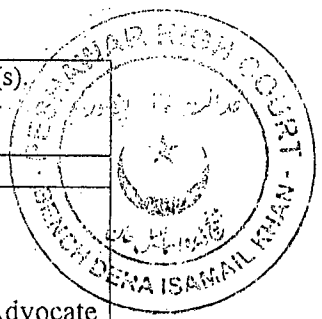
(DB)
Hon'ble Mr. Justice Abdul Shakoor
Hon'ble Mr. Justice Sahibzade Asadullah

IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH

17

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
29.3.2022	<p><u>W.P.No.400-D/2016.</u></p> <p><u>Present:-</u> Mr. Saddam Hussain Zakori, Advocate for petitioner.</p> <p>Mr. Adnan Ali, Asstt: A.G. for respondents.</p> <p align="center">***</p> <p><u>MUHAMMAD FAHEEM WALI, J.-</u> Through the instant petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks the following relief:-</p> <p align="center">"It is, therefore, humbly prayed that on gracious acceptance of the present petition, the respondent department may be required to grant BPS-18 & 19 to the petitioner from the dates due, with all back benefits."</p> <p>2. Learned counsel representing the petitioner after arguing the case at some length, contended at the bar that the petitioner would be satisfied and would not press the instant petition provided a direction is issued to respondent No.1 to expeditiously decide her appeal so made on 16.01.2016.</p> <p>3. In view thereof, the instant petition is</p>



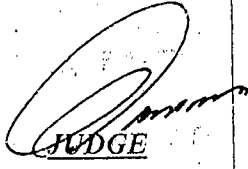
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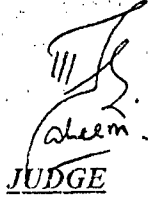
ATTESTED
 EXAMINOR
 Peshawar High Court Bench,
 Dera Ismail Khan
 08/4/2022

18

disposed of with direction to respondent No.1 to decide the appeal of the petitioner, if so pending, within a period of 30 days positively in the larger interest surely after providing due opportunity of hearing to the petitioner.

Announced.
Dr. 29.3.2022.


JUDGE


JUDGE

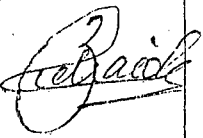
ATTESTED

EXAMINOR

Progressive High Court Bench,
Dera Ismael Khan

08/4/22

Office
29/3



Intran*

(D.B)

Hon'ble Mr. Justice S.M. Atique Shah
Hon'ble Mr. Justice Muhammad Faheem Wali

INDEX

S. No	Particular	Annexure	Pages
1	Comments with Affidavit		1-3
2	Notification dated 24-03-2009	B	4

District Health Officer

Dera Ismail Khan

On behalf of Respondent No. 2

Advocate

(19)

Annex (B)

BEFORE THE PESHAWAR HIGH COURT BENCH

DERA ISMAIL KHAN

Writ Petition No. 400-D/2016

Ms. Zubaida Bibi Petitioner.

Versus:

Government of Khyber Pakhtunkhwa through Secretary Health &

Respondents:

PARA-WISE COMMENTS ON RETAIL OF RESPONDENT NO. 1 & 2

Preliminary Objections:-

1. That the Petitioner has neither cause of action nor locus standi.

2. That the Petition is not maintainable in its present form.

3. That the Petitioner has not come to the Court with clean hands and hit by

laches.

4. That the Petition is bad due to non-joinder and mis-joinder of necessary

parties.

5. That the Petition is time barred.

6. Jurisdiction of this Honorable Court is specifically barred by Article 212 of

the Constitution of Islamic Republic of Pakistan 1973.

With Respectfully Sheweth:

The Respondents submit as under:

ON FACTS:-

1. Pertains to record. No need to reply.

2. Pertains to record.

3. Incorrect. As per rates, promotion from BRS-17 of (Nursing

Instructor/Superintendent) are processed on the basis of seniority cum-

fitness. While the present petitioner was junior in the seniority list of BRS-17

(Nursing Instructor/Superintendent) and got retired on the basis of

superannuation before processing of her case for promotion.

4. Correct to the extent that minimum period for promotion from BRS-17 to

BRS-18 is five years. Similarly promotion from BRS-18 to BRS-19 there

must be further continuous service of at least 7 years in BRS-17 or BRS-18.

However, if there is no vacant position in BRS-18 or BRS-19, as the case

may be, the case may not be processed.

5. The petitioner has been retired from her service and she has no concern with

the vacant position in this department. Furthermore, the department fills the

vacant positions on regular basis as per seniority cum fitness (whenever a

post becomes vacant. There is a sanctioned post of BRS-19 in Nursing

20

Advocate

51

cadre against which the case of senior-most officer of BPS-18 has already

been processed for promotion.

6: Incorrect. The petitioner is not entitled to be promoted to BPS-18 as she has

been relieved from service and even if she was in service, she was not entitled

being junior in the seniority list (Annex-B)

7 No need to reply.

GRUNDS:-

i. Incorrect. No violation of the provisions of the Constitution of Islamic

Republic of Pakistan 1973, has been done by the Department.

Furthermore, as the petitioner claimed to be a Civil Servant, therefore

this Honorable Court has got no jurisdiction to entertain the instant writ

Petition as a bar contains in Article 212 of the Constitution of Islamic

Republic of Pakistan 1973.

ii. Incorrect. There is no mala-fide on the part of Respondent Department.

Similarly no Discrimination, Victimization, Abuse of procedure or mis-

use of Local Authority has been done by the Respondent Department.

iii. The other points will be raised during the course of arguments.

Prayer

So it is humbly requested that the Petition may be dismissed with cost

Secretary to

Government of Khyber Pakhtunkhwa

Health Department, Peshawar.

(Respondent No.01)

Director (Special Health Services)

Khyber Pakhtunkhwa

Peshawar.

11/11/2023

Ashraf ul Haq

22

Before Honorable Peshawar High Court Bench Dikhan

W.P. 400-D/2016

Zubaida Bibi Vs Government of KPK

AFFIDAVIT

I, Dr. Tariq Masood Miankhal District Health Officer Dikhan on behalf of respondent No. 2 do hereby solemnly affirm and declare on Oath that contents of the comments are true and correct to the best of my knowledge and nothing has been deliberately concealed from this Honourable Court.

Dated: /07/2017

District Health Officer
Dera Ismail Khan

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
HEALTH DEPARTMENT

NOTIFICATION

Peshawar, dated the 24/03/2009

SOH(EV)M-2009. In pursuance of the provisions contained in sub-rule(2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion, and Transfer) Rules, 1989, and supersession of all previous notifications issued in this behalf, the Health Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to this Notification which shall be applicable to the post of Provincial Health Services Academy (PHSA) in the Health Department specified in column 2 of the said Appendix.

APPENDIX
PROVINCIAL HEALTH SERVICES ACADEMY (PHSA)

S.No.	Nomenclature of Post	Qualification for appointment by initial recruitment	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Principal (BS-18) NB: For Post Graduate College of Nursing.			By Promotion, on the basis of seniority-cum-fitness, from Vice Principal of Nursing Schools and Nursing Tutor/Sister Tutor (BPS-16) of Public Health School and Post Graduate College of Nursing with at least seven years service or such.
2.	Vice Principal (BS-18) NB: For Nursing Schools			By transfer from amongst the holders of the post of Nursing Tutor/Sister Tutor (BPS-16) with at least three years service as such.
3.	Nursing Tutor / Sister Tutor (BS-16)	<i>As per</i> <i>Recd</i>		By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Sister Tutor/Instructor/Assistant Tutor/Instructor/Programme Training Officer with at least five years services or such.

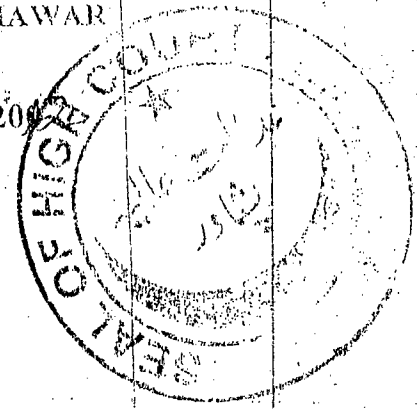
Assistant Director (N)
DGHS K.P.K.

Adnan

Annex (C)
(2)

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

WP No. 1343 of 2015



JUDGMENT

Date of hearing 15-05-2015

Appellant M/s. Shamsul Qadir By Mr. Rehman Ullah Shad Adna

Respondent Secty. Health By Mr. Zahid Yousaf Durani
Addl. AG.

NISAR HUSSAIN KHAN, J:- Through the instant petition, petitioner seeks issuance of an appropriate writ to the respondents to give her equal treatment and grant her upgradation/promotion.

2. We have heard the learned counsel for the parties at length and have also minutely gone through the record appended with the petition with their valuable assistance.

ATTESTED
CLERK
PESHAWAR HIGH COURT
05 MAY 2015

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1/11

3. Petitioner alleged that she was initially appointed in Grade-14 on 1st May, 1975 in the Provincial Health Services Academy, Peshawar (hereinafter referred to as PHSA), and thereafter promoted to Grade-16 on 1st January, 1983 and to Grade-17 on 30th April, 1987. She further alleged that by virtue of Notification dated 24.3.2009 of Government of Khyber Pakhtunkhwa, method of recruitment, qualification and other conditions applicable to the posts in the PHSA was provided. It is alleged by the petitioner that as per aforesaid Notification, the post of Principal of Post Graduate College of Nursing in PHSA is to be filled by promotion on the basis of seniority cum fitness from Vice Principal of Nursing Schools and Nursing Tutor/Sister Tutor (BPS-18) of Public Health School and Post Graduate College of Nursing with at least seven years service. This stance of the petitioner is

Achay Jaiswal

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supplemented by the Notification No.SOH (EV)4-20/09, dated 24.3.2009 which provides structure of services of PHSA. As per appendix thereof, the slot of Principal (BPS-19) of Post Graduate College of Nursing shall be filled by promotion on the basis of seniority-cum-fitness from Vice Principal of Nursing Schools and Nursing Tutor, Sister Tutor of BPS-18 of Public Health School and Post Graduate College of Nursing with at least seven years service as such. As per seniority list of Chief Nursing Superimendant (BPS-19) in the Health Services, KPK as stood on 1.1.2011, the petitioner was promoted to BPS-18 on 1.3.2006 and in this way she became eligible being the senior most in her cadre for promotion to the post of Principle of BPS-19 on 1.3.2013 when she completed the maximum eligibility of 7 years in BPS-18. Respondents in their comments did not deny the claim of the petitioner. It was alleged

Adm. J. J. J.

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ATTESTED
 EXAMINER
 Provincial High Court
 05 MAY 2016

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by the petitioner in Para-B of the ground of writ petition that the other staff serving with the petitioner in the same Department have been accorded upgradation either on the basis of certain length of service or academic qualification, but the petitioner has been discriminated without any legal justification. In response to this contention, the respondents have admitted it correct in their comments and further elaborated that two candidates i.e. Mrs. Khalida Shaheen and Mrs. Farhan Josephine were promoted from the post of Chief Nursing Superintendent. Dr. Obaid ur Rehman, DDM, Provincial Health Services Academy, Peshawar, representative of respondent No.2, was personally present before the court and he conceded the right of the petitioner at the bar and stated that he would not oppose the acceptance of the petition nor the AAG has opposed this petition.

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ATTESTED
 CHAIRMAN
 Peshawar High Court
 05 MAY 2016

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563

When other incumbents similarly placed have been accorded promotion, it is highly illogical to discriminate the petitioner by refusing the same treatment to her without any lawful justification.

4. Thus in view of the foregoing reasons, this petition is allowed as prayed for.

M. Nigra Hussain
Sd/- J. Ramakrishna

[Handwritten signature]

Adm. J. Ramakrishna

Announced on
15th May, 2013

CERTIFIED TO BE TRUE COPY

Notary Public, West Bengal
Authorised Under
The Notary Public Act, 1956

05 MAY 2016

Office
23/5/2013
25/5/2013

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No. of Pages
Copying fee
Date of Preparation
Date of Indexing

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C. S. Ramakrishna

AVIS (D) (R)
29

**OFFICE OF THE VICE PRINCIPAL SCHOOL OF NURSING AND
COMMUNITY MIDWIFE SCHOOL FATA/ DIKHAN.**

No. 49 SON/DIK/Actt;

Dated 16/1/16

To,

The Secretary Health,
Khyber Pakhtunkhwa.

SUBJECT:-

**TO PROMOTE THE UNDERSIGN ON SENIORITY CUM
FITNESS BASIS AND CONSIDER HER ON EQUALLY
PLACE PERSONS ACCORDING TO PLETHORA OF
ORDERS OF THE APEX COURTS AND ACCORDING
TO ESTABLISHMENT SERVICE RULES.**

Respected Sir,

The undersign humbly submits as under:-

1. I was initially appointed in BPS-14 & where after I was promoted regularly from time to time into BPS-16 & lastly BPS-17. I was promoted to BPS-17 on 22/11/2000, however I was further posted against the post BPS-18 from the date of promotion till date, but is getting pay of BPS-17. Copies attached.
2. As per the order of the Honourable High Court, all other employees have also been promoted with the remarks by the Honourable High Court that it is highly illogical to discriminate the petitioner by refusing the same treatment to her without any lawful justification. As my promotion to BPS-17 was made in the year 2000, according to which I had to be promoted into BPS-18 after five (5) years service and to BPS-19 after next seven (07) years. Hence, the undersign shall also be promoted to BPS-19 as per the length of service and fitness and according to Honourable High Court order, because there is already availability of BPS-18 & 19 posts, while the undersign is already working in BPS-18. All the posts in Khyber Pakhtunkhwa are lying vacant due to their non promotion, within hospitals and in Nursing Schools.

It is, therefore, requested that the undersign may please be promoted to BPS-18 & 19 as per above stated facts along with all my rights according to establishment service rules.

Ashwari

Zubaida Bibi

PRINCIPLE

MST; ZUBAIDA BIBI
SCHOOL OF NURSING,
DERA ISMAIL KHAN.

P. 4 Attached

PA
27/11/2008

DIRECTORATE GENERAL HEALTH SERVICES N.W.F.P., PESHAWAR.

OFFICE ORDER.

The following Posting/Transfer of newly Promoted Sister Tutor/Instructor BPS-17 are hereby ordered in the public interest:-

S.No.	Name	From	To
1.	Mrs. Shamshad Akhter Sister Tutor B-17	N/ PHS Hayatabad on General duty	N/ PHS Hayatabad against the vacant post of Nursing Instructor B-17
2.	Mrs. Anwar Zia Sister Tutor B-17	LRH, Peshawar	LRH, Peshawar against the vacant post of Sister Tutor B-17
3.	Mrs. Sherin Taj Sister Tutor B-17	LRH, Peshawar.	Public Health School Nishtar Abad against the vacant post.
4.	Mrs. Farhat Jehan Sister Tutor B-17	DHQ: Hosp: Chitral	KTH, Peshawar against the vacant post.
5.	Mrs. Kalsoom Akhter Sister Tutor B-17	N/ PHS, Hayatabad (on General Duty	N/ PHS, Hayatabad as N/ Instructor B-17
6.	Mrs. Masim Himayat Sister Tutor B-17	KTH, Peshawar.	KTH, Peshawar and will perform her duty as Nursing Superintendent,
7.	Mrs. Zubaida Bibi Sister Tutor B-17	N/ PHS, D. I. Khan (on General duty	N/ PHS, D. I. Khan as N/ Instructor B-17.
8.	Mrs. Rehana Mourin Sister Tutor B-17	Public Health School, Nishtarabad Peshawar (on General duty)	N/ PHS, Kohat as N/ Instructor B-17 as substitute of Miss Akhter Shah.
9.	Mrs. Taslim Bibi Sister Tutor B-17	N/ PHS, Bannu on General duty	N/ PHS, Bannu as N/ Instructor B-17.
10.	Mrs. Mehrun Nisa Sister Tutor B-17	HMC, Peshawar	HMC, Peshawar against the vacant post.

Revised

22.11.2000
Muztahir

Handwritten notes and signatures at the top left, including names like 'Muztahir' and 'M. I. Khan'.

Handwritten notes and signatures in the upper middle section, including 'M. I. Khan'.

For Director General Health Services, NWFP, Peshawar.

For information and necessary action.

1. Secretary to Govt. of NWFP, Health Department, with reference to his notification No. SOH-III 13-4/99 dated 17.11.2000.
2. Medical Superintendent, Lady Reading Hospital, Peshawar.
3. Medical Superintendent, Khyber Teaching Hospital, Peshawar.
4. Medical Superintendent, Hayat abad Medical Complex, Peshawar.
5. Director Provincial Health Services Academy Peshawar.
6. Accountant General, NWFP, Peshawar.
7. Vice Principal, M.PHS, Hayat abad, Peshawar, and D.I. Khan.
8. Principal, PHS, Nishtar Abad, Peshawar.
9. Medical Superintendent, DHO: Hospital, Bannu, Chitral, D.I. Khan.
10. District Account Officer, Bannu, D.I. Khan and Chitral.

Copy forwarded to the:-

No. 27153 - 67 / E-II, dated Peshawar the, 22.11.2000.

Sd. x x x
Director General Health Services NWFP, Peshawar.

Handwritten signature and initials.

All should comply with the order immediately.

M.PHS D. I. Khan (on general duty) M Instructor B-17.
Sister Tutor B-17
KPH, Peshawar
the vacant post of
Sister Tutor B-17

Mrs. Shaima Akhtar Durani
Sister Tutor B-17
Mrs. Inayat Jabeen
Sister Tutor B-17

[Handwritten signature]

No. 725 /pt

Information w/a to above.
Health Services, Bangalore
A copy is forwarded to the Director, Bangalore
for information w/a to above.

VICE PRINCIPAL
MURKING SCHOOL
B.T. MURKING

VICE PRINCIPAL
MURKING SCHOOL
B.T. MURKING

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[Handwritten signature]

[Handwritten mark]

[Handwritten mark]

For information w/a to above.

01-The Director Accounts Officer, Bangalore
02-Mrs. Subala Devi (B-17) N/School, Bangalore
03-Mr. Chinnappa Murthy (B-17) N/School, Bangalore

No. 728-74 /pt

A copy with copy of report is forwarded to
the:-

VICE PRINCIPAL
MURKING SCHOOL
B.T. MURKING

[Handwritten signature]

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necessary steps taken in the interest of
the school and the students.

I have the honor to state that
Subala Devi (B-17) N/School, Bangalore
has been assigned the post of
Inspector (B-17) in the Bangalore
School District, Bangalore.

Reference your letter dated 22.11.2000.
B.T. dated 22.11.2000.

OFFICE ORDER

Subject: Mrs.

The Director, Bangalore
Health Services

dated 02/10/2001
No. 771
B.T. Murking, B.T. Murking
Principal, Murking School

[Handwritten mark]

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CERTIFICATE OF TRANSFER

(1) Certified that we have on the fore / afternoon of this day respectively made over and received Charged of the Office of the
NURSING INSTRUCTOR (B-17) NURSING SCHOOL DHQR. HOSP.:
DERA ISMAIL KHAN.

(2) Particulars cash and important secret and confidential documents handed over are noted on the reverse

Signature of relieved

Government Servant X X X X

Designation X X X XX

Station D. I. Khan
~~0000000000~~

20-12-2000

Signature of relieving

Government Servant *Zubaida Bibi*

Mrs. Zubaida Bibi
Nursing Instructor

Designation ~~0000~~ Nursing Instructor
B-17 Nursing School

Date 20-12-2000

DHQR. DIKHAN

Forwarded to the _____

Zubaida



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated the Peshawar 06th January 2011

NOTIFICATION.

No. SOH-III/8-89/2010. The Competent Authority has been pleased to withdraw/cancel this Department's Notification No. SOH-III/8-89/2010 dated 08.12.2010 and to retain Mrs. Zubaida Bibi on the same post as Vice Principal of School of Nursing, D.I.Khan in her own pay & scale in the public interest with immediate effect.

Secretary to Govt. of Khyber Pakhtunkhwa
Health Department

Endst of even No and Date.

Copy forwarded to:

1. Director General Health Services, Khyber Pakhtunkhwa for information.
2. Director, Provincial Health Services Academy, Khyber Pakhtunkhwa.
3. EDO(H) D.I.Khan.
4. Vice Principal, School of Nursing, D.I.Khan.
5. Principal Public Health School D.I.Khan.
6. District Accountant Officer D.I.Khan.
7. PS to Minister for Health, Khyber Pakhtunkhwa.
8. PS to Special Secretary Health, Khyber Pakhtunkhwa.
9. Sister Tutors concerned.

Zubaida Bibi

Section Officer-(H-III)

(15)

GOVERNMENT OF NWFP
HEALTH DEPARTMENT

Dated Peshawar the 27th July, 2006

NOTIFICATION.

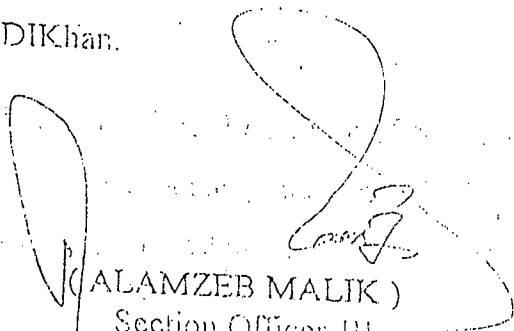
No. SOH-III/2-1/95/ Mrs. Zubaida Bisi, Instructor BPS-17 School of Nursing DIKhan is hereby posted against the vacant post of Vice Principal, School of Nursing DIKhan in her own pay & scale with immediate effect till further order.

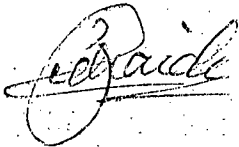
Endst: No: & Date Even.

SECRETARY HEALTH

Copy to:

- 1) The Director General Health Services, NWFP, Peshawar.
- 2) The Director Provincial Health Services Academy, NWFP, Peshawar, NWFP, Peshawar.
- ✓ 3) The PS to Chief Minister, Chief Minister's Secretariat NWFP, Peshawar with reference to his letter No. PS/CM/NWFP/2005 dated 10-06-2006.
- 4) The District Accounts Officer, DIKhan.
- 5) The Officer concerned.


(ALAMZEB MALIK)
Section Officer-III





PIR ADNAN ZAKORRI

Advocate

bc-17-7444

Date of issue: September 2020

Valid upto: September 2023



وکالت نامہ

کورٹ
فیس

Secretary
KP Bar Council

30

بعد از عدالت جسٹس شوکت عزیز
مناوب ایڈووکیٹ
نام گورنمنٹ ایڈووکیٹ
ڈیوٹی یا جرم
تفصیل ڈیوٹی یا جرم
سوی ایڈووکیٹ
باعث تحریر آئندہ

مقدمہ مندرجہ بالا اعتراض میں اپنی طرف واسطے بیرونی وجوہات پیش یا تصفیہ مقدمہ بنیام
سید عبدال ذکور علی اللہ صاحب کو
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بڑا بیرون برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے یا پیچھے پیش ہونے
پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا ایسے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے بھ
کو کل ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض ڈیوٹی یا جواب ڈیوٹی یا درخواست اجراء اسمائے ذمیری
نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر جاتی یا راضی نامہ و فیصلہ برحلف کرنے اقبال ڈیوٹی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ مزکور بیرون از کچہری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا سنوٹی ڈگری یک طرفہ یا درخواست حکم امتناع یا قرتی
یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ہنگی علیحدہ محتامیری کا اختیار ہو گا اور تمام ساختہ پر داخست صاحب موصوف مثل کردہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی
اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیر مٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
ماہ اگست 2022
مورخہ
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
Adnan Zakorri

Beard

سید شوکت عزیز



الکترونیک

بھارت چھابہ صاحبہ بخٹون کواہ سرورس لبریریونل پبلشرز

مخاتب ایڈوانٹ

زبیرہ بی بی نام گورنمنٹ KPK ڈسٹرکٹ

دوئی یا جرم

تفصیل دوئی یا جرم

سرورس ایڈوانٹ

باعث تحریر آنکہ

کیلئے ایڈوانٹ

مقدمہ سرورج بالا عنوان میں اپنی طرف واسطہ بھردری درجواب دہی برائے پٹی یا تصدیق مقدمہ نام

ملکہ خلیج کھارلا ایڈووکیٹس سے ایک کورٹ

کو حسب ذیل شرائط پر دیکل مقرر کیا ہے کہ میں پٹی پر خود یا بذریعہ رو برد عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارت جاتے مقدمہ میں صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پٹی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز دیکل صاحبہ موصوف مقدمہ بھردری کے علاوہ با کبھری کے اوقات سے پہلے یا پٹے یا پٹے یا پٹے
بھردری کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بھردری کے علاوہ اور جگہ سماعت ہونے یا بروز تظیل یا کبھری کے اوقات کے آگے یا عقبہ نہیں ہوتے
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا دیکل صاحبہ موصوف ذمہ دار نہ ہوں گے کہ
کوئی ساخت پر راندت صاحبہ موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحبہ موصوف کو عرض دوئی یا جواب دوئی یا درخواست اجراء ادا کرنے
تظیل ہائی پبلی کمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر مانی یا راسی نامہ و فیصلہ بر طرف کرنے اقبال دوئی کا بھی اختیار ہو گا اور بصورت مقرر ہوئے
مابغ پٹتی مقدمہ مرکز بھردری از بھردری صدر بھردری مقدمہ مرکز نظر عالی ایڈوانٹ و کمرانی و برآمدگی مقدمہ یا منسوی دوئی کی طرف یا درخواست حکم ایڈوانٹ یا قری
یا کمرانی قتل از فیصلہ اجراءے ذکر کی بھی صاحبہ موصوف کو بشرط ادا ملگی طبعہ مختصر بھردری کا اختیار ہو گا اور تمام ساخت پر راندت صاحبہ موصوف مثل کردہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحبہ موصوف کو یہ بھی اختیار ہو کہ مقدمہ مرکزہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر عالی
ایڈوانٹ گرانیا یا دیگر معاملہ و مقدمہ مرکزہ کی دوسرے دیکل یا بھردری کو اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر ماس میں دہی اور دینے
اختیارات مائل ہوں گے جیسے صاحبہ موصوف کو مائل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب التواء پڑے گا وہ صاحبہ موصوف کا حق ہو گا کہ
صاحبہ موصوف کو پوری نہیں تاریخ پٹی سے پہلے ادا نہ کروں گا تو صاحبہ موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پردی نہ کریں اور ایڈوانٹ
میں میرا کوئی مطالبہ کسی قسم کا صاحبہ موصوف کے برخلاف نہیں ہوگا

لہذا کالت نامہ لکھ دیا ہے تاکہ سندور ہے

مورخ ۰۶ ۰۲ ۲۰۲۲ء

مضمون کالت نامہ کن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

Rhahit 9

زبیرہ بی بی -- (ایڈوانٹ)

Signature