

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1433/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/10/2022	<p>The appeal of Mr. Fawad Ahmad Khan presented today by Mr. Muhammad Ayub Shinwari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

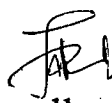
Service Appeal No 1433 2022

Engr Fawad Ahmad Khan Versus Chief Secty, Govt of KP & Others

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5.	Copy of decision of meeting of the Provincial Cabinet	18-10-18	C	9-10
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	/	/	/	/

Dated: / /2022


Appellant,

Through

Muhammad Ayub Khan Shinwari
LL.B; LL.M
ADVOCATE
Supreme Court of Pakistan

CHAMBER
7-A, Haroon Mansion,
Khyber Bazar, Peshawar
Cell: (Clerk) 03219068514

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No _____ 2022

Engr Fawad Ahmad Khan S/o Minhaj ud Din,
Asstt Prof (Technical),
Govt College of Technology, PeshawarAppellant

Versus

1. Chief Secretary to Govt of Khyber Pakhtunkhwa, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa, Industries and Commerce Deptt,
KP, Peshawar
4. Director General, Technical Education and Manpower Training, KP,
Peshawar

.....Respondents

**Service Appeal under section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act, 1974**

Respectfully Sheweth,

Brief but relevant facts of the case are as follows:

1. That the Appellant is duly qualified engineer registered with Pakistan Engineering Council and is serving in the respondent Department against the post mentioned in the title of the Service Appeal. (Copy of PEC registration Certificate is filed herewith and annexed as **Annex-A**)
2. That the provincial cabinet in its meeting held on 24-05-2018 decided and approved the grant of technical allowance @ 1.5 times of the initial basic pay scale to all the engineers working in provincial government Departments with effect from 1st July, 2018. (Copy of letter dated 05-06-2018 is filed herewith and annexed as **Annex-B**)
3. That thereafter another meeting of the provincial cabinet was held on 15-10-2018 wherein it clarified the status of earlier cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments and it was decided that the decision of the Provincial Cabinet be implemented in letter and spirit. (Copy of the letter dated 18-10-2018 is filed herewith and annexed as **Annex-C**)
4. That in the light of aforesaid developments, the Appellant was under legitimate expectancy that he will be granted the benefits of the aforesaid

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decision of provincial cabinet but to the utter surprise of the Appellant, the respondents issued the impugned Notification dated 19-10-2018 whereby the benefit of the aforesaid provincial cabinet decision is given only to the engineers holding Engineering qualification serving in the C & W Department, Irrigation, Public Health Engineering and Local Government Departments of Government of Khyber Pakhtunkhwa and the Appellant is deprived from its benefit. (Copy of Notification is filed herewith and annexed as **Annex-D**)

5. That it is pertinent to mention here that the respondents have extended the benefit of the Notification dated 19-10-2018 to the similarly placed colleagues/engineers of the appellant serving in Local Govt & Mines & Minerals, vide Notification dated 07-07-2021. (Copy of Notification is filed herewith and annexed as **Annex-E**)
6. That the Appellant had time and again approached the respondents for redress of his grievance but in vain. (Copy of the Departmental Appeal is filed herewith and annexed as **Annex-F**)
7. That thereafter the appellant filed Writ Petition No 5755-P/2018 before the Honorable Peshawar High Court, Peshawar which was disposed off Vide Judgment and Order dated 12-02-2020, wherein the respondents were directed to decide the departmental appeal of the appellant pending with the respondents. In pursuance of the aforesaid Order, the respondents issued the impugned order dated 15-10-2020 whereby the departmental Appeal of the appellant is dismissed. Thereafter, the Appellant feeling aggrieved, filed another Writ Petition No 5456-P/2020 before the Peshawar High Court, Peshawar which was dismissed vide Judgment and Order dated 31-03-2022 for want of jurisdiction. (Copy of Judgment and Order passed by Honorable Peshawar High Court, Peshawar and impugned order is filed herewith and annexed as **Annex-G & H** respectively)

Hence, the title Service Appeal on the following amongst other grounds:

Grounds:

- a. That the treatment met to the appellant is against the law, illegal, unlawful and without lawful authority, thus calling interference of this Honorable Tribunal.
- b. That the extension of benefits of technical allowance to the engineers serving in few departments and leaving the similarly placed employees of other departments, is ex-facie discriminatory and, therefore, violative of Article 3 and 25 of the Constitution of Islamic Republic of Pakistan, 1973 besides offensive to the principle of "equal pay equal work". The respondents cannot treat the similarly placed persons with different yard stick so far as pay and allowances are concerned.

- c. That the impugned Notification and impugned order is against the fundamental rights of the Appellant enshrined and protected under the Constitution of Islamic Republic of Pakistan, 1973.
- d. That the impugned Notification and impugned order is against the spirit of rule 25 of Government Rules of Business.
- e. That the impugned Notification and impugned order is issued in utter disregard of the decisions of the Provincial cabinet. The provincial cabinet in its meeting held on 15-10-2018 clarified the status of earlier cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments and it was decided that the decision of the Provincial Cabinet be implemented in letter and spirit
- f. That the impugned Notification is against the dictums of the apex Supreme Court of Pakistan and also against the Judgments of this Honorable Court.
- g. That the Appellant crave permission of this Honorable Tribunal to rely on other grounds at the time of arguments and produce any additional document if required in support of instant Petition.

It is, therefore, prayed that on acceptance of this Appeal, this Honorable Tribunal may kindly:

- a. Direct the respondents to extend the benefit of the Notification Dated 19-10-2018 to the Appellant by grant of Technical Allowance with effect from 1st November, 2018 with all back benefits.
- b. Declare the impugned order 15-10-2020 whereby the appeal of the appellant against the Notification dated 19-10-2018 is dismissed as against the law, illegal, unlawful and without lawful authority: and
- c. Declare the discriminatory implementation of the Provincial Cabinet Decisions dated 24-05-2018 and 18-10-2018 by the respondents as illegal, unlawful, without lawful authority and ineffective upon the rights of the Appellant; and
- d. Any other relief which has not been specifically prayed for and deemed fit and appropriate by this Honorable Tribunal in the circumstances may graciously be granted.


Appellant,

Through

Muhammad Ayub Khan Shinwari
Advocate Peshawar

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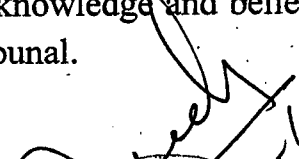
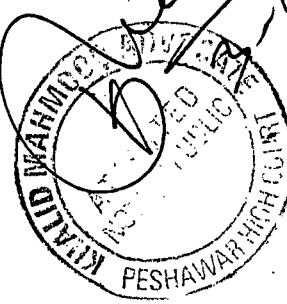
IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No _____ 2022

Engr Fawad Ahmad Khan Versus Chief Secty, Govt of KP & Others

AFFIDAVIT

I, Engr Fawad Ahmad Khan S/o Minhaj ud Din, Asstt Prof (Technical), Govt College of Technology, Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing is kept concealed from this Honorable Tribunal.



Deponent

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M No _____/2022
in
Service Appeal No _____ 2022

Engr Fawad Ahmad Khan Versus Chief Secty, Govt of KP & Others

Application for condonation of delay in filing the title Service Appeal

Respectfully Sheweth,

The appellant submits as follows:

1. That the title Service Appeal is pending adjudication before this Honorable Tribunal wherein no date of hearing is fixed yet.
2. That against the impugned Notification dated 19-10-2018, several service appeals are pending adjudication, hence the delay in filing the title Service Appeal may kindly be condoned and the same may be clubbed with the said service appeals.
3. That the law favors the decisions on merits instead of non suiting the litigants for technical reasons including on limitation. The said Principle is laid down by August Supreme Court of Pakistan in 2003 PLD(SC) 724 which is fully applicable in the instant Service Appeal.
4. That the subject matter of the title Service Appeal pertains to pay and is a continuous cause of action, hence no limitation runs in such matters as laid down by Apex Supreme Court of Pakistan in 1992 SCMR 19 and 1975 PLD(SC) 304.
5. That the applicant seeks leave of this Honorable Tribunal to rely on other grounds at the time of arguments.

It is, therefore, prayed that on acceptance of this Application the delay in filing the title Service Appeal before this learned Tribunal may kindly be condoned and the Service Appeal be decided on merits.

Any other relief, deemed appropriate in the circumstances of the case, which is not specifically prayed for may graciously be granted.


Applicant,

Through

Muhammad Ayub Khan Shinwari
Advocate Peshawar.

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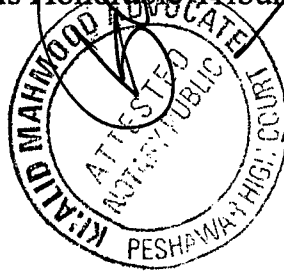
IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M No _____ /2022
in
Service Appeal No _____ 2022

Engr Fawad Ahmad Khan Versus Chief Secty, Govt of KP & Others

AFFIDAVIT

I, Engr Fawad Ahmad Khan S/o Minhaj ud Din, Asstt Prof (Technical), Govt College of Technology, Peshawar do hereby solemnly affirm and declare on oath that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing is kept concealed from this Honorable's Tribunal.




Deponent

Annex A (7)

REGISTERED ENGINEER

Name: ENGR FAWAD AHMAD
CNIC: 1710145540067
Reg No: ELEC 122714
Expiry: DECEMBER 31, 2024
Address: B TECH (ELECTRICAL) BLOCK,
GOVERNMENT COLLEGE OF
TECHNOLOGY, KANUN ROAD,
PEYHAWAN, CHENNAI



ANNEX A
(7)

SE. No. 293471 RENEWAL CARD



ALHAMBRA HOTEL, PORT OF SPAIN, TRINIDAD AND TOBAGO

FAX: 81-411-732 www.pce.org.pk

IMMEDIATE/SECRET

CABINET BUSINESS



11-06-18
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN: DEPARTMENT
(CABINET WING)
No.SOC(E&AD)27-312/2018
Dated Peshawar the 05th June, 2018.

To,

- ✓
1. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department
 2. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department

4583
16/18

SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET DATED 24.05.2018.

Dear Sir,

I am directed to forward herewith the following decision of the meeting of Provincial Cabinet held on 24.05.2018 under the chairmanship of Chief Minister, Khyber Pakhtunkhwa for implementation.

MISCELLANEOUS

7. The Secretary Irrigation briefed the Cabinet regarding the agenda item titled "Demand of the Khyber Pakhtunkhwa association of Government Engineers" discussed in the previous cabinet meeting held on 17-05-2018. The Cabinet agreed to reconsider its decision in the following manner:

- i. The Cabinet approved technical allowance @ 1.5 times of the initial basic pay scale to all engineers working in provincial government departments with effect from 1st July, 2018
- ii. The Cabinet approved to allow the Engineers for private practice. The ToRs and Conditions for the permission of private practice will be finalized and approved by the Committee constituted under the Chairmanship of Secretary Establishment.
- iii. The Cabinet approved, in principle, the demand of "Upgradation/restructuring of the Engineers" for which necessary modalities should be submitted for approval of the Cabinet.

Implementing Department: Irrigation/Establishment Deptts:

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully,

✓ (QASIM JAN)
SECTION OFFICER (CABINET)

1 + SOC(E) for

IMMBD

ANNA C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT
(CABINET WING)

No. SOC(E&AD)9-3/2018

Dated Peshawar the 18th October, 2018.

To

1. Mr. Muhammad Alif, Senior Minister.
2. Mr. Shehram Khan, Minister
3. Mr. Taimoor Saleem Khan Jhagra, Minister.
4. Syed Muhammad Ishtiaq, Minister.
5. Haji Qalandar Khan Lodhi, Minister.
6. Mr. Akbar Ayub Khan, Minister.
7. Mr. Shakeel Ahmed, Minister.
8. Mr. Mohibullah Khan, Minister.
9. Dr. Amjad Ali, Minister.
10. Mr. Sultan Muhammad Khan, Minister.
11. Dr. Hisham Inam Ullah Khan, Minister.
12. Mr. Zia Ullah Khan Bangash, Advisor
13. Mr. Himayatullah Khan, Advisor
14. Mr. Abdul Karim Khan, Special Assistant
15. Mr. Kamran Khan Bangash, Special Assistant

SUBJECT: MINUTES OF THE SPECIAL (BUDGET) MEETING OF THE PROVINCIAL CABINET DATED 15.10.2018.

Dear Sir,

I am directed to enclose herewith a copy of minutes of The Special (Budget) meeting of the Provincial Cabinet held on 15.10.2018 at 11:00 A.M under the Chairmanship of Chief Minister Khyber Pakhtunkhwa in the Cabinet Room of Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.

2. I am to request that after perusal, these minutes may kindly be returned to the Cabinet Section under a sealed cover.

Encl: (As above).

Yours faithfully,

Qasim Jan
(QASIM JAN)

SECTION OFFICER (CABINET)

ENDST.NO. & DATE EVEN.

Copy with a copy of the minutes is forwarded for perusal with the request to return it to the Cabinet Section, Administration Department Govt. of Khyber Pakhtunkhwa:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. P.S. to Chief Secretary Khyber Pakhtunkhwa.
4. P.S. to Secretary Administration Department.

Qasim Jan
SECTION OFFICER (CABINET)

ATTACHED

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Implementing Department: Secretary P&D (Merged Areas)

Miscellaneous

1. The Chief Minister desired to know the status of earlier Cabinet decision regarding authorization of Technical Allowance to the Engineers of Provincial Government Departments. Secretary Finance explained that there is lack of clarity regarding the beneficiaries of the decision as Engineers are also working at places other than C&W, Irrigation, PHE and Local Government Departments.

The Chair directed that the decision of the Provincial Cabinet for extension of Technical Allowance to the Engineers working in Provincial Government Departments may be implemented in letter & spirit.

Implementing Department: Finance/Irrigation Departments

Meeting ended with a vote of thanks from and to the chair.

ATTESTED

ANNEX D M



Government of Khyber Pakhtunkhwa
Finance Department
(Regulation Wing)

Dated Peshawar the 15th October 2018

NOTIFICATION

No. FD (SO) SIC/II/1172/2018-19 - The Government of Khyber Pakhtunkhwa has been pleased to sanction Technical Allowance as per the following rates to Engineers holding engineering qualification from the accredited engineering programme of Higher Education Institutions (H.E.I.) / Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering and Local Government Departments, Govt of Khyber Pakhtunkhwa with effect from 1st November 2018.

S.No	Pay Scales	Initial Basic Pay of Pay Scales 2017	Rate of Technical Allowance Per Month (@ 1.5 Initial Basic Pay as per Pay Scales 2017)
1.	Engineers in BS-20	Rs 69,000/-	Rs 1,03,635/-
2.	Engineers in BS-19	Rs 59,210/-	Rs 88,815/-
3.	Engineers in BS-18	Rs 38,330/-	Rs 57,525/-
4.	Engineers in BS-17	Rs 30,370/-	Rs 45,550/-

2. The above allowance will be admissible subject to the following conditions:
 - i. It will not be counted towards pension or gratuity.
 - ii. It will not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
 - iii. The Engineers in receipt of such allowances other than regular allowances as classified under major object A012.1-A012.2 shall be entitled to one of the allowances, whichever is more beneficial.
 - iv. It will not be admissible to deputationsists.

Secretary to Government
of Khyber Pakhtunkhwa
Finance Department

For: No & Date Even

1. All the Accountant General, Khyber Pakhtunkhwa, Peshawar
2. The Additional Chief Secretary, P&D Department
3. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
4. All the Administrative Secretaries to Govt of Khyber Pakhtunkhwa
5. All the Divisional Commissioners in Khyber Pakhtunkhwa
6. All the Deputy Commissioners in Khyber Pakhtunkhwa
7. All the District Accounts Officers in Khyber Pakhtunkhwa
8. Director, F&M, Finance Department
9. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
10. All Budget Officer, Finance Department
11. PS to Secretary Finance Department
12. PS (o) Special Secretary, Finance Department
13. Assistant Director (HR Data Base), Finance Department
14. PA (o) Additional Secretary (Regulation), Finance Department
15. PA to Deputy Secretary (Regulation-II), Finance Department

(Nasim Iqbal) Section Officer (SD-II)

19/10/18

ATTESTED

11/1

S
S

BETTER COPY OF THE PAGE NO. 14

Government Of Khyber Pakhtunkhwa
Finance Department
(Regulation Wing)

Dated Peshawar The 19th October 2018

NOTIFICATION

No. FD(SO SR-II) 8-7/2018-19: The Government of Khyber Pakhtunkhwa has been pleased to sanction Technical Allowance as per the following rates to Engineers holding Engineering qualification from the accredited engineering programme of Higher Education Institutions (DEI) / Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering and Local Government Departments, Govt. of Khyber-Pakhtunkhwa with effect from 1st November 2018:-

<u>S.#</u>	<u>Pay Scales</u>	<u>Initial Basic Pay of Pay Scales 2017</u>	<u>Rate of Technical Allowance Per Month (@ 1.5 initial Basic Pays as per Pay Scales 2017)</u>
i.	Engineers in BS -20	Rs 69,090/-	Rs 1,03,635/-
ii.	Engineers in BS - 19	Rs 59,210/-	Rs 88,815/-
iii.	Engineers in BS -18	Rs 38,350/-	Rs 57,525/-
iv.	Engineers in BS -17	Rs 30,370/-	Rs 45,550/-

2. The above allowance will be admissible subject to the following conditions:-
 - i. It will not be counted towards pension or gratuity.
 - ii. It will not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
 - iii. The Engineers in receipt of such allowances other than regular allowances as classified under major object A012-1 A-12-2 shall be entitled to one of the allowances, whichever is more beneficial.
 - iv. It will not be admissible to deputationists.

**Secretary to Government
Of Khyber Pakhtunkhwa
Finance Department**

Endst: No. & Date Even

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary P&D Department.
3. The Principal Secretary of Chief Minister, Khyber-Pakhtunkhwa
4. All the Administrative Secretaries to Govt. of Khyber-Pakhtunkhwa
5. All the Divisional Commissioners in Khyber-Pakhtunkhwa
6. All the Deputy commissioners in Khyber-Pakhtunkhwa
7. All the District Accounts Officers in Khyber-Pakhtunkhwa
8. Director, FMIU, Finance Department
9. PSO to Chief Secretary, Khyber-Pakhtunkhwa, Peshawar.
10. All Budget Officer, Finance Department
11. PS to Secretary Finance Department
12. PS to Special Secretary Finance Department
13. Assistant Director (HR Data Base) Finance Department
14. PA to Additional Secretary (Regulation) Finance Department
15. PA to Deputy Secretary (Regulation-II), Finance Department

ATTESTED



Annex E 12/2/18

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

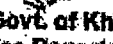
Dated Peshawar the: 07-07-2021

NOTIFICATION

No. FD(SOSR-II)2-5/2021-22/Tech Allow. In partial modification of this Department notification No FD (SO SR-II) 8-7/2018-19, dated 19-10-2018, the Government of Khyber Pakhtunkhwa has been pleased to accord sanction to Technical Allowance as per the following rates to the Engineers holding Engineering qualification from the accredited engineering programmes of Higher Education Institutions (HEI) / Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against positions that are required to be filled by engineers for C&W, Irrigation, Public Health Engineering, Local Government & Mines & Mineral Development Departments with effect from 01.07.2021:

S.No.	Pay Scale	Initial Basic Pay of Pay Scales 2017	Rate of Technical Allowance per Month @ 1.5 Initial Basic pay Scales 2017
1	Engineers in BPS 20	Rs. 69,090/-	Rs. 103,635/-
2	Engineers in BPS 19	Rs. 60,210/-	Rs. 88,815/-
3	Engineers in BPS 18	Rs. 38,350/-	Rs. 57,525/-
4	Engineers in BPS 17	Rs. 30,370/-	Rs. 45,550/-

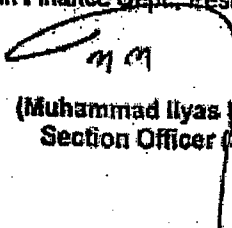
2. The above allowance will be admissible subject to the following conditions:
- It will be subject to Income Tax.
 - It will not be counted towards pension and gratuity.
 - It will not be admissible in any kind of leave (except casual leave) as well as posting against OSD and Leave Reserve Posts.
 - Those engineers who are posted against other posts and are in receipt of cadre allowance other than regular allowances shall only be entitled to one of the allowances, whichever is more beneficial.
3. All Autonomous/Semi-Autonomous/Medical Teaching Institutions/Other Institutions and Authorities under Provincial Government shall adopt this notification within their respective organizations with the approval of concerned Competent Forum subject to availability of their resources


Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department

Endst. No. & Date even.

A copy of the above is forwarded for information & necessary action to the:

- The Accountant General, Khyber Pakhtunkhwa.
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- All Administrative Secretaries to government of Khyber Pakhtunkhwa.
- All the Divisional Commissioners in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- All the District Accounts Officers in Khyber Pakhtunkhwa.
- The Director-FMIU, Finance Deptt. with the request to upload the same on FD's Website.
- PSO to Chief Secretary, Khyber Pakhtunkhwa.
- All Section Officers/Budget Officers in Finance Deptt. Khyber Pakhtunkhwa.
- The Manager, Government printing Press, Peshawar.
- The Private Secretary to Secretary, Finance Deptt. Khyber Pakhtunkhwa.
- PA to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
- PAs to Addl. Secretaries/Deputy Secretaries in Finance Deptt. Peshawar.
- Master File.


(Muhammad Ilyas Khattak)
Section Officer (SR: II)

Annex F 13

**The Chairman (Finance Secretary),
Grievances Redressal Committee,
Govt. of Khyber Pakhtunkhwa.**

**Subject: REQUEST FOR GRANT OF TECHNICAL ALLOWANCE TO THE PROVINCIAL GOVERNMENT
EMPLOYEES OF INDUSTRY DEPARTMENT WORKING IN TECHNICAL EDUCATION**

Dear Sir,

We are the engineers, civil servants registered with Pakistan Engineering Council (PEC) and working in Technical Education against the sanctioned posts under the administrative control of Industry Department.

We fulfill the requirements laid down by the finance department in the notification No. FD (SO SR-TI) 8-7/2018-19 dated 19/10/2018 for grant of technical allowance (Annex-I). We engineer teachers are being deprived of the technical allowance as we belong to the academia of this society imparting technical education to the masses and our aim is prosperous and economically stable Khyber Pakhtunkhwa through competitive skilled work force / manpower to meet domestic and global market demand. We are performing professional engineering works as per PEC ACT 1976 (Annex-II) which states at XXV;

"Professional Engineering Works means the giving of professional advice and opinions, the making of measurements and layouts, the preparations of reports, computations, design, drawings, plan and specifications and the construction, inspection and supervision of engineering works, in respect of;

(h) Organizing, managing and conducting the teaching and training engineering universities, colleges, institutions, Government Colleges of Technology, Polytechnic institutions and technical training institutions.

The Provincial Cabinet in its meeting held on 15/10/2018 extended technical allowance to all the engineers of Provincial Government (Annex-III).

Industry Department has moved summary with financial implications to the Finance Department (Annex-IV).

In light of the above facts, it is requested to grant technical allowance @1.5 times of the initial basic pay to the engineers of Industry Department working in KP-TEVTA on the analogy of health allowance allowed to the teaching faculty of medical field.

Yours faithfully,

Engineers of Technical Education

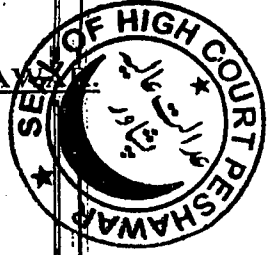
Focal persons:

Engr. Fawad Khan (0315-9148926)

Engr. Fazal-e-Elahi (0333-1959358)

Annex B Annex D
1 (14)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR



W. P NO. 5755 P /2018

1. Engr. Sultan Arif Sarwar B.Sc Mechanical Engineering Mech/3954
2. Engr. Fazle Azeem Ullah B.Sc Chemical Engineering Chem/1300
3. Engr. Zubair Khan B.Sc Civil Engineering Civil/8568
4. Engr. Munib Ullah B.Sc Mechanical Engineering Mech/5046
5. Engr. Abid Jan B.Sc Mechanical Engineering Mech/4566
6. Dr. Hashim Khan Ph.D Electrical Engineering Elect/6915
7. Engr. Hafiz Muhammad Jan B.Sc Civil Engineering Civil/8946
8. Engr. Muhammad Ullah B.Sc Civil Engineering Civil/0938
9. Engr. Abdul Maqsood B.E Electronics Engineering Elect/02146
10. Engr. Syed Zafar Maroof B.Sc Mechanical Engineering Mech/6978
11. Engr. Jamila Gul Khattak B.Sc Electrical Engineering Elect/08018
12. Engr. Noor Ul Qamar B.Sc Electronics Engineering Electro/02173
13. Engr. Manzar Alam B.Sc Mechanical Engineering Mech/8589
14. Engr. Syed Sajjad Ali Shah B.Sc Mechanical Engineering Mech/8565
15. Engr. Zubair Ahmad Qureshi B.Sc Mechanical Engineering Mech/6020
16. Engr. Abdul Ghaffar B.Sc Electrical Engineering Elect/7546
17. Engr. Nowsherwan B.Sc Electrical Engineering Elect/84527
18. Engr. Arif Naeem B.Sc Mechanical Engineering Mech/7818
19. Engr. Muhammad Mustafa B.Sc Mechanical Engineering Mech/6988
20. Engr. Badshah Munir B.Sc Electrical Engineering Elect/6966
21. Engr. Pir Muhammad B.Sc Electrical Engineering Elect/7884
22. Engr. Nawab Khan B.Sc Electrical Engineering Elect/8406
23. Engr. Kafeel Ahmad B.Sc Mechanical Engineering Mech/949
24. Dr. Hazrat Hussain Ph.D. Civil Engineering Civil/12814
25. Engr. Akbar Ali B.Sc Electrical Engineering Elect/7898
26. Engr. Shams Ur Rehman B.Sc Electrical Engineering Elect/5604
27. Engr. Muhammad Ayub B.Sc Mechanical Engineering Mech/7730
28. Engr. Fazal Ur Rehman B.Sc Mechanical Engineering Mech/10,99
29. Engr. Ali Asghar B.Sc Civil Engineering Civil/9448
30. Engr. Sheikh Essa B.Sc Civil Engineering Civil/9800
31. Engr. Said Badshah B.Sc Civil Engineering Civil/9728
- Engr. Tariq Naveed B.Sc Mechanical Engineering Mech/6058
- Dr. Bazid Khan Ph.D Civil Engineering Civil/11731

FILED TODAY

Deputy Registrar

17 NOV 2018

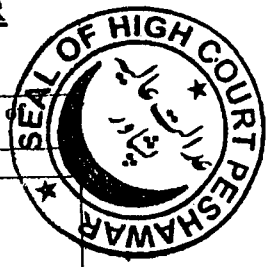
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EXAMINER
Peshawar High Court

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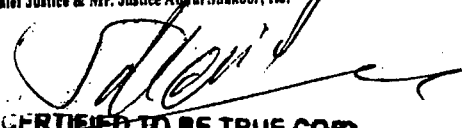
PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
12.02.2020	<p><u>Writ Petition No. 5755-P/2018.</u></p> <p>Present: Mr. Zartaj Anwar, advocate for the petitioners.</p> <p>Syed Qaiser Shah, Addl. AG on behalf of respondents.</p> <p>*****</p> <p><u>WAQAR AHMAD SETH, CJ:-</u> Vide our detailed order of even date, placed on connected writ petition bearing No. 5321-P of 2018, this writ petition is disposed of accordingly.</p> <p style="text-align: right;"> Chief Justice</p> <p style="text-align: right;"> Judge</p>

Tariq Jan PS.

DB, Mr. Justice Waqar Ahmad Seth, Chief Justice & Mr. Justice Abdul Shakoor, JJ.



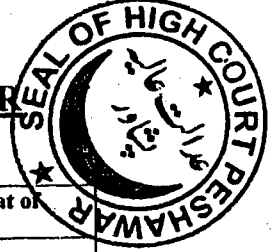
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EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 177 of
the Constitution of Pakistan, 1973

25 NOV 2020

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PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET



Date of Order or Proceedings 1	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary 2
12.02.2020	<p><u>Writ Petition No. 5321-P/2018.</u></p> <p>Present: Mr. Muhammad Ayub Khan Shinwari, advocate for the petitioners.</p> <p>Syed Qaiser Shah, Addl. AG on behalf of respondents.</p> <p>*****</p> <p><u>WAQAR AHMAD SETH, CJ:-</u> Through this constitutional petition, we intend to decide the instant petition as well as connected writ petitions bearing No. 5755-P/2018 & 681-P/2019, being identical in nature.</p> <p>2. Mujahid Naseer, Assistant Director (M&E) P&D Department, & others, petitioners, herein aggrieved from the acts / inactions of respondents have directed this petition with the following relief:-</p> <p>a. Declare the discriminatory implementation of the Provincial Cabinet Decisions dated 24.05.2018 & 15.10.2018 by the respondents as illegal, unlawful, without lawful authority and ineffective upon the rights of the petitioners; and</p> <p>b. Direct the respondents to extend the benefit of the Notification dated 19.10.2018 to the petitioners by grant of Technical Allowance with effect from 1st November, 2018 with all back benefits.</p>


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2. At the very outset, learned counsel for the petitioners while producing copy of the judgment dated 21.11.2019, rendered by this Court in writ petition bearing No. 5877-P of 2018; whereby in exactly similar situation, this Court directed the respondents-Chief Secretary, Government of Khyber Pakhtunkhwa to decide the appeal of petitioners pending before him, requested that appeal of present petitioners are also pending before the hierarchy, requested for direction and decision thereon. Learned AAG when confronted, conceded to, in view of which this as well as the connected petitions are disposed of accordingly by directing the respondents to decide the appeals of petitioners pending over there, within a shortest possible time in accordance with relevant law.

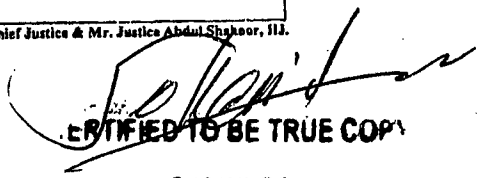

 Chief Justice


 Judge

No. 16443
 Date of Presentation of Application 25/11/2020
 No of Pages 11-7
 Copying fee 16/-
 Total 16/-
 Date of Preparation of Copy 25/11/2020
 Date of Delivery of Copy 25/11/2020
 Received By [Signature]

Tariq Jan PS.

DB, Mr. Justice Waqar Ahmad Seth, Chief Justice & Mr. Justice Abdul Shahaor, JJ.


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EXAMINER
 Peshawar High Court, Peshawar
 Appointed Under Article 27 of
 the Constitution of Pakistan Order 1984

25 NOV 2020

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Annex A 18

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

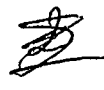


Writ Petition No _____/2020

1. Engr. Sultan Arif Sarwar, B. Sc Mechanical Engineering, Mech/3954
2. Engr. Fazle Azeem ullah, B. Sc Chemical Engineering, Chem/1300
3. Engr. Zubair Khan, B. Sc Civil Engineering, Civil/8568
4. Engr. Munibullah, B. Sc Mechanical Engineering, Mech/5046
5. Engr. Abid Jan, B. Sc Mechanical Engineering, Mech/4566
6. Dr Hashim Khan, Ph. D Electrical Engineering, Elect/6915
7. Engr. Hafiz Muhammad Jan, B. Sc Civil Engineering, Civil/8946
8. Engr. Muhammad Illah, B. Sc Civil Engineering, Civil/0938
9. Engr. Abdul Maqsood, B. E Electronics Engineering, Elect/02146
10. Engr. Syed Zafar Maroof, B. Sc Mechanical Engineering, Mech/6978
11. Engr. Jamila Gul Khattak, B. Sc Electrical Engineering, Elect/08018
12. Engr. Noor ul Qamar, B. Sc Electronics Engineering, Electro/02173
13. Engr. Manzar Alam, B. Sc Mechanical Engineering, Mech/8589
14. Engr. Syed Sajjad Ali Shah, B. Sc Mechanical Engineering, Elect/8565
15. Engr. Zubair Ahmad Qureshi, B. Sc Mechanical Engineering, Mech/6020
16. Engr. Abdul Ghaffar, B. Sc Electrical Engineering, Elect/7546
17. Engr. Nowsherwan, B. Sc Electrical Engineering, Elect/84527
18. Engr. Arif Naeem, B. Sc Mechanical Engineering, Elect/7818
19. Engr. Muhammad Mustafa, B. Sc Mechanical Engineering, Mech/6988
20. Engr. Badshah Munir, B. Sc Electrical Engineering, Elect/6966
21. Engr. Pir Muhammad, B. Sc Electrical Engineering, Elect/7884
22. Engr. Nawab Khan, B. Sc Electrical Engineering, Elect/8406
23. Engr. Kafeel Ahmad, B. Sc Mechanical Engineering, Mech/9491
24. Dr Hazrat Hussain, Ph. D Civil Engineering, Civil/12814
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27. Engr. Muhammad Ayub, Mechanical Engineering, Mech/7730
28. Engr. Fazal ur Rehman, B. Sc Mechanical Engineering, Mech/10199
29. Engr. Ali Asghar, Civil Engineering, Civil/9448
30. Engr. Sheikh Essa, B. Sc Civil Engineering, Civil/9800
31. Engr. Said Badshah, B. Sc Civil Engineering, Civil/9728
32. Engr. Tariq Naveed, B. Sc Mechanical Engineering, mech/6058
33. Dr Bazid Khan, Ph. D Civil Engineering, Civil/11731

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Peshawar High Court

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34. Engr. Fawad Ahmad Khan. B. Sc Computer System Engineering, Comp/4384
35. Abdur Rashid, B. Sc Civil Engineering, Civil/11592
36. Engr. Faridullah, B. Sc Mechanical Engineering, Mech/8557
37. Engr. Bakht Zamin, B. Sc Mechanical Engineering, Mech/7093
38. Engr. Asadullah Khan, B. Sc Civil Engineering, Civil/11601
39. Engr. Ali Fakhir, B. Sc Civil Engineering, Civil/10991
40. Engr. Muhammad Idrees, B. Sc Civil Engineering, Civil/15180
41. Engr. Muhammad Zafar Iqbal, B. Sc Civil Engineering, Civil/13516
42. Engr. Muhammad Yusaf, B. Sc Electrical Engineering, Elect/7946
43. Engr. Ahmad Tufail, B. Sc Mechanical Engineering, Mech/10836
44. Engr. Syed Qasim Shah, B. Sc Electrical Engineering, Elect/13849
45. Engr. Chan Zeb, B. Sc Electrical Engineering, Elect/09501
46. Engr. Waqar Ahmad, B. Sc Electrical Engineering, Elect/11319
47. Engr. Mughir Ahmad, B. Sc Electrical Engineering, Elect/10804
48. Engr. Mehboob Ahmad Sultan, B. Sc Mechanical Engineering, Mech/8628
49. Engr. Kiramat Ahmad, B. Sc Mechanical Engineering, Mech/11205
50. Engr. Nasrullah Khan, B. Sc Electrical Engineering, Elect/12078
51. Engr. Awal Mir, B. Sc Civil Engineering, Civil/11642
52. Engr. Amir Zeb, B. Sc Mechanical Engineering, Mech/10207
53. Engr. Hafeez ur Rehman, B. Sc Electrical Engineering, Elect/13908
54. Engr. Mughal Baz, B. Sc Civil Engineering, Civil/13594
55. Engr. Abdul Hamid, B. Sc Electrical Engineering, Elect/11939
56. Engr. Farooq Ahmad, B. Sc Mechanical Engineering, Mech/13556
57. Engr. Qazi Razi ud Din, B. Sc Mechanical Engineering, Mech/10807
58. Engr. Ikramullah, B. Sc Electrical Engineering, Elect/15964
59. Engr. Jamal Akbar, B. Sc Mechanical Engineering, Mech/14452
60. Engr. Abid Iqbal, B. Sc Mechanical Engineering, Mech/12259
61. Engr. Satwat Kanwal, B. Sc Electronics Engineering, Elect/14744
62. Engr. Nasir ud Din, B. Sc Mechanical Engineering, Mech/8664
63. Engr. Ghulam Farid, B. Sc Civil Engineering, Civil/15667
64. Engr. Jehanzeb, B. Sc Mechanical Engineering, Mech/6403
65. Engr. Ahmad Syed, B. Sc Mechanical Engineering, Mech/6403
66. Engr. Niaz Ali Jan, B. Sc Mechanical Engineering, Mech/13611
67. Engr. Sher Bahadar, B. Sc Electrical Engineering, Elect/13660
68. Engr. Muhammad Zubair, B. Sc Civil Engineering, Civil/12974
69. Engr. Muhammad Nazir, B. Sc Electrical Engineering, Elect/20263
70. Engr. Mehmood Ahmad, B. Sc Electrical Engineering, Elect/19718
71. Engr. Muhammad Imtiaz, B. Sc Mechanical Engineering, Mech/14982
72. Engr. Abdul Jabbar, B. Sc Mechanical Engineering, Mech/19713
73. Engr. Sajawal Shah, B. Sc Electrical Engineering, Elect/21863
74. Engr. Asadullah, B. E Electronic Engineering, Elect/4467

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Peshawar High Court

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)



Writ Petition No.5456-P of 2020

Sultan Arif Sarwar & others
Vs
Chief Secretary to Government of KPK & others

For Petitioner: Mr. Muhammad Ayub Khan Shinwari,
Advocate.

For respondent: Syed Qaiser Ali Shah, AAG, for official
respondents.

Date of hearing 31.03.2022

JUDGMENT

ABDUL SHAKOOR, J.- Through the instant constitutional
petition, filed under Article 199 of the Constitution of
Islamic Republic of Pakistan 1973, the petitioners are
seeking the following relief that: -

*“On acceptance of this Writ Petition, an
appropriate writ may kindly be issued to: -*

- i. Declare the Office Order dated 15.10.2020 as
against the law, illegal, unlawful and without
lawful authority; and*
- ii. Declare the discriminatory implementation of
the Provincial Cabinet Decisions dated
24.05.2018 and 15.10.2018 by the respondents as*

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- illegal, unlawful, without lawful authority and ineffective upon the rights of the petitioners; and*
- iii. Direct the respondents to extend the benefit of the Notification Dated 19.10.2018 to the petitioners by grant of Technical Allowance with effect from 1st November 2018 with all back benefits.*
- iv. Any other relief which has not been specifically prayed for and deemed fit and appropriate by this Hon'ble Court in the circumstances may graciously be granted.*

3. As per record the Provincial Cabinet in its meeting held on 24.05.2018, decided the Technical Allowance @ 1.5 time of the initial basic pay scale shall be granted to all the Engineers working in Provincial Government departments with effect from 1st July, 2018.

4. Petitioners, in light of the aforesaid decision of Provincial Cabinet, were expecting that Provincial Government of KPK through Finance Department via notification, would sanction the aforesaid Technical Allowance to all the Engineers working in Provincial Government Departments. But, to the utter dismay and surprise of the petitioners, Provincial Government through Finance Department vide notification dated 19.10.2018, held the Engineers serving in Communication & Works Department (C&W), Irrigation, Public Health Engineering

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and Local Government Departments, Government of Khyber Pakhtunkhwa, are entitled for Technical Allowance w.e.f from 1st November 2018.

5. Petitioners feeling aggrieved, due to issuance of aforesaid notification, which to their estimation, was issued in clear defiance of the decision of the Provincial Cabinet, have invoked the constitutional jurisdiction of this Court by means of W.P No.5755-P/2018, titled as "**Engineer Sultan Arif Sarwar & others Vs Chief Secretary Govt. of KPK & others**". However, this Court instead of deciding the aforesaid petition on merit vide its order and judgment dated 21.11.2019, disposed it off by directing the respondents to decide the Departmental Appeal of the petitioners pending adjudication before the Chief Secretary, KPK/respondent No.1, regarding their grievance of non-extending the special allowance to them. The respondent No.1, in light of aforesaid judgment and order of this Court, disposed of the departmental appeal of the petitioners by observing that the benefit of the notification dated 19.10.2018, cannot be extended to them, since under it, only the Engineers working in C&W Departments, Irrigation, Public Health Engineering and Local Government Departments of KPK, are allowed for it. Under the

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circumstance, petitioners are left with no option but to invoke the constitutional jurisdiction of this Court, hence this petition.

6. Arguments of learned counsel for the petitioners heard and record perused.

7. Petitioners through the instant petition have sought a declaration to the effect that the decision of Finance Department in terms of notification dated 19.10.2018, benefiting only the Engineers of C&W Departments, Irrigation, Public Health Engineering and Local Government of KPK with aforesaid allowance, is not only discriminatory, but, is also a clear defiance of the decision of Provincial Cabinet dated 24.05.2018, since under it all engineers working in Government Departments of Khyber Pakhtunkhwa were entitled for a Technical Allowance w.e.f 1st July 2018 and also sought extension of benefit of notification dated 19.10.2018 in their case as well.

8. The learned counsel appearing on behalf of the petitioners in support of their aforesaid prayer, drawn the attention of this Court towards a copy of letter dated 5th January 2018, available at page-14 of this petition, issued under the signature of Section Officer (Cabinet) addressing

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to Secretary to Government of KPK Education Department, and Secretary of Establishment Department, KPK, whereunder, amongst others, it is clearly mentioned that Provincial Cabinet vide its decision dated 17.05.2018, agreed to the Technical Allowance @ 1.5 times of the initial basic pay scale, is meant for all Engineers working in Provincial Government Departments w.e.f 1st July, 2018.

9. While examining the record of case file, we have found a copy of an abstract taken from the minutes of the meeting of Cabinet with Secretary Finance Department and others, dated 18.10.2018, at page-15 of this petition. From its reading, it appears that the Chief Minister had desired to know the status of the aforesaid Cabinet Decision regarding the authorization of Technical Allowance to the Engineers of Provincial Departments. It further appears from the perusal of said abstract that Secretary Finance Department tried to bring in the notice of Cabinet/Chief Minister that it lacks clarity regarding the beneficiary of the aforesaid decision of the Provincial Cabinet, since Engineers are also working at places other than C&W, Irrigation, Public Health Engineering and Local Government of KPK; but, the Chief Minister despite the aforesaid point of Secretary Finance to the Government of KPK Finance Department, directed the

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decision of Provincial Cabinet for extension of Technical Allowance be implemented in letter & spirit. It may be noted that this meeting of the Chief Minister and its Cabinet with Secretary Finance was held on 18th October 2018, whereas on the very next day i.e. 19th October 2018, notification in question was issued by Finance Department, of Government of KPK, wherein, it is described that the Government of KPK through Finance Department has been pleased to sanction the captioned Allowance to Engineers holding Engineering qualification from the accredited engineering programme of Higher Education Institutions (DEI) / Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering and Local Government Departments, Govt. of Khyber Pakhtunkhwa, with effect from 1st November 2018. If this notification is to be seen and analysed, in view of the aforesaid meeting of Chief Minister (Cabinet) with Secretary Finance Department, dated 18th October 2019, then one reaches to a conclusion that this notification was issued with the concurrence of the Cabinet. If the intention of the Cabinet would be that all Engineers are entitled for

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aforesaid allowance without any distinction, then the point raised before the Cabinet by Secretary Finance that decision of Cabinet needs clarification, since Engineers are also working in other places than the C&W, Irrigation, Public Health Engineering and Local Government, KPK, must be taken into consideration, and notification under reference would not be so, as it stands now. For the sake of arguments, if it is presumed that this notification has been issued in defiance of the aforesaid Cabinet decision, then it is very obvious, the Cabinet would not have allowed the Finance Secretary to issue notification dated 19.08.2018, in its present shape. In our opinion the body which should have been more aggrieved on issuance of aforesaid notification would be non-else than Cabinet itself. While examining the record available on file, we observed that nothing has been brought on file which could remotely suggest that the Cabinet, in any manner, has taken action, against the Secretary Finance or other officials for non-compliance of its decision dated 24.05.2018. Therefore, we feel, the Chief Secretary while disposing of the appeal of the petitioners has rightly held the benefit of aforesaid notification, as it stands, is admissible to those Engineers, who are working in the departments referred to therein.

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10. It is also not out of context to mention here that Engineers of Mines Department have also questioned the said notification before this Court through W.P No.606-P/2019. On 10.03.2020, this Court heard the case of the Engineers of Mines Department, however, on the serious objection of the learned AAG appearing on behalf of the Government that allowance referred to in the aforesaid notification in view of the judgment reported as 2018 PLC (CS) and one un-reported judgment of this Court, is falling within the ambit of terms and conditions of service of the civil servants, and, for resolution of such controversy, the Service Tribunal has exclusive jurisdiction under Article 212 of the Constitution, instead of deciding the matter on merit, disposed it off by directing the Chief Secretary to decide this issue on its own end. Who declined the benefit of aforesaid notification to Engineers of Mines Department on the ground that same is not admissible to them. They, being aggrieved from the decision of Chief Secretary, filed COC before this Court for initiation of contempt proceeding against him as he has not decided the representation of the petitioners according to the tenor of the judgment of this Court, but, of no avail. This aspect of the case also shows that the allowance in question is falling within the terms and

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conditions of Service of petitioners who undeniably are Civil Servants.

11. We may observe, that it was not the case of the petitioners that the Special Allowance which is referred to in the aforesaid notification has also been given to the Engineers of those departments which are not mentioned in it. This being the position, on record, no interference is required of this Court in the matter in hand.

12. Accordingly, the instant petition being bereft of any merit, stands dismissed.

(Signature)

JUDGE

(Signature)
JUDGE

Announced.

27. 4. 2022

49970

(Signature)
13 SEP 2022

Date of Presentation of Application 13-8-22

No of Pages 17-p

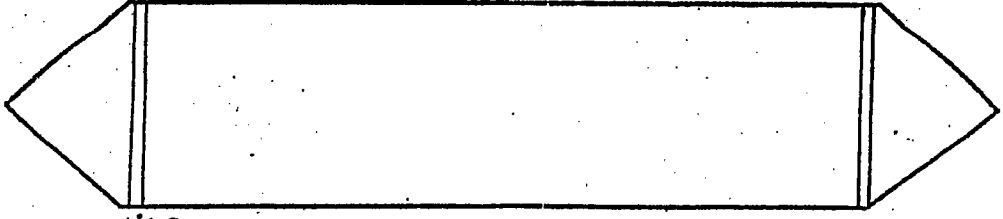
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Total 13-8-22

Date of 13-8-22

(Signature)

بعد الت



2 منجانب
بینام

موزخه
مقدمه
دعوی
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر بنالت ہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیدار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر چاند التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ نہ ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

المرقوم _____ ماہ _____ 20ء

العبد _____ واہ العبد _____

کے لئے منظور ہے۔

بمقام