

19th Oct., 2022

Counsel for the appellant present. Mr. Kabirullah Khattak,
Addl. AG for the respondents present.

Written reply/comments on behalf of the respondents have not been submitted. Learned AAG seeks further time to contact the respondents and submit reply/comments on the next date. Granted. To come up for written reply/comments on 18.11.2022 before S.B.

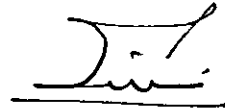

(Fareeha Paul)
Member (E)

02.12.2021

Mr. Mohammad Aslam Tanoli, Advocate, for the appellant present. Preliminary arguments heard.

Points raised need consideration, therefore, the appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments before the S.B on 20.01.2022 at Camp Court Abbottabad.

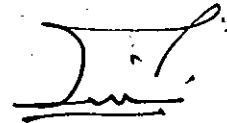
Appellant's Security Deposited
Process Fee 8/12/21



(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

20.01.2022

Clerk of learned counsel for the appellant present. Qazi Tariq, Head Constable alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 18.04.2022 before the S.B at Camp Court Abbottabad.



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

18-4-22-

The Bench is incomplete therefore
case is adjourned to 17-8-22



Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7633/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2021	<p>The appeal of Mr. Raziq Khan presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to touring S. Bench at A.Abad Notices be issued to appellant/counsel for preliminary hearing to be put there on</p> <p><u>02/12/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Razik Man vs KPK PPO/et/ etc

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>M. Aslam Tambi Advocate</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	✓
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Muhammad Aslam Tambi
 Advocate
 Signature: M Aslam
 Dated: 21-10-2021

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

2633/2021

Razik Khan, Sub Inspector No.H/367, presentably posted at PS
Beer District Haripur.....(**Appellant**)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur..... (**Respondents**)

SERVICE APPEAL

INDEX

S/No	Description of Document	Ann- exure	Page No.
1.	Memo of Appeal.		01-06
2.	Reply to the charge sheet.	"A"	07
3.	Order dated 07-05-2021 of DPO Haripur.	"B"	08
4.	FIR No. 45 dated 27-02-2021.	"C"	09
5.	Departmental appeal dated 27-05-2021.	"D"	10-13
6.	Appeal Rejection order dated 23-09-2021.	"E"	14
7.	Wakalatnama		

Through

Dated *21* -10-2021

Razik

Appellant

M. Aslam

(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Razik Khan, Sub Inspector No.H/367, presently posted at PS Beer
District Haripur.....**(Appellant)**

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur..... **(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER DATED 07-05-2021 OF THE DISTRICT
POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN
AWARDED THE PENALTY OF "FORFEITURE OF 02 YEARS APPROVED
SERVICE" AND ORDER DATED 23-09-2021 OF THE REGIONAL
POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY HIS
DEPARTMENTAL APPEAL HAS BEEN REJECTED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH
THE IMPUGNED ORDERS DATED 07-05-2021 AND 23-09-2021 OF
THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND
APPELLANT BE RESTORED HIS FORFEITED 02 YEARS APPROVED
SERVICE WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK
BENEFITS.**

Respectfully Sheweth:

1. That appellant while posted as OII at PS Beer (District Haripur) was Charge Sheeted on 11-03-2021 by District Police Officer Haripur which was replied in detail explaining all facts and circumstances of the matter but copy of the charge sheet could not be retained. **(Copy of reply to the charge sheet is attached as Annexure-"A")**.
2. That according to the District Police Officer Haripur on

receipt of enquiry report, he awarded the appellant with penalty of "Forfeiture of 02 years approved service" vide order dated 07-05-2021. **(Copy of order dated 07-05-2021 is attached as Annexure-"B").**

3. That no proper departmental inquiry was conducted. Neither any evidence of the witnesses was recorded in his presence nor was he afforded with opportunity to cross-examine such witnesses. Copy of enquiry report, if any, was not provided to him. No Show Cause Notice was issued. Even opportunity of personal hearing was not allowed and he was condemned unheard.
4. That in fact on 27-02-2021, a case FIR No. 45, U/S-9C/CNSA PS Beer along with an arrested accused namely Hassan Zeb S/O Aurangzaib r/o village Alam Haripur was handed over to him for investigation. On the pointation of complainant/SHO PS Beer, the appellant prepared site plan. He also checked the parcels of contraband which were found correct as per recovery memo. He got recorded statements of witnesses u/s-161 CrPC. The next day on 28-02-2021, he produced the accused before the Illaqa Magistrate for securing physical custody which was refused and the accused was sent to the Central Jail Haripur on judicial remand. During investigation, through video recording it came to his notice that accused was arrested from Village Doiyan Aabi Haripur. The appellant immediately brought this fact to the notice of his high-ups and sought their opinion and advice. In the light of their advice/direction the case was discharged. Nothing with regard to video was brought to the knowledge of

3

appellant at the time handing over to him the case FIR for investigation. This fact was collected by appellant through his own efforts during the investigation. Appellant has discharged his duties with due care, caution, devotion and honesty. But appellant has been awarded the penalty without any fault on his part. **(Copy of FIR No. 45 dated 27-02-2021 is attached as Annexure-"C")**.

6. That order dated 07-05-2021 of the DPO Haripur was appealed against before the RPO Hazara Region Abbottabad vide departmental appeal dated 27-05-2021 which was rejected on 23-09-2021 without taking into consideration the grounds of appeal agitated by appellant therein. **(Copies of departmental appeal and order dated 23-09-2021 are as Annexure-"D & E")**. Hence instant service appeal, inter alia, on the following:

GROUND:

- a) That orders dated 07-05-2021 and 23-09-2021 of respondents are illegal, unlawful, against the departmental rules & regulation, issued in a cursory and whimsical manner which are liable to be set aside.
- b) That without taking into consideration the reply of charge sheet and conducting proper departmental inquiry the appellant was penalized by the District Police Officer Haripur. Neither any evidence of the witnesses was recorded in his presence nor was he afforded with a chance of cross-examination. Copy of enquiry report, if any, was not given to him. No Show Cause Notice was

4

issued. Even opportunity of personal hearing was not allowed and he was condemned unheard. There was nothing wrong on the part of appellant, he was innocent.

- c) That the appellate authority has also failed to abide by the law, rules & regulations and even did not take into consideration the grounds of appeal agitated by appellant in his memo of departmental appeal. Thus impugned order of appellate authority is contrary to the law as laid down in Police Rules read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- e) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service appeal order dated 07-05-2021 and 23-09-2021 of the respondents may graciously be set aside and the appellant be restored his forfeited "02 years" approved service" with all consequential service back benefits. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:


Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 21-10-2021

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 21-10-2021


Appellant

5

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Razik Khan, Sub Inspector No.H/367, presentably posted at PS
Beer District Haripur.....**(Appellant)**

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur..... **(Respondents)**

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this Honorable Service Tribunal or any other court prior to
instant one.


APPELLANT

Dated 21-10-2021

6

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Razik Khan, Sub Inspector No.H/367, presentably posted at PS Beer District Haripur.....**(Appellant)**.

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur..... **(Respondents)**

SERVICE APPEAL

AFFIDAVIT:

I, Razik Khan, appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Service Tribunal.

Dated 21-10-2021

Identified By:

M. Aslam

Mohammad Aslam Tanoli
Advocate High Court
At Haripur

[Signature]
Deponent/Appellant



[Signature]
Appellant

7 Annex-A

خواتین کے لیے دنیا بھر میں مختلف ملکوں میں قائم
 شدہ تنظیموں کی فہرست

1. بین الاقوامی خواتین کی تنظیم (IWL) - 1914ء میں قائم شدہ۔

2. بین الاقوامی خواتین کے اتحاد (IWW) - 1908ء میں قائم شدہ۔

3. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

4. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

5. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

6. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

7. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

8. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

9. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

10. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

11. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

12. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

13. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

14. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

15. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

16. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

17. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

18. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

19. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

20. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

21. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

22. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

23. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

24. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

25. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

26. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

27. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

28. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

29. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

30. بین الاقوامی خواتین کے اتحاد (IWA) - 1908ء میں قائم شدہ۔

21-03-21

Attested

(3)

Annex 'B'



DISTRICT POLICE OFFICER
HARIPUR

Ph: 0995-920100/01, Fax-0995614714, Email: - dpoharipur1@gmail.com

ORDER.

SI Razik khan No. 367/H, while posted as OII PS Beer, an innocent citizen namely Mr. Hassan Zaib s/o Aurangzaib, cast Awan, r/o Alam Haripur was implicated in a heinous case vide FIR No. 45 dated 27-02-2021 u/s 9-C/CNSA, PS Beer. The acts and omissions of the defaulter officer were gross misconduct under KPK Police efficiency and discipline rules 1975. Therefore, he was served with charge sheet and statement of allegations vide this office Endst No. 61-62/PA, dated 11-03-2021.

To probe the allegations Deputy Superintendent of Police, Ghazi Mr. Umer Hayat was appointed as Enquiry Officer, who conducted proper enquiry and submitted his findings, vide his office Memo No. 91/R dated 01-04-2020. The enquiry officer held the charges of misconduct against the defaulter officer proved and recommended him for minor punishment. On receiving the enquiry papers and recommendations of the enquiry officer the defaulter police officer was called in Orderly Room and was heard in person. However he could not satisfied the undersigned regarding misconduct committed by him. Being investigation officer he failed to investigate the case fairly, professionally and with competence. He ought to have canceled the case when it came to his knowledge that it was concocted one. Instead of fulfillment of legal requirements he went state away on the contents of FIR.

Having perused the finding of the enquiry officer, relevant record, and personal hearing of the above mentioned officer, I, am fully satisfied that the charges of misconduct are proved against the defaulter police official. Therefore, I, Kashif Zulfiqar (PSP), District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rule 1975, awarded minor punishment of "FORFEITURE OF 62 YEARS APPROVED SERVICE" to accused police officer SI Razik khan No. 367/H with immediate effect.
Order announced in his presence.

Order Book No. 230
Dated 07-05-2021

Kashif Zulfiqar, PSP
District Police Officer,
Haripur

Alleged

7-1

10

Annex-D

**BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.**

(Departmental Appeal by SI Razik Khan 367/H).

(THROUGH PROPER CHANNEL)

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 230 DATED 07-05-2021 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED PUNISHMENT OF "FORFEITURE OF 02 YEARS APPROVED SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 07-05-2021 MAY KINDLY BE SET ASIDE AND APPELLANT BE RESTORED HIS 02(TWO) YEARS FORFEITED SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

1. That appellant while posted as Oll Police Station Beer (District Haripur) was served upon with a Charge Sheet dated 11-03-2021 by District Police Officer Haripur and DSP Circle Ghazi was appointed as his Enquiry Officer. Charge Sheet was replied in detail explaining all facts and circumstances of the matter and it was submitted to the Inquiry Officer. (Copy of reply is attached as "A").
2. That as per District Police Officer Haripur on receipt of enquiry finding from Enquiry Officer he awarded the appellant with punishment of **"Forfeiture of 02 (two) years approved service"** vide his order OB No. 230 dated 07-05-2021. (Copy of order dated 07-05-2021 is attached as "B").

Attested

[Signature]

3. That no proper departmental inquiry was conducted. Neither any evidence of a witness was recorded in presence of the appellant nor was he afforded with a chance of cross-examination of such a witness. Copy of enquiry report was not given to the appellant. No Show Cause Notice was issued to him. Even opportunity of personal hearing was not provided to him and he was condemned unheard.

4. That in fact on 27-02-2021, a case FIR No. 45 dated 27-02-202, U/S-9C/CNSA PS Beer along with an arrested accused namely Hassan Zeb S/O Aurangzaib, r/o village Alam Haripur was handed over to the appellant for investigation. On pointation of complainant SHO PS Beer the appellant prepared the site sketch. Appellant also checked the parcels of contraband which were correct as per recovery memo. Appellant got recorded statements of witnesses u/s-161 CrPC. Next day on 28-02-2021 the appellant produced the accused before the Ilaqa Magistrate for custody which was refused and the accused consigned to Jail on judicial remand. During investigation through a video recording it came to the notice of appellant that accused was arrested from Doiyan Aabi Haripur. The appellant immediately bring this fact to the notice of his high-ups and sought their opinion and advice. In the light of high-ups advice/direction and video recording the case was discharged. Nothing with regard to video recording was brought to the knowledge of appellant at the time handing over the case FIR to him.

Accepted
J.I.

(12)

This fact was collected by appellant through his own efforts during the investigation. Appellant has discharged his duties with due care, caution, devotion, dedication and honesty. The appellant has been awarded the punishment without any fault on his part and without any proof and justification. (FIR is attached as 'C').

5. That appellant has rendered more than 36 years service in the police department. He always performed his assigned duties with devotion, dedication and honesty and even on occasions for his tremendous services he has been awarded with the commendation certificates and cash rewards by his High-Ups. He has meritorious service record at his credit.
6. That the appellant is innocent and there is nothing wrong on his part. In view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegations as leveled against him in the Charge Sheet as well as in the Punishment Order which resulted into "forfeiture of his 02 years approved service. The appellant has been condemned unheard, without any reason and proof.
7. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Attested

7.1

13

Sir, in view of the facts and circumstances narrated here above, it is earnestly requested that impugned order dated 07-05-2021 passed by the District Police Officer Haripur may kindly be set aside and the appellant be restored his 02 (two) years forfeited approved service with grant of all consequential service back benefits. Thanking you sir in anticipation.

You're obedient Servant

W.I.
(SI RAZIK KHAN)
OII 1376/H
PS Kotnajibullah
Haripur

Dated: 27-05-2021

Attested

W.I.



14

Annex 'E'

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 21801 /PA DATED 23/09/2021

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by SI Razik Khan No. 367/H of District Haripur against the order of punishment i.e. *forfeiture of 02 years approved service* awarded by DPO Haripur vide OB No.230 dated 07.05.2021.

Brief facts leading to the punishment are that the appellant while posted as OII PS Beer, an innocent citizen namely Mr. Hassan Zaib s/o Aurangzaib, cast Awan r/o Alam Haripur was implicated in a heinous case vide FIR No. 45 dated 27.02.2021 u/s 9-C/CNSA PS Beer. The appellant investigated the case, which was falsely registered by SHO and others however, he could not able to investigate the case fairly and transparently.

The appellant was issued charge sheet along with summary of allegations while DSP Ghazi, Haripur was deputed to conduct formal departmental enquiry. The EO in his findings held the appellant responsible of misconduct and recommended him for minor punishment. He was issued final show cause notice and heard in person by the competent authority, however he failed to advance any cogent reason in his defense. Consequently, DPO Haripur awarded him minor punishment of forfeiture of 02 years approved service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. However, the appellant failed to advance any plausible justification in his defense and could not able to satisfy this office as to why an innocent citizen was implicated in a heinous case. The undersigned agree with the stance of the enquiry officer that when the OII had come to know of the facts, he should have immediately cancelled the FIR. Thus, the disciplinary action taken by the competent authority seems suitable and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

Mirvais Niaz (PSP)

REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 21802 /PA, dated Abbottabad the 23/09/2021.

CC.

1. DPO Haripur for information and necessary action with reference to his office Memo No 4005 dated 18-06-2021. Enquiry file of the appellant is returned herewith for record.

Handwritten signature and initials at the bottom of the page.

وکالت نامہ

قیمتی

کورٹ فیس

بعدالت جناب *سید عزیز حسین شاہ* کے سرپرست *سید سید علی شاہ*

منجانب *رازق خان ایم اینٹ*

سید سید علی شاہ

رازق خان

دعوی یا جرم *سید سید علی شاہ* باعث تحریر آنکے *سید سید علی شاہ*

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام *سید سید علی شاہ*

کے حکم نامہ *سید سید علی شاہ* کی ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت

حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر

حاضر نہ ہوں اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ

ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقرر اوقات سے پہلے یا بروز

تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ ساعت ہونے پر یا بروز کچہری کے اوقات

کے آگیا یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے

بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب

موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق

کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے

کا ہر قسم کا بیان دینے اور سپروٹالشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و

برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو

بشرط ادا نیگی علیحدہ پیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر

کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب

موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ

کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سندر ہے مضمون

مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

M. A. Shaheed

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السید عبد العبد

رازق خان ایم اینٹ