

14-2-22:

Due to retirement of worthy chairman case is adjourned. To come up for the same as before on 18/7/22.

[Signature]
Deputy

18th July, 2022

1. Petitioner in person present. Syed Naseer Ud Din Shah, Asst: Advocate General alongwith Mr. Saqib Shahzad, Office Assistant for respondents present.

2. Respondents submitted copy of notification endorsement No. 2993-98/promotion/Court Case PST/SPST to PSHST/2022 dated 30.05.2022 whereby in compliance of the judgment of the Tribunal, the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms. Consign.

3. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 18th day of July, 2022.*



[Signature]

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabd.

10.11.2021

Nemo for the petitioner. Mr. Kabirullah Khattak, Addl. AG alongwith Sohail Ahmad, Litiogation Officer for the respondents present.

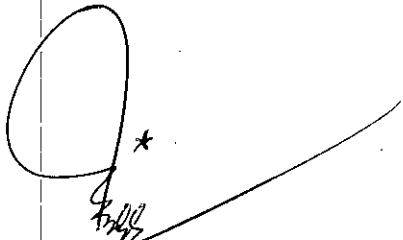
Reply submitted on behalf of the respondents. To come up for objection of the petitioner and arguments on 23.12.2021 before S.B at Camp Court, Abbottabad.


Chairman

20.12.2021

Clerk of learned counsel for the Petitioner present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Alamzeb, Litigation Officer for respondents present.

Representative of the department submitted copy of the receipt to the effect that CPLA has been filed in the august Supreme Court of Pakistan against the judgment of Service Tribunal dated 17.03.2021. The department is directed either to get the Service Tribunal judgement suspended from the august Supreme Court of Pakistan or implement it conditionally subject to the outcome of CPLA. Last chance is therefore, granted to the respondent-department with the direction to come up with conditional implementation report. Adjourned. To come up for further proceedings on 14.02.2022 before S.B at camp court Abbottabad.


(Mian Muhammad)

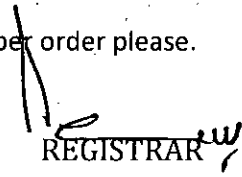


Member(E)

Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 147 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.08.2021	<p>The execution petition of Mr. Rab Nawaz submitted today by Mr. Muhammad Liaqat Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench on <u>17/09/21</u></p> <p> CHAIRMAN</p>
	17.09.2021	<p>Nemo for the petitioner. Notices be issued to petitioner as well as respondents. To come up for implementation report on 10.11.2021 before S.B.</p> <p> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWARExecution Petition No. 147/2021

IN

Service Appeal No.2237/2019

Rab Nawaz S/o Nawaz Khan R/o Tehsil Lower Tanawal District Abbottabad, presently posted as SPST GPS Tandhara Abbottabad

.....PETITIONER

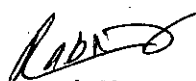
VERSUS

Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa Peshawar and others

..... RESPONDENTS

EXECUTION PETITION**INDEX**

Sr.No.	Description	Page Nos	Annexures
1	Execution Petition along with Affidavit	01 to 03	
2	Copy of Judgment dated 17-03-2021	04 to 10	"A"
3	Copy of application dated 29-03-2021 <i>& WaKald nam 11 to 12</i>		"B"


Rab Nawaz
.....Petitioner

Through:


(MUHAMMAD LIAQAT)

Advocate High Court, Abbottabad

Dated: 16/08/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWARExecution Petition No. 147/2021

IN

Service Appeal No.2237/2019

Rab Nawaz S/o Nawaz Khan R/o Tehsil Lower Tanawal District Abbottabad, presently posted as SPST GPS Tandhara Abbottabad

.....PETITIONER

VERSUS

1. Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa Peshawar.
2. Director E&SE, Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) Abbottabad.
4. Sub Divisional Education Officer (M) Lower Tanawal Abbottabad.



.....RESPONDENTS

EXECUTION PETITION

EXECUTION PETITION SEEKING FOR IMPLEMENTATION OF JUDGMENT DATED 17/03/2021 PASSED IN SERVICE APPEAL NO. 2237/19 BY THIS HONOURABLE TRIBUNAL KHYBER PAKHTUNKHWA AT CAMP COURT, ABBOTTABAD.

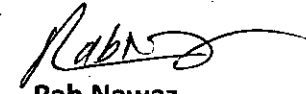
Respectfully Sheweth,

1. That petitioner filed service appeal No. 2237/2019 before the Khyber Pakhtunkhwa Service Tribunal Peshawar and same was allowed vide judgment dated 17-03-2021 passed in appeal No. 2231/2019 Titled Muhammad Iqbal & Others. (Copy of judgment dated 17-03-2021 is annexed herewith as annexure "A").
2. That the petitioner submitted an application on 29-3-2021 before respondent No. 3 regarding implementation of the

judgment but no vain. (Copy of the application is annexed herewith as Annexure "B")

3. That the respondents are legally bound to implement the judgment of this Honourable Tribunal with letter & spirit but respondents are reluctant to implement the same.

It is therefore, very humbly prayed that on acceptance of instant execution petition judgment dated 17-03-2021 passed by this Honourable Tribunal may graciously be implemented in its true letter & spirit.


Rab Nawaz
.....Petitioner

Dated: 16/08/2021

Through:


(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. ____/2021

IN

Service Appeal No.2237/2019

Rab Nawaz S/o Nawaz Khan R/o Tehsil Lower Tanawal District Abbottabad, presently posted as SPST GPS Tandhara Abbottabad

.....PETITIONER

VERSUS

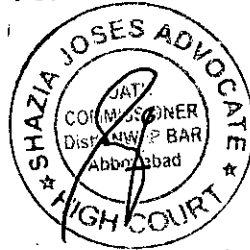
Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa Peshawar and others

..... RESPONDENTS

EXECUTION PETITION**AFFIDAVIT**

I, Rab Nawaz S/o Nawaz Khan R/o Tehsil Lower Tanawal District Abbottabad, presently posted as SPST GPS Tandhara Abbottabad, do hereby affirm and declare that the contents of forgoing Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

ATTESTED



16/8/2021

Rab Nawaz
DEPONENT

4

Annexure "A"



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 2237 /2019

Rabnawaz son of Nawab Khan, resident of presently SPST GPS Tandhara Tehsil and District Abbottabad.

.....**APPELLANT**
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 2334

Dated 26/12/19

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department (E&SED), Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) Abbottabad.
4. Sub Divisional Education Officer (M) Lower Tanawal Abbottabad.

.....**RESPONDENTS**


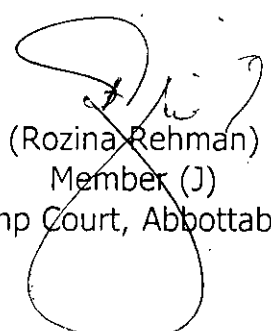

APPEAL UNDER SECTION 4 OF NWFP (NOW KPK) SERVICE TRIBUNAL, ACT, 1974 AGAINST THE OFFICE ORDER NO.13052/ADEO(Lit) DATED 18-12-2019 ISSUED BY RESPONDANT NO.3 VIDE WHICH DEPARTMENTAL REPRESENTATION OF THE APPELLANT WAS DISMISSED WHICH IS TOTALLY AGAINST THE LAW, POLICY, WITHOUT JURISDICTION, ARBITRARILY, VOID ABINITIO, AND HAVING NO LEGAL EFFECT UPON THE VESTED RIGHTS OF THE APPELLANT.

Filed
[Signature]
Registrar
26/12/19

PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER ENDST: NO. 13052/ADEO(Lit) DATED 18-12-2019 ISSUED BY RESPONDANT NO.3 MAY GRACIOUSLY BE SET-ASIDE AND RESPONDENTS MAY

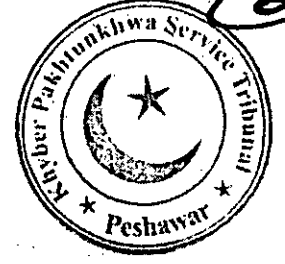
ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	17.03.2021	<p><u>Present.</u></p> <p>Muhammad Liaqat Advocate, ... For appellant Advocate</p> <p>Riaz Khan Paindakheil, ... For respondents Assistant Advocate General</p> <p>Vide detailed judgment of today placed on file of connected Service Appeal No.2231/2019 titled Muhammad Iqbal Vs. Education, the instant appeal is accepted with direction to the respondents to consider the case of promotion of the appellant as per guidelines contained in the Promotion Policy of 2012. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 17.03.2021</p> <p> (Atiq ur Rehman Wazir) Member (E) Camp Court, Abbottabad</p> <p> (Rozina Rehman) Member (J) Camp Court, Abbottabad</p> <p>Certified to be true copy  EXAMINER Khyber Pakhtunkhwa Service Tribunal Peshawar</p> <p>Date of Presentation of Application <u>10/6/21</u> Number of Words <u>800</u> Copying Fee <u>10.00</u> Urgent <u>4.00</u> Total <u>14.00</u> Name of Copyist _____ Date of Completion of Copy <u>10/6/21</u> Date of Delivery of Copy <u>10/6/21</u></p>



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD



Service Appeal No. 2231/2019

Date of Institution ... 26.12.2019
Date of Decision ... 17.03.2021

Muhammad Iqbal son of Abdul Kareem Khan, presently S.P.S.T
G.P.S No.4 Tehsil & District Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education (E&SE) Khyber Pakhtunkhwa
Peshawar and three others.

... (Respondents)

Muhammad Liaqat,
Advocate

... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents.

ROZINA REHMAN
ATIQUUR REHMAN WAZIR

... MEMBER (J)
... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : This judgment is intended to dispose of
05 connected service appeals which are:

1. Service Appeal No.2231/2019

ATTESTED

MEMBER (J)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(7)

2. Service Appeal No. 2234/2019
3. Service Appeal No. 2235/2019
4. Service Appeal No. 2236/2019
5. Service Appeal No. 2237/2019

In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. The relevant facts leading to filing of instant appeals are that appellants were appointed as P.T.C/P.S.T having prescribed qualification. There were duly qualified and eligible for promotion however, promotion was denied only on the strength of amendments brought about through notification dated 30.01.2018 wherein the requisite educational qualification was enhanced from Intermediate to B.A. Some of the appellants also filed Writ Petition before the august Peshawar High Court Abbottabad Bench which was treated as departmental representation and was sent to the respondents for decision which was rejected, hence, the present service appeal.

3. We have heard Muhammad Liaqat Advocate for appellant and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Liaqat Advocate counsel appearing on behalf of appellants, inter-alia, contended that the order dated 18.12.2019 is against law and facts which is void ab-initio and without legal authority. He argued that the impugned order is against the policy as a meeting

ATTESTED



17/3/21

was held on 08.05.2018 wherein issue of promotion was discussed at Serial No.10 and all the D.E.Os were directed that the promotion cases of the P.S.Ts to S.P.S.Ts/P.S.H.T must be entertained according to the previous policy of promotion while new rules are to be applied for new induction/recruitment. Learned counsel further submitted that the notification dated 30.11.2018 is not applicable in the case of appellants as at the time of their appointment, no such terms & conditions were incorporated in the appointment order of the appellants, hence, notification mentioned above has no legal value in the case of appellants and they are eligible for promotion in view of notification dated 13.11.2012. (8)

5. As against that learned A.A.G submitted that as per notification dated 30.11.2018, the requisite qualification for promotion is Bachelor Degree, whereas, appellants do not fulfill the requisite qualification.

6. From the record, it is evident that the respondents had issued a notification dated 13.11.2012, wherein, method of recruitment/promotion has been laid down for Primary School Teachers (P.S.T BPS-12) Senior Primary School Teachers (S.P.S.T BPS-14) and Primary School Head Teachers (P.S.H.T B.P.S-15). Criteria for promotion from P.S.T to S.P.S.T is on the basis of seniority-cum-fitness with at least five years service with Intermediate or equivalent qualification. Similarly, promotion from S.P.S.T to P.S.H.T is based on seniority-cum-fitness with at least ten years service with Intermediate or equivalent. Appellants were appointed as P.S.T who were holding

8
17/3/21

ATTESTED
[Signature]
K. V. G. ...
Service ...

almost 20-25 years of service with Intermediate qualification obtained during the year 2014-16. Record reveals that the appellants approached the Hon'ble Peshawar High Court in Writ Petition for their promotion on the strength of Promotion Policy 2012 and the High Court converted their petition into departmental appeals with directions to the respondents to consider their grievances and decide the same in accordance with law. The respondents accordingly processed their request but in the meanwhile, certain amendments were made in the promotion policy re-emerging as Promotion Policy 2018, wherein qualification for promotion was enhanced from Intermediate to Bachelor Degree, therefore, their requests were turned down as by now they were not eligible for promotion according to new policy. The appellants were qualified for promotion under the Policy of the year 2012 after obtaining the required qualification in 2014-16 but they were not promoted and their due right of promotion was violated. It is also evident from the Minutes of Meeting dated 16.05.2018 whereby respondent No.2 was conscious of the fact that promotions need to be done as per criteria laid down in 2012 Policy but somehow, the District Education Officer did not comply with such directions which resulted into miscarriage of justice.

7. In view of above, the instant appeals are accepted with direction to the respondents to consider the cases of promotion of the appellants as per guidelines contained in the Promotion Policy of 2012.


17/3/21

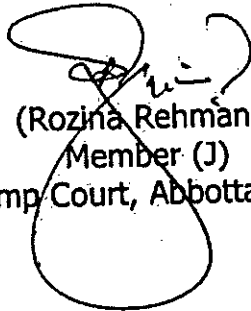
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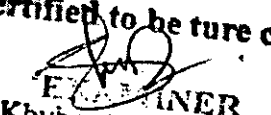
KHUSHI KHAN
Sd/-

Parties are left to bear their own costs. File be consigned to the record room. (10)

ANNOUNCED.
17.03.2021


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

Certified to be true copy

EXAMINER
Khyber Pachtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 25/3/21
Number of Words 24.00
Copy Fee 26.00
Urgent 4.00
Total 30.00
Name of Copyholder _____
Date of Completion of Copy 25/3/21
Date of Delivery of Copy 25/3/21

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forwarded to SDCS (M) Local Council
for their info please
29/3/2021
ASDEO (M)
Circle Sher
Lower Jhelum Abbotabad

Mr Amin S. S. C
Please prepare the necessary
documents and e-mail them
29/3/2021

0345 9601963

کورٹ فیس
قیمتی

وکالت نامہ

بعد الت: جناب فیہر محنتو کھو، سروس لٹری بیوریل ریلو

عنوان: ریلو، گورنمنٹ پبلک ورکس

منجانب: ایڈووکیٹ

نوعیت مقدمہ: Execution Petition

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی متعلقہ آل مقام
محمد لیاقت علی ایڈووکیٹ

بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور
بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر
حاضری کی وجہ سے کسی طور پر مقدمہ 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 کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی
کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات
کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے
کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داختمہ صاحب منٹل کردہ ذات خود منظور قبول ہوگا اور
صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر
دستخط صدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسیدہ
دینے اور داخل کرانے کا ہر قسم کا بیان دینے اور سپروائٹنری و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا۔
اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری
بھی صاحب موصوف کو شرط ادا کی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے
واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات
حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار
ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔
لہذا مختار نامہ لکھ دیا ہے کہ سندر ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ایڈووکیٹ محمد لیاقت علی

الرقوم: 16-8-2021

Attested & Accepted

بمقام:

ال

ال

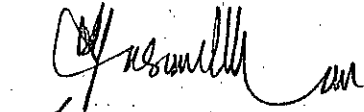
(1)

OFFICE OF ADVOCATE GENERAL KHYBER
PAKHTUNKHWA PESHAWAR

RECEIPT

Received a sum of Rs. 3500x5=17500/- (Rupees Seventeen thousand and five hundred only) as expenses for filing CPLA (Photo Stat, binding, Supreme Court tickets, court fee and notices to the respondents) in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with the following cases.

- 1- S.A. No. 2231/2019 Muhammad Iqbal Versus Govt. of KPK
- 2- S.A. No. 2234/2019 Muhammad Ishfaq Versus Govt. of KPK
- 3- S.A. No. 2235/2019 Aqeel Ahmad Versus Govt. of KPK
- 4- S.A. No. 2236/2019 Muhammad Javed Versus Govt. of KPK
- 5- S.A. No. 2237/2019 Rabnawaz Versus Govt. of KPK


For _____ 21/4/2011



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-921111

MOST IMMEDIATE / COURT MATTER

NO.SO (Lit-II) E&SED/1-3/SA# 2231 & 2234 to 2237/19/M. Iqbal SPST
Dated Peshawar, the 07-04-2021.

To

✓
The District Education Officer (Male),
E&SE Abbottabad.

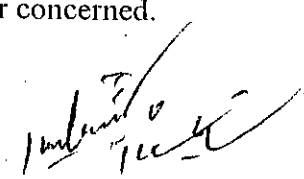
Subject: **SERVICE APPEALS NO. 2231 & 2234 TO 2237/2019
MUHAMMAD IOBAL AND OTHERS VS GOVT. OF KHYBER
PAKHTUNKHWA THROUGH SECRETARY E&SE
DEPARTMENT AND OTHERS.**

I am directed to enclose herewith a copy of minutes of the meeting received from Law Department vide letter No.SO(Lit)/LD/9-5(58 to 62) E&SED / 2021/4120 dated 07.04.2021. The Scrutiny Committee decided in its meeting that *"the subject case is a fit case for filing of Appeal/ CPLA before the Supreme Court of Pakistant."*

It is therefore, requested that a well conversant officer of your office (not below the rank of BS-17) alongwith relevant record of the subject case may please be deputed to attend the office of Advocate General Khyber Pakhtunkhwa immediately for doing the needful under intimation to this Department and all other concerned.

Enc: as above.

Endst: of even No. & date.


SECTION OFFICER (LIT:II)

Copy forwarded to:-

1. The Advocate General, Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Law Officer (Lit), Law Department, w/r to his letter cited above.
3. PA to Deputy Secretary (Legal) E&SE Department.


SECTION OFFICER (LIT:II)

THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)
(ORIGINAL JURISDICTION)

CP No.-P/2021

Government of Khyber Pakhtunkhwa through
Secretary Elementary & Secondary Education
Department, Peshawar & others

PETITIONER(S)

VERSUS

Rab Nawaz

RESPONDENT

I (we) Petitioner (Govt. of KPK) in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

In witness whereof I/we do hereunto set my/our hand (s) this day of

Accepted

Mian Saadullah Jandoli,
Advocate-on-Record
Supreme Court of Pakistan
(for KPK) Advocate General's
Office KPK High Court Building, Peshawar.
Office Tel. # 091-9210312, 9210119
Fbr. Govt. of

1. Government of Khyber Pakhtunkhwa through
Secretary Elementary & Secondary Education
Department, Peshawar

SECRETARY
Elementary & Secondary Education
Govt. of Khyber Pakhtunkhwa

2. Director Elementary & Secondary
Education, Khyber Pakhtunkhwa,
Peshawar.
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

3. District Education Officer (M), Abbottabad.

District Education Officer
(Male) Abbottabad

4. Sub Divisional Education Officer (M),
Lower Tanawal, Abbottabad.

S/D E O (M)
Lower Tanawal
Abbottabad

THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)
(ORIGINAL JURISDICTION)

CP No.-P/2021

Government of Khyber Pakhtunkhwa through
Secretary Elementary & Secondary Education
Department, Peshawar & others

PETITIONER(S)

VERSUS

Muhammad Iqbal

RESPONDENT

I (we) Petitioner (Govt. of KPK) in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority.

In witness whereof I/we do hereunto set my/our hand (s) this day of

Accepted

Mian Saadullah Jandoli
Advocate-on-Record
Supreme Court of Pakistan
(Govt. of KPK) Advocate General's
Office KPIG, High Court Building, Peshawar.
Office Tel: # 091-9210312, 9210119
Fax: Govt. of K.P.K.

1. Government of Khyber Pakhtunkhwa through
Secretary Elementary & Secondary Education
Department, Peshawar

SECRETARY
Elementary and Secondary Education
Govt. of Khyber Pakhtunkhwa

2. Director Elementary & Secondary
Education, Khyber Pakhtunkhwa,
Peshawar. Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

3. District Education Officer (M) Abbottabad.
District Education Officer
(Male) Abbottabad

4. Sub Divisional Education Officer (M),
Lower Tanawal, Abbottabad.
S D E O (M)
Lower Tanawal
Abbottabad

THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)
(ORIGINAL JURISDICTION)

CP No.-P/2021

Government of Khyber Pakhtunkhwa through
Secretary Elementary & Secondary Education
Department, Peshawar & others

PETITIONER(S)

VERSUS


Muhammad Ashfaq


RESPONDENT

I (we) Petitioner (Govt. of KPK) in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

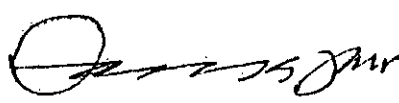
In witness whereof I/we do hereunto set my/our hand (s) this day of

Accepted


(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
(for KPK) Advocate General's
Office, High Court Building, Peshawar.
Office Tel: 091 921 0312, 9210119
Supreme Court of K.P.K.
For Govt. of K.P.K.

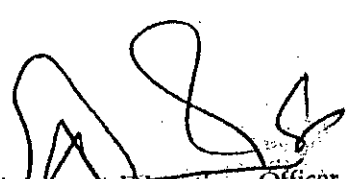

1. Government of Khyber Pakhtunkhwa through
Secretary Elementary & Secondary Education
Department, Peshawar

SECRETARY
Elementary & Secondary Education
Govt. of Khyber Pakhtunkhwa


2. Director Elementary & Secondary
Education, Khyber Pakhtunkhwa,
Peshawar.
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

3. District Education Officer (M), Abbottabad.


District Education Officer
(Male) Abbottabad


4. Sub Divisional Education Officer (M),
Lower Tanawal, Abbottabad.
S D E O (M)
Lower Tanawal
Abbottabad

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Execution Petition No. 147/2021

IN

Service Appeal No. 2237/2019

Rab Nawaz.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & OthersRespondents

JOINT REPLY ON BEHALF OF RESPONDENTS

INDEX

Sr.No	Description	Page Nos	Annexures
1	Reply alongwith affidavit.	01 to 03	

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Execution Petition No. 147/2021

IN

Service Appeal No. 2237/2019

Rab Nawaz.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & OthersRespondents

JOINT REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth:-

PRELIMINARY OBJECTION:-

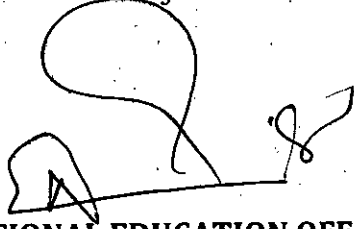
1. That the instant execution petition is not maintainable in the present form.
2. That the petitioner is estopped by his own conduct to filed the present petition.
3. That the petitioner has not come to this Tribunal with clean hands.
4. That the petitioner has got no cause of action to file the present petition against the respondents.
5. That the respondents have challenged the judgment of this Honorable Tribunal passed in appeal No. 2237/2019 dated 17-03-2021 before the Honourable Supreme Court of Pakistan and CPLA No. 283 -P/2021 is subjudice before the Honourable Supreme Court of Pakistan.

Factual objections:-

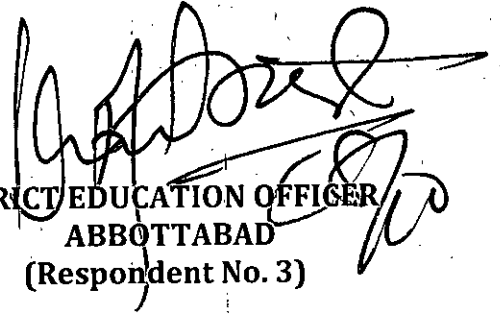
1. That Para No. 1, of the execution petition relates to record hence, need no comment.
2. In response to Para No. 2, of the execution petition it is submitted that department challenged the judgment of this Honourable Tribunal dated 17-03-2021 before the August Supreme Court of Pakistan and CPLA No. 283 -P/2021 is pending before the Honourable Supreme Court of Pakistan.
3. In reply to Para No. 3, of the execution petition it is submitted that the judgment of this Tribunal is impugned before the August Supreme Court of Pakistan and CPLA is subjudice before the Supreme Court of Pakistan.

4. That the respondents seek leave of this Honourable Tribunal to raise additional grounds during the course of arguments.

It is therefore, respectfully prayed that instant executive petition may please be Sin Die adjourned till the final decision of CPLA.



**SUB DIVISIONAL EDUCATION OFFICER (M)
LOWER TANAWAL
(Respondent No. 4)**



**DISTRICT EDUCATION OFFICER
ABBOTTABAD
(Respondent No. 3)**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Execution Petition No. 147/2021

IN

Service Appeal No. 2237/2019

Rab Nawaz.....Appellant

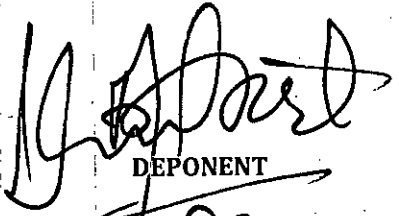

VERSUS

Government of Khyber Pakhtunkhwa & OthersRespondents

JOINT REPLY ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Muhammad Shaukat, District Education Officer (M) Abbottabad, do hereby affirm and declared that contents of forgoing reply are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


 DEPONENT


**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Execution Petition No. 147/2021

IN

Service Appeal No. 2237/2019

Rab Nawaz.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & OthersRespondents

JOINT REPLY ON BEHALF OF RESPONDENTS

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Execution Petition No. 147/2021

IN

Service Appeal No. 2237/2019

Rab Nawaz.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa & OthersRespondents

JOINT REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth:-

PRELIMINARY OBJECTION:-

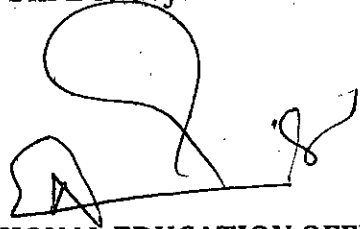
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Factual objections:-

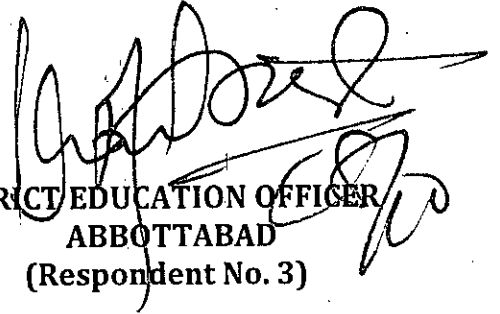
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**SUB DIVISIONAL EDUCATION OFFICER (M)
LOWER TANAWAL
(Respondent No. 4)**



**DISTRICT EDUCATION OFFICER
ABBOTTABAD
(Respondent No. 3)**

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

Execution Petition No. 147/2021

IN

Service Appeal No. 2237/2019

Rab Nawaz.....Appellant

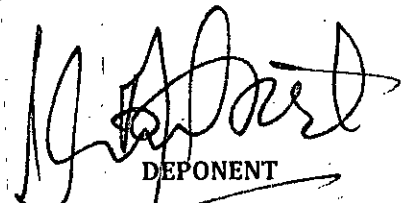
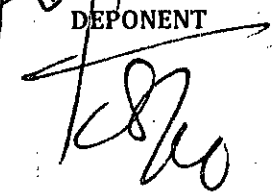
VERSUS

Government of Khyber Pakhtunkhwa & OthersRespondents

JOINT REPLY ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Muhammad Shaukat, District Education Officer (M) Abbottabad, do hereby affirm and declared that contents of forgoing reply are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWARExecution Petition No. 167/2021

IN

Service Appeal No.2237/2019

Rab Nawaz S/o Nawaz Khan R/o Tehsil Lower Tanawal District Abbottabad, presently posted as SPST GPS Tandhara Abbottabad

.....PETITIONER

VERSUS

Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa Peshawar and others

..... RESPONDENTS

EXECUTION PETITION**INDEX**

Sr.No.	Description	Page Nos	Annexures
1	Execution Petition along with Affidavit	01 to 03	
2	Copy of Judgment dated 17-03-2021	04 to 10	"A"
3	Copy of application dated 29-03-2021 <i>& Waikald na 11-12</i>	11 to 12	"B"

Rab Nawaz
Rab Nawaz
.....Petitioner

Through:

Muhammad Liaquat
(MUHAMMAD LIAQAT)

Advocate High Court, Abbottabad

Dated: 16/08/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. ____/2021

IN

Service Appeal No.2237/2019

Rab Nawaz S/o Nawaz Khan R/o Tehsil Lower Tanawal District Abbottabad, presently posted as SPST GPS Tandhara Abbottabad

.....PETITIONER

VERSUS

1. Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa Peshawar.
2. Director E&SE, Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) Abbottabad.
4. Sub Divisional Education Officer (M) Lower Tanawal Abbottabad.

..... RESPONDENTS

EXECUTION PETITION

EXECUTION PETITION SEEKING FOR IMPLEMENTATION OF JUDGMENT DATED 17/03/2021 PASSED IN SERVICE APPEAL NO. 2237/19 BY THIS HONOURABLE TRIBUNAL KHYBER PAKHTUNKHWA AT CAMP COURT, ABBOTTABAD.

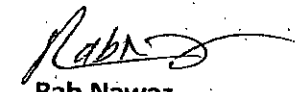
Respectfully Sheweth,

1. That petitioner filed service appeal No. 2237/2019 before the Khyber Pakhtunkhwa Service Tribunal Peshawar and same was allowed vide judgment dated 17-03-2021 passed in appeal No. 2231/2019 Titled Muhammad Iqbal & Others. (Copy of judgment dated 17-03-2021 is annexed herewith as annexure "A").
2. That the petitioner submitted an application on **29-3-2021** before respondent No. 3 regarding implementation of the

judgment but no vain. (Copy of the application is annexed herewith as Annexure "B")

3. That the respondents are legally bound to implement the judgment of this Honourable Tribunal with letter & spirit but respondents are reluctant to implement the same.

It is therefore, very humbly prayed that on acceptance of instant execution petition judgment dated 17-03-2021 passed by this Honourable Tribunal may graciously be implemented in its true letter & spirit.


Rab Nawaz
.....Petitioner

Dated: 16/08/2021

Through:


(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No. ____/2021

IN

Service Appeal No.2237/2019

Rab Nawaz S/o Nawaz Khan R/o Tehsil Lower Tanawal District Abbottabad, presently posted as SPST GPS Tandhara Abbottabad

.....PETITIONER

VERSUS

Government Khyber Pakhtunkhwa, through Secretary E&SED, Khyber Pakhtunkhwa Peshawar and others

.....RESPONDENTS

EXECUTION PETITION**AFFIDAVIT**

I, Rab Nawaz S/o Nawaz Khan R/o Tehsil Lower Tanawal District Abbottabad, presently posted as SPST GPS Tandhara Abbottabad, do hereby affirm and declare that the contents of forgoing Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

ATTESTED



16/8/2021

Rab Nawaz
DEPONENT

4

Annexure A

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Appeal No. 2237/2019

Rabnawaz son of Nawab Khan, resident of presently SPST GPS Tandhara Tehsil and District Abbottabad.

.....**APPELLANT**
Khyber Pakhtunkhwa Service Tribunal

VERSUS

Diary No. 2334

Dated 26/12/19

1. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Department (E&SED), Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education (E&SE), Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) Abbottabad.
4. Sub Divisional Education Officer (M) Lower Tanawal Abbottabad.

.....**RESPONDENTS**


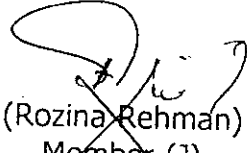
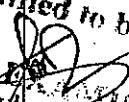
APPEAL UNDER SECTION 4 OF NWFP (NOW KPK) SERVICE TRIBUNAL, ACT, 1974 AGAINST THE OFFICE ORDER NO.13052/ADEO(Lit) DATED 18-12-2019 ISSUED BY RESPONDANT NO.3 VIDE WHICH DEPARTMENTAL REPRESENTATION OF THE APPELLANT WAS DISMISSED WHICH IS TOTALLY AGAINST THE LAW, POLICY, WITHOUT JURISDICTION, ARBITRARILY, VOID ABINITIO, AND HAVING NO LEGAL EFFECT UPON THE VESTED RIGHTS OF THE APPELLANT.

Filed by
Registrar
26/12/19

PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL, THE IMPUGNED ORDER ENDST: NO. 13052/ADEO(Lit) DATED 18-12-2019 ISSUED BY RESPONDANT NO.3 MAY GRACIOUSLY BE SET-ASIDE AND RESPONDENTS MAY

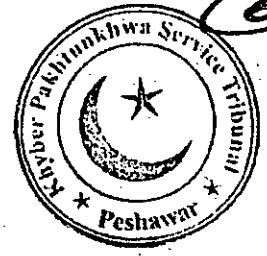
ACCEPTED

CHAIRMAN
Khyber Pakhtunkhwa Service Tribunal
Peshawar

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	17.03.2021	<p><u>Present.</u></p> <p>Muhammad Liaqat Advocate, Advocate ... For appellant</p> <p>Riaz Khan Paindakheil, Assistant Advocate General ... For respondents</p> <p>Vide detailed judgment of today placed on file of connected Service Appeal No.2231/2019 titled Muhammad Iqbal Vs. Education, the instant appeal is accepted with direction to the respondents to consider the case of promotion of the appellant as per guidelines contained in the Promotion Policy of 2012. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 17.03.2021</p> <p> (Atiq ur Rehman Wazir) Member (E) Camp Court, Abbottabad</p> <p> (Rozina Rehman) Member (J) Camp Court, Abbottabad</p>
<p>Certified to be true copy</p> <p> ATIQ UR REHMAN WAZIR Khyber Pakhtunkhwa Service Tribunal Peshawar</p>		<p>Date of Presentation of Application <u>10/6/21</u></p> <p>Number of Words <u>800</u></p> <p>Copying Fee <u>10.00</u></p> <p>Urgent <u>4.00</u></p> <p>Total <u>14.00</u></p> <p>Name of Copyist _____</p> <p>Date of Completion of Copy <u>10/6/21</u></p> <p>Date of Delivery of Copy <u>10/6/21</u></p>



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD



Service Appeal No. 2231/2019

Date of Institution ... 26.12.2019
Date of Decision ... 17.03.2021

Muhammad Iqbal son of Abdul Kareem Khan, presently S.P.S.T
G.P.S No.4 Tehsil & District Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education (E&SE) Khyber Pakhtunkhwa
Peshawar and three others.

... (Respondents)

Muhammad Liaqat,
Advocate

... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents.

ROZINA REHMAN
ATIQU UR REHMAN WAZIR

... MEMBER (J)
... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : This judgment is intended to dispose of
05 connected service appeals which are:

1. Service Appeal No.2231/2019

[Handwritten signature]
17/3/21

ATTESTED
[Handwritten signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(7)

2. Service Appeal No. 2234/2019
3. Service Appeal No. 2235/2019
4. Service Appeal No. 2236/2019
5. Service Appeal No. 2237/2019

In view of common questions of law and facts, the above captioned appeals are being disposed of by this order.

2. The relevant facts leading to filing of instant appeals are that appellants were appointed as P.T.C/P.S.T having prescribed qualification. There were duly qualified and eligible for promotion however, promotion was denied only on the strength of amendments brought about through notification dated 30.01.2018 wherein the requisite educational qualification was enhanced from Intermediate to B.A. Some of the appellants also filed Writ Petition before the august Peshawar High Court Abbottabad Bench which was treated as departmental representation and was sent to the respondents for decision which was rejected, hence, the present service appeal.

3. We have heard Muhammad Liaqat Advocate for appellant and Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Liaqat Advocate counsel appearing on behalf of appellants, inter-alia, contended that the order dated 18.12.2019 is against law and facts which is void ab-initio and without legal authority. He argued that the impugned order is against the policy as a meeting

ATTESTED



17/3/21

was held on 08.05.2018 wherein issue of promotion was discussed at Serial No.10 and all the D.E.Os were directed that the promotion cases of the P.S.Ts to S.P.S.Ts/P.S.H.T must be entertained according to the previous policy of promotion while new rules are to be applied for new induction/recruitment. Learned counsel further submitted that the notification dated 30.11.2018 is not applicable in the case of appellants as at the time of their appointment, no such terms & conditions were incorporated in the appointment order of the appellants, hence, notification mentioned above has no legal value in the case of appellants and they are eligible for promotion in view of notification dated 13.11.2012.

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5. As against that learned A.A.G submitted that as per notification dated 30.11.2018, the requisite qualification for promotion is Bachelor Degree, whereas, appellants do not fulfill the requisite qualification.

6. From the record, it is evident that the respondents had issued a notification dated 13.11.2012, wherein, method of recruitment/promotion has been laid down for Primary School Teachers (P.S.T BPS-12) Senior Primary School Teachers (S.P.S.T BPS-14) and Primary School Head Teachers (P.S.H.T B.P.S-15). Criteria for promotion from P.S.T to S.P.S.T is on the basis of seniority-cum-fitness with at least five years service with Intermediate or equivalent qualification. Similarly, promotion from S.P.S.T to P.S.H.T is based on seniority-cum-fitness with at least ten years service with Intermediate or equivalent. Appellants were appointed as P.S.T who were holding

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[Signature]
K. S. SINGH
MAGISTRATE

almost 20-25 years of service with Intermediate qualification obtained during the year 2014-16. Record reveals that the appellants approached the Hon'ble Peshawar High Court in Writ Petition for their promotion on the strength of Promotion Policy 2012 and the High Court converted their petition into departmental appeals with directions to the respondents to consider their grievances and decide the same in accordance with law. The respondents accordingly processed their request but in the meanwhile, certain amendments were made in the promotion policy re-emerging as Promotion Policy 2018, wherein qualification for promotion was enhanced from Intermediate to Bachelor Degree, therefore, their requests were turned down as by now they were not eligible for promotion according to new policy. The appellants were qualified for promotion under the Policy of the year 2012 after obtaining the required qualification in 2014-16 but they were not promoted and their due right of promotion was violated. It is also evident from the Minutes of Meeting dated 16.05.2018 whereby respondent No.2 was conscious of the fact that promotions need to be done as per criteria laid down in 2012 Policy but somehow, the District Education Officer did not comply with such directions which resulted into miscarriage of justice.

7. In view of above, the instant appeals are accepted with direction to the respondents to consider the cases of promotion of the appellants as per guidelines contained in the Promotion Policy of 2012.

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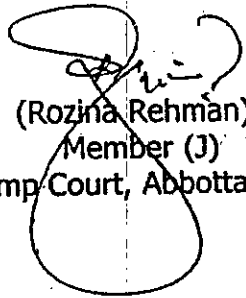
KINSHIP
SCHOOL

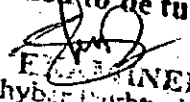
Parties are left to bear their own costs. File be consigned to the record room.

10

ANNOUNCED.
17.03.2021


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

Certified to be true copy

EXAMINER
Khyber Pachtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	<u>25/3/21</u>
Number of Words	<u>2400</u>
Copy Fee	<u>26.00</u>
Urgent	<u>4.00</u>
Total	<u>30.00</u>
Number of Copies	<u> </u>
Date of Completion of Copy	<u>25/3/21</u>
Date of Delivery of Copy	<u>25/3/21</u>

Annexure "B"

1. ...
 2. ...
 3. ...
 4. ...
 5. ...
 6. ...
 7. ...
 8. ...
 9. ...
 10. ...

345 1763

Further info

please
 29/3/2021
ASDEO (M)
 Circle Sher...
 Lower Laxawal Abud...

Mr Amir Sb...
 Please prepare the necessary
 documents and collect.

29/3/2021

کورٹ فیس
قیمتی

وکالت نامہ

بعدالت: جناب فیہر چکنو لخواہ سسرولس لٹریٹوریل ریسٹور

عنوان: ریسواژ بنام: گورنمنٹ پبلک ورکس

منجانب: سسرولس

نوعیت مقدمہ: Execution Petition

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی وجواب وہی کل کاروائی متعلقہ آل مقام
محمد لیاقت علی اور دیگر لکھیے واسطے بائیں کورٹ

بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور
بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر
حاضری کی وجہ سے کسی طور پر مقدمہ 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 کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی
کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات
کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے
کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داخستہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور
صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر
دستخط صدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسیدہ
دینے اور داخل کرانے کا ہر قسم کا بیان دینے اور سپروٹائٹی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا۔
اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ درخواست حکم اختتامی یا ڈگری قبل از فیصلہ اجرائے ڈگری
بھی صاحب موصوف کو شرط ادا ہوگی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے
واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات
حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار
ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔
لہذا مختار نامہ لکھ دیا ہے کہ سندر ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

محمد لیاقت علی

بمقام: _____
المرقوم: _____