

26th Sept 2022

Petitioner alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Notices be issued to the respondents for submission of implementation report. Granted. To come up for implementation report on 24.10.2022 before S.B at Camp Court, D.I. Khan.



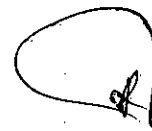
(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

24.10.2022

Petitioner in person present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Khalil Khan S.I (Legal) for respondents present.

Implementation report not submitted. Representative of respondents requested for adjournment in order to submit proper implementation report. Adjourned. To come up for submission of proper implementation report on 21.11.2022 before S.B at Camp Court, D.I.Khan.



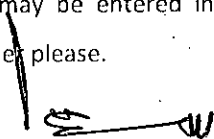

(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 387/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05.07.2022	<p>The execution petition of Mr. Muhammad Bilal Hussain submitted today by Mr. Muhammad Waqar Alam Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR.</p>
2	<p>13-7-22</p> <p>28/7/2022</p>	<p>This execution petition be put up before touring Single Bench at D.I.Khan on <u>28-07-22</u>. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Due to summer vacation, case to come for the same i.e 26/9/2022.</i></p> <p style="text-align: right;">Render</p>

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL,
BENCH, D.I.KHAN**

E.P No. 387 /2022

MUHAMMAD BILAL HUSSAIN

VERSUS

R.P.O & OTHERS

E.P PETITION

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01	Ground of E.P Petition along with affidavit	--	1-4
02	Copy of service appeal along with judgment dt: 30.09.2021	A & B	5-10
03	Copy of minutes of meeting along with order dt: 28.01.2022 & 07.01.2022	C-1 to C-2	11-13
04	Wakalatnama	--	14

Dated: 05.07.2022

Humble Petitioner

m bilal

MUHAMMAD BILAL HUSSAIN

Muhammad Waqar Alam

Muhammad Waqar Alam
Advocate Supreme Court

Muhammad Waqar Alam

- 1 -

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL,
BENCH, D.I.KHAN

E.P No: 387 of 2022

Muhammad Bilal Hussain son of Irshad Hussain R/O Basti
Diwala, Near Haideri Masjid, Tehsil & Distt: Dera Ismail
Khan (Constable)

..... (Petitioner)

Khyber Pakhtunkhwa
Service Tribunal

Versus

Diary No. 633

1. Regional Police Officer/ DIG, Dera Ismail Khan Dated 05/7/2022
2. District Police Officer D-1-KHAN
3. Pay Officer Police D.I.Khan. (AT DPO OFFICE D-1-KHAN)
4. Malik Qayyum, Establishment Clerk R.P.O Office, D.I.Khan

..... (Respondents)

**EXECUTION PETITION FOR THE IMPLEMENTATION OF ORDER
DATED: 30.09.2021 PASSED BY THIS HONORABLE TRIBUNAL
IN SERVICE APPEAL NO. 882/2019 IN WHICH THE APPEAL OF
THE PETITIONER WAS ACCEPTED AND THE RESPONDENTS WAS
DIRECTED TO REINSTATE THE PETITIONER IN TO HIS SERVICE
WITH ALL BACK BENEFITS.**

**THAT THE JUDGMENT DATED: 30.09.2021 HAS NOT BEEN
COMPLIED YET THEREFORE THE INSTANT EXECUTION
PETITION.**

Note:

Addresses of parties given in the heading of Petition are
sufficient for the purpose of service.

Filed to day

Registrar

5/7/2022

Handwritten signature

Respectfully Sheweth:-

- 2 -

FACTS:

- That the petitioner was initially appointed as constable in the year 2007 and later on the petitioner was involved in a criminal case by the local police and was removed from the service on the sole ground of involvement in criminal case there after the petitioner filed a service appeal in this honorable tribunal which was allowed by the tribunal vide judgment dated: 30.09.2021. (copy of service appeal along with Judgment dated: 30.09.2021 is Annexed as **Annexure-A&B**).
- That after the judgment the petitioner time and again requested from the respondents to reinstate the petitioner but they are reluctant and lastly vide order No. OB150, dated: 28.01.2022 the petitioner was instated in service w.e.f, 30.09.2021 and the back benefits issue not resolved by the respondent No. 3 & 4, reason best known to them. (copy of instatement order is Annexed as **Annexure-C** and the minutes of meeting & letter dated: 07.01.2022 is Annexed as **Annexure-C1 & C2**)

GROUNDS:

- a. That the respondent is deliberately reluctant to obey the direction of Honourable Service Tribunal and willfully ignored the order of Honourable Service Tribunal.
- b. That the respondent willfully ignored the order of Honourable Service Tribunal dated 30.09.2021 vide which Honourable Service Tribunal directed to reinstate the petitioner along with all back benefits but the respondents only comply one condition and the second condition is still pending on the part of respondents
- c. That now-a-days it has become a trend settled by Government officials that they do not follow the order of the

Hea

courts including august Supreme Court and this trend could only be brought to an end if the contemnors are punishing for non-implementation of the orders of court.

- d. That the counsel for the petitioner may kindly be allowed to raise the additional grounds at the time of arguments.

It is therefore, humbly prayed that the respondents may please be proceeded under contempt of court and may kindly be penalized him for the maximum, so that nobody should dare to disobey/violate the orders of Honourable Service Tribunal and may kindly be directed the respondent to obey the order dated 30.09.2021 passed by this Tribunal.

Dated: 05.07.2022

Humble Petitioner



Muhammad Bilal Hussain



Muhammad Waqar Alam

Advocate Supreme Court

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL,
BENCH, D.I.KHAN**

E.P No. _____/2022

MUHAMMAD BILAL HUSSAIN

VERSUS

R.P.O & OTHERS

E.P PETITION

CERTIFICATE:

It is certified that all the *parawise* contents of E.P petition are true and correct, and no such E.P petition has earlier been filed on the subject matter before this Tribunal.

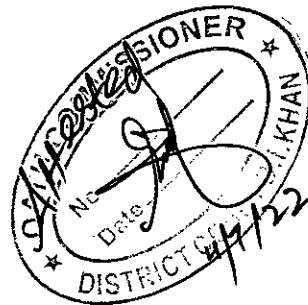
m Bilal

Humble Petitioner

AFFIDAVIT:

I, Muhammad Bilal Hussain son of Irshad Hussain (Petitioner) Dera Ismail Khan, petitioner, do hereby solemnly affirm and declare on oath that contents of above E.P Petition are true & correct that nothing has been concealed from this Tribunal.

Dated: 05.07.2022



m Bilal

DEPONENT

Annexure "A" - 5-



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 882 /2019

Diary No. 985

Dated 04/07/2019

Muhammad Bilal Hussain son of Irshad Hussain r/o
Basti Dewala, near Haidry Masjid, Tehsil & District Dera
Ismail Khan. Ex-Constable # 1855

(Appellant)

VERSUS

1. Government of KPK, through Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer/DIG, Region Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan.

(RESPONDENTS)

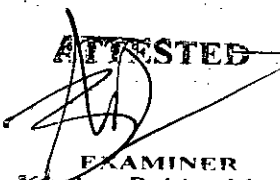
APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER No. OB-743 DATED 02/05/2019 ISSUED BY RESPONDENT NO. 3, WHEREBY THE APPELLANT WAS DISMISSED FROM REGULAR SERVICE AND AGAINST THE ORDER OF RESPONDENT NO. 2 dated 20/06/2019 VIDE WHICH HE DISMISSED THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHOUT ANY COGENT REASONS.

Filed to-day
Registrar
4/7/19

PRAYER

On acceptance of the instant appeal and by setting aside all the impugned orders bearing OB-743 dated 02/05/2019 issued by respondent no. 3 and the impugned order No. OB 1067 dated 20/06/2019 issued by respondent No.2 and the respondents be directed to reinstate the appellant in service with all back benefits.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Annexure "B" - 6

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN.**

Service Appeal No. 882/2019

Date of Institution ... 04.07.2019

Date of Decision ... 30.09.2021



Muhammad Bilal Hussain S/O Irshad Hussain,
R/O Basti Dewala, near Haidry Masjid, Tehsil & District Dera Ismail
Khan, Ex-Constable # 1855.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Home &
Tribal Affairs Department, Khyber Pakhtunkhwa Peshawar and two
others.

... (Respondents)

MR. WAQAR ALAM,
Advocate

For appellant.

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR


MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

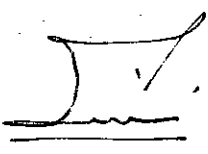
Precise facts of the instant service appeal are that the appellant was serving as Constable, when disciplinary action was initiated against him on the allegations that he was directly charged in case FIR No. 69 dated 22.01.2017 under sections 302/404/109/120-B/34 PPC PPC registered at Police Station City District D.I.Khan. On conclusion of the inquiry, the competent Authority awarded him major penalty of dismissal from service. The appellant filed departmental appeal against the order of his dismissal, however the same was dismissed, therefore, the

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


appellant filed Service Appeal No. 47/2018 before this Tribunal. The service appeal of the appellant was allowed vide judgment dated 28.11.2018, whereby the appellant was ordered to be reinstated in service and the respondents were directed to conduct de-novo inquiry within a period of 90 days from the date of receipt of judgment. On completion of the de-novo inquiry, the appellant was again awarded major penalty of dismissal from service. The departmental appeal of the appellant was also rejected, hence the instant service appeal.

2. Notice was issued to the respondents, who submitted their comments.



3. Learned counsel for the appellant has contended that the appellant being on ex-Pakistan leave was out of country on the date of alleged occurrence of murder; that the de-novo inquiry was conducted in utter violation of relevant provisions of Police Rules, 1975 as the appellant has been condemned unheard; that the inquiry proceedings were conducted at the back of the appellant and he was not provided any opportunity of cross examination of the witnesses produced during the inquiry; that the respondents were required to have waited for outcome of the criminal case, however they acted in a hasty manner and declared the appellant as culprit, without any verdicts being given by the competent court; that the appellant has now been acquitted in the criminal case, therefore, the impugned orders are not sustainable in the eye of law and are liable to be set-aside; that the dismissal order of the appellant was passed by Salim Riaz District Police Officer D.I.Khan, who had initially conducted inquiry against the appellant in the same matter and had recommended the appellant for dismissal from service, therefore, the impugned order passed by the competent Authority is liable to be set-aside on this score alone. Reliance was placed on 2007 PLC (C.S) 997, PLJ 2010 Tr.C. (Services) 103, 2010 SCMR 1778, 2019 PLC (C.S) 255, 2000 PLC (C.S) 853, 1986 PLC (C.S) 176 and 2008 SCMR 1406.

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

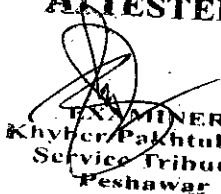
4. On the other hand, learned Deputy District Attorney for the respondents has contended that departmental proceedings are

different from criminal proceedings, therefore, mere acquittal of the appellant in the criminal case cannot be considered as ground for his exoneration in the departmental proceedings conducted against the appellant; that regular inquiry was conducted in the matter by complying all legal as well as codal formalities and the appellant was afforded ample opportunities of his defense; that the charges against the appellant stood proved in a regular inquiry, therefore, he has been rightly dismissed from service.

5. Arguments heard and record perused.

6. A perusal of the record would show that disciplinary action was taken against the appellant on the ground that the appellant while posted in Police Station City Dera Ismail Khan was directly charged in case FIR No. 69 dated 22.01.2017 under sections 302/404/109/120-B/34 PPC. A perusal of the concerned FIR would show that the same was registered against unknown accused, however in the statement of allegations, the competent Authority has mentioned that the appellant was directly charged in the FIR. The inquiry officer has categorically mentioned in his findings that the appellant was out of Pakistan on the day of the occurrence of murder of one Abdul Khaliq but even then the appellant was recommended for major penalty by the inquiry officer through mentioning of fanciful reasons of involvement of the appellant in the murder case. It is a settled principle of law that mere allegation of commission of an offence against a person and registration of FIR in respect of certain offence or more than one offences against such person would not ipso facto make him guilty of commission of such offence and he would continue to enjoy the presumption of innocence until convicted by court of competent jurisdiction after a proper trial with opportunity to defend himself on the allegations leveled against him. In the instant case, the respondents have declared the appellant as culprit, prior to outcome of the trial of the concerned criminal case.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

7. During the previous inquiry, the appellant was awarded major penalty of dismissal from service, however the same was set-aside by this Tribunal vide judgment dated 28.11.2018 and

the matter was remanded for de-novo inquiry. However, while going through the findings of the inquiry officer as well as the impugned order dated 02.05.2019 passed by competent Authority, it appears that they were of the view that the penalty previously awarded to the appellant was still in field. In order to properly appreciate this point, the relevant portion of findings of the inquiry officer is reproduced as below:-

"RECOMMENDATIONS:

*Keeping the above facts and figures in view, I am fully satisfied that Constable Muhammad Bilal Hussain No. 1855 has rightly been dismissed from the Police Services as there is no room for the criminals and murderers in our esteem department. Hence, being an inquiry officer of the de-novo inquiry, I recommend that the **"Major punishment"** regarding his dismissal from police services may please be upheld".*


Similarly, the relevant portion of order dated 02.05.2019 passed by the competent Authority is reproduced as below:-

*"Therefore, in the light of above, I SALIM RIAZ, District Police Officer, D.I.Khan in exercise of powers conferred upon me under the Police Rules, 1975 amended 2014 **upheld his major punishment regarding dismissal from police services with immediate effect."***

It is thus evident that the inquiry officer as well as the competent Authority had acted in a mechanical way, without application of conscious mind.

08. The appellant was proceeded against departmentally on the ground that he was charged in case FIR No. 69 dated 22.01.2017 under sections 302/404/109/120-B/34 PPC PPC registered at Police Station City District D.I.Khan, however the appellant has now been acquitted in the said criminal case by learned Additional Sessions Judge/Judge Model Criminal Trial Court Dera

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

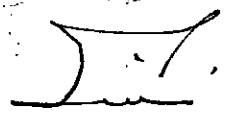
Ismail Khan vide judgment dated 05.10.2019. On page 34 of the judgment, the learned Trial Court has observed as below:-

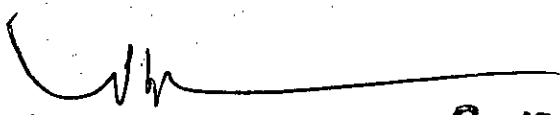
"On perusal of whole record, it is an admitted fact that the present occurrence is un-witnessed one, because neither any person was directly charged in FIR nor the complainant as well as other private witnesses were the eye witnesses. As such the statement of the complainant in itself is not sufficient to show any guilt of the accused facing trial, however reference was made to the statement whether he has made any justification behind the charge leveled against the accused facing trial. Private witnesses have referred to hearsay evidence, but that hearsay evidence is incomplete. No motive behind the occurrence or the purpose resulting into murder of the deceased was explained. The facts remained unexplained by the complainant and as such the statement of the complainant cannot be considered as ground accused facing trial".


It is settled law that acquittal of an accused in a criminal case even if based on benefits of doubt would be considered as honourable. In case of dismissal of civil servant/employee on charges of registration of a criminal case, if the civil servant/employee is later on acquitted, then the dismissal cannot remain in field.

09. In view of the above discussion, the appeal in hand is accepted and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN


(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

Examined to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 05/10/21

Number of Words 2400

Copying Fee 26/-

Urgent 4/-

Total 30/-

Name of Copyist _____

Date of Completion of Copy 05/10/21

Date of Delivery of Copy 05/10/21



Annexure C-11

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar
aiglegal11@gmail.com

*220
17/1/22*

No. 108 /Legal, dated Peshawar, the 07/01/2022.

To: - The Regional Police Officer,
D.I.Khan.

Subject: **LODGING OF CPLA AGAINST THE JUDGMENT
SERVICE TRIBUNAL DATED 30.09.2021 SERVICE
APPEAL NO. 882/2019 TITLE MUHAMMAD BILAL
HUSSAIN VS GOVT: OF KPK & OTHERS.**

Memo:

Please refer to your office Letter No. 5201/EC, dated 01.12.2021, on the subject cited above:

The subject case was referred to the Secretary, Govt: of Khyber Pakhtunkhwa, Home & TAs Department Peshawar with the request for lodging CPLA vide this Office Letter No. 11430-32/Legal, dated 06.12.2021.

The Scrutiny Committee of Law Department Govt: of Khyber Pakhtunkhwa, Peshawar did not approve the case for lodging CPLA in the meeting held on 15.12.2021 at agenda item No. 40 (Copy of Minutes is enclosed).

The Competent Authority has directed to implement the Judgment dated 30.09.2021, of Khyber Pakhtunkhwa, Service Tribunal Peshawar.

*no 355 /Es dt: 19/1/22
D.P.O/D.I.Khan
For information &
action w/r to this office
endst: No. 5201/ES dt: 1/1/22*

gpn
AIG/LEGAL

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
08.01.2022

HCBA-DIK
[Signature]

CC.

REGIONAL POLICE OFFICER

DERA ISMAIL KHAN

Copy of above is forwarded for information to the District
Police Officer, D.I.Khan.

*c
P.27
7/1*

Amr Khan C-1-12



OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN
☎0966-9280062 Fax # 9280293

No. 418 /EC dated D.I.Khan the 28 /01/2022

ORDER

Consequent upon the Judgment in Service Appeal No. 882/2019 passed by the Khyber Pakhtunkhwa Service Tribunal Peshawar on 30.09.2021 and in compliance with the directions issued by the Inspector General of Police, Khyber Pakhtunkhwa Peshawar, endorsed to this office by the Regional Police Officer Dera Ismail Khan vide No. 355/ES dated 19.01.2022, Ex Constable Muhammad Bilal is hereby reinstated in service w.e. from 30.09.2021.

He is hereby allotted Constabulary No. 199.

[Signature]
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

No. _____ /EC dated 28/01/2022

Copy of above is submitted to:-

1. The Regional Police Officer, Dera Ismail Khan with reference to his office Endst: No. quoted above. Necessary guidance regarding counting of out of service period and back benefits is solicited, please.
2. ✓ Pay Officer, DPO Office DIKhan.
3. PA to DPO DIKhan.
4. OHC DPO Office DIKhan.
5. I/C Security & Computer Lab DPO Office DIKhan.

HCBA-DIK
[Signature]
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

OB 150
DT 28-01-2022

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GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 40)

SUBJECT: SERVICE APPEAL NO. 882/2019 MUHAMMAD IHLAL HUSSAIN VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HOME DEPARTMENT AND OTHERS.

A meeting of the Scrutiny Committee was held on 15.12.2021 at 11:00 A.M. in the office of Secretary, Law Parliamentary Affairs & Human Rights Department under his Chairmanship to determine the fitness of the subject case for filing of Appeal/CPLA in the Supreme Court of Pakistan. Assistant Advocate General (Mr. Wilayat Ali Khan) represented the Advocates General, Khyber Pakhtunkhwa.

2. The representatives of Home Department Mr. Umur Nawaz Khan, Deputy Secretary alongwith Mr. Mir Faraz Khan, SP Courts, Police apprised the Committee about the background of the case and stated that the appellant filed the subject service appeal against the impugned order whereby, on completion of de novo inquiry, the appellant was awarded major penalty of dismissal from service and his Departmental Appeal was also rejected. The Khyber Pakhtunkhwa Service Tribunal vide order dated: 30.09.2021 accepted the subject service appeal and reinstated the appellant in service with all back benefits. The Scrutiny Committee declared the subject case unfit on the following grounds:

HCBA-DIK
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GROUND/DISCUSSIONS:

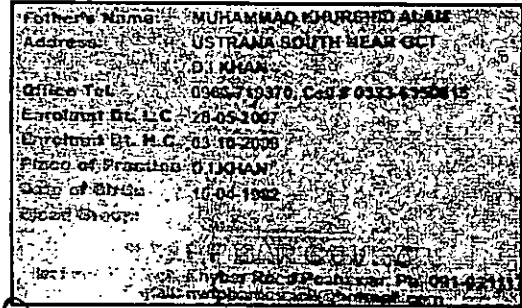
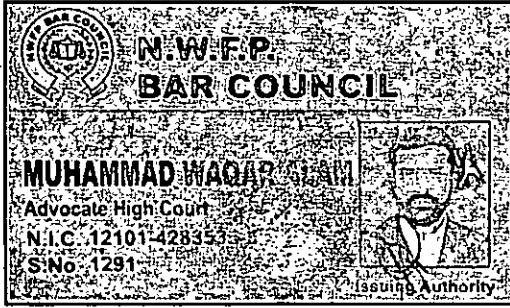
- i. The Scrutiny Committee perused the record of the case and the impugned judgment which revealed that the case in hand was time barred and asked the Departmental Representative to explain the delay which could not properly be explained by the Departmental Representative.
- ii. The Scrutiny Committee held that as the subject case is time barred, therefore, prior to argue the merits of the case before the Supreme Court of Pakistan, the delay of each and every day has to be explained before the Apex Court. The Scrutiny Committee further held that the Apex Court has shown zero tolerance regarding time barred cases and has passed adverse remarks against the Provincial Government for filing of time barred cases. The Scrutiny Committee held that it would not be advisable to file CPLA in a time barred case.

ADVICE:

3. Hence in view of above, it was decided with consensus by the Scrutiny Committee that the subject case, being time barred, may be returned to the Administrative Department as unfit.

[Handwritten signature]
(TANIR IQBAL KHATTAK)
SOLICITOR

وکالت نامہ



KPK Service Tribunal Peshawar بعدالت جناب
 PETITIONER منجانب
 Mr. Bilal Hassan R.P.O نام
 Execution Petition دعویٰ یا جرم
 تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام D-10 Khan کیلئے
 محمد وقار عالم ایڈووکیٹ ہائی کورٹ

کوسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ ہر پیشی پر خود بذریعہ مختیار خاص رد و عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشوری کے علاوہ کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پشوری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا میانہ دہی کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخلہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری نظر ثانی یا اپیل مگرانی اور ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا رویہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور آس پر ثالثی یا رضامندی نامہ و فیصلہ پر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا، اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پشوری صدر پیروی مقدمہ مذکورہ نظر ثانی یا اپیل مگرانی و برا آمدگی مقدمہ یا منسوخی ڈگری یا کٹرف یا درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ جتانہ پیروی کا اختیار ہوگا اور تمام ساختہ پر ذمہ دار صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزئی کاروائی یا بصورت درخواست نظر ثانی یا اپیل یا مگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ایئر سٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں، اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور وہ ان مقدمہ میں جو کچھ ہر جائز اتواء پڑے گا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ کسی مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے

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محمد وقار عالم ایڈووکیٹ ہائی کورٹ
 محمد عدنان حسین
 Mob: 0333-9950616
 Email: waqaralam1982@gmai.com