


Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 629 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.10.2022	<p>The execution petition of Mr. Ehsanullah Khan Gandapur submitted today by Mr. Saleemullah Ranazai Advocate. It is fixed for implementation report before touring Single Bench at D.I.Khan on _____.</p> <p>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 <i>He</i></p>

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.  
Execution / Implementation petition No. 629/2022.

In service appeal No.661/2010 decided on 08.07.2010  
August Supreme Court of Pakistan allowed the Civil appeal No.1032/2010 on 27.04.2011

Ehsanullah Khan Gandapur

Versus

Government of Khyber Pakhtunkhwa, etc.

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Your Humble petitioner:  
Through counsel

Dated: .10.2022

(Saleemullah Khan Ranaza)  
Advocate Supreme Court.

0333 915 9808

①

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.**

Execution / Implementation petition No. /2022.

In service appeal No.661/2010 decided on 08.07.2010

August Supreme Court of Pakistan allowed the Civil appeal No.1032/2010 on 27.04.2011

Ehsanullah Khan Gandapur, Ex-District Officer Agriculture- BPS-18, District Dera Ismail Khan resident of Bannu Road DIKhan.

(Petitioner)

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary Agriculture, Livestock and Cooperative Department, Khyber Pakhtunkhwa, Peshawar.
2. Chief Minister/ Governor Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.

(Respondents)

**PETITION WITH THE REQUEST FOR EXECUTION/ IMPLEMENTATION OF THE ORDER DATED 27.04.2011 PASSED IN CIVIL APPEAL NO.1032 ALONG WITH OTHERS OF 2010 PASSED BY AUGUST SUPREME COURT, AFTER GRANTING LEAVE AGAINST THE JUDGMENT OF KP SERVICE TRIBUNAL IN SERVICE APPEAL NO.661 AND OTHERS OF 2010, WHEREBY THE CIVIL APPEAL OF THE PETITIONER WAS ACCEPTED AND THE AGRICULTURE DEPARTMENT WAS DIRECTED TO RE-INSTATE THE APPELLANT /PETITIONER WITH ALL BACK BENEFITS AND THE ORDER OF THE SERVICE TRIBUNAL WAS SET-ASIDE AND NOW THE DEPARTMENT HAS RE-INSTATED THE PETITIONER IN SERVICE BUT DUE PROMOTION WAS NOT GRANTED.**

**Respectfully Sheweth,**

The petitioner prefers the instant petition on the grounds hereinafter submitted apropos the following facts.

(Note:- The addresses of respondents as given above are sufficient for the purpose of service.)

**BRIEF FACTS**

1. That petitioner and some other were proceeded against by the department on the ground that the landed property of the Agriculture Department was allotted to certain private persons on throwaway prices and ultimately the petitioner was compulsorily retired from service, who by that time was in BPS-18.

2. That after fulfilling the formalities the petitioner filed service appeal before this Honourable Forum bearing No.661/2010, which was finally decided on 08.07.2010 by dismissing the service appeal of the petitioner. Copy of judgment dated 08.07.2010 is enclosed herewith as Annexure-A.
3. That the petitioner then preferred CPLA before August Court of Pakistan bearing No.2058/2010 and the august Court vide order dated 02.12.2010 granted leave to appeal. Copy of leave granting order is enclosed herewith as Annexure-B.
4. That the CPLA was converted into C.A No.1032/2010 and was finally heard and decided vide judgment dated 27.04.2010 by the August Court and appeal was allowed by setting aside the order of this Honourable Tribunal and the petitioner was re-instated in service with all the back benefits. Copy of judgment of Supreme Court dated 27.04.2011 is enclosed herewith as Annexure-C.
5. That in compliance to the judgment of August Supreme Court, the respondent No.1 vide order dated 28.07.2011 re-instated the petitioner in service w.e.f 09.01.2010, the date when the petitioner was compulsory retired from service. Copy of order dated 28.07.2011 is enclosed herewith as Annexure-D.
6. That vide order dated 04.08.2011 the petitioner was posted as District Director Agriculture (BPS-19) Tank (in his own pay and scale). Copy of the order dated 04.08.2011 is enclosed herewith as Annexure-E.
7. That vide order dated 15.09.2011 of the respondent No.1, the petitioner was retired from service w.e.f 06.08.2011 on attaining the age of superannuation. Copy of order dated 15.09.2011 is enclosed herewith as Annexure-F.
8. That the petitioner was kept in dark by posing that he has been given all the benefits, as per judgment of the August Supreme Court but when he proceed his case for pensionary benefits, then he came to know that his promotion was due prior to his retirement, which was never accorded, so the petitioner sent an application / appeal to the respondent No.1 on 15.07.2022, stating therein that according to seniority, he was at serial No.14, whereas one Muhammad Hanif Khan, who was at serial No.13 was promoted from BPS-18 to BPS-19 vide order dated 07.07.2010, so the petitioner was next to be promoted but instead after re-instating him in service all the other back benefits were granted to the petitioner at the time of his retirement by attaining the age of superannuation

but promotion to BPS-19 was never granted to him. Copy of Application dated 15.07.2022 is enclosed herewith as Annexure-G.

9. That the application of the petitioner dated 15.07.2022 has never been responded till date and petitioner consider himself to be aggrieved as the order of Supreme Court has not been implemented in true letter and sprite.
10. That being aggrieved the petitioner is seeking execution/ implementation of the order / judgment of this Honourable tribunal on inter-alia the following grounds.

GROUNDS:

1. That it is an admitted fact that August Supreme Court allowed the appeal of the petitioner and in clear words, it has been mentioned that petitioner is re-instated with all back benefits then it was the duty of the department to have acted upon the judgment of August Court in its true spirit.
2. That as mentioned above, the seniority list prepared on 01.06.2008, the petitioner is at serial No.14, whereas one Muhammad Hanif is at Serial No.13. Copy of seniority list is enclosed herewith as Annexure-H.
3. That according to seniority list one Gul Muhammad appearing at serial No.12 and Muhammad Hanif appearing at Serial No.13 were given promotion vide order dated 07.07.2010, w.e.f 31.05.2010, when they proceeded on retirement by reaching the superannuation. Copy of order dated 07.07.2010 is enclosed herewith as Annexure-I.
4. That according to seniority list now it was the turn of the petitioner who should have been promoted, as the Honourable Supreme Court allowed his appeal with all back benefits, so the promotion to BPS-19 of the petitioner also come within the phrase of back benefits but unfortunately the petitioner has not been given that benefit.
5. That petitioner was given LPR vide order dated 15.09.2011, whereas his retirement date was 06.08.2011 so if this benefit is given to him then why not the promotion, which was due on 08.07.2011, when senior to him were promoted.
6. That the department was requested so many times but no positive response was received by the petitioner, despite fact that respondents were supposed to strictly act according to the judgment of the August court, particularly when it was held by the August Court that there was not fault on his part, when he was

(c)

penalized for the alleged illegality / irregularity, which was not committed by him, meaning thereby the petitioner was given the clean chit and if would have been in service without any break, then definitely he would have been promoted like his colleagues were promoted in due course after their retirement.

7. That the judgment of the August Court has not been acted upon by the respondents in stricto sensu, whereas they were bound to do so, therefore the petitioner is approaching this august tribunal.
8. That the counsel for the petitioner may be allowed to raise additional grounds during the course of arguments.

**PRAYER:-**


In view of the above noted facts and grounds it is humbly prayed that the judgment of August Supreme Court dated 27.04.2011 may be implemented in its true spirit by directing the department to meet the ends of justice.

Your Humble petitioner:

Dated: .10.2022

  
(Ehsanullah Gandapur)  
Ex-District Officer

Through counsel


  
(Saleemullah Khan Ranazai)  
Advocate Supreme Court.

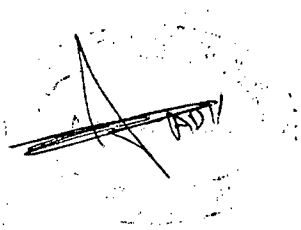
**AFFIDAVIT**

I, Ehsanullah Khan Gandapur, Ex-District Officer Agriculture- BPS-18, District Dera Ismail Khan resident of Bannu Road DIKhan, petitioner do hereby solemnly affirm on Oath that the contents of the petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

Dated 10.2022

  
Deponent.  
(Identified by)

  
(Saleemullah Khan Ranazai)  
Advocate Supreme Court.



Judgment  
KPK Service  
Tribunal  
Peshawar

1  
-18- Aug 11 (5)  
BEFORE THE NWFP K.P.K SERVICE TRIBUNAL, PESHAWAR



Appeal No 661/2010

Date of institution - 30.03.2010

Date of decision - 08.07.2010

Ihsanullah Khan Gandapur, District Officer Agriculture, Dera Ismail Khan..... (Appellant)

VERSUS

1. Government of NWFP through Chief Secretary Peshawar.
  2. Secretary Agriculture, Live Stock and Cooperative Department, NWFP, Peshawar.
- ..... (Respondents)

Appeal against the order dated 9.1.2010 whereby the appellant was compulsorily retired from service.

Mr. Waqar Ahmad Seth Advocate..... For Appellant  
Mr. Tahir Iqbal Khattak A.G.P ..... For Respondents

MR. ABDUL JALIL..... MEMBER  
SYED MANZOOR ALI SHAH ..... MEMBER

JUDGMENT

ABDUL JALIL, MEMBER: This appeal has been filed by the appellant against the order dated 9.1.2010 whereby the appellant was compulsorily retired from service.

2. Brief facts of the case are that the Board of Revenue was requested by the Agriculture Department to convene a meeting of the Provincial Lease Committee in order to discuss applications relating to leasing out of Government barren land in D.I.Khan. The meeting scheduled for 26.8.2006 could not materialize. However, earlier a meeting of the lease committee was held under the chairmanship of ADOR D.I.Khan on 5.4.2006. The meeting besides other members was also attended by Magistrate Class ADO D.I.Khan. In the meeting it was recommended that the land under possession of the Agriculture Department may be lease out for 99 years to the applicants who submitted their applications for lease out of Banjar Land. The EDO Agriculture D.I.K was asked vide letter No. 130 dated 4.10.2006 to handover agricultural land under the

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possession of Agriculture Department in various villages of D.I.Khan as per detailed below :-

Rakh Zandani (2739 Kanals 10 Marlas)  
 Ratha Kulachi (619 Kanals 19 Marlas)  
 Rakh Mahrra (400 Kanals)  
 Total.....3759 Kanals 09 Marlas.

3. After dissolution of the Agriculture Development Authority in 2001, the Extension Wing of the Agriculture Department was entrusted to ensure timely supply and availability of quality seed of wheat etc. To achieve the above purpose the 10 numbers Seed Production Farms in different Districts of the Province were developed. These Farms were being managed and cultivated by the department itself. There are 5 Agriculture Seed Production Farms in D.I.Khan where quality seeds of wheat, maize and other cereal crops is produced according to climatic condition of the area.

S.No.	Agriculture seed farm in District D.I.Khan	Total area (Acres)	Allotted by Govt. to other Departments.	Building/ Roads	Cultivable Area	Un-reclaimed Area (Acres)	(Disputed/ Leased Area (Acres)
1	2	3	4	5	6	7	8
I	Rakh Mahra	50	-	-	-	50	50
II	Rakh Zandani	1578	812	30	350	44	50
III	Ratta Kulachi	490	242	15	233	-	-
IV	Rakh Manghan	884	-	25	660	199	-
V	Rakh Band Kurai	994.9	-	15	499.6	190	-

4. Till 2001 these farms were operated under the tenancy system (تعمیر داروں کے نظام) on the basis of 50% share. The Military Regime abolished the system in the year 2001. The Agriculture Department itself on management basis cultivated the farms areas but the new system did not work properly and not proved beneficial. Under the new scheme the produce as well as income of the seed farms declined due to financial constraint and loose administrative control of the head of attached department, on the District level. In the year 2002 the Provincial Government formulated the policy for leasing out the state land according to which the Provincial Cabinet approved the following policy, i.e.



renewal of expired lease cases and existing/new lease cases of state land in the Province:-

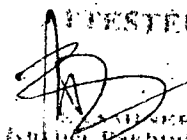
19(a) Hence forth all the expired leases shall be renewed at the prevalent market rates for a specified period to be determined by the District Lease Committee consisting of the following, whose recommendations would be subject to the approval of the Provincial Lease Committee (constituted) under the Chairmanship of SMBR) :-

- I. DRO/Collector Chairman.
- II. Tehsil Municipal Officer
- III. Rep; of Department having possession of land, if any.
- IV. Member of District Assembly/Nazim concerned Union Council.
- V. EDO Finance & Planning.
- VI. EDO Works & Services.

5. The Agriculture Department in the year 2003 moved a summary for restoration of tenancy system for these farms which was approved by the Cabinet however, it was decided that the lease should be given to the new lessees instead of old tenants. On 31.3.2006, 9 person submitted applications to the DOR D.I.Khan for allotment of big chunk of land of Rakh Zandani, Ratta Kulachi and Rakh Mahra Seed Farms to them on lease basis. The cases were processed in the office of DOR and letter was issued to District Lease Committee on 5.4.2006 to decide these applications. The Committee recommended leasing out of the said land of Agriculture Seed Farms on annual rate of Rs. 200/- per Kanal to the lease holders, which was prior to leasing, used by the Agriculture Department for production of quality seed by the Agriculture Department. Most of the nine applications mentions that the Agriculture Department agrees/has no objection to the proposed request/lease :-

6. The DOR D.I.Khan sent minutes of the District Lease Committee to the Secretary BOR NWFP vide his letter dated 5.4.2006.

7. From the record it reveals that all these applications were presented through Shafiullah P.S to Maulana Lutffur Rehman Ex-MPA. The case was politically pursued in various offices and processed in a short period of 5 days through District Lease Committee and then in Board of Revenue. The DRO office record shows ambiguous and fictitious noting where dates have not been recorded. The letter issued by the DOR

TESTED  
  
 District Collector  
 District Board of Revenue  
 District D.I. Khan

office did not bear any diary or dispatch or file number or even the date on which this letter was issued. The BOR took up the case of lease with the Secretary Agriculture Department to examine the case and furnish comments/views. The Secretary Agriculture Department recorded the following remarks on the body of the letter :-

"How can EDO (Agri) have no objection to the lease of the Department land without consulting the D.GAE/Administrative Departments? This needs proper investigation by D.G (E)."

8. The D.G. Agriculture vide his letter dated 16.5.2006 asked Inayatullah Baluch, EDO Agriculture D.I.Khan to explain the following points :-

- i) Who constituted the Committee and what's the status of this Committee?
- ii) Whether matter was advertised & given wide publicity? If so, how many people applied, what were the criteria?
- iii) Who authorized you to issue NOC?
- iv) What are common/market rates of lease in D.I.Khan?

9. The case was not dealt with properly as per opinion of the Secretary Agriculture Department.

10. For revival of tenancy/selection of new tenants, positive or negative repercussions of the process of tenancy applications of new tenants vis-à-vis proposed lease initiative by DRO/EDO/BOR, latest status of the applications etc, the D.G Extension informed the Secretary Agriculture Department vide his letter dated 1.7.2006 and stated that EDO Agriculture D.I.Khan to be contacted who made the following comments :-

- i. If the rates shown in the lease are vetted by the committee and procedure adopted as per rules of business of the District Lease Committee; there is no objection of leasing out it.
- ii. However, Member Board of Revenue who is Chairman of the Provincial Lease Committee may please be approached to invite a meeting to discuss the case in detail."

11. The letter of D.G was dealt with in a non-professional manner. The SDO concerned just reproduced the views of Ex- D.G in his note sheet and the Ex-D.G views were conveyed to the BOR vide letter dated 22.7.2006. The BOR accorded approval under the lease policy on the following terms and conditions :-

Note-4	Observation/Findings of Inquiry Committee
i	Proper procedure for examining such policy/important nature cases in the Government offices, as mentioned in para 78 & 79 of the Annual R

RECEIVED  
[Signature]

ATTESTED  
[Signature]

Secretariat instructions, applicable in all Government offices throughout the Province is reproduced below :-

78. When a case is put up to a higher officer, it shall always be presumed that PUC will be read by the officer to whom it is submitted. Paraphrasing of the contents of the PUC or reproduction of verbatim extracts from it in a note should, as a rule, be avoided.....

79. ....when a note is needed, it shall be a presentation of the case in the following sequences:-

- a. The question for consideration.
- b. The circumstances leading up to it, with brief back ground and full facts of the case. (The noting officer should point out any error or mis-statement of facts in the PUC or in the notes of other Department/Office.
- c. Any rule, regulation, precedent or policy having bearing on the case.(The noting officer should discuss their application or otherwise to the question under consideration):
- d. The points for decision, and
- e. The suggestions for action.

Submission of the report/comments by the ex-DG (Ext) or the note in para 340-345 of the file by Section Officer concerned in Agriculture Department to the higher authorities is not on professional lines mentioned above.

12. The appellant informed the EDO D.I.Khan that according to P.S to Maulana Lutffur Rehman, Ex-MPA that the Seed Forms, Rakh Zandani and Ratta Kulachi are being leased out to some one, which are to be vacated at once in Rabi. He requested Ex-D.G :-

- i) Not to allow handing over this land to lease holders now because huge amount has been spent on it.
- ii) There will be ultimate deduction in targets of wheat.
- iii) If possible, the land may be leased out from Kharif i.e. May, 2007 according to tenancy procedure.

13. The letter of DAO was received but no action was taken by any officer.

14. On receipt of the sanction of the BOR, the DOR D.I.Khan informed EDO Agriculture to hand over the land to lessees concerned :-

S.No	Name of village	Area allotted	
		Kanal	Marlas
I	Rakh Zandani	2739	10
II	Ratta Kulachi	619	19
III	Rakh Mahra	400	-
	Total	3759	09

ATTESTED

*[Signature]*  
 Section Officer  
 Agriculture Department

~~13-~~

15. Copy of DOR letter was sent to EDO. He also sent a letter to the 3 Forms Managers for necessary action. The three Forms Managers and District Agriculture Officers without waiting for replies from Ex-D.G, EDO and DOR handed over the possession of productive and well cultivated land to the Patwaris of the respective circles.

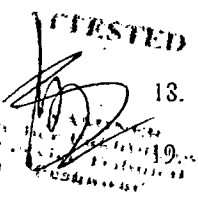
16. The Secretary Agriculture in his D.O. letter dated 14.10.2006 informed SMBR that most of the land recommended by District Lease Committee for use of seed production and other agriculture activities and also asked to direct the DOR not to transfer the land and its possession to the allottees till the matter is resolved between BOR and Agriculture Department. The DOR informed the SMBR with reference to his letter dated 14.10.2006 that the agriculture land not to be handed over to the lessee till further order. In fact all the documents pertaining to Registry, lease deed, agreement, mutation had already been completed on 6.10.2006 and the possession was handed over earlier on 9.10.2006. This fact was not brought into the notice of SMBR. The EDO Agriculture asked the DOR to take over lease land from the lessees and give it back to DAO. The BOR cancelled the lease order on 4.7.2007. His order was technically incorrect as he neither invoke the laws for cancellation of lease agreement nor mentioned any specific reason for cancellation which enable the court of law to stay its implementation.

17. A summary was moved to the Ex-Chief Minister Agriculture Department requesting on 15.2.2006 for initiating disciplinary action against those officers who were involved in the process of allotment of the Agriculture land. The same summary remained pended/un-acted by the Chief Minister Secretariat. In the processing of leasing out the said land irregularities were committed for ulterior motives and political pressure exerted by the P.S to Maulana Lutffur Rehman Ex-MPA.

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13. Arguments heard and record perused.

19. The learned counsel for the appellant argued that the punishment awarded to the appellant is illegal, unlawful and against the principles of nature justice.

RECORDED  


20. Charge sheet/statement of allegations, show cause notice and the inquiry proceedings are illegal, mala fide and without jurisdiction. No proceedings can be initiated against the appellant till the final decision by the court of competent jurisdiction. The Inquiry Committee did not establish allegations No. 1 and 2 against the appellant. While allegation No. 3 was not established but the Inquiry Committee has wrongly proved it as there is nothing in black and white to show that the appellant is signatory to any documents regarding handing over the possession of State land to the allottees. The appellant was neither member of District Lease Committee nor attended its meeting who was not instrumental in any manner in leasing out or handing over the possession of Government/state land. He wrote letters to Respondent No. 2 apprising him of the ground realities and giving him a true picture of the situation. The appellant was not given opportunity and producing defence before the Inquiry Committee. No show cause notice was served upon the appellant. Prior to holding of inquiry the appellant was not allowed to cross examine the witnesses being examined by the Inquiry Committee.

21. The A.G.P argued that proper inquiry was conducted which held that the appellant is in-efficient officer susceptible to illegal pressure and committed irregularity in physically implementing the lease committee faulty decision. He did not comply with the direction of the higher officers, regarding obtaining the required information from DOR's staff and handing over leased land to the Parwaris without receiving first copies of formal lease deeds/agreements/physical measurements etc. He showed lethargy/slackness in proper discharge of his official duties. The appellant wrote a letter to the EDO Agriculture on 6.10.2006 for supplying Khasra number and detail of leases with endorsement to the Form Managers but without waiting of reply from EDO handed over the land to the representative of DRO/Halqa Patwari on 9.10.2006 onward handing over to the lessees concerned. All the codal formalities were initiated on the recommendation of the Inquiry Committee and the appellant was awarded the penalty of compulsory retirement. He was party in the implementation of ex-parte decision made by the EDO (A) and facilitated the decision without any hindrance.

NOTES TO

*[Signature]*  
 MEMBER  
 District Tribunal  
 Patwaris

~~25-~~

22. AGP further argued that the Inquiry Committee framed allegations in the charge sheet against the appellant, out of which one was proved in the Inquiry Committee report. The Inquiry Committee held him responsible for not making back reference to the Government to review the decision of <sup>the</sup> Lease Committee as the transfer of cultivated land was involved to lessee instead of barren Banger Qadcm land. The appellant has admitted before the Inquiry Committee that he did not hand over possession of land to lessee rather it was handed over to Halqa Patwari as per statement of Farm Manager Allah Nawaz, the draft of handing over land to lessee was prepared by Patwar Halqa in the office of appellant. All agreed to the draft, then all the three Managers signed the handing over of land in the presence of appellant and P.S to Maulana Lutffur Rehman. The appellant could not resist political pressure to wait for reply from Farm Manager in respect of proper information of each farm.

23. Although the appellant was not involved in the process of leasing out the department land specifically established for development of quality seed. He showed lethargy and negligence in handing over the Farm Land to Patwari. He could avoid handing over physical possession of the Farm land to lessee by asking Farm Manager not hand over possession till the clarification asked by Agriculture Department from the Board of Revenue, instead he facilitated the Revenue Staff who prepared draft of handing over possession of land in his office in his presence.

24. The Agriculture plays important role in the development of the country. The seed farms developed by the department for supplying quality seed to the growers for increasing production of wheat and other commodity. These seed farms were leased out on throw away rates, only to satisfy the selfish person who was at the helm of affairs. The appellant who was supposed to safe guard the interest of the department, facilitated the process by asking Farm Managers to hand over possession of the land to Revenue staff.

25. The Tribunal holds that other actors who have been pin-pointed in the inquiry report may also be proceeded for the safe guard of Government properties in future.

ATTACHED


NOTED  
 MANAGER  
 Peshawar  
 Service Tribunal  
 Peshawar

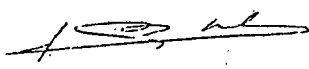
~~46-~~


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26. In view of the above, the Tribunal sees no merit in this appeal which is hereby dismissed. The parties are however, left to bear their own costs. File be consigned to the record.

ANNOUNCED.  
8.7.2010

  
(SYED MANZDOR ALI SHAH)  
MEMBER.

  
(ABDUL JALIL)  
MEMBER.

Certified to be true copy  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 10/10/22  
Number of Pages 3600  
Number of Lines 38/  
Number of Words 38/  
Number of Paragraphs 38/  
Date of Completion of Copy 13/10/22  
Date of Delivery of Copy 13/10/22

Amir B

13

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT**

MR. JUSTICE MAHMOOD AKHTAR SHAHID SIDDIQUI.  
MR. JUSTICE KHILJI ARIF HUSSAIN.

**CIVIL PETITIONS NO.2058 TO 2060 OF 2010**

(On appeal from the judgment dated 08.7.2010 of  
the KPK Service Tribunal, Peshawar passed in  
Appeals No.661, 691 & 692 of 2010)

Ihsanullah Khan Gandapur. (In C.P.2058/10)  
Karim Nawaz. (In C.P.2059/10)  
Sardar Ali. (In C.P.2060/10)  
...Petitioners

**Versus**

Secretary, Agriculture, Live Stock and Cooperative, (In all cases)  
NWFP, Peshawar and another. ....Respondents.

For the Petitioners: Mr. Abdur Rehman Siddiqui, ASC.

For the Respondents: Not represented

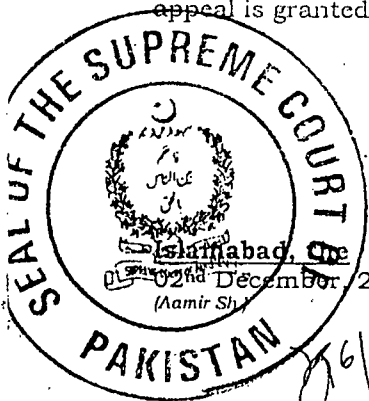
Date of Hearing: 02.12.2010.

**ORDER**

**M.A.SHAHID SIDDIQUI, J.-** Learned counsel for

the petitioners contends, inter alia, that the possession of the land  
in dispute was handed over to the lessee in compliance with the  
order of the competent authority and the petitioners cannot be held  
responsible in any manner.

2. The points raised need consideration, therefore, leave to  
appeal is granted. —



*Copy. Mahmood Akhtar Shahid Siddiqui*  
*Copy. Khilji Arif Hussain, J.*  
Certified to be True Copy

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

Case No: 10286/10  
Date of Presentation: 4.12.10  
No. of Words: 100  
No. of folios: 10  
Requisition Fee Rs: 1500/-  
Copy Fee In: \_\_\_\_\_  
Court Fee stamps: 100/-  
Date of Completion of Copy: 07/12/10  
Date of Delivery of Copy: 07-12-10  
Compared by: \_\_\_\_\_  
Received by: \_\_\_\_\_



(14)

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Tariq Parvez  
Mr. Justice Mian Saqib Nisar  
Mr. Justice Asif Saeed Khan Khosa

**CIVIL APPEALS NO.1032, 1033 & 1034 OF 2010**  
(On appeal from the judgment dated 8.7.2010 of the K.P.K Service Tribunal, Peshawar passed in Appeals No.661, 691 & 692 of 2010 respectively)

Ihsanullah Khan Gandapur. ... in C.A.1032/2010  
Karim Nawaz. ... in C.A.1033/2010  
Sardar Ali. ... in C.A.1034/2010 ...**APPELLANTS.**

**VERSUS**

Secretary Agriculture, Live Stock and cooperative  
Department, NWFP, Peshawar etc. ...**RESPONDENTS.**  
(in all appeals)

For the appellants: Mr. Abdur Rehman Siddiqui, ASC.  
(in all appeals)

For the respondents: Syed Arshad Hussain, Addl.A.G. K.P.K.  
(in all appeals)

Date of hearing: 27-4-2011.

**JUDGMENT**

**MIAN SAQIB NISAR, J.-** All the appellants were the officers, in different grades, in the agriculture department of Government of K.P.K. Certain Government barren land, situated in D.I.Khan, was recommended by the District Lease Committee to be leased out, which recommendation was duly confirmed by the competent authority. Such land, at the relevant point of time, was perhaps possessed by the agriculture department for certain purpose. However, subsequently the lease was cancelled on the grounds that

**ATTESTED**

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

15

it was granted due to political motives and for throwaway consideration. The appellants, in these circumstances, got involved in the matter and were departmentally proceeded for having committed misconduct on account of certain acts of omissions and commissions on their part. They, after being charge sheeted and conduct of inquiry, were departmentally found guilty and compulsorily retired from service, which order was challenged by them before the K.P.K. Service Tribunal. Their appeals were dismissed through the orders assailed in the noted appeals and the leave in the cases was granted on 2.12.2010 in the following terms:-

*"Learned counsel for the petitioners contends, inter alia, that the possession of the land in dispute was handed over to the lessee in compliance with the order of the competent authority and the petitioners cannot be held responsible in any manner.*

*2. The points raised need consideration, therefore, leave to appeal is granted."*

2. Heard. Referring to Civil Appeal No.1032 of 2010, the findings of the Tribunal against the appellant are:-

*"23. Although the appellant was not involved in the process of leasing out the department land specifically established for development of quality seed. He showed lethargy and negligence in handing over the Farm Land to Patwari. He could avoid handing over physical possession of the Farm land to lessee by asking Farm Manager, not hand over possession till the clarification asked by Agriculture Department from the Board of Revenue, instead he facilitated the Revenue Staff who prepared draft of handing over possession of land in his office in his presence."*

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Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

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Almost findings to the same effect have been given in the cases of the other appellants. In view of the above definitive findings of the Tribunal, we are not convinced, as argued by the learned Additional Advocate General, K.P.K. representing the respondents, that still it was the responsibility of the appellants that they should not have handed over the possession and having done so, are guilty of any mis-conduct. The appellants were neither instrumental in recommending for the lease of the land nor in taking the final decision in this behalf. The land belonged to the Government and the above decision was taken, may be for extraneous and illegal reasons, by the Competent Authority. Until the lease was cancelled the appellants could not resist its implementation. Therefore, the adverse view set out by the Tribunal, as noted above, against the appellants and the basis thereof is absolutely mis-conceived and thus untenable, therefore, the noted appeals are liable to be accepted by setting aside the impugned orders herein.

3. Before parting, it may be mentioned that vide order dated 5.4.2011, Syed Arshad Hussain Shah, learned Additional Advocate General, K.P.K. was directed by this Court to furnish a report with details if any action was taken against any of the members of the Lease Committee, who were *prima facie* responsible for leasing out of state land for throwaway amount, which lease was subsequently cancelled. The order dated 25.4.2011 envisage that some report was filed pursuant to the above order which was considered unsatisfactory and not as per the spirit of the order dated 5.4.2011, therefore, further report was sought for, but the needful has not been done. Let, therefore, compliance report be submitted to the office within one month for our perusal and consideration in chambers.

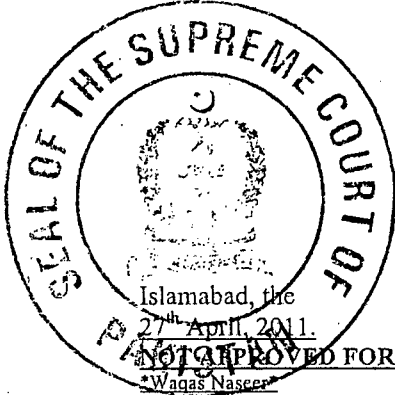
**ATTESTED**

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

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4. For the foregoing, these appeals are allowed. The impugned orders are set aside. The appellants are reinstated with all the back benefits. -

Ref. Justice Farooq J  
Ref. Justice Sajjad Ali Khan J  
Ref. Justice Asif Ali Khan J



Islamabad, the  
27<sup>th</sup> April, 2011.

NOT APPROVED FOR REPORTING.  
Waqas Naseer

Certified to be True Copy

Supervisor  
Supreme Court of Pakistan  
ISLAMABAD

4252/4

SR NO: \_\_\_\_\_ Civil/Criminal

Date of Presentation: 28-4-11

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Annex D<sup>s</sup> - 8 - 18

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 28/07/2011

**ORDER:**

NO. SOE (AD)21-71/82.-

In pursuance of the judgment of Supreme Court of Pakistan dated 27/04/2011, the competent authority is pleased to re-instate in service the following officers of Agriculture (Extension) Department with effect from 09-01-2010 (i.e. the date of their compulsory retirement) with all back benefits:-

- i. Mr. Ihsanullah Khan Gandapur,  
District Officer Agriculture (BS-18).
- ii. Mr. Karim Nawaz,  
Agriculture Officer (BS-17).
- iii. Mr. Sardar Ali,  
Agriculture Officer (BS-17).

**SECRETARY AGRICULTURE.**

Encls. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar. He is requested to submit adjustment proposal of the above named officers.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Executive District Officer (Agriculture) DIKhan.
4. The District Accounts Officer, DIKhan.
5. Officers concerned.
6. PS to Chief Minister, Khyber Pakhtunkhwa.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
9. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
10. Personal files.

1319  
(MUHAMMAD ZAHID)  
SECTION OFFICER-ESTT:

19

Amir E

"E"

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRIL: LIVESTOCK AND COOP: DEPTT:

Dated Peshawar, the 4/8/2011

**ORDER:**

NO. SOE (AD)21-71/82-

In continuation of this Department notification of even number dated 28/07/2011, the competent authority is pleased to order the posting/transfer of the following officers in the interest of public service:-

Sl. No.	Name of Officer	From	To
1.	Mr. Ihsanullah Khan BS-18	Waiting for Posting.	District Director Agriculture (BS-19), Tank (In his own pay & scale) against vacant post.
2.	Mr. Sardar Ali BS-17	--do--	SMS, Agronomy & Extension (BS-18), DIKhan (in his own pay & scale) against vacant post.
3.	Mr. Karim Nazwaz BS-17	--do--	SMS, Horticulture (BS-18), DIKhan (in his own pay & scale) against vacant post.

**SECRETARY AGRICULTURE.**

List of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar w/r to his memo: No.13246 dated 30/7/2011.
2. The Executive District Officers (Agriculture), Tank and DIKhan.
3. The District Officers Agriculture, Tank and DIKhan.
4. The District Accounts Officers, Tank & DIKhan.
5. Officers concerned.
6. Personal files.

(MUHAMMAD ZAHID)  
SECTION OFFICER-1

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK AND COOP. DEPTT:

Dated Peshawar, the 15/9/2011.

**NOTIFICATION.**

SOE (AD)21-112/82.- In terms of provisions of Rule-20 of the Khyber Pakhtunkhwa Civil Servants Revised leave Rules, 1981 and instructions contained therein and order issued from time to time, sanction is hereby accorded to the availing of Leave Preparatory to Retirement, equal to 180-days pay in favour of Mr. Ehsanullah Khan, ex-District Director Agriculture (BS-18), Tank.

In terms of Section-13 of the Khyber Pakhtunkhwa Civil Servants Rules, 1973, the officer retired from service with effect from 6-5-2011 (A.N.) on attaining the age of superannuation.

**SECRETARY AGRICULTURE.**

Endst. of even No. & Date.

Copy forwarded for information and necessary action to:-

1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa Peshawar w/r to his letter No. 14478 dated 24/8/2011.
2. The Executive District Officer (Agriculture) Tank.
3. The District Accounts Officer, Tank.
4. Officer concerned.

(MUHAMMAD ZAHID)  
SECTION OFFICER-ESTT:

Dispatcher

Dated: 17/9/11

Ag. Livestock & Coop  
Deptt. Peshawar

15.7.2022

The Secretary Agri: Livestock & Co-operative Department  
Khyber Pakhtoon Khwa, Peshawar.

Amir G (21)

Through:

DIRECTOR GENERAL AGRI: EXTENSION KHYBER PAKHTOONKHWA  
PESHAWAR.

Subject:

APPEAL / REQUEST TO PROMOTE FROM BS-18 TO BS-19 ON EVE OF THE  
DECISION OF THE HONOURABLE SUPREME COURT OF PAKISTAN  
DATED 05/05/2011 IN RESPECT OF IHSAN ULLAH GANDAPUR BS-18 IN C.A.  
1032/2010.

Respected Sir,

I have the honour to forward an attested copy of the decision of the Honourable Supreme court of Pakistan dated 05/05/2011 in favour of Mr: Ihsan Ullah Khan Gandapur under C.A. 1032/2010 in the judgement at serial No 4 with re-instation in service with all back benefit (as Anexure A).

Sir, it is stated that in past I was compulsory retired from the Government Service (BS-18) un-justly vide government notification No: SOE (AD) 21-71/2008 dated 09-01-2010 copy attached 'B', where as I was innocent in this case.

1. That the case/ trial was proceeded in the honourable supreme court of Pakistan against compulsory retirement for re-instatement with all back benefit where the decision was made in favour of under signed (appellant) as mentioned above.
2. That in Light of the decision I was re-instated and posted as Distt: Director Extension Tank (BS-19 opp:) ~~under~~ vide government notification No: SOE (AD) 21-71/82 Dated 04-08-2011, Copy attached 'C'.
3. That after joining my post I was retired from the service on dated 06-08-2011 (A.N) on attaining the age of Superannuation in BS-18, Copy Attached 'D'.

Sir, it is brought to your kind notice that the gap of compulsory retirement i-e 09-01-2010 to re-in statement dated 04-08-2011 makes 19 months.

According to the Seniority list of 2000 (BS-18) shows my seniority at serial No: 14 wherein I came on top on 07/2010 on eve of the promotion of Serial No: 13 (Muhammad Hanif Khan from BS-18 to BS-19) vide his notification No: SOE (AD) V-7/2010 Dated 07-07-2010. Hence, the



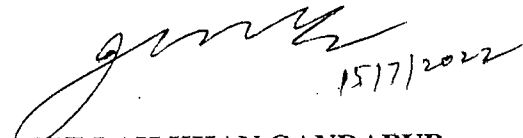
Department was to promote me to BS-19 availing the gap benefit according to the decision of honourable Supreme Court of Pakistan <sup>but</sup> not done. In this regard I was kept in dark, shows injustice, (Seniority list and promotion order of Muhammad Hanif at Serial No: 13 attached as 'E and F').

Keeping in view the facts and findings I humbly request the department that kindly my promotion case from BS-18 to BS-19 may be proceeded with provincial selection Board with effect from 04-08-2011 or may be earlier which deem fit according to the rule under the decision of honourable supreme of Pakistan either wise I have reserve my right to knock the door of supreme court of Pakistan in COC.

I Hope my case for promotion from BS-18 to BS-19 along with <sup>awards</sup> ~~award~~ etc may be proceeded on humanitarian ground availing the benefit gap of 19 months in light of the Honourable supreme court of Pakistan Order.

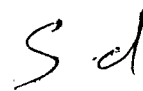
Thanks

Your's

  
15/7/2022  
**IHSAN ULLAH KHAN GANDAPUR**  
Ex: Distt Director Agri: Ext: BS-18 Tank  
Add: VIP Colony Bannu road PO Sheikh  
yusuf Distt: D.I.Khan.  
Cell NO; 03459846622.

**Copy in Advance:**

1. To the secretary Agriculture Livestock and co-operative Department Khyber Pakhtoon Khwa with help in the matter.

  
**Ihsan Ullah Khan Gandapur**  
DDA (Retd) BS-18.

Annex "H"

23

SENIORITY LIST OF BPS-18 OFFICERS OF AGRICULTURE EXT. DEPT. AS IT STOOD ON 01.06.2008

Sl. No.	Name of Officer	Educational Qualification	Date of Birth (DD/MM/YY)	Date of Joining into Govt. Service	1 <sup>st</sup> regular appointment into the service / category			Promotion to the present post / BPS		Remarks
					Date	BPS	Mode of Recruit.	Date of promotion	BPS	
1	Hanifullah, EDO Agriculture, Swabi.	M.Sc(Hons) Agri Agronomy	14.9.1951 Charsadda	5.8.1975 Agril Officer	5.8.1976	17	-do-	15.6.2006	18	--
2	Muhaminad Anwar, EDO Agri Buner.	M.Sc. (Hons) Agri Horticulture	1.10.1949 Swat	5.8.1975 Agril Officer	5.8.1976	17	-do-	15.6.2006	18	--
3	Dest Muhammad, DOA, Upper Dir.	B.Sc. (Hons) Agri Entomology	12.4.1951 Swabi	5.8.1975 Agril Officer	5.8.1976	17	Direct	15.6.2006	18	--
4	Hussain Ahmad Jan DOA, Nowshera	M.Sc. (Hons) Agri Entomology	20.12.1949 Charsadda	5/8/1976 Agril Officer	5.8.1976	17	-do-	15.6.2006	18	--
5	Attaullah Khan, Sr Instructor, ATI	B.Sc (Hons) Agri Horticulture	20.3.1949 Peshawar	15.11.72 Agril Officer	5.8.1976	17	-do-	15.6.2006	18	--
6	Sher Afzal, DOA, Mardan	M.Sc (Hons) Agri Soil Science	8.1.1949 Mardan	1.10.1975 Agril Officer	1.10.1976	17	-do-	15.6.2006	18	--
7	Asmatullah Khan, EDO Agri Shangla.	B.Sc (Hons) Agri	20.7.1949 Mkd Agency	1.6.1973 Agril. Asstt	1.10.1976	17	-do-	27.2.2007	18	--
8	Mehmood Khan, DOA, Chitral.	B.Sc. (Hons) Agri. Agronomy	3.10.1949 Mohmand Agy.	1.6.1973 Agril. Asstt	1.10.1976	17	-do-	27.2.2007	18	--
9	Inayat ur Rehman, DOA, Peshawar	M.Sc. Hons Agri Soil Science	1.4.1950 Charsadda	30.4.74 Agril. Asstt	1.10.1976	17	-do-	27.2.2007	18	--
10	Inamullah, DDA (E&M) HQ	M.Sc. Hons Agri. Economics	3.4.1950 Charsadda	15.11.1972 Agri Asstt	1.10.1976	17	-do-	27.2.2007	18	--
11	Majeedullah, DOA, Malakand	B.Sc (Hons) Agri Agronomy	15.4.1950 Mkd Agency	1.6.1973 Agri. Asstt	1.10.1976	17	-do-	27.2.2007	18	--
12	Gul Muhammad, EDO Agri Kohistan.	B.Sc Hons Agri	8.6.1950 Dir	1.10.1976 Agril. Asstt.	1.10.1976	17	-do-	27.2.2007	18	--
13	Muhammad Hanif, DDA (FATA) DIKhan.	B.Sc (Hons) Agri	15.6.1950 DIKhan	1.6.1973 Agril. Asstt	1.10.1976	17	-do-	27.2.2007	18	--
14	Ihsanullah Khan, DOA, Tank.	M.Sc. Hons Agri Entomology	7.8.1951 DIKhan	1.5.1974 Agri. Asstt.	1.10.1976	17	-do-	17.3.2008	18	--

Agri. Sci. Science

DIKIRAN

11.1.1977  
Agri. Officer

10.11.  
Date

17

20

25 & 2003

18

DIRECTOR GENERAL  
AGRICULTURE (EXTENSION)  
KAMPUNG PESHAWAR

02170 JIMBARA

Copy requested from

... KAMPUNG PESHAWAR ...

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533  
-57

Annex 1

25

GOVERNMENT OF KHYBER PAKHTUNKHWA  
AGRI: LIVESTOCK AND COOP: DEPTT:

Dated: Peshawar, the 7/7/2010.

**NOTIFICATION.**

NG. SOE (AD) V-7/2010. On recommendations of the Provincial Selection Board (PSB), the competent authority is pleased to promote the following officers of Agriculture Extension Wing of this Department from BS-18 to BS-19 on regular basis with effect from 31-05-2010 (i. e. date of PSB) in terms of provision contained in Establishment Department's circular letter, dated 2<sup>nd</sup> September, 2004, as the officers proceeded on retirement with effect from the date mentioned against each on attaining the age of superannuation:-

- i. Mr. Gul Muhammad 07/06/2010
- ii. Mr. Muhammad Hanif 14/05/2010

2. Their promotion as well as assumption of charge in BS-19 shall be on national basis.

3. On their promotion, they are posted / adjusted as under for the purpose of drawl of pensionary benefits:-

Sl. No.	Name of Officer	From	To	Remarks
1	Mr. Gul Muhammad BS-19	IDO Agriculture (BS-19) Dir Upper (Ops).	Executive District Officer Agriculture (BS-19), Dir Upper.	Where he was already working.
2	Mr. Muhammad Hanif BS-19	Dy: Director Agriculture (FATA), Dikhan.	Executive District Officer Agriculture (BS-19), Malakand.	Against vacant post

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
AGRICULTURE, LIVESTOCK AND COOP: DEPTT:

List of copy No. & Date.

Copy forwarded for information and necessary action to:-

- 1. The Director General, Agriculture (Extension), Khyber Pakhtunkhwa, Peshawar.
- 2. The Director of Agriculture (Extension) FATA, Khyber Pakhtunkhwa.
- 3. The Executive District Officers (Agriculture), Dir Upper, Dikhan and Malakand.
- 4. The District Officers Agriculture, Dir Upper, Dikhan and Malakand.
- 5. The District Accounts Officers, Dir Upper and Dikhan
- 6. The Agency Accounts Officer, Malakand.
- 7. Officers concerned.
- 8. PS to Chief Minister, Khyber Pakhtunkhwa.
- 9. PS to Chief Secretary, Khyber Pakhtunkhwa.
- 10. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
- 11. PS to Secretary Agriculture, Khyber Pakhtunkhwa.
- 12. Personal files.

3  
SANI-UR-REHMAN  
SECTION OFFICER-ESTT:

Non Transferable  
 In the event of joining or carrying on any other profession, business, service or vocation, this Card will not be entitled to use this Card and shall forthwith surrender it to The Pakistan Bar Council.

Name: **MR. SALEEM ULLAH KHAN RANA ZAI**  
 Father's Name: **HABIB ULLAH KHAN**  
 Date of Birth: **10-5-1966** CNIC: **1211011-07411845133**  
 Date of Enrolment as Advocate of Supreme Court: **3-6-2005**  
 Enrolment No: **2053** Ref No: **10/PBC/Kpk/J.D.**  
 Address: **WADNI TOWN, D-11 KHAN.**

**MR. SALEEM ULLAH KHAN RANA ZAI**  
 Advocate  
 Supreme Court of Pakistan (ASC)



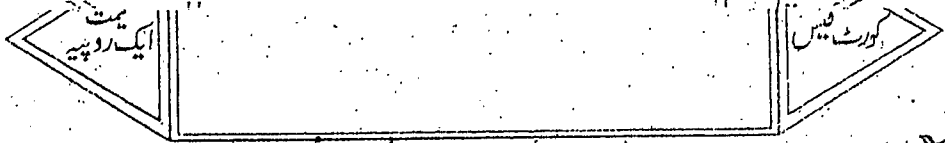
(Abul Foyyaz)  
 Chairman  
 Executive Committee

Date of Issue: 19-4-2016

(Muhammad Anshad)  
 Secretary  
 Pakistan Bar Council

PBC ASC CARD

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 Tel No. 0092-61-4206005 Fax No. 0092-61-4206922



بعدالت جیب گورنمنٹ جینس پر موصول ہونے پر محترم جج صاحبان کے سامنے  
 منجانب عالی جناب احسان الرحمن  
 احسان الرحمن نام قلم سے لکھا گیا ہے

دعویٰ یا جرم  
 تفصیل دعویٰ یا جرم

باعث تحریر آنکے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات کے پیش یا تفسیر مقدمہ بمقام مسیاد کیلئے

احسان الرحمن

کو حسب ذیل شرائط پر ایک مقرر کیا ہے کہ جس ہر پیشی پر خود بذریعہ اختیار خاص دور عدالت حاضر ہونا ہوں گا۔ اور ہر وقت کے لئے مقدمہ مکمل صاحب موصول ہو گا اور اگر عدالت کے پاس مقدمہ حاضر نہ ہوگا اور مقدمہ ہماری غیر حاضری کی وجہ سے کسی طور پر ہم سے برخلاف ہوگا۔ تو صاحب موصول ایسے کسی طرح ذمہ دار نہ ہوں گے۔ نیز دیکل صاحب موصول صدر مقام بھکری کے علاوہ کسی جگہ یا بھکری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہر دی کرنے کے ذمہ دار نہ ہوں گے۔ نیز دیکل صاحب موصول صدر مقام بھکری کے علاوہ کسی جگہ یا بھکری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہر دی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر بھکری کے علاوہ اور جگہ سمیت اوسے یا بروز تعطیل یا بھکری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا معاوضہ واپس کرنے کے بھی موصول ذمہ دار نہ ہوں گے۔ مجھ کو کل سائنس پر داخلہ صاحب موصول میں کروہ ذات خود منظور قبول ہوگا۔ اور صاحب موصول کو مرضی دعویٰ یا جواب دعویٰ یا درخواست اجراء سے ڈگری و نظر ثانی اپنی گمانی اور جرم درخواست پر داخلہ تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی علم یا ڈگری کرنے اور جرم کا رویہ موصول کرنے اور رسید دینے اور داخل کرنے اور جرم کے بیان دینے اور اس پر پیش یا رہنما نامہ و فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور ضرورت مقرر ہونے تاریخ پیش مقدمہ مذکورہ عدالت بھکری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اپیل و گمانی و برآمدگی مقدمہ یا مشورتی ڈگری کے طرف یا درخواست ہم انتہائی یا ترقی یا گمانی اپنی اور فیصلہ اجراء سے ڈگری بھی صاحب موصول کو پیش اور اپیل اور اپیل طبعہ و معاوضہ بیرونی کا اختیار ہوگا اور تمام سائنس پر داخلہ صاحب موصول کے ذات خود منظور و قبول ہوگا۔ اور ضرورت ضرورت صاحب موصول کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے جرم کی کارروائی یا ضرورت درخواست نظر ثانی اپیل یا گمانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے دیکل یا میر سزا کا اپنے بھانے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہراس میں دی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصول کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ اتواء پر آئے وہ صاحب موصول کا حق ہوگا۔ مگر صاحب موصول کو پوری نہیں تاریخ پیش سے پہلے ادا نہ کروں گا۔ تو صاحب موصول کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور اسکی صورت میں ہر کوئی مطالبہ کسی صاحب موصول کے برخلاف نہیں ہوگا۔

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