


5<sup>th</sup> July, 2022

Learned counsel for the petitioner present. None for the respondents present.

Mr. Adeel Butt, Addl: AG on behalf of the respondents put appearance in early hours of the court and assured that he would submit compliance report in the matter in some moments but later on neither compliance was submitted nor he put appearance. Therefore, salaries of the judgment debtors attached. The Accountant General Khyber Pakhtunkhwa is directed to attach the salaries of the respondents not to release the same till further order by this Tribunal. Show cause notice be also issued to the respondents as to why they should not be proceeded under the Contempt of Court Ordinance-2003.

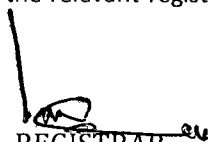


Last chance is given to the respondents to implement the judgment and submit compliance report on 07.09.2022 before S.B.

  
(Kalim Arshad Khan)  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. \_\_\_\_\_ 254/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.04.2022	<p>The execution petition of Mst. Neelam submitted today by Mr. Amin Ur Rehman Yusafzai Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-	<p><i>22nd. 10-11-22</i> <i>26-4-22</i></p> <p>3<sup>rd</sup> June, 2022</p>	<p>This execution petition be put up before to Single Bench at Peshawar on <u>3-6-2022</u>. Original file be requisitioned. Notices to the parties be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the petitioner present.</p> <p>Respondents be directed to implement the judgment and submit implementation report on 05.07.2022 before S.B. Original file be also requisitioned.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,**

**PESHAWAR**

Misc. Application No. 254 of 2022  
IN  
Service Appeal No. 827 / 2019

Mst. Neelam ..... **VERSUS** ..... Government of KP & 2 others

**I N D E X**

S.No.	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Application with affidavit		1
2.	Consolidated Judgment dated: 19.03.2022 alongwith memo of Service Appeal No. 827 /2019	<b>A</b>	2-11
3.	Applications dated: 07.03.2022	<b>B</b>	12
4.	Copy of affidavit dated: 04.04.2022	<b>C</b>	13
5.	Wakalatnama		14

Applicant / Appellant  
Through

Amin ur Rehman Yusufzai

Sajjad Ahmad Mehsud

Khalid Khan Mohmand

&

Muhammad Kareem Afandi  
Advocates, Peshawar

Dated: 20.04.2022

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR**

Misc. Application No. \_\_\_\_\_ of 2022  
IN  
Service Appeal No. 827 / 2019

Mst. Neelam ..... **VERSUS** ..... Government of KP & 2 others

**APPLICATION U/S 7(2)(d) OF THE KP SERVICE TRIBUNAL ACT, 1974 (KP ACT NO.1 OF 1974), READ WITH ALL ENABLING PROVISIONS OF LAW GOVERNING THE SUBJECT, FOR EXECUTION/IMPLEMENTATION OF CONSOLIDATED JUDGMENT DTAED: 19.01.2022, OF THIS HON'BLE TRIBUNAL IN THE TITLED APPEAL.**



**Respectfully Sheweth:**

1. That Applicant/Appellant approached this Hon'ble Tribunal through Service Appeal No.827/2019, which was heard together with Service Appeal Nos.827 & 877 of 2019 and allowed through a single Consolidated Judgment dated: 19.01.2022.  
**(Copy of consolidated Judgment dated: 19.01.2022 alongwith memo of Service Appeal No.827/2019 is attached as Annexure "A").**
2. That consolidated Judgment dated: 19.01.2022 supra was announced by this Hon'ble Tribunal in open Court, in presence of the representatives of Respondent Department, however, the same was not implemented so far, although applicant/appellant has also communicated the Judgment ibid through application dated: 07.03.2022, consequently applicant was directed to submit an affidavit, which too was furnished on 04.04.2022, however to no avail so far, hence the instant application.  
**(Copies of applications dated: 07.03.2022 and affidavit dated: 04.04.2022 are attached as Annexures "B" & "C" respectively).**
3. That more than 3 months' time has been elapsed, however, Respondent Department is reluctant to implement consolidated Judgment dated: 19.01.2022 supra of this Hon'ble Tribunal, in letter and spirit, which has caused grave miscarriage of justice, moreover, this Hon'ble Tribunal has got ample jurisdiction to implement the Judgment ibid, by issuing appropriate directions to the delinquents for the desired relief.
4. That any other ground with the permission of this Hon'ble Tribunal will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant application, consolidated Judgment dated: 19.01.2022 of this Hon'ble Tribunal may be ordered to be implemented and applicant/appellant may be re-instated in service with all back benefits, so as to secure the ends of justice and equity.

**AFFIDAVIT**

Stated on oath that contents of instant **Application** are true and correct to the best of knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Neelam*  
Deponent

*Neelam*  
Applicant / Appellant  
Through

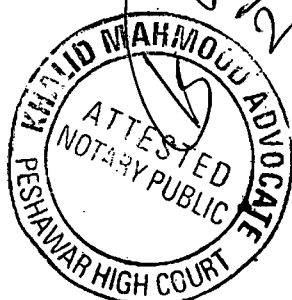
*Amin ur Rehman Yusufzai*  
Amin ur Rehman Yusufzai

*Sajjad Ahmad Mehsud*  
Sajjad Ahmad Mehsud

*Khalid Khan Mohmand*  
Khalid Khan Mohmand

*Muhammad Kareem Afridi*  
Advocates, Peshawar

Dated: 20.04.2022

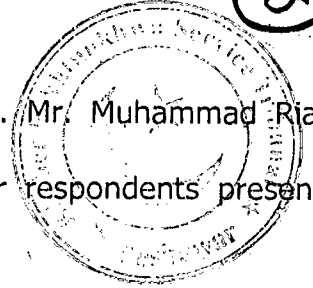


Annex "A"

(2)

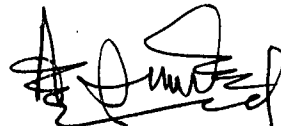
ORDER  
19.01.2022


Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for respondents present. Arguments heard and record perused.



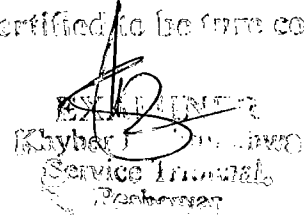
Vide our detailed judgment of today, passed in service appeal bearing No. 826/2019 "titled Mst Sadia Bibi Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and two others", we are inclined to accept the instant service appeal. The impugned orders are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED  
19.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

Certified to be true copy



Date of Presentation of Application 20/4/22  
Number of Words 600  
Copying Fee 10/-  
Urgent 3/-  
Total 14/-  
Date of Delivery of Copy 20/4/22  
Date of Delivery of Copy 20/4/22

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 826/2019

Date of Institution ... 24.06.2019  
Date of Decision ... 19.01.2022



Mst. Sadia Bibi D/ Muhammad Akram Shah,, Ex-ADEO (F) Nowshera R/o Chail,  
Taza Gram P.O Lund Khwar, Tehsil & District Mardan.  
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secodary  
Education, Civil Secretariat Peshawar. ... (Respondents)

Amin-Ur-Rehman  
Advocate ... For Appellant

Muhammad Riaz Khan Paindakheil,  
Assistant Advocate General ... For respondents

**AHMAD SULTAN TAREEN** ... **CHAIRMAN**  
**ATIQ-UR-REHMAN WAZIR** ... **MEMBER (EXECUTIVE)**

JUDGMENT


**ATIQ-UR-REHMAN WAZIR MEMBER (E):-** This single judgment shall disposed of the instant service appeal as well as the connected service appeal bearing No. 827/2019 "titled Mst Neelam Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and two others" and service appeal bearing No. 877/2019 "titled Mst Saira Versus Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat Peshawar and two others" as common question of law and facts are involved therein.

02. Brief facts of the case are that upon recommendations dated 15-12-2016 of Public Service Commission, the appellant was appointed as Assistant

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

District Officer (ADO) BPS-16 vide order dated 02-02-2017. During the course of her service, the respondents found that recommendation letter of the Public Service Commission in respect of the appellant was fake, hence her appointment order dated 02-02-2017 was withdrawn vide order dated 28-02-2019 with direction to District Education Officer concerned to recover the salaries and other allied benefits drawn by the appellant during the period. Vide letter dated 18-03-2019, the appellant was asked to deposit an amount of rupees 7, 48,545.00/ into Government Treasury. To this effect, two inquiries were under process against the appellant simultaneously by National Accountability Bureau (NAB) as well as Anti-corruption Establishment (ACE). Feeling aggrieved, the appellant filed writ petition No 2043-P/2019 against two inquires on the same charges, which was disposed of vide judgment dated 16-05-2019 on the terms that the respondents has already confined its inquiry to one forum, hence the instant writ petition has served its purpose. As an interim relief, the respondents were directed that petitioner shall not be harassed or called for investigation without court permission. The appellant filed department appeal dated 01-03-2019, which was not responded within the statutory period, hence the instant appeal with prayers that the impugned orders dated 28-02-2019 and 18-03-2019 may be set aside and the appellant may be re-instated in service with all back benefits.

03. Learned counsel for the appellant has contended that the impugned orders are against law, facts and norms of natural justice, hence not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, as the appellant was not afforded appropriate opportunity to defend her cause as enshrined in Article-10(A) of the Constitution, hence the respondents acted without jurisdiction; that it is well settled law that regular inquiry is must before imposition of major penalty of removal from service, which however was not done in case of the appellant;

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 CHAMBER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

that no charge sheet/statement of allegation, nor any show cause was served upon the appellant and the appellant was condemned unheard; that the appellant being qualified was selected after due process of law and fulfillment of all codal formalities, despite the appellant was thrown out of service with a single stroke of pen, which has caused grave miscarriage of justice; that the charges of document being fake was vague, unspecific and did not show any lapse on part of the employee or commission of any fraud by her, therefore the appellant could not be made to suffer for whimsical and mechanical acts of the authorities. Reliance was placed on 2011 SCMR 1581, 2016 SCMR 1299 and 2010 PLD SC 483.

04. Learned Assistant Advocate General for the respondents has contend that the appellant could not produce any cogent proof and legal justification in support of her stand regarding her recommendations by the public service commission and it was found that the recommendation letter by the public service commission was fake; that the appellant could not prove that she has been recommended by public service commission, therefore her claim regarding her appearance before medical board and her service rendered makes no legal ground; that due to the above reason, services of the appellant has been disowned by the respondents after due process of law alongwith the recovery of Rs. 7,48,545/ on account of salaries received by her; that appeal of the appellant is baseless and without any cogent proof and justification, therefore is liable to be dismissed.

05. We have heard learned counsel for the parties and have perused the record.

06. Record reveals that public service commission vide advertisement No 2/2015 dated 05-03-2015, advertised 15 posts of Female ADO. The appellant equipped with qualification of MA/ M.Ed/ B.Ed/ CT and already serving as a teacher had applied for the post. Placed on record is letter dated 30-11-2015.

TESTED  
JUDGE  
S. H. KHAN  
S. H. KHAN  
S. H. KHAN



of Public Service Commission addressed to the appellant, stating therein that your application for the subject post is incomplete and please make up the following deficiencies within three days, which would suggest that the appellant had applied for the subject post. Still another letter dated 04-12-2015 by public service commission addressed to the appellant would show that the appellant has been called for interview, which also strengthen contention of the appellant that the appellant has properly applied against the post, hence was recommended by the commission vide letter dated 15-12-2016. Upon receipt of recommendation of the commission, the Directorate of Education referred the appellant to DG Health Services for constitution of medical board vide order dated 26-01-2017 and accordingly, the appellant was granted medical fitness certificate by the medical board on 27-01-2017. Services of the appellant were placed at the disposal of DEO (Female) Nowshera for further posting against the vacant post of ADEO/ASDEO vide order dated 02-02-2017. In pursuance of the order, the appellant assumed the charge on 20-02-2017 and started performing her duty. After assuming duty, the process of verification of her document started. The directorate of education verified that appointment order dated 02-02-2017 in respect of the appellant has been checked with office record and was found correct. Letter dated 07-03-2017 of district education officer Nowshera would show that educational and professional certificates/degrees/DMCs have been verified from the concerned Board/universities and were found correct. After verification of antecedents of the appellant, salary of the appellant was activated in the district account office Nowshera and the appellant served for almost two years, until her appointment order was withdrawn vide order date 28-02-2019.

07. Placed on record are documents which would suggest that NAB as well as ACE simultaneously started investigation against the appellant, but upon


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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar**

intervention of High Court in Writ Petition No 2043-P/2019, vide judgment dated 16-05-2019 the respondents were refrained not to harass or call the appellant for investigation without court permission. Record is silent as to what happened to such case, but the respondents without any inquiry and without taking any legal course, had withdrawn appointment order dated 02-02-2017 in respect of the appellant vide order dated 28-02-2019 under the pretext that her recommendation letter from public service commission was fake.

08. Since no inquiry was conducted either by education department or by public service commission and upon query of this tribunal, the respondent could not ascertain as to what was the source, which had pointed out that recommendation in respect of the appellant were fake, rather we were informed that it was due to rumors in the department that some individual entered the system illegally and upon verification, it was found that documents of the appellant as well as other were fake. Due to incomplete information and absence of inquiry, we are confined to the available record to evaluate the stance of the respondents with respect to their claim. We have observed that the appellant was equipped with the prescribed qualification as well as experience required for the post of ADO. Sufficient material is available on record to show that the appellant had applied for the subject post. The process of advertisement of the post until final selection and her posting against the post is in order and in a sequence, which took almost two years fulfilling all the codal formalities and the appellant served against the post for two years performing her duty to the entire satisfaction of her superior, which is evident from the commendation certificates awarded to the appellant. As per practice in vogue, the respondents placed requisition for recommendation of 15 posts of ADO (Female), whereas the commission recommended candidates, which does not exceed the requisite number. It is un-believable

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar


that a lengthy process of selection spreading over two years of time and culminating into selection of the appellant being female would be maneuvered by her illegally. Antecedents of the appellant had gone through the process of verification and everything was clear during her initial appointment, which is evident from record of the respondents, which is un-disputed and not fake. Appointment order of the appellant was issued by the competent authority, which also is not disputed. Similarly, her medical fitness, preparation of service book, her posting against a post by District Education Officer and her salary are also not fake and are un-disputed. The appellant has served against the post for quite longer and has developed vested right over the post, but was relieved of her duty overnight without observing the legal formalities under the pretext that her recommendation letter was fake. It however was the statutory duty of the appointing authority to check and re-check the appointment procedure, which however was done in case of the appellant well before time, but later in time, the respondents denied its own acts and to this effect, the Supreme Court of Pakistan in its judgment reported as 1996 SCMR 1350 have held that authority having itself appointed civil servant could not be allowed to take benefit of its lapses in order to terminate service of civil servant merely because it had itself committed an irregularity in violating procedure governing appointment. Appointment of the appellant was made by competent authority by following the prescribed procedure, petitioner were having no nexus with the mode of selection process and they could not be blamed or punished for the laxities on part of the respondents. The order affecting the rights of a person had to be made in accordance with the principle of natural justice; order taking away the rights of a person without complying with the principles of natural justice had been held to be illegal. Government was not vested with the authority to withdraw or rescind an order if the same had taken legal effect and created certain legal rights in favor of the appellant. Reliance is place on 2017 PLC (CS) 585. It is also thought

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W. A. J. J. J. J. J.  
 Member  
 Service Tribunal  
 Islamabad

provoking that even if we assume that the appellant entered the system by a fake order, then how it would be possible without assistance of either Public Service Commission or the Education Department and it is more alarming that the respondents neither initiated any inquiry against Public Service Commission nor against Education Department and simply removed the appellant from service on the charge, which was not proved through a regular inquiry. Record would suggest that during the two years tenure of her service, the appellant performed well and no complaint whatsoever, was filed against her, rather she was awarded commendation certificates. To this effect, the supreme court of Pakistan in its judgment reported as 2011 SCMR 1581 have held that the charges of appointment order being fake was vague, nonspecific and did not show any lapse on part of the employee or commission of any fraud by him/her or non-possession of requisite qualification by him or his appointment to be made by an incompetent officer.... Department had not found performance of employee to be un-satisfactory..... impugned order was set aside in circumstances. The august Supreme Court of Pakistan in its judgment reported as 2004 SCMR 303 has held that appointment of civil servant was made by competent authority. If prescribed procedure was not followed by the concerned authority, the civil servant could not be blamed for what was to be performed and done by the competent authority. Supreme court noted it with concern that in case the civil servant was to be removed then the same would amount to hitting hard creating problems for the society at large considering each of the civil servants being the bread earner of his/her family. Appointing authority had been acting mechanically without application of mind; therefore, the civil servant could not be made to suffer for whimsical and mechanical acts of the authorities."

09. It is a well settled legal proposition that regular inquiry is must before imposition of major penalty of removal from service, whereas in case of the


ATTESTED  
  
 ALEXANDER  
 Khayber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

appellant, no such inquiry was conducted. The august Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of Audi Alterm Partem was always deemed to be imbedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.


10. We are of the considered opinion that the appellant has not been treated in accordance with law and was illegally kept away from performance of her duty in whimsical and mechanical way, which however is not allowable under the law.

11. In a situation, we are inclined to accept the instant appeal as well as the connected service appeals. The impugned orders are set aside and the appellants are re-instated in service with all back benefits. Parties are left to bear their own costs, file be consigned to record room.

ANNOUNCED  
19.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

Certified to be true copy

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

CHIEF CLERK  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR



Service Appeal No. 827/2019

Mst. Neelam D/o Fazli Malik, Ex-ASDEO (F) Swabi R/o Mohalla Kandar,  
Village & PO Rustam, Tehsil & District Mardan. . . . . Appellant  
Khyber Pakhtunkhwa Services Tribunal

....VERSUS....

Diary No. 888  
24-6-2019  
Primary & Secondary

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Khyber Pakhtunkhwa Public Service Commission through Chairman, Fort Road, Peshawar Cantt. . . . . Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST:**

NOTIFICATION ENDORSEMENT NO.6698-6704/F.No.A-17/  
ASDEOs/Neelam, DATED: 28.02.2019 OF RESPONDENT  
NO.2, VIDE WHICH APPOINTMENT NOTIFICATION DATED:  
16.09.2016 OF THE APPELLANT WAS DISOWNED.

**PRAYER-IN-APPEAL:**

On Acceptance of Instant Appeal, the Impugned Notification dated 28.02.2019 of respondent No.2 alongwith pro and post proceedings thereto, may be declared as Illegal, Unlawful, without Lawful Authority and of no legal effect, hence be set at naught and appellant may be reinstated in service with all back benefits, in the best interest of justice and equity.

Filed to-day

Registrar

24/6/19

**Respectfully Sheweth:**

1. That appellant is law abiding peaceful citizen of Khyber Pakhtunkhwa and permanent resident of Tribal District Mohmand. (Copies of CNIC and Domicile Certificate, are attached as Annexure "A" & "B" respectively)
2. That appellant is qualified upto BS (Hons) Botany and having passed B.Ed degree course alongwith Certificate of Teaching (C.T). (Copies of Educational Testimonials and Professional Degree/Certificate, are attached as Annexure "C" & "D", respectively)
3. That respondent No.3, invited applications for fifteen (15) Vacant Posts of Female ADOs, vide Advertisement No.02/2015, dated: 05.03.2015. (Copy of Advertisement is attached as Annexure "E")

ATTESTED

Annex "B"

12

The Director of E&S Edu-  
KPK PESHAWAR.

Subject:- Adjustment.

Dear Sir,

With due respect I beg to state that  
I was working as ASDEo in DIST: Swabi.

But I had withdrawn by you without any  
reason and stopped my salary instant. After this I went  
to The respected Court (Service Tribunal).

After the long time the respected Court gave a  
decision of reinstatement on 19.1.2022.

Therefore I may please be reinstated  
on my own post ASDEo Swabi & oblige.

Dated: 07-3-22

Yours obediently,  
Mst: Neelam EX ASDEo  
Under DEo(F) Swabi).

Copy

69  
7-3-2022

ATTESTED

وکالت نامہ

بعدالت جناب سر سید شریف بیونل صاحب پشاور

صلاّٰ نبیلم بنام گورنمنٹ

جناب Applicant دعویٰ اجرم

تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام پشاور کے لئے

امین الرحمن یوسفزئی ایڈووکیٹ ہائی کورٹ و فیڈرل شریعت کورٹ آف پاکستان،

سجاد احمد محسود ایڈووکیٹ خالد خان مہمند ایڈووکیٹس ہائی کورٹ، پشاور

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور پوت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کرونگا اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشوری کے کسی اور جگہ یا پشوری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پشوری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرواختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء کے ذمہ دار نہ ہوں گے۔ اور ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد عدالتی و رضی نامہ کو فیصلہ بر خلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا نظر نہ درخواست حکم امتناعی یا تقریبی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا ہیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پرے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری نسیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ مندر ہے 21/4/2023

Neelam

ATTESTED & ACCEPTED:

Amin ur Rehman Yusufzai Advocate High Court

[Signature]

Federal Shariat Court of Pakistan CNIC: 17301-5813582-3 Cell No. 0321-9022964 BC-10-7562

Sajjad Ahmad Mehsud Advocate High Court Peshawar

[Signature]

& Khalid Khan Mohmand Advocate High Court Peshawar. BC No. 18-1115

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