

Service Appeal No. 1477/2019

1. Mr. Abdul Saboor Khan, Advocate for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 05 pages, placed in connected Service Appeal No. 1400/2019 titled "Sharafat-un-Nisa Vs. Director Elementary & Secondary Education Peshawar and one other", we arrived at the conclusion that the appeal in hand is allowed and the case is remitted back to the department for denovo inquiry with the direction that the appellant should be associated in the inquiry. A detailed, self contained inquiry, fulfilling all codal formalities should be completed within sixty days of the receipt of this judgment. The appellants are reinstated in the service for the purpose of denovo inquiry. The issue of back benefits shall be subject to the final outcome of the denovo inquiry. The respondents shall intimate the date of receipt of judgement to the Registrar of this Tribunal and also the result of the inquiry. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal on this 22nd day of September, 2022.*



(FAREEHA PAUL)

Member (E)

(Camp Court Abbottabad)



(KALIM ARSHAD KHAN)


Chairman

(Camp Court Abbottabad)

22.12.2021

Learned counsel for the appellant present and stated that security and process fee have not been deposited due to having no knowledge of the same and in this respect, he submitted an application for allowing him to deposit the same. The application is placed on file in connected Service Appeal No. 1483/2019, which is accepted and the appellant is directed to deposit security and process fee within seven working days from today. After the requisite deposit, notices be issued to the respondents for submission of written reply/comments on 17.02.2022 before the S.B at Camp Court Abbottabad.

Appellant Depo/
Security & Process Fee
22/12/21



(Salah-Ud-Din)
Member (J)

Camp Court Abbottabad

21st July 2022 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG and Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Shah Wali Ullah, Computer Operator for the respondents present.

Written reply on behalf of the respondents not submitted. Representative of the respondents seeks time to submit written reply/comments. Last chance is given to the respondents to submit written reply/comments within fifteen days in office, failing which their right for submission of written reply shall be deemed as struck of. To come up for arguments on 22.09.2022 before D.B at camp court Abbottabad.

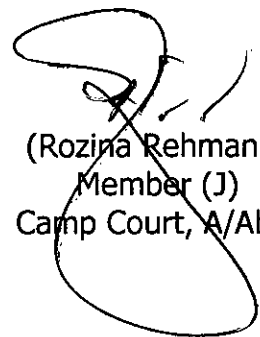


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

17.03.2021

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 13.07.2021 before S.B at Camp Court, Abbottabad.


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

13.07.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 13.10.2021.


Reader

13.10.2021

None is present on behalf of the appellant.

Security and process fee have not been deposited, therefore, notices could not be issued to the respondents. Notice be issued to the appellant/counsel to deposit the security and process fee within 07 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on next date positively, otherwise their right for submission of written reply/comments shall be deemed as struck off. Case to come up on 22.12.2021 before the S.B at at camp court, Abbottabad.


(Chairman)
Member (J)
Camp Court, A/Abad


Chairman
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

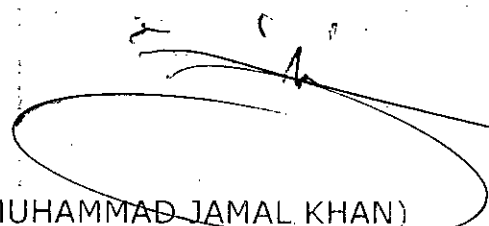
Reader

Due to summer vacation case to come up for the same on
18 / 9 / 20 at camp court abbottabad.


Reader

18.09.2020

Appellant has not forth come in person however, the clerk of the counsel did appear. According to him Mr. Abdul Saboor Khan learned counsel for the appellant has proceeded to District Kohistan for attending a case in the Model Court situated there, therefore, requested for adjournment. The appeal is adjourned to 14.12.2020 on which to come up for preliminary hearing before S.B at Camp Court, Abbottabad.

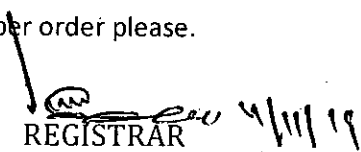

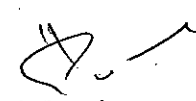

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1477/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/11/2019	<p>The appeal of Mst. Zarmina received today by post through Mr. Abdul Saboor Khan 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 4/11/19</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24-1-20</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	24.01.2020	<p>Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 20.03.2020 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> Member Camp Court, A/Abad</p>

9

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 1477 of 2019

Mst. Gul Bibi.....Appellant

VERSUS

Director Elementary and Secondary
Education Peshawar etcRespondents

APPEAL

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Dated 29.10.2019


GUL BIBI
(Appellant)

Through:-


ABDUL SABOOR KHAN
Advocate High Court

1

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 1477 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1549

Dated 04-11-2019

Mst, Gul Bibi, Ex-Primary School Teacher at
Government Girls Primary School, Seral
Shah, Tehsil Dassu, District Kohistan upper.

.....Appellant

VERSUS

- 1) Director Elementary and secondary
Education Peshawar.
- 2) District Education officer (Female)
Kohistan at Dassu.

.....Respondents

Filed to-day

Registrar

09/11/19

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL, ACT, 1974
AGAINST THE IMPUGNED ORDERS NO
1198-1210 DATED 20.04.2019 AND
6802 DATED 08.10.2019, PASSED BY
RESPONDENTS WHEREBY MAJOR
PENALTY OF REMOVAL FROM
SERVICE OF APPELLANT ON THE
GROUND OF ALLEGED UNSPECIFIED
ABSENCE FROM DUTY WAS IMPOSED
AND UPHELD.

PRAYER:-

On acceptance of the instant service appeal, the impugned orders bearing No 1198-1210 dated 20.04.2019 and 6802 dated 08.10.2019, passed by respondents may kindly be set-aside declaring them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

Respectfully Sheweth:-

1. That, appellant was appointed in a prescribed manner by competent authority against the post of Primary school Teacher vide appointment order dated 02.12.2009.

(Copy of appointment order dated 02.12.2009, is annexed as Annexure "A").

2. That, all of a sudden, respondent No 02 without citing any reason and intimation straightaway, with a single stroke of pen imposed Major penalty of removal from service upon appellant w.e.f. 01.01.2019 on the ground of alleged unspecified absence from duty, vide impugned order No. 1198-1210 dated 20.04.2019.

(copy of impugned order dated 20.04.2019 is annexed as Annexure "B").

3. That, appellant filed a Departmental appeal on dated 15.05.2019, with respondent No 02, which was rejected vide impugned combined order no 6802 dated 08.10.2019. Which too was rejected without hearing the appellant.

(Copies of Departmental appeal dated 15.05.2019 and impugned order dated. 08.10.2019 are annexed as Annexure "C&D" respectively).

4. That, felling aggrieved from the impugned orders dated 20.04.2019 and 08.10.2019, appellant having no other remedy files the present service appeal before this Honourable Tribunal for interference inter alia, on the following amongst other grounds.

GROUND:-

- A) That, appellant never remained absent as alleged and the entire illegal proceedings were carried out fictitiously, while sitting in office by respondent No 02 out of mala-fide.
- B) That, before imposing the impugned penalty, no publication as required under rule 9 of E&D, Rules, 2011, was ever made in the leading newspapers, commonly available in the District of the appellant. The reference of news

papers publication in the impugned order are not commonly available in the area of the appellant, hence, the impugned order is wholly illegal, unlawful, without lawful authority and of having no legal effect.

- C) That, no show cause notice was ever issued and the entire proceedings were fictitiously conducted by respondent No 02 at the back of the appellant.
- D) That, no inquiry into the alleged allegations was ever conducted and the impugned penalty was imposed without having the allegations proved.
- E) That, appellant was never confronted with the alleged allegations at any point of time, condemning her unheard.
- F) That, before passing the impugned order, appellant was not put on notice to present his view point/explanation under the Doctrine of **AUDI AULTEM PARTEM**, hence, the impugned order is not sustainable and maintainable under the law on this very sole ground.
- G) That, no evidence worth name was attempted to collect by respondent No 02 against the appellant for alleged absence from duty and he has been

condemned on flimsy and perverse grounds with mala-fide intention.

- H) That, appellant had a long unblemished service record at her credit and she has been removed from service with a single stroke of pen without observing due process of law and having the allegations proved.
- I) That, no complaint was ever filed by any one against the appellant for her being absent from duty as alleged on any working day with any authority.
- J) That, the impugned order on its very face value, is illegal, unlawful, without lawful authority, without jurisdiction and of having no legal effect.

PRAYER:-

On acceptance of the instant service appeal, the impugned orders bearing No 1198-1210 dated 20.04.2019 and 6802 dated 08.10.2019, passed by respondents may kindly be set-aside declaring them illegal, void and against the law on the subject and appellant be re-instated into service with all back benefits.

Dated 29.10.2019


GUL BIBI
(Appellant)

Through:-


ABDUL SABOOR KHAN
ADVOCATE HIGH COURT

VERIFICATION :

I, Mst. **Gul Bibi**, Ex-Primary School Teacher at Government Girls Primary School, Seral Shah, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.


GUL BIBI
(DEPONENT)

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2019

Mst. Gul Bibi.....**Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc**Respondents**

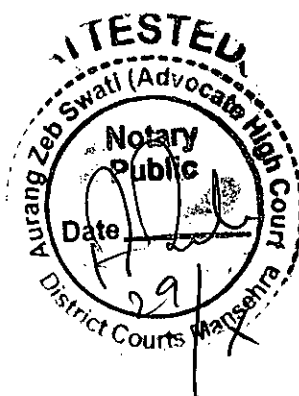
APPEAL

AFFIDAVIT

I, Mst. Gul Bibi, Ex-Primary School Teacher at Government Girls Primary School, Seral Shah, Tehsil Dassu, District Kohistan upper, do hereby solemnly affirm and declare on oath that the no such subject matter appeal has ever been filed before this honorable court nor pending nor decided. That the contents of fore-going affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable tribunal.

Dated: 29.10.2019


GUL BIBI
(DEPONENT)



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2019

Mst. Gul Bibi,.....**Appellant**

VERSUS

Director Elementary and Secondary
Education Peshawar etc**Respondents**

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Mst, Gul Bibi, Ex-Primary School Teacher at
Government Girls Primary School, Seral
Shah, Tehsil Dassu, District Kohistan upper.

RESPONDENTS:

- 1) Director Elementary and secondary
Education Peshawar.
- 2) District Education officer (Female)
Kohistan at Dassu.

Dated 29.10.2019


GUL BIBI
(Appellant)

Through:-


ABDUL SABOOR KHAN
Advocate High Court

Attested
29/10/19

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION
KOHISTAN

Annex A

APPOINTMENT

Consequent upon approval of Departmental Committee Kohistan, the competent authority is pleased to appoint the following (Female) candidates in BPS-5 plus usual allowance as due and admissible under the rules in the schools noted against each on vacant posts with immediate effect in the interest of public service according to the merit policy issued by the Government of NWFP Elementary & Secondary Education Department, subject to the following conditions.

S.#	Name of Candidates with Father Name	R/O	Name of School	Remarks
1	Rani Bibi D/O Sher Ghazi	Kuz Jalkot	GGPS Morogah	Agst V. Post
2	Shagufta Kiran D/O Aurang Zeb	-do-	GGPS Goshali	-do-
3	Fehmida Zeb D/O Aurang Zeb	-do-	-do-	-do-
4	Sadaf Zeb D/O Aurang Zeb	Goshali	GGPS Badarshaha	-do-
5	Gul Bibi D/O Mohammad Jan	-do-	-do-	-do-
6	Mehnaz Bibi D/O Mohd Sarfaraz	Kuz Jalkot	GGPS Pashot	-do-
7	Robina Bibi D/O Nadir	Sharakot	GGPS Ghatoo	-do-

CONDITIONS.

1. Charge report should be submitted to all concerned
2. No TA/ DA is allowed to him
3. Her appointments is purely on temporary basis and liable to termination at any time with out assigning any reason/ notice
4. She will be governed by such rules & regulation enforced and as prescribed by the Government from time to time for the category of the Government servants to which she belong
5. In case the above candidate failed to assume the charge of his post with in 15-days, her appointment will automatically stand cancelled.
6. She should not be allowed to take over charge if his age is less than 18-years and above 35-years.
7. She should produced Age & Health Certificate from EDO Health Kohistan before taking over Charge.
8. Dy: District Officer (F) is directed to verify his certificates/ Documents from the concerned Board/ Institution before drawl of her pay.

Executive District officer
(E & S) Education Kohistan

Endst: No. 328-331

Dated Kohistan the 2/12/2009

Copy of the above is forwarded to the:-

1. PA to Director Schools & Literacy NWFP Peshawar
2. District Nazim Kohistan
3. District Coordination Officer Kohistan
4. District Accounts Officer Kohistan
5. Dy: District Officer (F) E&SE Kohistan Kohistan.
6. Candidate concerned.

Executive District officer
(E & S) Education Kohistan

Attested
OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) KOHISTAN

ANNEX B

29/10/19

P-10

NOTIFICATION

Whereas the following teachers were reported wilful absent from duties by the concerned Assistant Sub Divisional Education Officers (Female), Sub Divisional Education Officers (Female) and Independent Monitoring Unit (IMU) Kohistan.

And whereas on the report of the visiting officers. this office issued show cause notices at home address through registered posts but neither the teachers joined their duties nor submitted convincing replies within the stipulated time (15 days) before the committees constituted for personal hearing vide this office letter no. 394-98 dated 11-02-2019 and the same were conveyed to the teachers in time.

And whereas final show cause notices were issued through two leading newspapers i.e. Daily "Hazara News" Mansehra and Daily "Akhbaar" Abbottabad dated 26-02-2019 in which teachers were directed to assume their duties and submit reason (s) of their wilful absence but neither they attended their schools nor submitted convincing replies before the committee within the stipulated period mentioned in the newspaper. Now in view of the above facts I, Mr. Khurshid Ahmed, being competent authority, as District Education Officer (female) Kohistan, is fully satisfied to impose major penalty of **REMOVAL FROM SERVICE** upon the teachers under rule 4b(iii) of E&D Rules 2011 with effect from the dates mentioned against each.

S#	NAME OF TEACHER	NAME OF SCHOOL	DATE OF REMOVAL FROM SERVICE
1	Lazhaba (G-4)	GGPS Pashot	01-10-2016
2	Sadaf Zeb	GGPS Pashot	01-10-2017
3	Raqiba	GGPS Ser Garhi	01-10-2017
4	Asma	GGPS Ser Garhi	01-10-2017
5	Farzana Wali	GGPS Jhakh Lohi	01-04-2018
6	Shaheen Zameer	GGPS Loohi Dader	01-10-2018
7	Gul Bibi	GGPS Baja Loohi	01-04-2018
8	Nuzhat Ara	GGPS Harban kot	01-05-2018
9	Tahmena Roohi	GGPS Kuz Kamila	01-01-2017
10	Zuhra Bibi	GGPS Kherza khail Dader	01-10-2015
11	Nagina Otail (G-4)	GGPS Baja Lohi	01-05-2016
12	Shagufta Kiran	GGPS Dhoop Lohi	01-01-2019
13	Gul Bibi	GGPS Seral Shan	01-04-2018
14	Zarina	GGPS Kemia Abad	01-01-2019
15	Salma Bibi	GGPS Kemia Abad	01-01-2019
16	Shakira	GGPS Mehran Abad	01-03-2018
17	Masooma	GGPS Ghee Harban	01-04-2018
18	Latifa	GGPS Ghee Harban	01-01-2019
19	Johajra Bibi	GGPS Bar Bak	01-04-2018
20	Rasheeda Bano	GGPS Serto Kandia	01-10-2017
21	Rehana	GGPS Seri Gabriel	01-01-2019
22	Sara Qayum	GGPS Seri Gabriel	01-11-2018
23	Aisha Sadiq	GGPS Soyal Jashoi	01-04-2018
24	Bibi Hawa (G-4)	GGPS Awaysach	01-12-2016
25	Fahmeeda	GGPS Bhati Kuz Shrial	01-11-2017

Attested
29/10/19

P. (11)

26	Bushra Hafeez	GGPS Bhati Kuz Shiryal	01-01-2019
27	Salma	GGPS Momin Abad	01-01-2019
28	Safia Zareen	GGPS Sanga Abad	01-01-2019
29	Naheed Sartaj	GGPS Sanga Abad	01-01-2019
30	Mehnaz	GGPS Berser Shared	01-11-2017
31	Aisha Qureshi	GGPS Habib Abad	01-11-2017
32	Shema	GGPS Jaren Ranolia	01-01-2019
33	Durkhana	GGPS Kas Dobair	01-05-2017
34	Robina Syed	GGPS Ali Abad	01-11-2018
35	Nasreen Sultan	GGPS Tares	01-12-2018
36	Fatima Akhtar	GGPS Serzahab Abad	01-02-2019
37	Rizwana Bibi	GGPS Z K Abad	01-12-2018
38	Mufeed Akhtar	GGPS Sher Abad	01-12-2018

NOTE: Any teacher who is found involved in any embezzlement of fund/conditional grant, she will be proceeded for FIR/Anti-corruption proceedings as and when reported at any stage. Concerned DDOs are directed to recover the payment (if any) made for absence period out of their GPF etc.

[Signature]
DISTRICT EDUCATION OFFICER
(F) KOHISTAN

Endst No: 1198-1210 Dated: 20-04-2019
Copy for Information to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Kohistan.
3. Deputy Commissioner Kohistan Lower.
4. Deputy Commissioner Kolai Palas Kohistan.
5. District Monitoring Officer Kohistan.
6. DEO (M) Kohistan Lower & Kolai Palas Kohistan.
7. District Accounts Officer Kohistan.
8. PA to Advisor to CM for Elementary & Secondary Education Khyber Pakhtunkhwa.
9. PA to Secretary (E&SE) Govt of Khyber Pakhtunkhwa Peshawar.
10. All concerned teachers.
11. PA to DEO (M/F) Kohistan.
12. Office copy.

DISTRICT EDUCATION OFFICER
(F) KOHISTAN

ANNEX 2C

بخدمت جناب ڈائریکٹر صاحب E&SE خیبر پختونخواہ پشاور

عنوان: اپیل برخلاف آڈر نمبر 1190-1210-Endst No. 20.04.2019 محرمہ

P-12

29/05/19

جناب عالی! گزارشات حسب ذیل پیش ہیں۔

(۱)۔ یہ کہ سالکہ 02.12.2009 سے محکمہ تعلیم میں اور تاحال GGPS سرال شاہ آباد داسو کوہستان میں بطور PST گزشتہ 10 سالوں سے اپنے فرائض سرانجام دے رہی ہے۔

(۲)۔ یہ کہ دوران سروس کبھی بھی سالکہ کو نہ غیر حاضر پایا گیا نہ اسکے خلاف کسی قسم کی کوئی محکمانہ شکایت آئی ہے۔

(۳)۔ یہ کہ غیر حاضری کے بارے میں سالکہ کو کوئی علم نہیں اور نہ بتایا گیا ہے کیونکہ سالکہ ریگولر اپنی ڈیوٹی سرانجام دے رہی ہے۔

(۴)۔ یہ کہ جب کبھی بھی محکمہ تعلیم سے کوئی شوکاژ نوٹس ہوا تو سالکہ نے بروقت اسکا جواب دیا ہے مگر محکمہ کے افسران نے اسے دیکھنے کی کوئی ضرورت محسوس نہ کی۔

(۵)۔ یہ کہ اچانک ایک Letter نمبر 1198-1210 مورخہ 20.04.2019 موصول کر کے حیرت ہوئی کہ سالکہ کو ملازمت سے برطرف کر دیا گیا ہے۔

(۶)۔ یہ کہ دفتر سے یکطرفہ فیصلہ کر کے سالکہ کو سروس سے برخاست کیا گیا ہے اسی دوران نہ تو کوئی انکوائری ہوئی ہے اور نہ سالکہ کو پرسنل ہیئرنگ کیلئے بلا یا گیا ہے۔

(۷)۔ یہ کہ سالکہ کے ساتھ نہایت زیادتی ہوئی ہے سالکہ کے چھوٹے چھوٹے بچے ہیں، نہایت ہی غریب خاندان سے اور پسماندہ علاقے سے تعلق رکھتی ہے۔

لہذا استدعا کی جاتی ہے کہ مندرجہ بالا عنوان کی روشنی میں سالکہ کا برخاستگی کا حکم نامہ ختم کر کے سالکہ کو اپنی پوسٹ پر بحال کرنے کا حکم صادر فرمایا جائے تو سالکہ تاحیات دعا گور ہے گی۔

ارض

گل بی بی PST گورنمنٹ گرلز پرائمری سکول سرال شاہ آباد داسو کوہستان گل بی بی سالکہ

مورخہ 15-05-2019



P-13 ANNEX (D) 99

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

No. 6802 /FNq.324/F/Appeal Kohistan

Dated Peshawar the 08/10/ /2019

To

The District Education Officer,
(F) Kohistan

Subject:- **APPEALS REGARDING REMOVAL FROM SERVICE**

I am directed to refer to your letter No.5158 dated 02/09/2019 on the subject cited above and to state that the competent authority has rejected the appeals of the following teachers. Hence she may be informed accordingly.

S.No	Name and Designation	School Name
1.	Zarina PST	GGPS Kemia Abad Kohistan
2.	Salma Bibi PTS	---do--
3.	Shakira Bibi PST	GGPS Mehran Abad
4.	Gul Bibi PST	GGPS Seral Shah
5.	Sadaf Zeb PST	GGPS Pashot
6.	Shaheen Zameer PST	GGPS Loohi Dader
7.	Raqiba PST	GGPS Ser Garhi
8.	Nagina Otail PST	GGPS Baja Lohi
9.	Asma PST	GGPS Ser Garhi Kandia
10.	Farzana Wali PST	GGPS Jhakh lohi
11.	Rehana Bibi PST	GGPS Seri Gabriel
12.	Gul Bibi PST	GGPS Baja Looni
13.	Johajra Bibi PST	GGPS Bar Bak
14.	Gul Shanaz Bibi PST	GGPS Nimraty Sosak Upper
15.	Bibi Rashida PST	GGPS Serto Kandia
16.	Shagufta Kiran PST	GGPS Dhoop Lehi
17.	Huree PST	GGPS Nimraty Sosak Upper
18.	Latifa PST	GGPS Ghee Harban
19.	Aisha Qurashi PST	GGPS Habib Abad Koli
20.	Aisha Sadiq	GGPS Soyal Jashoi
21.	Naheed Sartaj PST	GGPS Sanga Abad

Endst No. _____

Copy of the above is forwarded to the:

1. PA to Director E&SE KPK Peshawar.

Hans
Deputy Director (Female)
E&SE Khyber Pakhtunkhwa

Hans
Deputy Director (Female)
E&SE Khyber Pakhtunkhwa

وکالت نامہ

P-14

بعدالت جناب سروس ٹریبونل KPK پشاور

حکومت خیبر پختونخواہ وغیرہ

بنام

گل بی بی

سروس اپیل

اپیلانٹ

باعث تحریر آئیکہ!

منجانب:

عبدالصبور خان ایڈووکیٹ ہائی کورٹ

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے بیرونی وجوہات ہی بمقام پشاور ہائی کورٹ

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رُویز و عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشاور کی عیوض کسی اور جگہ پشوری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہونگے اگر مقدمہ مقام پشوری کے آگے یا پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء کے 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 اجراء کرانے اور ہر قسم کارروپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد جانشی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا فیصلہ ڈگری و اجراء کے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا 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 تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پر داخنتہ مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 29.10.2019

عبدالصبور خان

گل بی بی

گل بی بی سابقہ پرائمری سکول ٹیچر گورنمنٹ گرلز پرائمری سکول سرال شاہ تحصیل داسو ضلع کوہستان اپر

(اپیلانٹ)

Attested & Accepted
Abdul Saboor Khan
Advocate High Court