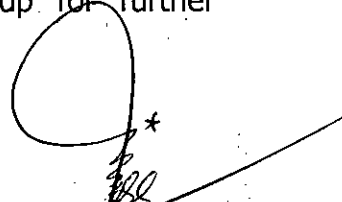


27.01.2022

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Mastan Ali Shah, Litigation Assistant and Mr. Jafar Ali, Assistant for respondents present.

The respondent-department produced office order dated 27.01.2022 whereby the Service Tribunal judgement dated 16.10.2019 has been implemented by reinstating the petitioner into service with immediate effect. Copy of the office order dated 27.01.2022 is placed on file and a copy thereof is handed over to learned counsel for the petitioner. To come up for further proceedings on 16.03.2022 before S.B.


(Mian Muhammad)
Member(E)

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 15.06.2022 for the same as before.


Reader

15th June 2022

Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG present.

2. Learned counsel for the petitioner submits that although the order was implemented and the petitioner was reinstated but the respondents were not giving posting to the petitioner. When confronted with the situation that the order has been implemented, the learned counsel was fair and frank to say that he will advice the petitioner to take other legal steps in accordance with law for redressal of grievance, if any, he felt. The petition is disposed of accordingly. Consign.

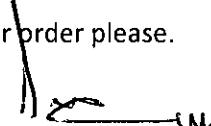
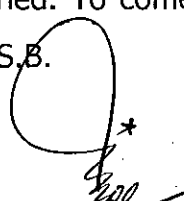
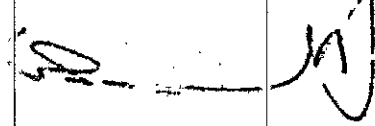
3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 15th day of June, 2022.*


(Kalim Arshad Khan)
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 330 330 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.11.2021	<p>The execution petition of Rozina Raheem submitted today by Mr. Bilal Ahmad Kakaizai Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench on <u>03/12/21</u></p> <p>CHAIRMAN</p>
	03.12.2021	<p>Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present.</p> <p>Notices be issued to the respondents for submission of implementation report on the next date. Adjourned. To come up for implementation report on 27.01.2022 before S.B.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p> <p></p>


BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No. 330 / 2021
Service Appeal No: 1096 / 2017

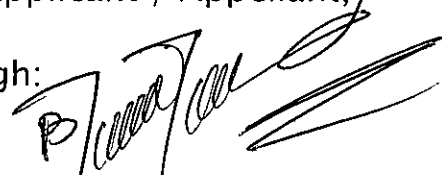
ROZINA RAHEEM Versus Government of KPK etc.

INDEX

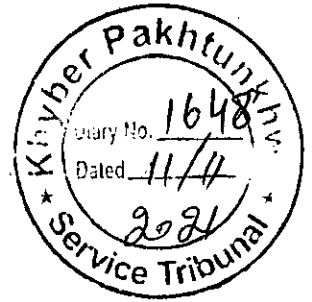
Description of Documents		Page No:
<i>Memo of Execution Petition</i>		1 - 3
<i>Affidavit</i>		4
<i>Addresses Sheet</i>		5
<i>Annexure-A</i>	Judgment dated 18.02.2016 in Service Appeal No. 1005 / 2013.	6 - 11
<i>Annexure-B</i>	Execution Application.	12 - 16
<i>Annexure-C</i>	Order dated 16.08.2017.	17
<i>Annexure-D</i>	Judgment dated 16.10.2019 in Service Appeal No. 1096 / 2017.	18 - 28
<i>Annexure-E</i>	Application.	29
<i>Annexure-F</i>	Enquiry dated 11.09.2020.	30 - 31
Wakalatnama		


Applicant / Appellant,

Through:


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.



Execution Petition No. 330 / 2021
Service Appeal No: 1096 / 2017

ROZINA RAHEEM,
W/o Ihsanuddin,
JCT, Government ID Children Hospital, Peshawar
R/o Gulbahar No. 1, Peshawar City.

..... Applicant / Appellant

Versus

1. GOVERNMENT OF KHYBER PAKHTUNKHWA,
Through Secretary Health, Civil Secretariat, KPK, Peshawar.
2. DIRECTOR GENERAL HEALTH SERVICES,
Khyber Pakhtunkhwa, Peshawar.
3. MEDICAL SUPERINTENDENT,
Government ID, Children Hospital, Peshawar.
4. EXECUTIVE DISTRICT OFFICER,
Health, District Peshawar

..... Respondents

APPLICATION FOR IMPLEMENTATION OF ORDER / JUDGMENT IN APPEAL NO. 1096 / 2017 DATED 16.10.2019 TO THE EXTENT OF ISSUANCE OF REINSTATEMENT ORDER.

Prayer: On acceptance of this Execution Petition, the Respondents be directed to implement the Judgment as per observations and directions given in the same without any further delay and order of reinstatement be issued, with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

- 1) That, initially the Applicant / Appellant filed Service Appeal No. 1005 / 2013 before this Honourable Tribunal, which was disposed of on 18.02.2016 with the direction to the Department / Appellate Authority to decide the fate of the Departmental Appeal within a period of one month after receipt of Order, copies of the Service Appeal and Judgment dated 18.02.2016 are attached as Annexure A.
- 2) That, the Department failed to act on the direction of the Service Tribunal hence the Appellant was constrained to file Execution Proceedings before this Honourable Tribunal, copy of the Execution Application is attached as Annexure B.
- 3) That, on 28.08.2017, one Representative of the Respondents Establishment, namely Syed Mastan Ali Shah, stated at the bar before this Honourable Tribunal that the Departmental Appeal of the Appellant has been regretted on 16.08.2017, in pursuance which, this Honorable Tribunal directed Syed Mastan Ali Shah to hand over the copy of the Order dated 16.08.2017 to the Counsel for the Applicant / Appellant, copy of the Order dated 16.08.2017 is attached as Annexure C.
- 4) That, once again Applicant / Appellant approached this Honorable Tribunal in Service Appeal No. 1096 / 2017, which was partially accepted vide Order dated 16.10.2019, in pursuance of which the Applicant / Appellant was ordered to be reinstated in service with the direction to Respondent / Department to conduct the De-novo Enquiry in the mode and manner prescribed under the KPK Government Servants (E & D) Rules, 2011 within a period of 90 days from the date of receipt of copy of the Judgment. Needless to mention here that back benefits were also made subject to the De-novo proceedings, copy of the Judgment dated 16.10.2019 in Service Appeal No. 1096 / 2017 is attached as Annexure D.
- 5) That, the Applicant / Appellant tried his level best for the purpose of implementation of Judgment of this Honorable Tribunal but Department paid no heed to the requests of the Applicant / Appellant, copy of the Applications is attached as Annexure E.
- 6) That, on each occasion of visit of the Applicant / Appellant, she was informed about the pendency of Enquiry as per Judgment of this

Honorable Tribunal, which was concluded on 11.09.2020, copy of the Enquiry dated 11.09.2020 is attached as Annexure F. hence this Application for Execution / Implementation Petition, on the following amongst other grounds:

GROUNDS:

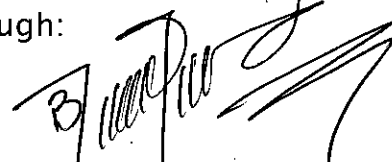
- A. That, the Impugned actions of the Department are violative of Judgment of this Honorable Tribunal.
- B. That, same are against the principals of natural justice, also.
- C. That, the treatment meted out to the Applicant / Appellant by the Respondents is contemptuous and disrespectful.
- D. That, the Respondents were time and again requested to implement the above said Judgments in its letter & sprit but they were reluctant.
- E. That, justice delayed is Justice denied.

It is, therefore, requested that subject Execution Petition be accepted as prayed for.



Applicant / Appellant

Through:



BILAL AHMAD KAKAZAI

(Advocate, Peshawar)

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No. _____ / 2021
Service Appeal No: 1096 / 2017

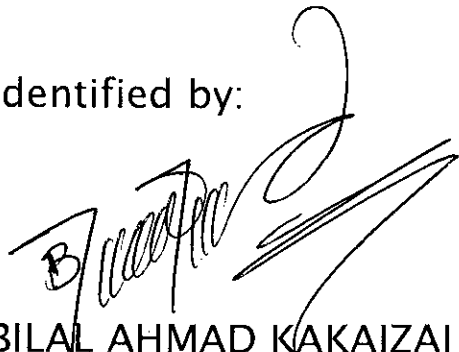
ROZINA RAHEEM Versus Government of KPK etc

AFFIDAVIT

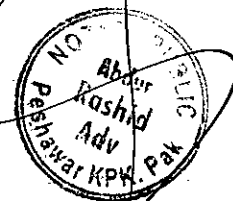
I, ROZINA RAHEEM, W/o Ihsanuddin, Ex. JCT, Government ID Children Hospital, Peshawar R/o Gulbahar No. 1, Peshawar City, Appellant, do hereby on oath affirm and declare that the contents of the Execution Petition are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.


Deponent

Identified by:


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

ATTESTED



17/1 NOV 2021

5

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No. _____ / 2021

Service Appeal No: 1096 / 2017

ROZINA RAHEEM

Versus

Government of KPK etc

ADDRESSES OF PARTIES.

APPELLANT:

ROZINA RAHEEM, W/o Ihsanuddin, Ex. JCT, Government ID Children Hospital, Peshawar R/o Gulbahar No. 1, Peshawar City.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa, Through Secretary Health, Civil Secretariat, KPK, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintendent, Government ID, Children Hospital, Peshawar.
4. Executive District Officer, Health, District Peshawar



Applicant / Appellant

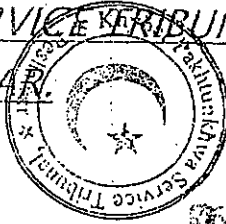
Through,



BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

(A) (6)

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.



Service Appeal No: 1005/2013

24/6/13

ROZINA RAHEEM,
W/o Ihsanuddin,
Ex. JCT, Government ID Children Hospital, Peshawar
R/o Gulbahar No. 1, Peshawar City.

Appellant

Versus

1. GOVERNMENT OF KPK,
Through Secretary Health,
Civil Secretariat, KPK, Peshawar.
2. DIRECTOR GENERAL HEALTH SERVICES,
KPK, Peshawar.
3. MEDICAL SUPERINTENDENT,
Government ID, Children Hospital, Peshawar.
4. EXECUTIVE DISTRICT OFFICER,
Health, District Peshawar

Respondents

24/6/13
APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT,
1974 FOR RESTORATION / REINSTATEMENT IN SERVICE AS JCT IN
RESPONDENT NO. 3 HOSPITAL FOR WHICH DEPARTMENTAL APPEAL
/ REPRESENTATION DATED 22.02.2013 SENT VIDE RECEIPT NO. 515
& 517 DATED 26.02.2013 HAS NOT BEEN RESPONDED DESPITE THE
LAPSE OF MANDATORY 90 DAYS PERIOD.

A
ATTESTED

(Handwritten mark)

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(7)

Prayer: That on acceptance of this Service Appeal, Appellant be allowed to perform her duty in Respondent No. 3 Hospital as JCT and the Verbal Termination Order be declared nullity in the eyes of law, with full back benefits and wages, with such other relief as may be deemed fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

- 1) That, Appellant, during the course of employment, applied for 60 days leave which was granted to her, copy of the Application for leave & Order dated 31.03.2010 is attached as *Annexure A & B*.
- 2) That, during leave period, Appellant's health condition deteriorated due to pregnancy; therefore, she applied for extension of leave which was duly communicated to the Competent Authority, copies of the Medical Certificates are attached as *Annexure C*.
- 3) That, after recovery from worst health conditions, Appellant reported her arrival in Respondent No. 3 Hospital where she came to know about the Relieving Order issued by Respondent No. 3 wherein the Respondent No. 3 placed her services at the disposal of Respondent No. 4 vide Order dated 23.09.2010, copy of the same is attached as *Annexure D*. It is important to mention here that the Respondent No. 3 Hospital did not take her Arrival Report and same was returned back to the Appellant, copy of the same is attached as *Annexure E*.
- 4) That, since the date of Arrival i.e. 15.06.2011, Appellant has been made a rolling stone between the Respondent No. 3 and Respondent No. 4 Department and both the Departments verbally instructed / directed the Appellant to Report in other Department but none of them gave any order in respect of place of posting of the Appellant.
- 5) That, at last in February 2013, Appellant was verbally asked by

ATTESTED

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4)

(32) (7) (8)

which she submitted proper Departmental Appeal before Respondent No. 2 & 3, copies of the Departmental Appeals are attached as *Annexure F* and Courier Receipts are attached as *Annexure G/1 & G/2*.

- 6) That, the Respondents failed to decide the fate of the Departmental Appeal of the Appellant within requisite period hence this Service Appeal on the following amongst other grounds: -

GROUND:

- A. That, the Impugned Verbal Termination Order is illegal, unlawful, void and ineffective.
- B. That, same is against the principals of natural justice, also.
- C. That, Respondents were bound to issue an adverse order, in writing, under intimation to the Appellant but they failed to issue the same.
- D. That, as per law, the Competent Authority cannot relieve / transfer any Civil Servant from one station to another without any intimation to the Civil Servant and that too during leave because during leave period, in case of leave with pay, the pay of the Civil Servant is paid / released from the budget of the station wherefrom she obtained leave.
- E. That, neither any explanation has been called from the Appellant nor any Charge Sheet or Statement of Allegations was ever served upon the Appellant.
- F. That, as per dictums laid down by the Superior Courts, it was mandatory on the Respondents to have conducted the Regular Enquiry in the instant case because where major punishment is imposed on the Civil Servant, an enquiry to that effect in respect of genuineness of the charges is mandatory.

(31) (8) (9)

G. That, before imposing any adverse order, the Respondents were bound to issue letter of Explanation or as per law publish a notice in at least two leading newspapers.

H. That, all the proceedings initiated against the Appellant were mala fide and malicious and purportedly were initiated in order to displace the Appellant from her post and appoint any other blue eyed.

I. That, the punishment as imposed is too harsh.

J. That, no one should be condemned unheard.

It is, therefore, requested that subject Appeal be accepted as prayed for.

Resident
Appellant

Through:

BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

Certified to be true copy

SEAL
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Appeal 14-03-2016
 Number of Words 1600
 Copying Fee 10
 Urgent 2
 Total 12
 Name of Copy Not
 Date of Completion 14-03-2016

A
ATTESTED

18.02.2016

Counsel for the appellant, M/S Muhammad Arshad SO-411

Gul, Senior Clerk and Dilawar Taj, Assistant Litigation Officer along with

Ziaullah, GP for respondents present.

2. While working as Junior Clinical Technician in Government ID Children Hospital, Peshawar, the following letter dated 23.9.2010 was sent by MS of the said hospital to the Executive District Officer (Health), District Peshawar on 23.9.2010.

"OFFICE OF THE MEDICAL SUPERINTENDENT
GOVT ID CHILDREN HOSPITAL, PESHAWAR

NO _____ /PF Dated 23/9/2010

To,

The Executive District Officer
Health District Peshawar.

Subject: RELIVING OF MRS. ROZINA RAHIM FMT.

Respected Sir,

Please refer to this office letter No. 1482/PF dated 2/09/2010 wherein she was advice to join her duty specifies period, but she failed to join her duty till now.

It is further added that she is on leave w.e.f 06/04/2010 for two months and resume duty on 07/06/2010 but she not resumed her duty due to which the hospital work is suffer badly. She may please be transferred on from this hospital.

Therefore, her service is placed at your disposal because her services are no more required in this hospital.

SD/--
Medical Superintendent
Govt:ID.Children Hospital
Peshawar.

NO. 1777-78/PF

Copy to the:-

1. Mrs. Rozina Rahim D/O Mr. Rahim Bakash R/O Mohallah Gariban Duban City.
 2. Account Section of this hospital.
- For information and further necessary action.

ATTESTED

(S) (S) (11)

3. It was submitted by learned counsel for the appellant that there after the appellant has been made a rolling stone. She was neither posted in the Hospital nor in the office of Executive District Officer and consequently the appellant is badly suffering, who is also not paid her salary. It was further submitted that her representation (in urdu language) dated 22.2.2013 was also not responded and, hence, the instant service appeal before the Service Tribunal.

4. Learned Government Pleader agitated that since no final order has been passed in the case therefore, the appeal is not competent.

5. Arguments heard and record perused.

6. From the record, it transpired that though no adverse order exist, but it was agitated by the learned counsel for the appellant at the bar that appellant has been verbally terminated from service and as her departmental appeal has not yet been decided, therefore, this case is remitted to respondent-department with the directions to decide the same within a period of one month after the receipt of this order. The appeal is disposed of accordingly. Parties are left to bear their own cost. File be consigned to the record room.

Sd/-
Member

Sd/-
Member

Certified to be true copy

EX-100
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation
Number of Pages

14-03-2016
1800

A
ATTESTED

(38) B (12)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Execution petition No. 124/2016

Service Appeal No: 1005 / 2013
Date of Decision: 18.02.2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 680
Dated 1-8-2016



ROZINA RAHEEM,
W/o Ihsanuddin,
JCT, Government ID Children Hospital, Peshawar
R/o Gulbahar No. 1, Peshawar City.

..... Applicant / Appellant

Versus

1. GOVERNMENT OF KHYBER PAKHTUNKHWA,
Through Secretary Health,
Civil Secretariat, KPK, Peshawar.
2. DIRECTOR GENERAL HEALTH SERVICES,
Khyber Pakhtunkhwa, Peshawar.
3. MEDICAL SUPERINTENDENT,
Government ID, Children Hospital, Peshawar.
4. EXECUTIVE DISTRICT OFFICER,
Health, District Peshawar.

..... Respondents

APPLICATION FOR IMPLEMENTATION OF JUDGMENT DATED 18.02.2016
AND INITIATION OF CONTEMPT OF COURT PROCEEDINGS AGAINST
RESPONDENTS.

Respectfully Sheweth,

ATTESTED

ATTESTED

13

26

2

1. That, Applicant / Appellant filed the titled Service Appeal in this Honorable Tribunal, which was decided on 18.02.2016, copies of the Order dated 18.02.2016 along with Postal Receipts are attached as Annexure A.
2. That, the Respondents / Government has not filed Appeal before the Honourable Appellate Forum i.e. Supreme Court of Pakistan.
3. That, the Respondents were time and again requested to implement the above said Judgment in its letter & spirit but they were reluctant.
4. That, justice delayed is Justice denied.

In view of the above, it is requested that Respondents be directed to implement the Judgment as per observations and directions given in the same without any further delay with such other relief as may deem fit in the circumstances of the case may also be granted.

Rozeez
Applicant / Appellant

Through:

Certified to be true copy
 Bilal Ahmad Kakaizai
 Advocate, Peshawar

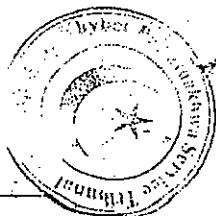
Bilal Ahmad Kakaizai
 BILAL AHMAD KAKAIZAI
 (Advocate, Peshawar)

Date of representation of the petition: 21-9-17
 Number of Words: 800
 Copying Fee: 6-
 Urgent: -
 Total: 6-
 Name of Copy: *[Signature]*
 Date of Copying: 26-9-17

A
ATTESTED

FORM OF ORDER SHEET

(27)
(14)



Execution Petition No. 124/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.08.2016	<p>The Execution Petition of Mr. Rozina Rehman submitted by Mr. Bilal Ahmad Khakaizai Advocate may be entered in the Register and put up to the Learned Member for proper order please.</p> <p><i>[Signature]</i> REGISTRAR</p>
2		<p>This Execution Petition be put up before S.B. <u>4.8.16</u></p> <p><i>[Signature]</i> MEMBER</p>
	04.08.2016	<p>None present for petitioner. Addl. AG for respondents present. Notices be issued to the parties for <u>30-9-16</u>.</p> <p><i>[Signature]</i> Member</p>
	30.09.2016	<p>Counsel for the petitioner, Mr. Azmat for respondent No. 3 alongwith Mr. Usman Ghani, Sr. GP for respondents present. Implementation report not submitted. Requested for adjournment. Request accepted. To come up for implementation report on 16.12.2016 before S.B.</p> <p><i>[Signature]</i> (MUHAMMAD AAMIR NAZIR) (MEMBER)</p>

Noted 30/9
[Signature]
30/9

ATTESTED
[Signature]

[Signature]
ATTESTED

(3)

(15)

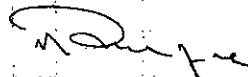
16.12.2016

Counsel for the petitioner and Dr. Zakir Arshad
Litigation Officer for the respondents present. Requested
for adjournment. Last opportunity granted. To come up for
implementation report on 24.2.2017 before S.B.


Chairman


24.02.2017


Mst. Rozina Raheem through learned counsel present. Mr. Yar
Gul, Senior Clerk and Dr. Zakir Arshed, Medical Officer alongwith Mr.
Muhammad Adeel Butt, Additional AG for respondent present. They
requested for last opportunity to submit the order on departmental appeal.
Learned counsel for petitioner stated that one month period was stipulated
for order on departmental appeal. That one month period has passed one
year ago, but no order has been passed and that respondents are bound to
pass order in compliance of court directions. On this issue the parties are
directed to argue the execution petition in length and submit
implementation report on 28.04.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER

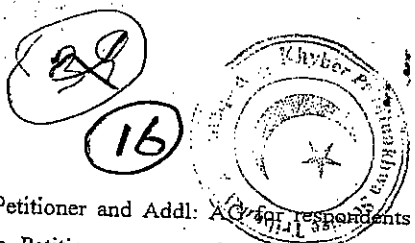
28.04.2017

Clerk to counsel for the petitioner and Dr. Arshad Rashid,
Medical Officer alongwith Addl. AG for the respondents present.
Clerk to counsel for the petitioner requested for adjournment.
Request accepted. To come up for implementation report on
30.06.2017 before S.B.


(Ahmad Hassan)
Member

ATTESTED

EXAMINER
Khyber P.W.D.


ATTESTED



30.06.2017

Counsel for the Petitioner and Addl: AG for respondents present. Counsel for the Petitioner requested for adjournment. Adjourned. To come up for further proceedings on 28.08.2017 before S.B.

(Ahmad Hassan)
Member

28.08.2017

Counsel for the petitioner present. Syed Mastan Ali Shah, Junior Clerk alongwith Mr. Muhammad Adcl Butt. Additional AG for the respondents also present. Learned counsel for the petitioner stated at the bar that the service appeal of the petitioner was remanded by the Service Tribunal to the departmental authority for decision but the same has not been decided so far. Representative of the department namely Syed Mastan Ali Shah, Junior Clerk stated at the bar that the departmental appeal of the appellant has been decided on 16.08.2017. He is directed to hand over copy of the same to the learned counsel for the petitioner. Accordingly the representative of the respondent-department handed over the copy of the same to learned counsel for the petitioner.

Keeping in view the aforesaid situation the instant execution petition is disposed of accordingly. File be consigned to the record room.

ANNOUNCED
28.08.2017

(Muhammad Amin Khan Kundi)
Member

Date of Presentation of this petition 21-9-17
Number of Pages 1200
Copying Fee 8-
Urgent +
Total 8-
Name of Clerk [Signature]

Certified true copy
Khaybe
Service Tribunal,
Peshawar

[Signature]
ATTESTED



OFFICE OF THE DISTRICT HEALTH OFFICER,
PESHAWAR.

Phone No. 091 9225387
Fax No. 091 9225388

(42)

(17)

OFFICE ORDER.

You Mrs. Rozina Raheem W/O Ihsan Uddin, Jr: PHC Technician, BPS12 attached to Sifwat Ghayur Memorial Hospital Peshawar has remained absent from duty willfully w.c.f. 07/6/2010. You were called to explain your position vide letter No.1482/DHO dated 02/9/2010. You produced medical certificates which was found bogus vide Medical Superintendent, DHQ Hospital, D.I Khan Office letter No. 1719/MS dated 23/2/2017. You were also appeared before the Director General Health Services, Khyber Pakhtunkhwa, Peshawar for personal hearing in light of departmental inquiry under the directions of Services Tribunal KPK, where you failed to prove the charges leveled against you. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar regretted your appeal and recommended disciplinary proceedings against you, vide letter No.6722-24/AE-VI dated 09/5/2017.

This office finally issued a show cause notice on your home address vide letter No.7414-19/DHO dated 30/5/2017 with the direction to show cause the reason of your willful absentee within 15 days, otherwise disciplinary action will be taken against you, but you failed to do so, and continuously absent yourself from duty till date.

According to E&D Rules 2011 Section No.9 a notice was published in the leading newspapers, upon which you didn't response so far, so the competent authority is pleased to impose upon you the major penalty in light of E &D Rules 2011, Section 4 (b) (iii) i.e. REMOVAL FROM SERVICE with immediate effect.

Sd/xxxxx
District Health Officer,
Peshawar.

No. 11981-87 /DHO/P.F

Dated Peshawar the 16-8 /2017

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
 2. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
 3. Honorable Court of Services Tribunal Peshawar.
 4. Medical Superintendent, Sifwat Ghayur Shaheed Memorial Hospital Peshawar.
 5. Litigation Officer, DHO Office Peshawar.
 6. Account Section of this office.
 7. Mrs. Rozina Raheem W/O Ihsan-ud-Din Gulbahar No.1 Asad Anwar Colony, Street#A-9 House# 49 Peshawar City. (To be sent on registered Dak).
- For information and necessary action.*

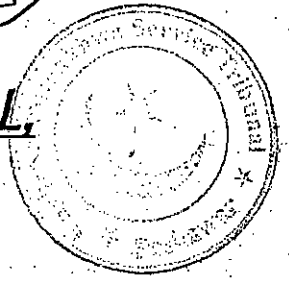
District Health Officer,
Peshawar.

16/8/17

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(18) D

BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11021

Dated 26-9-2017

Service Appeal No: 1096 / 2017

ROZINA RAHEEM,
W/o Ihsanuddin,
Ex. JCT, Government ID Children Hospital, Peshawar
R/o Gulbahar No. 1, Peshawar City.

Appellant

Versus

- ✓ 1. GOVERNMENT OF KPK,
Through Secretary Health,
Civil Secretariat, KPK, Peshawar.
- ✓ 2. DIRECTOR GENERAL HEALTH SERVICES,
KPK, Peshawar.
- ✓ 3. MEDICAL SUPERINTENDENT,
Government ID, Children Hospital, Peshawar.
- ✓ 4. EXECUTIVE DISTRICT OFFICER,
Health, District Peshawar

Filed to-day

Registrar

26/9/17

Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST APPELLATE ORDER NO. 6722-24/AE-VI DATED 09.05.2017 (MENTIONED IN ORER DATED 16.08.2017), WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED, COMMUNICATED / HANDED-OVER TO THE APPELLANT'S COUNSEL DURING EXECUTION PROCEEDINGS VIDE OFFICE ORDER DATED 11981-87/DHO/P.F DATED 16.08.2017.

Submitted to-day

Registrar

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Registrar
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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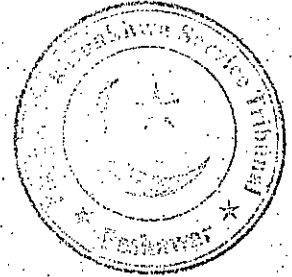
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19

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

SERVICE APPEAL NO. 1096/2017

Date of institution ... 26.09.2017
Date of judgment ... 16.10.2019



Rozina Raheem,
W/o Ihsanuddin,
Ex. JCT, Government ID Children Hospital, Peshawar.
R/o Gulbahar No. 1, Peshawar City.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Health, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintendent, Government ID, Children Hospital, Peshawar.
4. Executive District Officer, Health, District Peshawar.

... (Respondents)

*M. Amin
16.10.2019*

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST APPELLATE ORDER NO. 6722-24/AE-VI DATED 09.05.2017 (MENTIONED IN ORDER DATED 16.08.2017), WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTED, COMMUNICATED/HANDED-OVER TO THE APPELLANT COUNSEL DURING EXECUTION PROCEEDINGS WIDE OFFICE ORDER 11981-87/DHO/P.F DATED 16.08.2017.

Mr. Bilal Ahmad Kakaizai, Advocate
Mr. Ziaullah, Deputy District Attorney

.. For appellant.
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. AHMAD HASSAN

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

ATTESTED

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ATTESTED

[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

88

but have advised for any absence notice was advertised in the two newspapers
(as required under the Government Servants (Efficiency & Discipline)
Rules, 2011 therefore the impugned order verbally passed by the competent
authority as well as the order of departmental authority dated 16.08.2017 are
legal and liable to be set-aside and prayed for acceptance of appeal.

2. On the other hand, learned Deputy District Attorney for the respondents
opposed the contention of learned counsel for the appellant and contended that
the appellant was serving as Junior Clinical Technician in Health Department. It
was further contended that the appellant remained absent from duty for a long
period without permission of the lawful authority. It was further contended that
after fulfilling all the formalities, the appellant was rightly removed from
service and prayed for dismissal of appeal.

3. Perusal of the record reveals that the appellant was serving in Health
Department as Junior Clinical Technician. She was granted leave for a period of
90 days due to her illness she applied for extension of leave but the same was
not extended. After recovery of illness when she reported for her arrival she was
not allowed to return in the February 2013, the appellant was allegedly verbally
asked by the respondent that her services have been dispensed with. The record
further reveals that the appellant filed departmental appeal but the same was not
decided therefore, she filed service appeal before this Tribunal which was
partially accepted and the departmental authority was directed to decide the
departmental appeal of appellant within one month. The record further reveals
that the departmental appeal of the appellant was also rejected vide order dated
16.08.2017 hence, the present service appeal. The record further reveals that
neither any charge sheet, statement of allegations was framed or served upon the
appellant nor any proper inquiry was conducted nor any show-cause notice was

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16.08.2017
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16.08.2017

REGISTERED

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(30)

2. Brief facts of the case as per present service appeal are that the appellant was serving in Health Department as Junior Clinical Technician. She applied for 60 days leave which was granted to her vide order dated 31.03.2010. The appellant applied for extension of leave which was duly communicated to the competent authority. That after recovery from the illness, the appellant reported for her arrival where she came to know about the reliving order issued by respondent No. 3 wherein the respondent No. 3 placed her services at the disposal of respondent No. 4 vide order dated 23.09.2010. That the respondent-department did not take her arrival report and the same was returned back to the appellant. That since the date of arrival i.e 15.06.2011 the appellant made a rolling stone between the respondent No. 3 and respondent No. 4. That at least ^{in the} February 2013 the appellant was informed that her services have been dispensed with however, no such order was given to her against which she submitted departmental appeal but the same was not responded followed by service appeal which was disposed off on 18.02.2016 with the direction to the respondent-department to decide the departmental appeal of the appellant within one month after receipt of copy of order. That the department failed to dispose of the departmental appeal therefore, the appellant filed the Execution Petition for implementation of the order of Service Tribunal. That vide order sheet dated 28.08.2017, the representative of the department furnished the order dated 16.08.2017 whereby the departmental appeal was rejected. That on receipt of the same on the same day i.e 28.08.2017, the appellant filed present service appeal on 26.09.2017.

*M. Anand
16.10.2019*

3. Respondents were summoned who contested the appeal by filing written reply/comments.

ATTESTED

[Signature]
K. S. Kulkarni
Service Tribunal,
Peshawar

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(21)

4. Learned counsel for the appellant contended that the appellant was ill and she was granted 60 days leave. It was further contended that the appellant applied for extension of leave which was duly communicated to the competent authority. It was further contended that after recovery from illness, the appellant reported her arrival but she came to know about her relieving order was issued by respondent No. 3 wherein respondent No. 3 placed her services at the disposal of respondent No. 4. It was further contended that the appellant was made rolling stone and though the respondent No. 3 directed the appellant to report to respondent No. 4 but none of them giving any order in respect of place of posting of the appellant. It was further contended that the appellant was verbally asked in February 2013 that her services have been dispensed with however, no such order was given to her. It was further contended that the appellant filed departmental appeal against the verbal order but the same was not responded therefore, the appellant filed Service Appeal No. 1005/2013 before this Tribunal which was disposed off on 18.02.2016 with the direction to departmental/appellate authority to decide the departmental appeal of the appellant within a period of one month. It was further contended that despite the direction of the Service Tribunal, the departmental authority has not decided the departmental appeal within time therefore, the appellant filed Execution Petition for implementation of the same and ultimately during implementation petition/execution petition, the representative of the department furnished the order dated 16.08.2017 whereby the departmental appeal of the appellant was regretted hence, the present service appeal. It was further contended that neither any charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor any show-cause notice regarding her absence was issued to the appellant nor any absence notice was issued to the appellant at

6/12.01.19
W.A.M.M.

ATTESTED

[Signature]
Secretary

[Signature]
Attested

her home address nor any absence notice was advertised in the two newspapers as required under rule-9 of Government Servants (Efficiency & Discipline) Rules, 2011 therefore, the impugned order verbally passed by the competent authority as well as the order of departmental authority dated 16.08.2017 are illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving as Junior Clinical Technician in Health Department. It was further contended that the appellant remained absent from duty for a long period without permission of the lawful authority. It was further contended that after fulfilling all the codal formalities, the appellant was rightly removed from service and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Health Department as Junior Clinical Technician. She was granted leave for a period of 60 days due to her illness she applied for extension of leave but the same was not extended. After recovery of illness when she reported for her arrival she was not allowed rather in the February 2013, the appellant was allegedly verbally asked by the respondent that her services have been dispensed with. The record further reveals that the appellant filed departmental appeal but the same was not decided therefore, she filed service appeal before this Tribunal which was partially accepted and the departmental authority was directed to decide the departmental appeal of appellant within one month. The record further reveals that the departmental appeal of the appellant was also regretted vide order dated 16.08.2017 hence, the present service appeal. The record further reveals that neither any charge sheet, statement of allegation was framed or served upon the appellant nor any proper inquiry was conducted nor any show-cause notice was

M. Anwar
16.10.2019

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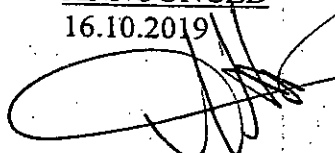
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Secretary, Peshawar

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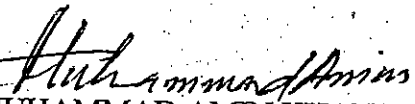
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issued to the appellant. The record further reveals that neither any absence notice was issued to the appellant at her home address nor any show-cause notice was advertised in two newspapers as required under rule-9 of Government Servants (Efficiency & Discipline) Rules, 2011 therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Government Servants (Efficiency & Discipline) Rules, 2011 within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
16.10.2019



(AHMAD HASSAN)
MEMBER

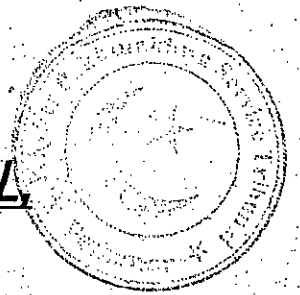

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Certified to be true copy

Khyber Pakhtunkhwa
Peshawar

18-10-19
Date of Receipt of _____
Number of _____ 2400
Copies of _____ 26-00
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Total _____
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BEFORE NWFP SERVICE TRIBUNAL,
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1102

Dated 26-9-2017

Service Appeal No: 1096 / 2017

ROZINA RAHEEM,
W/o Ihsanuddin,
Ex. JCT, Government ID Children Hospital, Peshawar
R/o Gulbahar No. 1, Peshawar City.

..... Appellant

Versus

- ✓ 1. GOVERNMENT OF KPK,
Through Secretary Health,
Civil Secretariat, KPK, Peshawar.
- ✓ 2. DIRECTOR GENERAL HEALTH SERVICES,
KPK, Peshawar.
- ✓ 3. MEDICAL SUPERINTENDENT,
Government ID, Children Hospital, Peshawar.
- ✓ 4. EXECUTIVE DISTRICT OFFICER,
Health, District Peshawar

Filed to-day

Registrar

26/9/17

..... Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST APPELLATE ORDER NO. 6722-24/AE-VI DATED 09.05.2017 (MENTIONED IN ORER DATED 16.08.2017), WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED, COMMUNICATED / HANDED-OVER TO THE APPELLANT'S COUNSEL DURING EXECUTION PROCEEDINGS VIDE OFFICE ORDER DATED 11981-87/DHO/P.F DATED 16.08.2017.

Re-submitted to -day

Registrar

4/10/17

ATTESTED

Registrar
Khyber Pakhtunkhwa
Service Tribunal

ATTESTED

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Prayer: That on acceptance of this Service Appeal, Impugned Appellate Order dated 09.05.2017 be declared nullity in the eyes of law in consequence whereof the Appellant be reinstated / allowed to perform her duty as JCT, with full back benefits and wages, with such other relief as may be deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

- 1) That, Appellant, during the course of employment, applied for 60 days leave which was granted to her, copy of the Application for leave & Order dated 31.03.2010 is attached as Annexure A & B.
- 2) That, during leave period, Appellant's health condition deteriorated due to pregnancy; therefore, she applied for extension of leave which was duly communicated to the Competent Authority, copies of the Medical Certificates are attached as Annexure C.
- 3) That, after recovery from worst health conditions, Appellant reported her arrival in Respondent No. 3 Hospital where she came to know about the Relieving Order issued by Respondent No. 3 wherein the Respondent No. 3 placed her services at the disposal of Respondent No. 4 vide Order dated 23.09.2010, copy of the same is attached as Annexure D. It is important to mention here that the Respondents Hospital did not take her Arrival Report and same was returned back to the Appellant, copy of the same is attached as Annexure E.
- 4) That, since the date of Arrival i.e. 15.06.2011, Appellant was made a rolling stone between the Respondent No. 3 and Respondent No. 4 Department and both the Departments verbally instructed / directed the Appellant to Report in other Department but none of them gave any order in respect of place of posting of the Appellant.
- 5) That, at last in February 2013, Appellant was verbally asked by the Respondent No. 3 Hospital that "your services have been

ATTESTED

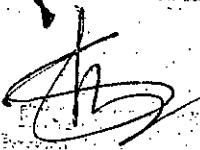

 K. S. Srinivasan
 Service Tribunal
 Bangalore

(16) (2)

dispensed with" however no such order was given to her against which she submitted proper Departmental Appeal before Respondent No. 2 & 3, copies of the Departmental Appeals are attached as Annexure F and Courier Receipts are attached as Annexure G.

- 6) That, initially Respondents failed to decide the fate of the Departmental Appeal of the Appellant within requisite period hence Service Appeal No. 1005 / 2013 was filed before this Honourable Tribunal, which was disposed of on 18.02.2016 with the direction to the Department / Appellate Authority to decide the fate of the Departmental Appeal within a period of one month after receipt of Order, copies of the Service Appeal and Judgment dated 18.02.2016 are attached as Annexure H.
- 7) That, the Department failed to act on the direction of the Service Tribunal hence the Appellant was constrained to file Execution Proceedings before this Honourable Tribunal, copy of the Execution Application is attached as Annexure I.
- 8) That, on 28.08.2017, one Representative of the Respondents Establishment, namely Syed Mastan Ali Shah, stated at the bar before this Honourable Tribunal that the Departmental Appeal of the Appellant has been regretted on 16.08.2017.
- 9) That, the Honourable Tribunal, in pursuance of the statement at the bar, directed Syed Mastan Ali Shah to hand over the copy of the same to the Counsel for the Appellant.
- 10) That, on receipt of the copy of the Order dated 16.08.2017, it was disclosed to the Appellant that Departmental Appeal of the Appellant was regretted vide Order dated 09.05.2017 instead of 16.08.2017 however no copy of the Impugned Order dated 09.05.2017 was with him, copy of the Order dated 16.08.2017 is attached as Annexure K.
- 11) That, the Appellant tried his level best to procure the copy of the Impugned Order dated 09.05.2017 but he could not manage the same hence this Appeal on the following amongst other grounds:

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Secretary
Services

(87) (8A)

GROUNDS:

- A. That, the Impugned Order dated 09.05.2017 is illegal, unlawful, void and ineffective.
- B. That, same is against the principals of natural justice, also.
- C. That, Respondents were bound to issue adverse order, in writing, under intimation to the Appellant but they failed to issue the same.
- D. That, as per law, the Competent Authority cannot relieve / transfer any Civil Servant from one station to another without any intimation to the Civil Servant and that too during leave because during leave period, in case of leave with pay, the pay of the Civil Servant is paid / released from the budget of the station wherefrom she obtained leave.
- E. That, neither any explanation has been called from the Appellant nor any Charge Sheet or Statement of Allegations was ever served upon the Appellant.
- F. That, the Appellate Authority was bound to communicate the fate of the Departmental Appeal to the Appellant directly moreover it was also incumbent and mandatory upon the Appellant to have provided the chance of personal hearing to the Appellant.
- G. That, no such exercise has been done which can mandate the Impugned Appellate Order to be just and legal.
- H. That, Appellant was never allowed to join any duty nor she was issued any posting order after the Order dated 18.02.2016 of this Honourable Tribunal.
- I. That, all the proceedings initiated against the Appellant were melafide and malicious and purportedly were initiated in order to displace the Appellant from her post and appoint any other blue eyed.

J. That, the actions of the Respondents and Impugned Appellate Order is against section 24-A of the General Clauses Act. Apart from the

ATTESTED

K. V. S. Rao
Secretary,
Peshawar

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General Clauses Act, the Constitution of Islamic Republic of Pakistan, 1973 also guarantees the right to be dealt in accordance with law reasonable orders of the executive.

- K. That, as per law and Judgments, the Department was bound to decide the fate of the Departmental Appeal of the Appellant within a period of 30 days and any action beyond the period of 30 days is not warranted by law.
- L. That, no one should be condemned unheard.

It is, therefore, requested that subject Appeal be accepted as prayed for.

Rozman

Appellant

Through:

[Signature]
[Signature]
 BILAL AHMAD KAKAIZAI
 (Advocate, Peshawar)

Certified to be true copy

[Signature]
 Bilal Ahmad Kakaizai
 Advocate Peshawar

Date of Presentation: 18-10-79
 Number of Vols: 2000
 Copying Fee: 22-00
 Stamp: _____
 Total: 22-00
 Name of Officer: _____
 Date of Copying: 11-11-79
 Date of Receipt: 11-11-79

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(29)

E

To

The Director General
Health Services,
Govt. of KPK, Peshawar

39975/E11
08/12/19

Subj:- Compliance of Judgment
dated 16.10.2019 of Hon'ble
Service Tribunal, Peshawar

Respected Sir,

With respect, it is stated that Order dated 09.05.2017, whereby my departmental Appeal was rejected, was challenged before Service Tribunal in Appeal No. 1096/2017. The said Appeal has now been accepted, copy of the Order/Judgment dated 16.10.2019 is attached herewith for ready reference.

It is, therefore, requested that I may please be reinstated in light of judgment dated 16.10.2019.

Thanking you

Yours faithfully

ROZINA RAHIM
JCT.

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ATTESTED



OFFICE OF THE DISTRICT HEALTH OFFICER

PESHAWAR

Phone No. 001-9225387

No. 14533/DHO dated Pesh: 21/12/2020

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Enquiry.

Mst. Rozeena Raheem Vs Govt of Khyber Pakhtunkhwa

INTRODUCTION: Vide order no 14323-26, dated: 16-12-2019, Of DHO, Peshawar, whereby Enquiry be conducted to probe into absentee report /Case Matter of Mst. Rozeena Raheem EX-JST IDH Peshawar.

DESCRIPTION: Mst. Rozeena Raheem was serving in Health Department as junior technician in Children Hospital Peshawar. She applied for sixty days leave which was granted to her vide order Dated 31-03-2010, then she applied for extension of leave which was duly communicated to the competent authority. After recovery from the illness she reported for her arrival where she came to know about the relieving order issued by Medical Superintendent IDH, Peshawar and placed her services at the disposal of Executive District Health Officer Peshawar vide order NO—dated 23-09-2010, that MS Office did not take her arrival report and the same was returned back to her. That since the date of arrival 15-06-2011, she become rolling stone between the Medical Superintendent IDH and District Health Office and at last in February 2013 when she was informed that her service had been dismissed, however no such order was given to her against which she submitted a departmental appeal but the same was not responded, followed by Service Appeal which was disposed off on 18-02-2016 with the direction to the respondent department to decide the departmental appeal of the appellant within one month after receipt of copy of order. The department failed to dispose of the departmental appeal therefore; the appellant filed the execution petition for implementation of the order of service tribunal, Vide order sheet dated 28-07-2017 the representative of the department furnished the order dated 16-08-2017 where by the departmental appeal was rejected. Then on receipt of the same on the same day i.e. 28-07-2017 the appellant filed an appeal on 26-09-2017 in Service Tribunal. The appeal was reconsidered and through departmental appeal within one month. The service of the appellant was reinstated the department was directed to conduct de- novo the enquiry in mode and manner presided under government rule 2011 within ninety days.

FINDING AND RECOMMENDATION: On perusal of the record the department has taken several steps regarding the absences of Mst. Rozeena Raheem several explanations were called upon her but no satisfactory reply was submitted by her. She was finally informed through reading newspaper that you are no more interested in your services and ex-parte action will be taken against you and major penalty will be imposed upon you. And there after she was removed from services vide letter no 11981-87/DHO, dated 16-08-2017. An enquiry was conducted against her vide order no 2298-302/DHO/C-10, dated 30-03-2016 wherein she was proved guilty and recommended three options to be imposed upon her.

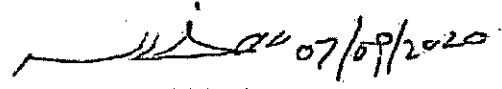
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The medical certificate produced by her were fake and committee suggested that (1). disciplinary action to be initiated against her.
(2). she has serviced health Department regularly since April 1995 till 30-09-2010, keeping in view her previous length of services she may be retired compulsory from the service.

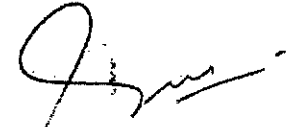
(3). Her willful absence period may be considered as leave without pay or may be reinstated /adjusted against vacant post as she will not be eligible for any benefits to absence period.

The Department should have to give her a chance for reinstatement and to kept her under strict observation and if she repeated the same story and was not loyal to her duty then a major penalty like dismissal /removal may be imposed upon her .That is why she proceed for appeal to the Honourble Court and the court reinstated her and ordered for de- nove inquiry .As the court reinstated her therefore it s recommended that her service be regularized from the date of appointment for the pension purposes and her absent period may be consider one by forth (1/4) of full pay.

Submitted please.

 07/09/2020

1. *Muhammad Nasir*
Co-ordinator (DHIS)
District Health Office. Peshawar.
Peshawar.

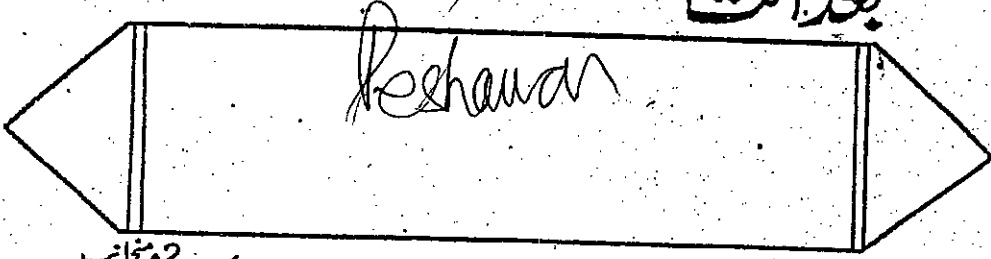


2. *Dr. Mubarak Zeb*
Litigation Officer
District Health Office.


ATTESTED

Service Tribunal

بعدالت



2^{مخائب}
Govt. P.W.D. ^{بنام} Rozina Raheem
etc

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام Bilal A. Kakar Reshawn کے واسطے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

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ماہ

المرقوم

العبد _____ وَاَه العبد _____

کے واسطے منظور ہے۔

بمقام