

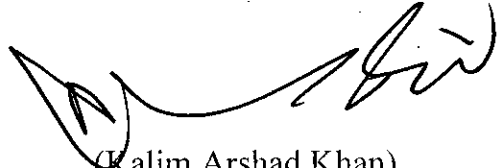
6th Oct, 2022

1. None for the petitioner present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

2. This application was sent by the Hon'ble Peshawar High Court Bench Dar Ul Qaza, Swat treating the writ petition No. 542-M/2021 as application for grant of interim injunction. The Hon'ble Peshawar High Court Bench Dar Ul Qaza, Swat was pleased to direct that the judgment challenged by the petitioner, in the application under section 12(2) of the CPC, before this Tribunal, should not be implemented. It appears that this application, for grant of interim injunction, might have been moved in the application of the petitioner preferred under section 12(2) of the CPC. The application section 12(2) of the CPC has already been dismissed as withdrawn vide order dated 27.06.2022, therefore, this application has rendered fruitless and is disposed off accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 6th day of October, 2022.*





(Kalim Arshad Khan)
Chairman

29.06.2022

Nemo for the petitioner. Mr. Wisal Khan, Head Constable alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the petition be issued to the petitioner as well as his counsel through registered post and to come up further proceedings alongwith connected 12(2)CPC petition before the D.B on 06.10.2022.

Counsel was informed telephonically for the date fixed 06/10/2022. Due to non-availability of postal tickets notice was not sent to them.


(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

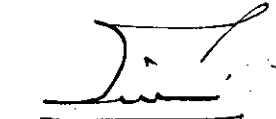
[Faint handwritten signature]


16.12.2021

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. Private respondent No. 4 alongwith his counsel present.

To come up for further proceedings alongwith connected 12(2) CPC petition before the D.B on 25.01.2022.


(Atiq Ur Rehman Wazir)
Member (E)


(Salah-ud-Din)
Member (J)

25.01.2022

Clerk of the learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General for official respondents No.1 to 3 present. Private respondent No.4 in person present.

To come up for further proceedings alongwith connected 12(2) CPC petition before the D.B on 09.03.2022.


(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

9-3-22

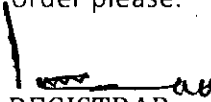

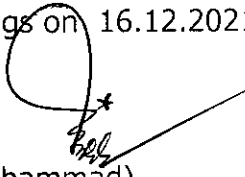

*Due to retirement of the Hon, ble
chairman the case is adjourned to
come up for the same as before on
29-6-22*

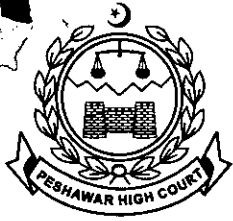
*R. J. aldi
R. J. aldi*

Form-A
FORM OF ORDER SHEET

Court of _____

Misc. application no. 106 /2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	25/05/2021	<p>The present petitioner initially went in Writ Petition before the Hon'ble Peshawar High Court Mingora Bench/Darul Qaza and the Hon'ble High Court vide its order dated 18.05.2021 treated the Writ Petition into an application for interim relief and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the relevant Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This application be put up before D. Bench on. <u>06/10/2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>06.10.2021</p> <p>Nemo for petitioner. Notices be issued to the petitioner/counsel as well as respondents. To come up for proceedings on 16.12.2021 before the D.B.</p> <p style="text-align: center;"> (Mian Muhammad) Member(Executive)</p> <p style="text-align: right;"> Chairman</p>



The
PESHAWAR HIGH COURT

Mingora Bench/Dar-ul-Qaza
Swat

All communications should be
addressed to the Additional Registrar
of this Bench.

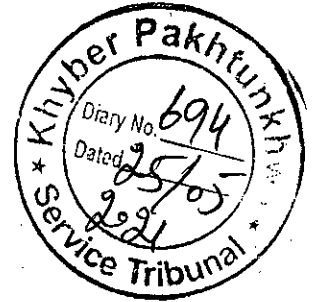
Office: 0946-885005
Fax: 0946-885004
E-Mail: darulqazaswat2011@gmail.com

No. 1825, Writ Petition;

Dated: 21-05-2021

To

The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Judicial Complex, Peshawar.



Subject: Writ Petition No. 542-M of 2021

Tariq Iqbal

----- Petitioner

Versus

Govt. of KPK & others

----- Respondents

Memo:

I am directed by the Hon'ble Division Bench of this Court vide judgment dated **18-05-2021** to forward herewith the original grounds of subject Writ Petition alongwith Annexures etc and certified copy of judgment for necessary action in the light of judgment dated **18-05-2021**, as ordered by the Hon'ble Court.

S. No	Case No with Title.	Pages/ Sheets
01	W.P 542-M of 2021 <i>Tariq Iqbal Vs Govt. of Khyber Pakhtunkhwa & others</i>	44 Pages (1-File)

Acknowledge the receipt of this letter along with its enclosures please.

Encl a.a

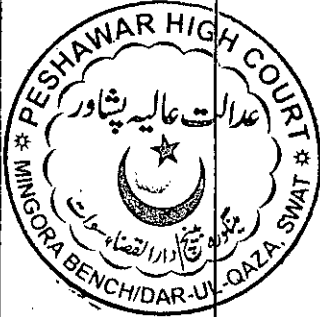
Additional Registrar
2021
21/5/21

PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT**FORM OF ORDER SHEET**

Court of

Case No. of

1	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2	3
	18-05-2021	<p><u>W.P No. 542-M/2021 with Interim Relief</u></p> <p><i>Present: Barrister Dr. Adnan Khan, for the petitioner.</i></p> <p style="text-align: center;">*****</p> <p><u>WIQAR AHMAD, J.-</u> This order is directed to dispose of the petition filed by petitioner under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer;</p> <p style="text-align: center;">“It is therefore, humbly prayed that on acceptance of this petition, respondent No. 1 and 2 may be restrained from disturbing current seniority of the petitioner at the garb of judgment dated 17.12.2020 till any decision is made on 12 (2) application No. 73/2021 by the Service Tribunal. Any other remedy, though may not specifically prayed for but which circumstances of the case would demand in the interest of justice, may also be granted.”</p> <p>2. Learned counsel for petitioner relied upon judgment of the Hon'ble Supreme Court of Pakistan given in the case of <u>Sarfraz Saleem vs. Federation of Pakistan and others</u> reported as <i>2014 PLC (C.S.) 884</i> and contended that the Khyber Pakhtunkhwa Service Tribunal (hereinafter referred to as the “Tribunal”) has not been functional at the moment as appointment of a</p>



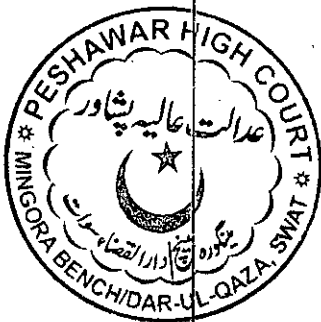
new Chairman has not been notified. He further contended that his application filed under section 12 (2) CPC has been pending before the Tribunal, wherein notice has also been issued to respondents and if the judgment challenged in application under section 12 (2) CPC is implemented in the meanwhile, petitioner may face an irreparable loss despite the fact that he has been having a good prima facie case before the Tribunal.

3. We would not enter into merits of the controversy as the matter is pending before the Tribunal, which exercise may prejudice case of either party before the Tribunal. We in the circumstances would direct that the instant petition be sent to the Tribunal, where it shall be treated as an application filed for the grant of interim injunction and same shall be fixed in the 1st week after the Worthy Chairman of the Tribunal takes charge of his post and the same is made functional. Till then judgment of the Tribunal challenged in the application under section 12 (2) CPC before the Tribunal shall not be implemented. Copy of the petition in hand be retained for office record.

Announced
Dt: 18.05.2021

JUDGE

JUDGE



Certified to be True Copy

EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
Acted in accordance with 07 of Qanoon-e-Shahadat Order 1984

Abdul Sabuh*

(D.B)

HON'BLE MR. JUSTICE IHTIASH IBRAHIM
HON'BLE MR. JUSTICE WIGAR AHMAD

Office
19/05/2021

BEFORE THE PESHAWAR HIGH COURT, MINGORA
BENCH/DARUL QAZA, SWAT

(ORIGINAL JURISDICTION)

Writ Petition No. 542 -M of 2021.

Application No 106/2021

Tariq AgbalPetitioner

VERSUS

Government of Khyber Pakhtunkhwa & others

.....Respondents

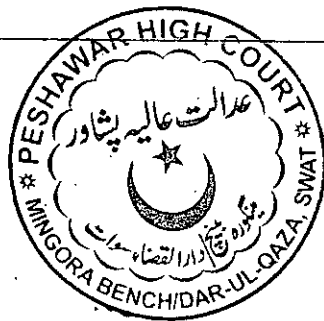
INDEX

S. No.	Description	Annexure	Pages No.
1.	Writ Petition with certificate & list of books		1-6
2.	Affidavit		7
3.	Addresses of the parties		8
4.	Copy of memo of appeal	A	9-12
5.	Copy of judgment dated 17-12-2020	B	13-16
6.	Copy of 12(2) Application and Application for Temporary Injunction	C	17-26
7.	Copies of relevant order sheets	D	27
8.	Copy of judgment reported as 2014 PLC (C.S) 884	E	28-34
9.	Notice		35
10.	Court Fee		36-38
11.	Power of Attorney		39-41
12.	Wakalatnama		42

FILED TODAY

08 MAY 2021

[Signature]
Additional Registrar



Petitioner
Through Counsel

[Signature]
Dr. Adnan Khan, Barrister-at-Law,
Advocate Supreme Court of Pakistan.
Office: Adnan Law Associates,
Opposite Shuhada Park College Colony,
Saidu Sharif, Swat.
Cell No. 0346-9415233

**BEFORE THE PESHAWAR HIGH COURT,
MINGORA BENCH/ DARUL QAZA, SWAT**

(ORIGINAL JURISDICTION)

Writ Petition No. 542 -M of 2021.

Application 106/2021

Tariq *(19/5)* s/o Muhammad Yousaf Khan, presently posted
as District Police Officer, Dir Upper.

.....*Petitioner*

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Provincial Police Officer/Inspector General of Police at Peshawar.
- 2) Additional Inspector General of Police (Establishment) Central Police Office, Peshawar.
- 3) Khyber Pakhtunkhwa Service Tribunal through Registrar, Judicial Complex Peshawar.
- 4) Abdul Hai Khan, Deputy Superintendent of Police, Assistant (Crime) Anti-Corruption Establishment, D.I.Khan.

.....*Respondents*

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN:**

Respectfully Sheweth:

- 1) That the petitioner is a serving Police Officer presently posted
as District Police Officer Dir Upper, within the territorial
jurisdiction of this Hon'ble Court.

FILED TODAY

08 MAY 2021

Additional Registrar

- 2) That respondent No.4 is also a Police Officer, who being aggrieved with seniority list duly issued by the department, approached the Khyber Pakhtunkhwa Service Tribunal by way

SCANNED

of filing Service Appeal No. 991/2018 titled "Abdul Hai Khan vs Govt of KPK etc" (Copy of memo of appeal is attached as Annexure "A").

- 3) That the Worthy Service Tribunal vide judgment dated 17-12-2020, allowed the appeal as prayed for. Consequently, the seniority list was set aside, which order had a detrimental effect as regards the present petitioner and other officials at par with the petitioner (Copy of judgment dated 17-12-2020 is attached as Annexure "B").
- 4) That the judgment was sent to the law department and Advocate General office for its consideration as to whether the case was fit for appeal or not. It was held that the judgment did not need any intervention and as such no CPLA was filed before the Hon'ble Apex Court, meaning thereby that necessary process was initiated for implementation of the judgment without any execution application being filed.
- 5) That on the other hand, the petitioner was kept in dark in the entire episode who was bound to be affected by the judgment if it took finality. Hence, being left with no other remedy, the petitioner alongwith other similarly placed persons filed application u/s 12(2) CPC before the Service Tribunal. The application was registered as CM No.73/2021. Worth to mention that the 12(2) application was accompanied with application for grant of temporary injunction (Copy of 12(2) Application and Application for Temporary Injunction are attached as Annexure "C").
- 6) That the 12(2) Application was admitted for regular hearing and the concerned respondents were put on notice as the case

FILED TODAY

08 MAY 2021

Additional Registrar

was fixed for hearing on 29-06-2021 (Copies of relevant order sheets are attached as Annexure "D").

- 7) That on the other hand, the department is all set to implement judgment in question to the detriment of the petitioner. This being despite the fact that 12(2) application filed by the petitioner has already been admitted for regular hearing.
- 8) That in the meanwhile, the Worthy Chairman of Khyber Pakhtunkhwa Service Tribunal passed away and the seat became vacant. Being so, the Tribunal does not exist for all legal purposes and as such no order could be made upon the petitioner's application for grant of interim injunction.
- 9) That being a case of extreme urgency and there being no adequate alternate remedy in law, the petitioner files this petition, *inter alia*, on the following grounds:

GROUND:

A) That there are high prospects of success of 12(2) Application filed by the petitioner and this has been the reason that the same has been admitted for regular hearing. Hence, justice demands that things be kept intact till decision of the main list i.e the 12(2) Application.

B) That the above mentioned 12(2) Application will get infructuous and the petitioner shall consequently sustain an irreparable loss, should the department implement the judgment in question. Apparently, there would be no remedy to avail in such an eventuality or else there would be multiplicity of proceedings resulting in gross injustice. Hence, judicial intervention is highly warranted as to secure the ends of justice.

FILED TODAY

08 MAY 2021

Additional Registrar

- C) That on merits, the main judgment passed in Service Appeal No.991/2018 is not sustainable for the reason that as per Rule 12.2(3) of Police Rules 1934, seniority in the case of upper subordinates will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to person appointed direct on the same date, and seniority of officers appointed direct on the same date being reckoned according to age. Seniority shall, however be finally settled from dates of confirmation. The Worthy Tribunal while relying on general law i.e APT Rules 1989 has overlooked the special law which is the Police Rules 1934.
- D) That it has been held on numerous occasions by the Superior Courts, for instance in case reported as PLD 1985 Supreme Court 159 that Police Rules being a special law are applicable to the members of the police force. Needless to say that under the Police Rules, the petitioner has a strong prima facie case in his favour while respondent No.4 has no footing whatsoever.
- E) That while passing the judgment in Service Appeal No.991/2018, the present petitioner was not heard at all. On the other hand, learned counsel for the appellant and the learned Law Office did not assist the Worthy Tribunal on the question of applicability of Police Rules regarding the dispute in question. Consequently, there being an element of misrepresentation, there are higher prospects of the 12(2) Application to succeed. Nonetheless things ought to be kept in contact till any decision is made on the 12(2) application.
- F) That no doubt, the matter pertaining to terms and conditions of a civil servant squarely falls within the exclusive domain of the Service Tribunal. However, there being no Chairman appointed

FILED TODAY

08 MAY 2021

Additional Registrar

as yet, the Tribunal is not functional as to entertain the petitioner's application for grant of interim injunction. Thus, the bar contained in Article 212 of the Constitution does not apply to the instant case and this Hon'ble Court for the time being can rightly assume jurisdiction in the instant matter. This Rule has been reaffirmed by the Hon'ble Supreme Court of Pakistan in case reported as 2014 PLC (C.S) 884 (Copy of judgment reported as 2014 PLC (C.S) 884 is attached Annexure "E").

- G) That further grounds with leave of this Hon'ble Court will be raised at the time of oral submissions.

It is, therefore, humbly prayed that on acceptance of this petition, respondents No.1 and 2 may be restrained from disturbing current seniority of the petitioner at the garb of judgment dated 17-12-2020 till any decision is made on 12(2) Application No.73/2021 by the Service Tribunal. Any other remedy, though may not specifically prayed for but which circumstances of the case would demand in the interests of justice, may also be granted.

Petitioner
Through Counsel



Dr. Adnan Khan, Barrister-at-Law,
Advocate Supreme Court of Pakistan.

FILED TODAY

08 MAY 2021


Additional Registrar

INTERIM RELIEF:

By way of interim relief, the respondents may be restrained from taking any adverse action till the final decision of the main petition.

Petitioner
Through Counsel



Dr. Adnan Khan, Barrister-at-Law,
Advocate Supreme Court of Pakistan.

LIST OF BOOKS IN THE CONCERNED WRIT

1. The Constitution of the Islamic Republic of Pakistan, 1973.
2. Case Law as per need.

ADVOCATE

**CERTIFICATE:**

As per direction of my clients, no such like Writ Petition earlier has been filed by the petitioner on the subject matter before this Hon'ble Court.

ADVOCATE



FILED TODAY

08 MAY 2021



Additional Registrar

(7)

**BEFORE THE PESHAWAR HIGH COURT,
MINGORA BENCH/ DARUL QAZA, SWAT**

(ORIGINAL JURISDICTION)

Writ Petition No. 542 -M of 2021.

Tariq [Signature]Petitioner

VERSUS

Government of Khyber Pakhtunkhwa & others

.....Respondents

AFFIDAVIT

I, Abdul Rehman s/o Abdul Mateen, (Attorney for Petitioner), do hereby affirm and declare that all contents of this Writ Petition are true and correct to the best of my knowledge and nothing has been kept concealed from this Hon'ble Court.

DEPONENT

[Signature]

Abdul Rehman
s/o Abul Mateen
NIC# 15701-46993027

S.No. 2032
Certified that the above was verified on Solemn
affirmation before me on this 08th day
of MAY 2021 by Abdul Rehman
S/o Abdul Mateen R/o Dir (U) who
was identified by [Signature]

Who is personally known to me
[Signature]
ADDL: REGISTRAR
Peshawar High Court
Mingora Bench/Dar-ul-Qaza, Swat.

FILED TODAY

08 MAY 2021

[Signature]
Additional Registrar

BEFORE THE PESHAWAR HIGH COURT, MINGORA
BENCH/ DARUL QAZA, SWAT

(ORIGINAL JURISDICTION)

Writ Petition No. 562 -M of 2021.

Tariq ~~Habib~~Petitioner

VERSUS

Government of Khyber Pakhtunkhwa & others

.....Respondents

ADDRESSES OF THE PARTIES

PETITIONER:

Tariq Habib s/o Muhammad Yousaf Khan, presently posted as District Police Officer, Dir Upper.


(NIC#17301-15129703 Cell# 0346-9008986)

RESPONDENTS:


- 1) Government of Khyber Pakhtunkhwa through Provincial Police Officer/Inspector General of Police at Peshawar.
- 2) Additional Inspector General of Police (Establishment) Central Police Office, Peshawar.
- 3) Khyber Pakhtunkhwa Service Tribunal through Registrar, Judicial Complex Peshawar.
- 4) Abdul Hai Khan, Deputy Superintendent of Police, Assistant (Crime) Anti-Corruption Establishment, D.I.Khan.

FILED TODAY

08 MAY 2021


Additional Registrar

Petitioner
Through Counsel


Dr. Adnan Khan, Barrister-at-Law,
Advocate Supreme Court of Pakistan.

9

BEOFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Ann
A

SERVICE APPEAL NO. 991 2018.

Abdul Hai Khan, Deputy Superintendent of Police Presently Posted As
Assistant Director (Crime) Anti-Corruption Establishment at D. I. Khan.

Appellant

VERSUES

Khyber Pakhtunkhwa
Service Tribunal

1. Govt; of Khyber Pakhtunkhwa through the Chief Secretary, Govt; of Khyber Pakhtunkhwa, Peshawar. Diary No. 1267
Dated 10-8-2018
2. The Secretary to the Govt; of Khyber Pakhtunkhwa, Home and Tribal Affairs Department, Peshawar.
3. The Provincial Police Officer, Central Police Office, Peshawar.
4. The Addl: Inspector General of Police, Head Quarters, CPO, Peshawar.
5. Mr. Nazir Ahmad, DSP C/O Central Police Office, Peshawar,
6. Mr. Saeed Akhtar, DSP C/O Central Police Office, Peshawar,
7. Mr. Mohammad Ayaz, DSP C/O Central Police Office, Peshawar,
8. Mr. Mohammad Jamil, DSP C/O Central Police Office, Peshawar,

Respondents

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST FINAL SENIORITY LIST ISSUED VIDE NOTIFICATION OFFICE
ENDST; NO. 307/SE-I DATED 22/03/2018 BESIDES OMISSION ON PART OF
RESPONDENT NO 3 AND 4 FOR INDECISION OF DEPARTMENTAL
REPRESENTATION DATED 19/04/2018 FORWARDED THROUGH PROPER
CHANNEL TO COMPETENT AUTHORITY

Chahal

Respected Sir;

Filed to-day
Registrar
10/8/18

1. That the applicant is serving as Deputy Superintendent of Police (BS-17) and currently posted as Assistant Director (Crimes) in Anti-Corruption Establishment at Dera Ismail Khan.
2. That the applicant was appointed as Assistant Sub Inspector (BS-9) in KPK Police Department on the recommendation of KPK Public Service Commission on 01/02/1995 and was placed at Top of the merit list at Serial No. 1 (Copy of order is at Annexure-A).
3. That a departmental final seniority list has been prepared vide Office Endst; No. 307/SE-I dated 22/03/2018 wherein the applicant has been placed at Serial No 67 of Deputy Superintendent of Police (BS-17) i.e below the name of Mr. Nazir Khan and above the name of Mr. Mohammad

CTC

Tahir while the officers **Junior** to the applicant have been placed at Serial No 30 and below in the list **ibid** and all of them were placed below in merit which for all intent is erroneous and wrongly placed. Copy of Seniority List is attached as Annexure-B.

10

4. That to the dismay of the applicant his position has been disturbed by the dint of Seniority List, **effective** 22/03/2018 issued over notification **ibid**, depriving the applicant **wrongly** of his Seniority position by placing him at serial No 67 much **below** to his junior while the initial merit of Public Service Commission ensures without change in subsequent events concerning Seniority of batch-wise contemporaries.
5. That the Applicant is to be placed at serial No 30 of the said Seniority List in place of Mr Tauheed in light of the relevant rules whereby seniority is reckoned in accordance with the placement of successful candidates inducted through Provincial Public Service Commission, Peshawar.
6. That in view of **Rule** 17 sub rule 1 (a) of the KP Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 'The Seniority inter se of civil servants shall be determined in case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission.'
7. That also according to the Rule 2 (2) of the Civil Servants (Seniority) Rules, 1993 "If two or more persons are recommended in open advertisement by **the** Selection Authority their inter-se seniority shall be determined in order of merit assigned by the selection authority".
8. That the Seniority List for the year 2018 is apparently based on err and an outcome of improper reckoning due to misreading of records etc. A blatant proof of erroneous reckoning of seniority in the impugned list is that **even** those inducted in service much later than the petitioner **ie** M/S Nazir Ahmad, Saeed Akhtar, Mohammad Ayaz, and Mohammad Jamil are placed at serial No. **48 to 51** and thus much above the applicant though all of **them are junior** to the Applicant.
9. That as per Rule 17 (2) of the KPK Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 "Seniority in the various cadres of the civil servants appointed by initial recruitment vis-a vis those appointed otherwise shall be determined with reference to their dates of their regular appointment to a **post** in that cadre".
10. That according to Section 8 (4) of the KPK Civil Servant Act, 1973, "Seniority in a **post** service or cadre to which a civil servant is promoted shall take effect from date of regular (initial) appointment".

C.T.C
↓

11. That the applicant is entitled for equal treatment as per Article 25 of the Constitution of Islamic Republic of Pakistan and his Seniority may be considered from the merit list of the Public Service Commission, Peshawar as per dictum laid down by the superior courts. (11)
12. That the Appellant being aggrieved of the impugned Final Seniority List preferred a Departmental Appeal/ Representation to Respondent No 3 on 19/04/2018 forwarded through proper channel to competent authority to entertain the same. Copy attached at Annexure-C.
13. That the Appellate Authority has not decided representation of the appellant regarding grievances as yet hence the appellant being aggrieved person has a right and cause of action to file instant appeal before this Honourable Services Tribunal inter alia on the following grounds.

GROUND S

1. That the Appellant has not been provided equal treatment when there is no express inhibition against him under the law and has also not been given equal protection of law, which is discriminatory instance of arbitrariness and is against the principles enshrined in Articles-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
2. That the Appellant has been subjected to injustice and the case of Appellant has not been dealt with under the principle of the fair play.
3. That the impugned notification of the Respondents No. 3 and also the procedure adopted is wrong in the exercise of jurisdiction is in excess of jurisdiction and misapplication of clear rules.
4. That the impugned seniority list is against the settled laws and rules of Seniority in service and no legal footings hence ineffective upon the rights of appellant.
5. That the impugned seniority list is in violation of rules and statutory provisions as well as the dicta of superior courts pronounced in a number of judgments, hence the same needs to be corrected.
6. That this Hon'ble Tribunal is competent and has ample powers to adjudge the matter under Appeal.
7. That the counsel for Petitioner/ Appellant may be allowed to argue additional grounds at the time of arguments.

It is, therefore, humbly prayed that on gracious acceptance of the instant Service Appeal, the impugned Final Seniority list dated 22/03/2018 may please be set aside/nulified and the appellant may be declared and placed

C.T.C
↓

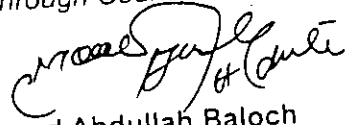
M. Khattak

at Serial No 30 i.e above Mr Tauhid Khan in accordance with seniority rules as envisaged in Estta Codes and Civil Service regulations.

12

Yours Humble Appellant

(ABDUL HAI KHAN)
Through Counsel


Mohammad Abdullah Baloch
(Advocate High Court, D.I.Khan)

Dated: /08/2018

C.T.C
↓

13

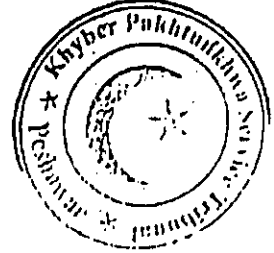
Amr B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.991./2018

Date of Institution: 10.08.2018

Date of Decision: 17.12.2020



Abdul Hai Khan Deputy Superintendent of Police, Presently posted as Assistant Director (Crime), Anti corruption Establishment at D.I. Khan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Home Secretary and 27 others.

... (Respondents)

Muhammad Abdullah Baloch
Advocate

... For Appellant

Mr. Muhammad Jan
Deputy District Attorney

... For Official Respondents

Mrs. ROZINA REHMAN
Mr. ATIQ UR REHMAN WAZIR

MEMBER (JATTESTE)
MEMBER (E)

JUDGMENT: -

Mr. ATIQ UR REHMAN WAZIR: - Appellant Mr. Abdul Hai Khan, was initially appointed as Assistant Sub Inspector (BPS-9) in Provincial Police on the recommendations of Khyber Pakhtunkhwa Public Service Commission on 01.02.1995 and was placed at top of the merit list; that in due course of time, the appellant was promoted to the post of DSP; that departmental final seniority list of DSPs was issued on 22.03.2018, wherein the appellant was placed much junior to his colleagues, who all were junior to him in the initial seniority list assigned by Public Service Commission; that he is also placed junior to those inducted in service much later than the appellant. The appellant filed

C.T.C

(14)

departmental appeal on 19.04.2018, but of no avail, hence the instant appeal with prayers that seniority list dated 22.03.2018 may be set aside and seniority of the appellant may be placed at Serial No. 30 i.e. above Mr. Tauheed Khan in accordance with seniority rules as envisaged in Esta Code and Civil Service Regulations.

2. Written reply/comments were submitted by respondents.
3. Arguments heard and record perused.
4. Learned counsel for the appellant contended that the appellant was initially appointed as ASI on 01.02.1995 on the recommendations of Khyber Pakhtunkhwa Public Service Commission and was placed at the top of the seniority list. Learned counsel for the appellant further contended that during the course, the appellant was promoted to the rank of DSP and as per impugned final seniority list issued on 22.03.2018, the appellant is placed at Serial No. 67 below the name of Mr. Nazir Khan and above Mr. Muhammad Tahir, while the officers junior to him have been placed at Serial No. 30, which for all intent and purposes is erroneous and wrongly placed. The learned counsel for the appellant argued that in view of Rule 17 (1) (a) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the seniority inter se of civil servants shall be determined in case of persons appointed by initial recruitment, in accordance with merit assigned by Commission. Learned counsel for the appellant contended that the impugned seniority list is based on error and an outcome of improper reckoning due to misreading of record to the effect that those inducted in service much later than the appellant i.e. Nazir Ahmad, Saeed Akhtar, Muhammad Ayaz and Muhammad Jamil are placed at Serial No. 48 to 51 of the said list much above the appellant. He further added that as per Rule 17 (2) of Khyber

ATTESTED
above

Signature
Khyber Pakhtunkhwa
Public Service Commission
Peshawar

CJC

(15)

observed that the appellant was confirmed as Sub Inspector on 19.05.2006 and his name was brought on list F on 20.12.2006, whereas his juniors were confirmed as SI on 07.04.2003 and brought their names on list F earlier to the appellant i.e. 16-12-2005. The committee noted that his seniority was disturbed due to late confirmation in the rank of sub inspector. Since the list of promotion/ confirmation of officers in the rank of ASIs and SIs are dealt with in the regions, therefore the committee recommended that his case may be sent to Regional Police Officer (RPO) D.I. Khan to revisit his seniority in the light of rules and fact mentioned in his application. Accordingly, his case was examined at the level of RPO D.I. Khan and it was observed that appellant was at Serial No. 1 of the seniority list after his induction in service as ASI on 01.02.1995, but his name was placed at Serial No. 4 instead of Serial No. 1 without any reason mentioned in the confirmation order and their names were brought on list E w.e.f. 25.04.1998 in which the name of Mr. Tauheed Khan at Serial No. 8 was placed on top of the list. Learned Deputy District Attorney contended that the RPO office was not sure as to why his name was brought to Serial No. 4 instead of Serial No. 1, as there was no adverse action taken against the appellant nor any other reason assigned. One of the probable reasons mentioned was that it might be due to age.

ATTESTED

Signature
Khyber P.
Service In. Annual.
Peshawar

6. We are conscious of the fact that time limitation needs to be kept in mind, but in the lights of judgments of Supreme Court of Pakistan referred to above and in view of provisions of S.23 of Limitation Act 1908, the appellant has a continuous cause of action and issuance of seniority list at belated stage by respondents created a fresh cause of action for the appellant, not knowing the fact that his late confirmation in 2006 would entail seniority issue at a later stage. In order to ascertain the actual situation, representative of RPO D.I. Khan

C.T.C
Signature

was summoned by Court, who stated at bar that there was nothing adverse against the appellant during the time, but the change in seniority might be due to clerical mistake, which travelled along the seniority of the appellant and culminated into the final seniority list issued in 2018. We also did not find anything adverse on record except his late confirmation due to unknown reasons. It is also established from the prevailing rules that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post. Moreover this tribunal as well as Supreme Court of Pakistan in number of Judgments have granted relief in similar cases.

7. In the light of facts and circumstances of the present case, the impugned seniority list dated 22-03-2018 is set aside and the instant appeal is accepted as prayed for. No orders as to costs. File be consigned to the record room.

ANNOUNCED
17.12.2020

(ROZINA REHMAN)
MEMBER (J)

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

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

Date of Presentation of Application 16/2/21
Number of Words 2000
Copying Fee 2/-
Urgent 4/4
Total 26/-
Name of Copyist
Date of Completion of Copy 16/2/21
Date of Delivery of Copy 16/2/21

(17)

Am C

**BEFORE THE HONORABLE
KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In Re: C.M No. 73 /2021
In Amended Service Appeal No. 991 /2018

Khyber Pakhtunkhwa
Diary No. 3
Dated 22
25
Service



1. **Tariq Iqbal**
District Police Officer, Upper Dir
CPO, Peshawar.
2. **Tauheed Khan**
Superintendent of Police Special branch DIK.
CPO, Peshawar.
3. **Salah-ud-Din**
District Police Officer Mohmmmand
CPO, Peshawar.
4. **Aslam Nawaz**
Superintendent of Police Investigation
CPO, Peshawar.
5. **Tahir Iqbal**
District Police Officer Kuram Agency
CPO, Peshawar.
6. **Shafiullah**
District Police Officer – North Waziristan
CPO, Peshawar.
7. **Qamar Hayat :**
District Police Officer Toor Ghar
CPO, Peshawar.
8. **Nazeer Ahmad**
Superintendent of Police – CTD Hazara
CPO, Peshawar.
9. **Muhammad Ayaz**
Superintendent of Police Operation Haripur
CPO, Peshawar.
10. **Muhammad Jamil Akhtar**
Superintendent of Police Operation Mansehra
CPO, Peshawar..
11. **Shoukat Ali**
District Police Officer South Waziristan
CPO, Peshawar.
12. **Tariq Habib**
Superintendent of Police Investigation, Mardan
CPO, Peshawar.
13. **Nisar khan**
District Police Officer Orakzai CPO, Peshawar.

C/T/C

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

.....Appli

Versus

18

1. Abdul Hal Khan
Deputy Superintendent Police,
Assistant (Crime) Anti Corruption Establishment, DI-Khan
2. Government of Khyber Pakhtunakhs
through Home, Secretary, KPK, Peshawar
3. The Secretary to the Government of Khyber Pakhtunakhs,
Home of Tribal Affairs Department, Peshawar
4. The Provincial Police Officer,
Central Police Officer, Peshawar
5. Additional Inspector General of Police,
Headquarter, CPO Peshawar

.....Respondents

Application U/s 12^(a) read with Section 151 of Cpc, 1908, with all enabling Laws, for setting aside ex-part Order/Decree dated 17.12.2020 obtained by the Respondent no.1 fraudullantly through misrepresentation of fact and law, non-impleading necessary parties, and without locus standi

Respectfully Shewath,

1. The Applicants are residents of Khyber Pakhtunakhs currently serving as police officers of assorted ranks in various departments of Khyber Pakhtunakhs Police ("KP Police") with their lien attached to the different ranges. CCPO Peshawar, Hazara, Mardan, Upper Dir, Orakzai District, Kurram Parachinar etc
2. The Respondent is a resident of Peshawar and currently serving as District Superintendent Police ("DSP") at the Assistant (Crime) Anti-Corruption Establishment, DI-Khan Police with his lien attached to the CPO, Peshawar.
3. The Applicants are filing this Application through Waqas Ahmad S/o Fazil-e-e Subhan R/o Tarnab Farm Peshawar who is duly authorized via a power of attorney is competent to file this Application on the

TESTED

[Signature]
EXAMINER
Khyber Pakhtunakhs
Tribal Affairs
Peshawar

CJC

19

Applicant's behalf and is acquainted with the facts of the case which he can depose on oath.

Annexure-1: Copy of the Power of Attorney

4. That the Respondent-1 claims his seniority from the date of his appointment as Assistant Sub Inspector (BPS-09) in KP Police Department on the recommendation of Khyber Pakhtunkhwa Public Service Commission on 01.02.1995 and was placed at top of the merit list at Serial No.1 and also consider himself as aggrieved of the Final Seniority List vide office Endst; no 307/SE-1 dated 22.03.2018 wherein all the Applicants are junior to him and the name of Respondent-1 is placed at Serial No. 67, while he claims to be placed at Serial No.30 in place of Mr. Tauheed Khan, which is illegal, ineffective as per law and Police Rules, 1934 as under the mentioned Rules introduced the formula of Seniority cum Fitness and also the availability of vacancy in their range (Regional Police Office).
5. That to the Applicants' utter shock and dismay, they were apprised of the Decree and Execution recently on the information intimated to them by their fellow department officers.
6. That the Applicants are compelled to file the instant Application as the Respondent has obtained the Decree through fraud, misrepresentation of law and facts, and without any *locus standi*.
7. That in granting the Decree, the Honorable Tribunal came to an erroneous conclusion due to misrepresentation of facts and law after intentionally being misled by the Respondent vis-à-vis material facts of the case and the statute applicable to the facts-in-issue. The Learned Tribunal, upon being maliciously misguided on facts by the Respondent, fallaciously directed the KP Police Department to resolve the issue in the light of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion, and Transfer) Rules 1989 ("CSR 1989") despite the fact that the CSR 1989 are extraneous to the Respondent's case. The Respondent's case can only be decided in the light of Police

ATTESTED

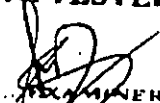
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

C.T.C
h

Rules 1934, which, being special law, has an overriding effect on the CSR 1989. The Respondent, prompted by his own ulterior motives, intentionally did not draw the Honorable Tribunal's attention to the Police Rules 1934. Instead, he urged for resolving issue under the provisions of CSR 1989, which is not applicable to the facts-in-issue.

8. The Police Act, 1861 and the Police Rules 1934 according to their tenor must be regarded as a special law, and their existence cannot be lost sight of while considering the applicability of the other general Laws.
9. Article 268-Constitution of Pakistan 1973 keeps alive the existing Laws until altered, repealed or amended by the appropriate legislator. The term "Existing Law" not only means an Act or Ordinance but also includes the rules within its ambit. Therefore, both the Police Act, 1861, and the rules framed there under fall within the definition of this term and continued to operate till today.
10. Article 240-Constitution of Pakistan enables the appropriate legislator to enact a Law relating to the appointment to and the terms and conditions of the services of the Federal and the Provincial Governments. Both Police Order 2002 and Civil Servants Act 1974 does not provide exclusion of the Police Act, 1861 or the Police Rules 1934, to impede their operation as existing law under article 268 of Constitution of Pakistan.
11. The Police Act 1861 and Police Rules 1934, which is existing Law could not also be challenged for the infraction of any fundamental rights in force while in case of civil servants they are not excepted from the operation of fundamental rights. If Police has to be treated as a civil servant in the matter of their seniority/promotion, then like other civil servants they will also enjoy the same benefits as regards the infraction of any fundamental rights. Article 8(3)(A) of the Constitution of Pakistan excepted the Police force from application of fundamental rights.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

C.T.C
↓

12. Provisions of the Special Law or of a disciplinary character were enacted with the object to fulfill the requirements of discipline force; the purpose cannot be achieved if the provisions of General Laws were to be applied.

Constitution of Pakistan 1973
PLD 1985 (Supreme Court 159 Full Bench)


13. Police Rules outset the golden principle of seniority "SENIORITY is reckoned from the date of confirmation in the substantive rank".

14. Under Police Rules, promotion lists are separately maintained from the seniority list such as A, A1, B1, C, D, E and F. The confirmed officers from the seniority list are picked up for the promotion at district, divisional and provincial level to the next higher rank making a pyramid to filter good and bad. The leftover are constrained to improve their performance and compete for promotion to achieve the goal of "seniority cum fitness" the basic golden principle for promotion as envisaged in Police Rules 13.1.

15. Criterion for determining seniority of subordinate ranks of Police force held would be provided by Rule 12(2) Police Rules 1934 as from the date of their confirmation and not from dates of continuous appointment in the grade. (August Supreme Court of Pakistan)

16. That consequently, the direction in the Decree to the Department for deciding the case in accordance with the CSR 1989 is devoid of legal applicability and therefore a nullity which cannot be executed.

17. That more nefariously, the Respondent deluded the Honorable Tribunal through fraud and misrepresentation of facts by not arraying the Applicants who are senior to the Respondent by virtue of their names being higher than the Respondent in the Seniority List. The Applicants are patently and incontrovertibly necessary parties in the Appeal and their valuable bona fide and legal rights are directly affected by the Decree and the Execution.

ATTESTED

JUDGE
Tribunal
Peshawar


C.T.C
↓

18. That under the Police Rules 1934, the Deputy Inspector General ("DIG") is solely empowered with discretion to maintain and amend the Seniority List in addition to possessing the discretionary authority vis-à-vis promotion to the rank of sub-inspector. The Respondent has further acted in bad faith by not impleading in the Appeal, the DIG who was so authorized and at the time responsible for including his name in the Seniority List of 1995.
19. That the Respondent's entire case in the Appeal was grounded on challenging an order ("the Order") passed by the Inspector General of Police Khyber Pakhtunkhwa which proclaimed inclusion of the Respondent at Serial 30 of seniority list of DSP BS 17 List-F w.e.f. 22.03.2018. Extraordinarily, the PPO has not been arrayed as a party to the Appeal despite the Order being passed by that very office. These furtive and underhanded acts of not impleading the Applicants, the DIG concerned, and the PPO as necessary parties have vitiated the entire proceedings of the Appeal and render the Decree void, illegal and liable to be set aside.

Annexure-2: Copy of the Order

20. That subsequently, the Respondent filed an application before the Departmental Promotion Committee ("DPC") for incorporation of his name at the Serial No. 30 of Seniority List of 2018 on the premise of the Decree. The Respondent became eligible for inclusion in the Seniority List upon fulfilling the prescribed criteria throughout his career. Resultantly, his name has been validly inserted at the Serial No. 67 of Seniority List of 2018, and the Respondent-1 claiming his seniority from the merit list of KPPSC from 1995, which cannot be legally infixed in any anterior list.
21. That the non-impleadment of necessary parties was a malevolent act of fraud and misrepresentation by the Respondent who has, by *mala fide* abuse of position, approached this Honorable Tribunal in order to inequitably and illegally secure personal gains over fellow officers by deliberately omitting to array the necessary parties.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


C-TC
K

22. The Applicants, by virtue of the Decree are being stripped of their inherent rights and condemned unheard in breach of the established jurisprudence on *audi alteram partem* and Constitutional right to fair trial under the Pakistani law.

23. The Respondent has failed to adduce a copy of the seniority list duly certified by the relevant authority. In these circumstances, the annexures to the Appeal, which purport to be attested by the legal representative of the Respondent, are a gross violation of the law and hence not capable of being relied upon as evidence. The Honorable Tribunal ought to have been properly assisted during the Appeal with regards to such evidence as the Appeal warranted a dismissal on this score alone.

24. It is paramount in the interests of justice, that the legal rights and privileges of the Applicants are protected by granting them a full and fair opportunity to present their cases in order to allow the Honorable Tribunal to establish a flawless opinion and reach a consummate decision based on germane facts and law. Pursuing the alternative will be a flagrant contravention of the Applicants' intrinsic right to fair trial and put the Applicants in a grimly unfair position, by illegally divesting them of their vested and indelible rights and privileges without even affording them a single opportunity of being heard, and instead endowing them on the Respondent.

25. In the light of the foregoing, it is manifest that the Decree warrants an annulment, as not only has the Respondent approached the Honorable Tribunal with unclean hands and acted fraudulently by deliberately not impleading the Applicants and the concerned DIG and CCPO as necessary parties in the Appeal, but he has failed to incorporate a certified copy to his Appeal and obtained the Decree through misrepresentation of law by averring that CSR 1989 are applicable in the instant case instead of Police Rules 1934. This has resulted in a resoundingly fractured decision marred by misreading of facts and misapplication of law.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



24

26. The Applicants reserve the right, with due permission of the Learned Tribunal, to present further grounds and arguments verbally, or in writing, and to present further evidence to prove their case.

Prayer: In view of the submissions above, it is therefore most humbly prayed that:-

- (A) The Order/Judgment/Decree dated 17.12.2020 may kindly be set aside on the ground of being obtained through fraud and misrepresentation of facts and law, misapplication of law, and non-impleadment of the Applicants and the concerned DIG and CCPO as necessary parties; and
- (B) A direction be made with effect to decide the case on merits after arraying the Applicants and the CCPO as necessary parties; and
- (C) The Honorable Tribunal may kindly grant any other relief to the Applicants it deems just and appropriate in the circumstances of the case.

Applicants Through

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

M. Ali
Maqsood Ali
AHC

Date of Presentation of Application 26/4/21
 Number of Words 3200
 Copying Fee 34.00
 Urgent _____
 Total 34.00
 Name of Copyist _____
 Date of Completion of Copy 23/4/21
 Date of Delivery of Copy 23/4/21

CJC

(25)

**BEFORE THE HONORABLE
KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In Re: Revision Petition No. 106 /2021

Tariq Iqbal & 13 Others

..... *Petitioner*

Versus

Abdul Hai Khan & Others

..... *Respondents*

**APPLICATION UNDER ORDER XXXIX RULE 1
FOR GRANT OF TEMPORARY INJUNCTION**

Respectfully Showeth;

The Applicant humbly submits as under:

1. That the facts and the grounds of the petition 12(2)Cpc,1908 may kindly be read as part and parcel of this interim relief application.
2. That the Applicant has a *prima facie* case and is sanguine about its success.
3. That the balance of convenience also tilts in favour of granting interim relief to the Applicant.
4. That the applicant would suffer irreparable loss if the proceeding is not suspended tills the final adjudication of instant Revision Petition.

Prayer: It is therefore, most humbly requested that on acceptance of this application the Operation Order & Judge dated 17.12.2020 may

CTC
W

26

please be Suspend till the final adjudication of Application 12(2) Cpc,1908.

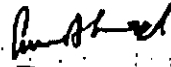
Or any other relief as deemed appropriate by this honourable Court under the circumstance, specifically not asked for, may graciously also be granted.

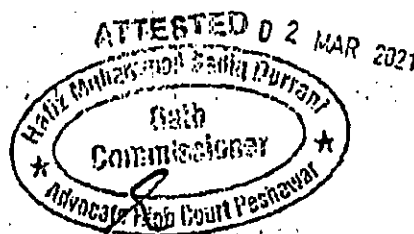
Applicant
Through

Maqsood Ali
AHC
Advocates & Consultants
12, K-3, Phase-III, Hayatabad, Peshawar
Phone 5817132, 5818446, Mobile: 0333 9215562
Email: Elcader58@gmail.com
www.isaacslaw.org

AFFIDAVIT

I, Waqas Ahmad S/o Fazil-e-e Subhan R/o Tarnab Farm Peshawar, attorney for the Petitioner do here by solemnly affirm on oath that contents of this Petition are true and correct to the best of knowledge and belief and nothing has been concealed intentionally from this honourable Court.


Deponent



CTC
↓

Am v D

27



FORM OF ORDERSHEET

Court of 73

Petition 12(2) No. /2021 In Amended appeal no. 991/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02/03/2021	<p>The petition U/S 12 (2) C.P.C submitted by Tariq Iqbal an through Mr. Maqsood Ali Advocate may be entered in th Register and put up to the Court for proper order please.</p> <p style="text-align: right;">REGISTRAR..</p> <p>This Petition be put up before D. Bench on <u>E-02-C</u></p> <p style="text-align: right;">CHAIRMAN</p>
2-	02.04.2021	<p>Counsel for petitioner present.</p> <p>He submitted that another petition submitted under section 12(2) titled Nisar Ahmad & Others is pending adjudication in this Tribunal in which next date of hearing is 29.06.2021, therefore, he requested that the instant petition may be fixed on 29.06.2021. Request is accepted and case is adjourned to 29.06.2021 for hearing before D.B. In the meanwhile, respondents be put on notice for the date fixed.</p>

(Signature)
(Atiq ur Rehman Wazir)
Member (E)

(Signature)
(Rozina Rehman)
Member (J)

Date of Presentation of Application 06/4/21

Number of Words 400

Copying Fee 6/-

Urgent -/-

Total 6/-

Name of Copyist

Date of Completion of Copy 23/4/21

Date of Delivery of Copy 23/4/21

Certified to be true copy

(Signature)
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

CTC

BEFORE THE PESHAWAR HIGH COURT, MINGORA
BENCH/ DARUL QAZA, SWAT

(ORIGINAL JURISDICTION)

Writ Petition No. 106 -M of 2021.

19/bal
Tariq ~~Qazi~~Petitioner

VERSUS

Government of Khyber Pakhtunkhwa & others

.....Respondents

NOTICE

To:

Additional Inspector General of Police (Establishment) Central Police
Office, Peshawar.

Please take notice that I am filing Writ Petition against you before the august Peshawar High Court, Mingora Bench/Darul Qaza, Swat in respect of the petitioner, who is aggrieved from your prospective act of disturbing his seniority at the garb of Judgment dated 17-12-2020.

Petitioner through Counsel

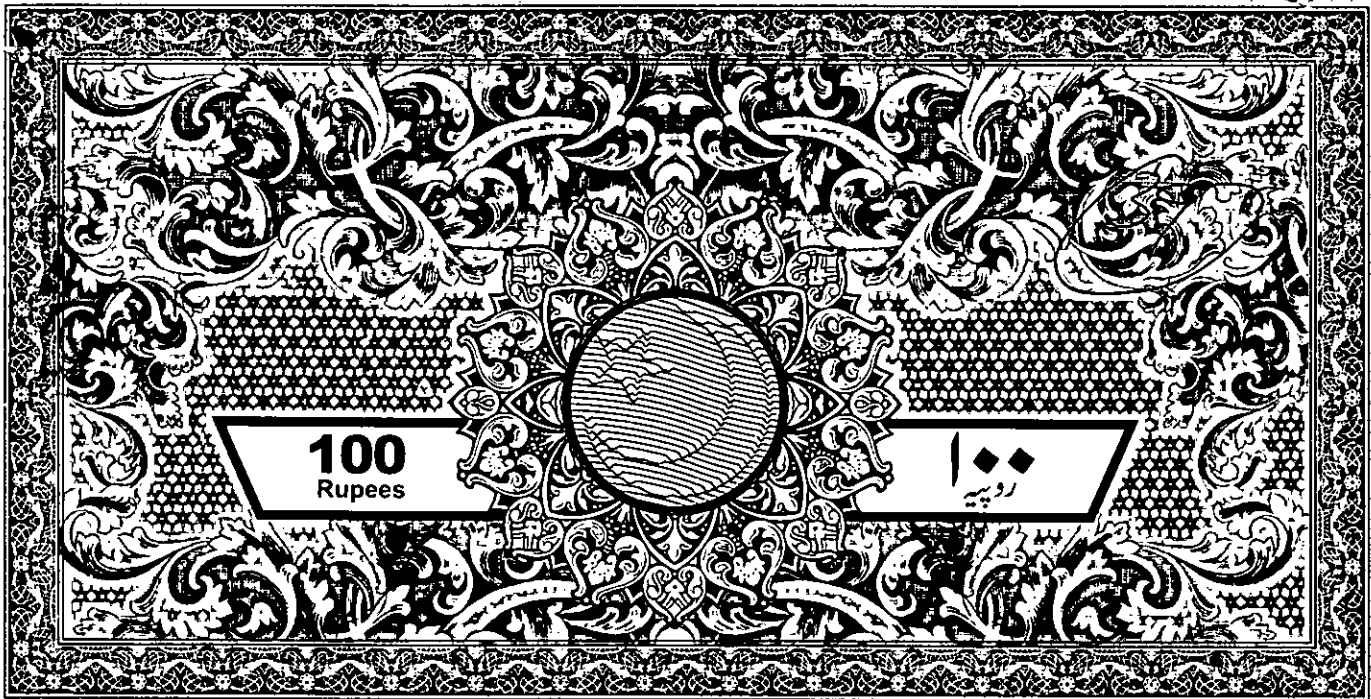


Dr. Adnan Khan, Barrister-at-Law,
Advocate Supreme Court of Pakistan.

FILED TODAY

08 MAY 2021


Additional Registrar



100 Rupees

روپیہ

بعدالت پر اور چھٹی کورن قتلہ کی بیچ ادارہ القلم اور ان

کارن اقبال بنام حکومت فیصلہ خیر خواہ

ATTESTED



مختار نام حاصل فی جانب پیشتر کارن اقبال ۵۲۵۵

کیا: عبد الرحیم ولد عبد الحمید سنہ ۱۹۶۱ تکمیل پر

سکر فیصلہ کارن اقبال ولد محمد یوسف خان سنہ

۱۹۶۲ اور سنہ پاکستانی قانون پیش پر فیصلہ دو

مکان ۱۶۶۲ - فیصلہ حال ۵۲۵۵ ڈسٹرکٹ ڈیپو ایپر

اقتدار کے بعد تباہیوں کے من ثمر جو آفیشل معروضات

دکروٹا ڈیوٹی قدم عنوان یاد دراپرین اور ایپر

قدم سے نیا عورت قاضیوں میں سے ہے

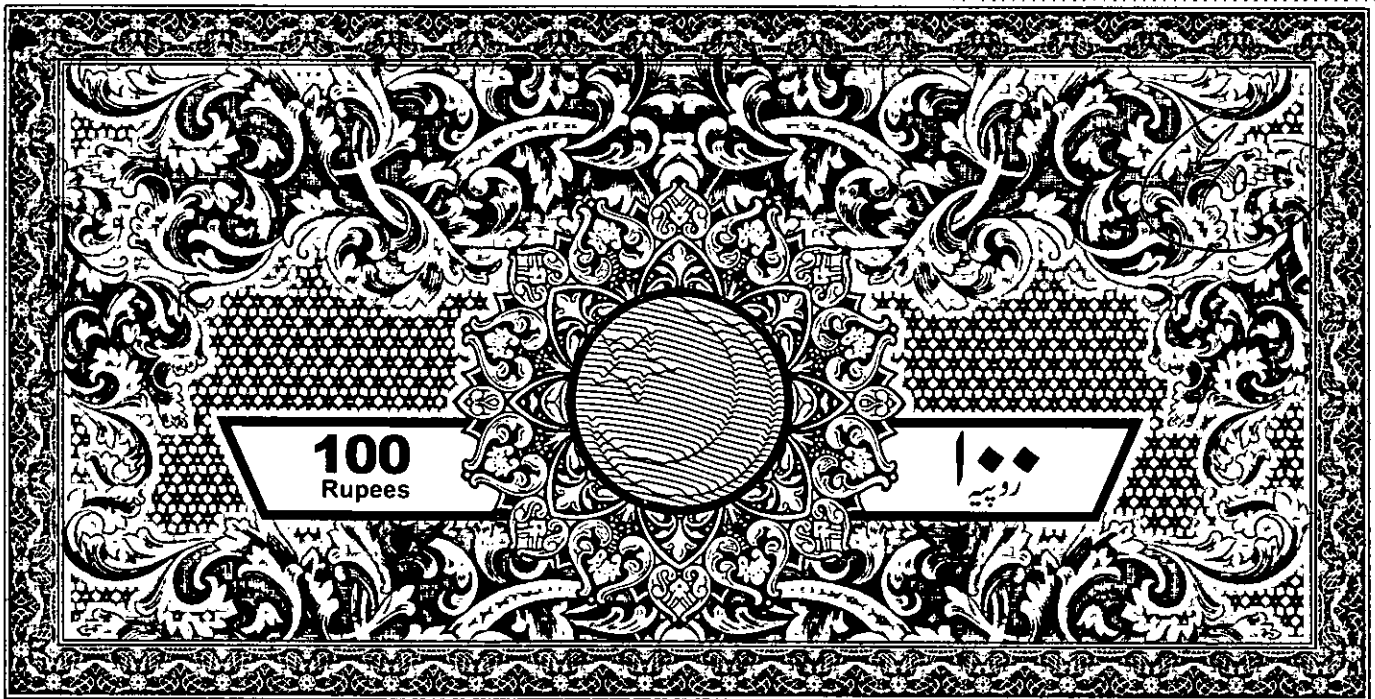
طرف سے عبد الرحیم ولد عبد الحمید سنہ ۱۹۶۱

FILED TODAY

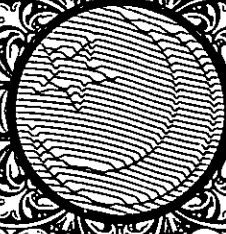
08 MAY 2021

Additional Registrar

یا



100 Rupees



100 روپے

کھیل دیہہ صلع دیہہ ماہد کم اینڈ کم اینڈ کار کا صہ فقرہ
 اختیار رہتا ہوں تاکہ وہ صہ سے جائیداد سے علی التامہ
 عدالت عظمیٰ سے پیش ہو کر عدالت عظمیٰ میں
 دائر کرے۔ وکیل فقرا کے بیان صہ در بیان
 درخواست پانے کے۔ اس میں جو اس میں پانے کا پانے
 کے۔ الفرض انہیں پانے جو جو اختیار سے
 فقرہ حاصل ہے وہ سب مختار صہ صہ کو لکھیں
 اس میں رقم 5705

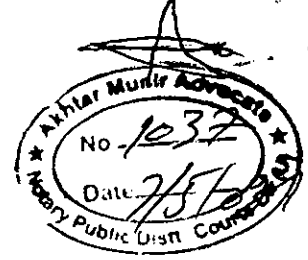
Handwritten signature or mark.

طابق اقبال 4-118-115
 17301-1512970-3

خواہ
 شہانہ بیگم صاحبہ
 سہ ماہیہ کھیل
 15701-9220754-7

ATTESTED

FILED TODAY



08 MAY 2021

Additional Registrar

Handwritten signature
 گورنمنٹ وکٹوریہ ایجوکیشنل ایسوسی ایشن
 157028076649

بعدالت جناب عالیہ پشاور مندرجہ ذیل

مورخہ 6 اپریل 2021ء منجانب پیشینہ
مقدمہ اقبال ہائیڈرو پاور پراجیکٹ بنام حکومت و ضلع
دعویٰ رجسٹریشن
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام مندرجہ سوات کیلئے بیسٹریٹ ڈائریکٹران خان / ASC مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہیا و اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے مکمل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

2021

ماہ اپریل

المرقوم

العبد
عبدالحق ولد عبدالحمین
(مختار صاحب)

گواہ شد
FILED TODAY

08 MAY 2021

Additional Registrar

العبد
العبد

Accepted

کیلئے منظور ہے۔



Barrister
Dr. Adnan Khan
Advocate Supreme Court of Pakistan

بمقام
وہ سوات

Mobile 0349-9347137 = Nic 15701-4699302-7