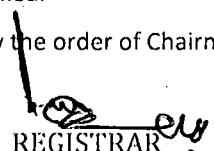


Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 596 of 2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.10.2022	<p>The execution petition of Dr. Maria Babar submitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

AA 9

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

Implementation No. 596 /2022  
In S.A No.6723/2021

**Dr. Maria Babar**

Versus

**Secretary Health & others**

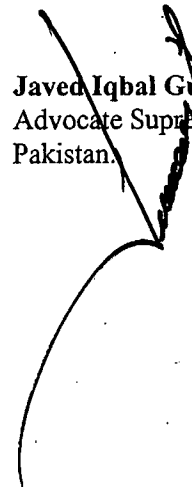
**Index**

<u>S#</u>	<u>Description of Documents</u>	<u>Annexure</u>	<u>Page No.</u>
1	Implementation Petition		1-2
2	Suspension Application		03
3	Affidavit		04
4	Copies of S.A6 723/2021, Order & Judgment Dated 26.04.2022	"A" & "B"	5-15
5	Copy of illegal transfer order	"C"	16
6	Wakalat-Nama		17

Dated: 03/10/2022

  
Appellant/Petitioner

Through

  
Javed Iqbal Gulbela  
Advocate Supreme Court  
Pakistan

11

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

Implementation No. 596 /2022  
In S.A No.6723/2021

*Dr. Maria Babar*, Medical Officer (BPS-17) W/o Sardar  
Zaheer-Ul-Hassan Babar.

..... Appellant

**VERSUS**

1. Secretary Health, Government of Khyber Pakhtunkhwa at Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**PETITION FOR IMPLEMENTATION OF THE  
JUDGMENT AND ORDER DATED 26.04.2022  
PASSED IN S.A.NO.6723/2021.**

*Respectfully Sheweth,*

1. That the petitioner /appellant had earlier filed a Service Appeal No. 6723/2021 which was allowed by this Hon'ble Tribunal vide judgment and order dated 26.04.2022 (Copies of Service Appeal and judgment dated 26.04.2022 are annexed as Annexure "A" & "B" respectively)
2. That this Hon'ble Tribunal vide judgment and order dated 26.04.2022 directed the respondents:

*"In view of the above, instant service appeal is accepted and impugned order in respect of transfer of the appellant stand set aside with direction to the respondent to adjust the appellant at Peshawar i.e., the place of her domicile with further direction to release the salary of the appellant withheld by the authority since 9<sup>th</sup> June 2021 forthwith."*

3. That the petitioner/appellant have provided the attested copy to the respondents, for the implementation of order dated 26.04.2022 in its letter and spirit but till date the adamant respondents have taken no step in the said direction.
4. That despite the clear-cut directions of this Hon'ble Tribunal, the respondent intentionally violated the orders of this Hon'ble Tribunal and now the respondent department is reluctant to endorse the same orders of this Hon'ble tribunal hence, to pawn off the entire matter the respondent department deliberately issued an illegal transfer order of the appellant. (Copy of illegal transfer order is annexed as annexure "C")

2)

5. That this lethargic and candid approach on part of the respondent towards the highly reverent order and judgment of this August Tribunal, which is in other words amounts to contempt of court.
6. That act of non-implementing the order/judgment of this Hon'ble Tribunal, constrained the petitioner/appellant to move the instant petition.

*It is therefore, most humbly prayed that on acceptance of the instant petition, the Respondents be directed to implement the judgment and order dated 26.04.2022 in S.A.No.6723/2021 in its true spirit and it further prayed that the responsible respondents be punished accordingly for this loathsome attitude and violative approach towards the reverent judgment and order of this Hon'ble Tribunal.*

*It is further prayed that the impugned illegal transfer order, may very graciously be set aside to meet the ends of justice*

Dated: 03/10/2022

*Mas* ~~\_\_\_\_\_~~ *au*

Appellant/Petitioner

Through

**Javed Iqbal Gulbela**  
Advocate Supreme Court  
Pakistan.  
&  
**Hamza Durrani**  
Advocate, Peshawar.

*aw*  
*AM*

*[Handwritten signature]*

3)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

Implementation No. \_\_\_\_\_ /2022  
In S.A No.6723/2021

**Dr. Maria Babar**

Versus

**Secretary Health & others**

**Application for the Suspension of Impugned &  
Illegal Transfer Order, Under Rule 27 Of the  
Khyber Pakhtunkhwa Service Tribunal Rules 1974.**

*Respectfully Sheweth,*

1. That the petitioner/Applicant has filed the above titled implementation/execution petition in this Hon'ble tribunal, in which date of hearing has not been fixed.
2. That the impugned and illegal transfer order NO.SOH(E-II)/1-1/2022/4075-88 Dated. 13/09/2022 is clear cut violation of this Hon'ble Tribunal order Dated 26.04.2022, in which the Hon'ble Tribunal categorially states that

*"In view of the above, instant service appeal is accepted and impugned order in respect of transfer of the appellant stand set aside with direction to the respondent to adjust the appellant at Peshawar i.e., the place of her domicile with further direction to release the salary of the appellant withheld by the authority since 9<sup>th</sup> June 2021 forthwith." (Copy of Order and Judgment Dated 26.04.2022 is attached).*

3. That since adjudication of the instant implementation/execution on its merits may take long time while the respondent department issued transferred order of the appellant/petitioner therefore, the only remedy available to the appellant/petitioner is, to seek suspension of the impugned and illegal transfer order dated 13.09.2022.

*It is therefore most humbly prayed on acceptance of the instant application, the impugned and illegal order dated 13.09.2022 of the Respondents, may kindly be suspended till the final disposal of the instant implementation/execution petition.*

Dated: 03/10/2022

*Maria*  
Appellant/Petitioner

Through

*Javed Iqbal Gulbena*  
Advocate Supreme Court  
Pakistan.  
&  
*Hamza Durrani*  
Advocate, Peshawar.

4)

**IN THE HON'BLE PESHAWAR HIGH COURT**  
**PESHAWAR**

C.O.C No# \_\_\_\_\_ / 2022

Dr. Maria Babar

VERSUS

Secretary Health & Others

**AFFIDAVIT**

I, Dr. Maria Babar, Medical Officer (BPS-17) W/o Sardar Zaheer Ul Hassan Babar R/o House No.56, Amir Ayub Colony, Kishwarabad, Charsadda Road Peshawar, do hereby solemnly affirm & declare on oath that all contents of instant petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this August Court.

*Maar*

DEPONENT

CNIC: 35-201-5510560-6

Cell No: 0333-3329053

Identified by

*Javed Iqbal Gulbela*  
Javed Iqbal Gulbela  
Advocate, Supreme Court of  
Pakistan



*Javed Iqbal Gulbela*  
03-10-2022



5)

D

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL  
PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6802

Dated 06-7-2021

In S.A No- 6723 /2021

Dr. Maria Babar, Medical Officer (BPS-17) W/o Sardar Zaheer ul  
Hassan Babar R/O D.H.Q Hospital, Charsadda.

.....Appellant

**VERSUS**

1. Secretary Health, Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Director General Health Services Khyber Pakhtunkhwa

.....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL ACT -1974 AGAINST THE  
IMPUGNED TRANSFER Order No. SOH(E-II)/1-  
1/2021 Dated 09-06-2021 OF THE OFFICE OF  
SECRETARY HEALTH KHYBER PAKHTUNKHWA,  
WHEREBY THE APPELLANT HAS BEEN  
TRANSFERRED FROM DISTRICT PESHAWAR TO  
D.H.Q KOHAT IN UTTER VIOLATION TO THE LAW  
AND POLICY OF TRANSFER & POSTING GOVERNING  
THE SUBJECT.**

**Respectfully Sheweth,**

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan & hails from respectable family.

Filed to-day

Registrar

- 06/07/2021
2. That the Appellant is Doctor by profession and is performing his duties at District Headquarters Hospital (D.H.Q) Charsadda.

3. That since induction into service, the Appellant always remained dutiful and pragmatic fellow, who never left any stone unturned in performance of his duties and have won felicitations and appreciations of his high-up's at certain junctures.

ATTESTED

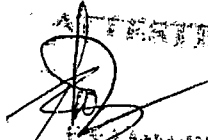
EXAMINER  
Khyber Pakhtunkhwa





①

8. That now another an extremely dangerous scenario is erupted from the very message that how, where and upon whom directions the M.S have trained these class-IV, where after they been allowed to operate in the premises of D.H.Q charsadda.
9. That one another question arises that who is M.S and who has empowered him to cause havoc to the lives of masses and poor citizens of District Charsadda and above all how he can justify all deeds.
10. That by seeing and looking upon the foul play being played with the lives of the people of District Charsadda and its unwarranted justifications put forth by the M.S not only raised the eyebrows of every sensible man in the hospital but the most concerned doctors raised their voices against all these happenings as they could not see the happening of such unfortunate events in front of their eyes, but as the M.S was adamant and all these abominable acts have been carried under his nose with his full support and backing so an order to seldom the voices of doctors concerned the Appellant was transferred in vengeance and as a retaliation in order to pave way for keeping his hegemony over the hospital in an extremely notorious manner.
11. That this is how the Appellant was paid for raising his voice against the brutalities, atrocities and violations of fundamental rights of the people of District Charsada, i.e the rights to live and get health facilities from government institutions and thus the Appellant is transferred in bulk from district charsadda to far flung areas of Khyber Paktunkhwa. (Copies of the impugned Order dated 09-06-2021 is annexed as annexure "A").
12. That feeling aggrieved from the transfer order, the Appellant preferred a Departmental Appeal to the Appellate Authority, but despite of lapse of stipulated time, nothing came out of the

APPELLED  


8)



same. (Copy of Departmental Appeal is annexed herewith as Annexure "B").

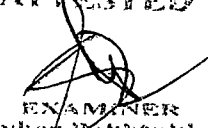
13. That even the Appellant moved the Hon'ble Peshawar High Court Peshawar against the illegalities committed by M.S DHQ Charsadda, wherein, the Hon'ble Peshawar High Court Peshawar was gracious enough to order directions for initiating inquiry against M.S D.H.Q Charsadda. (Copies of Writ Petition & Order Dated 02-07-2021 are annexed herewith as Annexure "C & D" respectively).

14. That feeling aggrieved from the supra-mentioned episode, the grievances, that comes into existence, having the only forum and remedy available, the Appellant approaches this Hon'ble Tribunal, inter-alia, upon the following grounds;

**GROUND:**

- A. That the impugned office order dated 09-06-2021 is wrong, illegal, unlawful and is liable to be struck down and set-aside.
- B. That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is to be done in that manner and not otherwise.
- C. That the impugned Transfer & Posting is thoroughly in derogation to the principles as laid down and enumerated in the Transfer & Posting Policy.
- D. That the Appellant is Peshawar based and domicile of the Appellant is that of District Peshawar. So as per rationale Policy, the Appellant is entitled to be placed in Peshawar or adjacent city.
- E. That the children of the Appellant are also studying in District Peshawar, and it would be hard enough for the Appellant to travel to far flung areas for serving her duties.
- F. That by transferring the post of the Appellant, the Appellant has virtually been penalized for no wrong done and have been simply kicked out as in either case, the Appellant can easily be adjusted anywhere in District Peshawar, where are lying dozens of vacant posts.
- G. That from all prospective, the impugned order dated 09-06-2021 is the result of colorful exercise of discretionary powers

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

vested in the Respondents, because of which, the Appellant has been made a escape goat and has been victimized for raising his voice against the illegalities of M.S concerned.

H. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

*It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned Office Order No. SOH(E-II)/1-1/2021 Dated 09-06-2021 issued on behest of M.S D.H.Q Hospital, Charsadda by Respondent No. 1 be declared as void, illegal and be set-aside, as being issued upon the basis of vengeance and retaliation and the Appellant be let to serve in D.H.Q Charsadda.*

*Any other relief not specifically asked for may also graciously be extended in favor of the Appellant in circumstances of the case.*

Dated: 06/07/2021

*[Signature]*  
Appellant

Through

*[Signature]*  
Javed Iqbal Gulbela  
Advocate, Supreme Court  
of Pakistan

*[Signature]*  
Saghir Iqbal Gulbela  
&  
Ahsan Sardar  
Advocates, High Court  
Peshawar.

**NOTE: -**

As per information of my client, no such like appeal for the same Appellant, upon the same subject matter have earlier been filed, prior to the instant one.

Advocate. Certified to be true copy

*[Signature]*

Date of Presentation of Application 27-04-2022

Number of Words 2000

Copying Fee 22/-

Urgent ✓

Total 22/-

Name of Copied \_\_\_\_\_

Date of Completion of Copy 19-05-22

Date of Delivery of Copy 19-05-22

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

10)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 6723/2021

Date of Institution ... 06.07.2021  
Date of Decision ... 26.04.2022



Dr. Maria Babar, Medical officer (BPS-17) W/O Sardar Zaheer ul  
Hassan Babar R/O DHQ Hospital, Charsadda.

... (Appellant)

**VERSUS**

Secretary Health, Government of Khyber Pakhtunkhwa at Civil  
Secretariat Peshawar and one another.

... (Respondents)

Javid Iqbal Gulbela,  
Advocate

... For appellant.

Muhammad Adeel Butt,  
Additional Advocate General

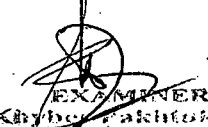
... For respondents.

Salah-Ud-Din  
Rozina Rehman

... Member (J)

... Member (J)

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**JUDGMENT**

ROZINA REHMAN, MEMBER (J): Dr. Maria Babar through this  
appeal has impugned the order of her transfer issued on 09.06.2021,  
whereby, she was transferred from DHQ Charsadda to DHQ Kohat  
against the vacant post of Medical officer (BPS-17). It is the legality  
and validity of this order which has been challenged by her in the  
present service filed U/S 4 of the Khyber Pakhtunkhwa Service  
Tribunal Act, 1974.

2. Learned counsel for appellant contends that the impugned  
transfer order is totally illegal, against law and facts. He while

referring to an incident agitated through Writ Petition No.2491-P/2021 contended that the transfer order though has been given the color of public interest but in fact it is imbued with the bias of competent authority on account of the incident being pursued by appellant alongwith others against the Medical Superintendent of the Hospital. He argued that the appellant was victimized on account of rising her voice against the brutalities, atrocities and violation of fundamental rights of the people of District Charsadda; that the impugned transfer order is thoroughly in derogation to the principles as laid down in the transfer and posting policy. He contended that the appellant is Peshawar based and having domicile of District Peshawar, therefore, as per policy, the appellant is entitled to be placed in Peshawar or any adjoining District; that the impugned orders have not been issued in the public interest or in exigencies of public service rather it is the result of colorful exercise of discretionary power vested in the respondents.

3. The defense set up by the respondents in the written comments is that the performance of appellant and her other colleagues was not up to the mark and due to their unsatisfactory performance, condition of the hospital was getting worse day by day which can be judged from the report of DGHS and the referral report. He contended that every civil servant shall be liable to serve anywhere within or outside the province in any post in terms of Section-10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and that the appellant has no legal right to raise the grievance against her posting and transfer. He submitted that it is not the legal right of the

ATTESTED

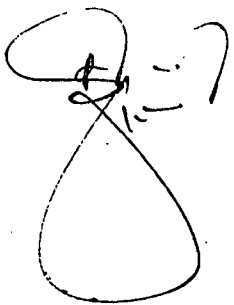
EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

12)

appellant to be posted at her home station and that the competent authority is empowered to post the appellant at any station.

4. Arguments heard and record perused.

5. The crux of the claim of the appellant is that her transfer through impugned order was not made in the public interest or in the exigencies of the public service and that in fact, Ward Orderlies, Chowkidars, Class-IV employees and even outsiders were allowed to take blood samples, inject injections, carry all paramedical acts, match blood samples, cross blood samples, carry laboratory test within the premises of DHQ through laboratories of DHQ and even were allowed to perform the duties of doctors and thus they were allowed to play with lives of people. The impugned Notification dated 9<sup>th</sup> June, 2021 is available on file vide which thirteen Medical Officers/Doctors were transferred from DHQ Hospital Charsadda including the present appellant from to DHQ Hospital Kohat. This notification in respect of transfer posting of 13 different Doctors is worth perusal. From Serial No.1 to Serial No.13, Doctors serving at DHQ Hospital Charsadda were transferred to different districts. No doubt that they were serving in DHQ Hospital Charsadda till the date of issuance of this notification but their posts were shown as vacant in the impugned Notification in column No.4 vide which Doctors at Serial No.14 to 23 were transferred to DHQ Hospital Charsadda against the vacant post of M.O despite the fact that all Doctors including the present appellant were still serving in the said Hospital. It is also on record that the appellant alongwith her other colleagues did not relinquish the charge till today but even then, other Doctors were asked to assume the charge despite the fact that the post was



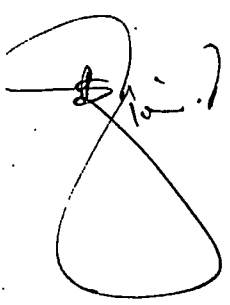
ATTESTED



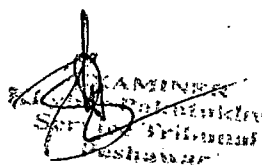
Signature of the attesting officer  
Postmaster

13)

not vacated as charge had not been relinquished by the appellant and her other colleagues. Her pay was stopped and she was not allowed to carry on her duties. It is pertinent to mention here that operation of impugned transfer posting order was suspended by this Tribunal vide order dated 05.07.2021. The appellant alongwith other colleagues filed Writ Petition No.2491-P/2021. In view of categorical admission of the Medical Superintendent, Secretary Health was asked to appear in person in order to apprise the august Peshawar High Court of the situation, who appeared before the court and produced a letter dated 02.07.2021 whereby one Dr. Sher Khan Director HRM was appointed as Inquiry Officer to probe into the matter. The Worthy Secretary Health had also undertaken to personally look into the matter and will take appropriate steps if anyone is involved and playing with the precious lives of patients. In view of her commitment, writ petition was disposed of, where-after, inquiry was initiated. The inquiry report is available on file and the Inquiry Officer was directed to probe into the matter regarding a video which went viral on social media wherein an outsider and a Ward Orderly were taking blood samples from patients in DHQ Hospital Charsadda. The inquiry Officer was of the view that staff directly attached to blood bank may be issued warning and that Medical Superintendent may be directed to be vigilant in future and keep close eyes on officials/officers concerned. Nothing was brought on record in order to show poor performance of the present appellant rather the inquiry report goes against the respondents.



**ATTESTED**



6. We are conscious of the fact that transfer of any Government servant can be made by the competent authority in the exigency of service and public interest. No Government servant has a legal right

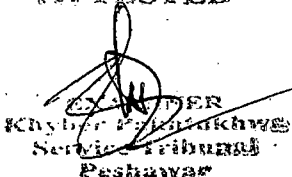
14)

to remain posted at a particular place but where transfer order is malafide and for extraneous consideration to accommodate some blue eyed chap, then this right is justifiable. In the instant case, we have noticed that appellant alongwith her other colleagues were transferred without relinquishment of their charge, the incumbents were handed over charge, keeping the appellant deprived of her salary. What could mainly be gathered from comments so submitted by the respondents is that the appellant was not performing her duty up to the mark. If the performance of the appellant was not satisfactory, competent authority was required to have initiated departmental action against her, but instead of that appellant was transferred. It appears that the appellant was transferred as punishment, which course is wrong and illegal. The respondents failed to show any public interest which is contrary to the policy formulated by the respondents themselves. The respondents are mandated to act with certain amount of reasonableness with regard to law and rule as well as humanitarian aspect. It is a well settled legal proposition supported by numerous judgments of the superior courts that things are required to be done in a prescribed manner in accordance with law and not at the whim and wishes of the authority. Appellant was treated in a perfunctory manner instead of professional manner.



7. In view of the above, instant service appeal is accepted and impugned order in respect of transfer of the appellant stands set aside with direction to the respondents to adjust the appellant at Peshawar i.e. the place of her domicile with further direction to release the salary of the appellant withheld by the authority since 9<sup>th</sup>

ATTESTED



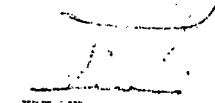
CHIEF CLERK  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

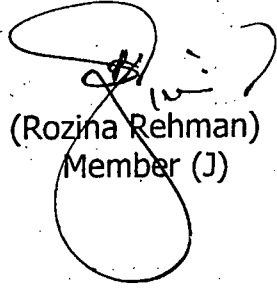


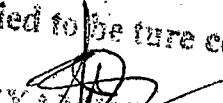
157

June, 2021 forthwith. Parties are left to bear their own costs. File be  
consigned to the record room.

ANNOUNCED.  
26.04.2022

  
(Salah-ud-Din)  
Member (J)

  
(Rozina Rehman)  
Member (J)

Certified to be true copy  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

State of Presentation of Application 27-04-22  
Number of Words 2400  
Copying Fee 26/-  
Urgent -  
Total 26/-  
Name of Copyist -  
Date of Completion of Copy 19-05-2022  
Date of Delivery of Copy 19-05-2022



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

Dated Peshawar the September 13<sup>th</sup>, 2022

**NOTIFICATION**

**No.SOH(E-II)/1-1/2022/4075-88** : Dr. Maria Babar D/O Salim Khan Shinwari, Medical Officer (BS-17), currently under transfer to DHQ Hospital KDA Kohat is hereby posted at the disposal of DHO Kohat, with immediate effect, in the best public interest.

**SECRETARY HEALTH  
KHYBER PAKHTUNKHWA**

**Endst. of even No. & Date.**

Copy to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. MS, DHQ Hospital KDA Kohat & Charsadda.
4. District Health Officer, Kohat.
5. District Account Officers, Kohat, Charsadda.
6. Deputy Director-IT, Health Department.
7. Deputy Director HR-MIS, Directorate General Health Services, Peshawar.
8. PS to Secretary Health, Khyber Pakhtunkhwa.
9. PA to Special Secretary (E&A / B&D) Health Department.
10. PA to Additional Secretary (E&A / B&D), Health Department.
11. PA to Deputy Secretary (Estab), Health Department.
12. Doctor concerned.
13. Master file.

  
(Dr. Syed Yasir Ali Shah)  
Section Officer (E-II)

~~JAVED IQBAL GULBELA  
Associate  
Supreme Court of Pakistan  
(ASC # 5317)~~

# وکالت نامہ

بعدالت: سجاد احمد  
 ڈاکٹر طارق بنام سید بلال حسین  
 منجانب ایڈووکیٹ دعویٰ 2022-10-3  
 تاریخ

باعث حزیر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پھری و جو بدی  
 بمقام ایڈووکیٹ کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ سپریم کوٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری 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 نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹا لشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا ایگی علیحدہ مختار نہ بیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیروٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

مورخہ 3-10-2022 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

سندھ

BC No-107924  
 CNIC-17301-14096055  
 Gmail: Javed1980@icloud.com