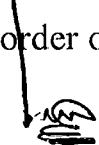


FORM OF ORDER SHEET

Court of _____

Case No. - 1677/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/11/2022	<p>The appeal of Mr. Muhammad Ali presented today by Mr. Hamad Hussain Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.1625.../2022

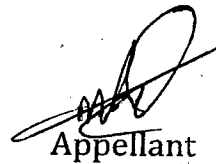
Muhammad Ali (Ex Constable No. 765) S/O Muhammad Nazir r/o
Faizabad Saidu Sharif District Swat c/o S.P Elite Force Malakand Region
Swat. Appellant

VERSUS

Provincial Police Officer Khyber Pukhtunkhwa Peshawar and
Others. Respondents

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Appellant

Through


HAMAD HUSSAIN


IRFAN ULLAH

Advocates

Peshawar high court

03120952763

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1625/2022

Muhammad Ali (Ex Constable No. 765) S/O Muhammad Nazir r/o
Faizabad Saidu Sharif District Swat c/o S.P Elite Force Malakand Region
Swat. Appellant

VERSUS

- 1) Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) The Additional Inspector General of Police, Elite Force /Commandant
Elite Force Police Khyber Pakhtunkhwa Peshawar.
- 3) Deputy Commandant Elite Force Police Khyber Pakhtunkhwa Peshawar.
- 4) The Superintendent of Police Elite Force Malakand Region Swat
..... Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER
BEARING NO. 1423/REF DATED 26-10-2022 SUPERINTENDENT
OF POLICE ELITE FORCE MALAKAND REGION SWAT, WHEREBY
THE APPELLANT WAS DISMISSD FROM AND ORDER DATE
10/11/2022, WHEREBY THE DEPARTMENTAL APPEAL WAS
ALSO REJECTED BY THE APPELLATE AUTHORITIES**

PRAYERS:-

**ON ACCEPTANCE THE INSTANT SERVICE APPEAL, THE
IMPUGNED ORDER DATED 26-10-2022 ISSUED BY
SUPERINTENDENT OF POLICE ELITE FORCE
MALAKAND REGION SWAT AS WELL AS ORDER DATE
10/11/2022 MAY KINDLY BE SET ASIDE AND THE
APPELLANT MAY PLEASE BE RE-INSTATED INTO SERVICE
WITH ALL CONSEQUENTIAL / BACK BENEFITS. THAT ANY**

**OTHER RELIEF NOT ASKED BY THE APPELLANT IF DEEMED
FIT BY THIS SERVICE TRIBUNAL MAY ALSO BE GRANTED.**

2

Impugned Transfer order date 26-10-2022

Departmental appeal date 31-10-2022.

Date of rejection of Departmental Appeal. 10-11-2022

RESPECTFULLY SHEWETH.

My humble submission are as under.

1. That the applicant namely Muhammad Ali No. 765 was serving as constable in the police department at under the Command of Superintendent of Police, Elite Force Malakand Region Swat and has rendered 8/9 years unblemished service recorded.
2. That on 30-04-2022 the appellant was charged in case vide F.I.R No. 308 u/s 324/34/337-F (iii) (vi)/337-A (iv) /15-AA PPC, Police Station Saidu Shareef Swat (Copy of Fir dated 30-04-2022 is attached as Annexure -A).
3. That after falsely charging in criminal the applicant surrendered himself to police and remained behind the bar / judicial lockup at in Swat Jail.
4. That after short time when the appellant was in judicial lockup at that time in the meanwhile the appellant was dismissed from service through the impugned order dated 26-10-2022 by the Superintendent of Police, Elite Force Malakand Region Swat i.e. Respondent No.4 (Copy of Dismissal/ impugned order dated 26-10-2022 is attached as Annexure-B).
5. That on 31-10-2022 the appellant has filed a departmental appeal to Respondent No. 3 the Deputy Commandant of Police, Elite Force Khyber Pakhtunkhwa against the impugned / dismissal order dated 26-10-2022

issued by Respondent No. 2 Superintendent of Police, Elite Force Malakand Region Swat (Copy of Departmental Appeal dated 31/10/2022 is attached as Annexure-C) (3)

6. That departmental appeal filed the appellant was rejected by the Additional Inspector General of Police Elite Force, Khyber Pakhtunkhwa Peshawar vide its order No. 13132-38/EF dated 10-11-2022 (Copy of rejection order dated 10/11/2022 upon departmental appeal by Additional Inspector General of Police Elite Force, Khyber Pakhtunkhwa Peshawar is attached as Annexure-D)
7. That feeling aggrieved from the respondent's rejection order on departmental appeal the appellant approach this Honourable Tribunal with the following grounds.

GROUND:-

- A. That the appellant has not been convicted by court of law in criminal case and court proceedings against the applicant was pending at the time of departmental proceeding against the appellant in the court of Additional District and Session judge -VI Swat and after conducting trial the appellant was acquitted from the charges though an order/ judgment dated 25-10-2011 (Copy of acquittal order / judgment dated 25-10-2022 is attached as Annexure-E).
- B. That no regular inquiry has been conducted against the appellant nor the inquiry officer summoned the accused appellant from judicial lockup to record statement of appellant nether the appellant was personally heard during the inquiry proceeding thus whole proceeding is illegal, unlawful against the law and rules, void -initio, hence dismissal order dated 26-10-2022 of the appellant is liable to be set aside.

- (4)
- C. That the inquiry officer proceeded an illegal inquiry against the appellant wherein the department was in knowledge about the appellant who was in judicial lockup at central prison Swat, while the department could not communicated charge sheet / statements of allegation and show cause notice to the appellant at central prison Swat neither the inquiry officer visited central prison to record statement of the applicant behind the judicial lock up nor an opportunity of cross examination was provided to the appellant and one sided / ex- party departmental proceedings initiated against the appellant t which is against the law, rules , judgment of the superior courts and also against the norms of natural justice.
- D. That no opportunity of personal hearing was afforded to appellant, which is also the mandatory requirement of law and rules. The applicant was condemned unheard and accordingly the dismissal order dated 26-10-2022 is void, ab-initio, arbitrary, hence not sustainable.
- E. That the right of fair trial is granted by Article 10 A of the constitution of Islamic republic of Pakistan 1973 but the same cannot provided to the appellant, furthermore there is no evidence against the appellant.
- F. That codal formalities regarding dismissal of the applicant has not been followed by the department in accordance with Law and Rules, while in case the appellant was in judicial lockup and behind the bar which are against the norms of natural justice.
- G. That according to law and rules as well as averments of judgments of the superior courts the department cannot dismissed the applicant from service, while the department can suspend the applicant if the court of law has not been declared the appellant as convict and during the period behind the bar/ judicial lockup on suspension the appellant is entitled to pay monthly salary till conviction from the court of law in

this regard the applicant rely upon judgment of the Superior Court reported as 2019 PLC (CS) 255. (5)

H. That the department committed illegality and irregularity referred to FR 54 and CSR 194-which read as:

"CSR 194-A: A Government Servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Government Servant is not arrested or is released on bail, the competent authority may suspend him, by specific order, if the charge against him is connected with his position as Government Servant or is likely to embarrass him in the discharge of his duties or involve moral turpitude. During suspension period the Government servant shall be entitled to the subsistence grant as admissible under FR 53."

It is, therefore, most humbly requested that on acceptance of the instant appeal the appellant may kindly be re-instated in his service in the light of various judgments of the superior Courts as well as Honourable Tribunal mentioned above with all back benefits.

Any others relief the appellant which may not be asked by the appellant from this Honourable Tribunal if deemed fit may also be granted.


Appellant

Through


HAMAD HUSSAIN


IRFAN ULLAH

Advocates

Peshawar high court

03120952763

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

6

SERVICE APPEAL NO./2022

Muhammad Ali (Ex Constable No. 765) S/O Muhammad Nazir r/o
Faizabad Saidu Sharif District Swat c/o S.P Elite Force Malakand Region
Swat. Appellant

VERSUS


Provincial Police Officer Khyber Pukhtunkhwa Peshawar and
Others. Respondents

AFFIDAVIT

Muhammad Ali (Ex Constable No. 765) S/O Muhammad Nazir r/o
Faizabad Saidu Sharif District Swat c/o S.P Elite Force Malakand Region Swat
do hereby solemnly affirm and declare that contents of the accompanying
Service Appeal is true , correct to best of my knowledge and nothing has been
concealed from this Honourable Tribunal.


Deponent


Appellant

Through 

HAMAD HUSSAIN


IRFAN ULLAH

Advocates

Peshawar high court

03120952763

"ابتدائی اطلاعی رپورٹ"

ضلع سوات

تھانہ سید و شریف

تاریخ و وقت وقوع 2022-4-30 وقت 20:25

ملٹ نمبر 308

1	تاریخ و وقت رپورٹ۔	2022-04-30 جاوید گئی پورج مورخہ 22-4-30 لوقت 21:40
2	نام مستفیث۔	محمد علی ولدیت گل طب خان
3	مقرر کیفیت جرم (مردہ دفعہ)	324/34, 337 A (U), 337 F
4	جائے وقوعہ	نزد بلال مسجد واقع خان کالونی منضی آباد سڑک 1 KM جانب عرب
5	نام و سکونت ملزم	محمد علی ولد محمد نذیر علی نا معلوم ولد نا معلوم
6	کارروائی جو تفتیش کے متعلق کی گئی	پیر سید گئی مراسلہ مقدمہ ہذا قائم کی جائے
7	قائد سے روائگی کی تاریخ و وقت۔	پیر سید گئی

ابتدائی اطلاع نیچے درج کرو:- اس وقت ایک تحریری مراسلہ منجانب اعدائے خان 51 انچارج کچھولٹی سید و شریف سے دوست کنٹریل ماسٹر سید 2075 موصول ہو کر ڈیل ہے۔ حضرت انیسر انچارج تھانہ سید و شریف دوران ڈیوٹی کچھولٹی ہسپتال سید و شریف میں موجود تھا کہ فجر و عین حیدر ولد گل طب خان 2 نادر خان ولد نذیر خان 3 حیات ولد مظفر خان 4 آفتاب ولد محمد یونس 5 عمران ولد نادر خان 6 صابر خان 7 ولد دلاور خان ساکنان خان کالونی منضی آباد جالندھر حیدر ہسپتال کچھولٹی لاکر چورج (مستفیث) والا لاکا حوش و حواشی حسب رائے ڈاکٹری درست ہے۔ لیو رپورٹ کرتا ہے کہ آج شب میں صبح بھیا آم نادر خان والا نماز عشاء ادا کرنے کے لئے بلال مسجد جا رہے تھے کہ جب بوقت بھیا آم والا پہنچے تو وہاں پیر پہلے سے موجود مسلمان محمد علی ولد محمد نذیر اور ایسے اور شخص اسم مسکن نامعلوم حیا کو سنا ہے کہ پیر تنہا کرتے ہیں، پھر وہاں سے مسلمان والا نے ہم پر آسٹم آئین سے بہ ارادہ قتل اندھا دھند فائرنگ شروع کر کے جس طرف چپہرے پر ٹک کر زخمی ہوئے جبکہ مسلمان والا نے فائرنگ سے دیکر راگنہ فجر و عین سید پیر 3 ناسیر علی والا بدن کے مختلف حصوں پر ٹک کر زخمی ہوئے ہیں، وقوعہ ہذا بیمارے علاوہ مٹی میں آئیے آج پیر اور بھیا آم نادر خان والا پیر بہ ارادہ قتل نذیر علی ولد محمد نذیر اور زخمی کرنے اور دیکر راگنہ صبح کو زخمی کرنے کا بہ خلاف مسکن خان محمد علی ولد مسکن انکسٹ میں صبحی مراد علی ولد نور طب خان مسکن منضی آباد رپورٹ والا کی تائید کرتا ہے۔ مسکن انکسٹ 15602-6045497-9 کارروائی پولیس جسٹس رپورٹ کی جبکہ ناسیر علی صبحی بیمارے علاوہ رپورٹ والا کے لئے ضرر کے مرتب کرنے کے حوالہ ڈیوٹی لکھنؤ میں حضور در سال تھانہ ہے، واقعہ گزرتی ہے۔



Office of the Superintendent of Police,
Elite Force, Malakand Region, Swat



9

No. 1423 /R, EF

Dated: 26.1.2022

ORDER

This order will dispose of the departmental proceeding against Constable Muhammad Ali No.765 of Elite Force platoon No.55 District Swat.

As per information report of District Commander Elite Force Swat, he has been charged in case FIR No.308, dated 30-04-2022 U/S 324/34 PPC Police Station Haldia Bhatti, and also remained absent from law full duty without any leave or prior permission from the competent authority i.e. from 29-04-2022 till to date.

In this regard, he was suspended and charge sheet along with Summary of Allegation were issued to him by Deputy Commandant Elite Force vide No.4492-98/117 dated: 09-05-2022 and Mr. Fahad Khan, Acting DSP Elite Force Malakand Region was appointed as enquiry officer. The enquiry officer conducted enquiry proceedings and submitted his findings report that the said constable is found guilty for remaining absent from 29-04-2022 till to date and neglecting attendance in the platoon and also for not giving any satisfactory reason about involvement in case FIR No.308, dated 30-04-2022 U/S 324/34 PPC Police Station Saidu Sharif. Similarly Final Show cause Notice was issued to him vide No.1295/R,EF dated: 09-08-2022, which was deliver to him at his residential address (District Jail Swat) through reader District Commander Elite Force Swat, he submitted reply of PNH but his reply was found again the same (unsatisfied). It seems that he has no interest in his current job.

Therefore, I, Asad Zubair, Superintendent of Police Elite Force Malakand Region as competent authority, keeping in view the above facts and circumstances, impose major penalty of "DISMISSAL" from service upon him from the date of absence i.e. 29-04-2022 under Police Rules 1975 (Amended 2014).

Order Announced

(ASAD ZUBAIR)

Superintendent of Police,
Elite Force Malakand Region, Swat.

Copy of above is forwarded to the:-

1. Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
2. District Police Officer Swat, for Information.
3. SP HQs Elite Force Peshawar.
4. District Commander Elite Force Swat, for Information.
5. Accountant Elite Force Khyber Pakhtunkhwa, Peshawar.
6. OASI /IC Kot Elite Force Khyber Pakhtunkhwa Peshawar.
7. EC/SRC Elite Force Khyber Pakhtunkhwa Peshawar.
8. PMC Elite Force along with departmental enquiry file Exls: (43 pages) finding report vide No.1246/R dated 06-07-2022.

o/c

Better Copy

10

Office of the superintendent of Police Elite Force, Malakand Region,
swat

No.1423/R, EF

date 26/10/2022

ORDER

This order will disposed of the departmental preceding against
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Malakand Region was appointed as enquiry officer, the enquiry office conducted
the enquiry proceeding and submitted his finding report that the said constable is
found guilty for remaining absent from 29/04/2022 till to date and neglecting
attendance, and the platoon and also for not given any satisfactory reason about
involvement in case FOR 308 dated 30/04/20222 U/S 324/34 PPC police station
Saido Sharif, similarly final show cause notice was issued to him No 1295/R, EF
dated 09/08/02022, was which was deliver to him at has resident (District Jail
swat) through radar District Commander Elite Force swat, he submitted Reply of
FSN but his reply was found again the same (Un satisfied) if seems that he has no
interest in his current job.

Therefore I, Asid Zubair superintendent of police Elite Force Malakand
Region as competent authority / keeping in view the above facts and
circumstances, imposed major Patently of (DISSMISSAL) from service upon him
from the dated od absence i.e 29/04/2022 under police rule 1975(amended
2014)

Order Announced

54
(ASID ZUBAIR)
Superintendent of police Elite
Malakand Region swat

Copy of above is Forwarded to the:

1. Deputy Commanded Elite Force KPK, Peshawar
2. District Police officer swat, for information.
3. SP HQrs Elite Force Peshawar
4. District Commander Elite Force Swat for information.
5. Accountant Elite Force KPK Peshawar.
6. OASI/I/C kot Elite Force KPK, Peshawar.

مدد و نصیحت و رہنمائی کے لیے دعا گو

عمران ایچ ایم اے عالی

(11)

پرائس لیوائی کے بارے میں سوال

کا کمرے، شہرہ ہے اور حالانکہ ان کے اہلیت دور میں اس کی ڈپٹی سر اجناس
ریٹ تھا اور صرف 29-04-2022 کو حسب روٹین مشبہ باشی پر ٹیکس خود چلا
دیا۔ اور صرف 30-4-2022 کو حضور باقی غماز اہلیت کے لیے کے سپرد بلا اجناس
کا دوسرا آرٹیکل تھا کہ کچھ لوگ آؤس میں لڑ رہے تھے اور اس کے بارے میں پتہ چلا
اہلیت لیا تو اجناس و بیان مائنڈ شروع ہوئی اور ان میں سے ماہ لڑ رہے تھے
مہرے۔ چونکہ میں اس کے ساتھ تھی ان لوگوں کا پتہ نہ تھا جس کا پتہ وہ
میں پرائس لیوائی کو FIR نمبر 308 میں نافذ کیا اور اس کے بارے میں پتہ چلا کہ
میں غیر حاضر رہا اور اسی وجہ سے میں اس کے بارے میں پتہ چلا کہ
کو ختم ہوا ہے برخواست ہوا۔

چونکہ میں اس کے ساتھ تھا اور اسی وجہ سے مجھے اس کے بارے میں پتہ چلا
تھے ساتھ ساتھ (ایم) نافذ کر کے عورتوں کے بارے میں اس کے بارے میں پتہ چلا

ایڈوائس (سہ ماہی) سے لیز رہی اور فرانس ایچ ایم اے عالی کے بارے میں
سائل (سوال) کرنے کے احکامات و ہدایات کے بارے میں پتہ چلا کہ
علاوہ ان کے بارے میں پتہ چلا کہ

دور 2022-10-31

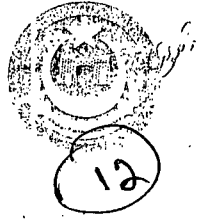
عین ڈائریکشن میں

السید من العالی
آپ کا نام بوراہہ ہے
موبائل نمبر 9337589-0342

765
اطراف فوری



Office of the Addl: IGP,
Elite Force Khyber Pakhtunkhwa Peshawar



No. 13132-38
EF

Dated: 10/11/2022

ORDER

This order will dispose of the appeal submitted by Ex-Const: Muhammad Ali No. 765 against his major punishment of dismissal from service awarded to him by SP Elite Force Malakand Region vide No. 1423/R, EF, dated 26.10.2022.

Brief facts of the case are that:

As per information report of District Commander Elite Force Swat, He has charged in case FIR No. 308, dated 30.04.2022 U/S 324/34, PPC Police Station Saidi Sharif district Swat and also remained absent from lawful duty without any leave or prior permission w.e. rom 29.04.2022 till issuance of his dismissal order.

Subsequently, he was suspended and closed to Elite HQs Peshawar vide No. 4484-91/EF, dated 09.05.2022 and Charge Sheet alongwith Summary of Allegations were issued to him vide No. 4492-98/EF, dated 09.05.2022 and the then Acting DSP/Elite Force, Malakand region was nominated as enquiry officer and after going through all the proceedings the enquiry officer found him guilty for remaining absent w.e.f. 29.04.2022 and neglecting attendance in platoon and also not for giving any satisfactory reason about his involvement in the said case. Similarly, he was issued Final Show Cause Notice vide No. 1295/EF, dated 09.08.2022 but his reply was found unsatisfactory and on the recommendation of enquiry officer imposed major punishment of dismissal from service under Police Rules 1975 (Amended 2014).

Now, he has preferred the instant appeal before the undersigned for re-instatement into service.

The undersigned being competent authority keeping in views the situation and circumstances of the case called him in OR, but he could not offer any cogent reason in support of his absence and he was acquitted from court on the basis of compromise. Being an ill-disciplined official his appeal is hereby rejected, with immediate effect.

Order announced!

(MUHAMMAD WISAL FAKHAR SULTAN) PSP
Addl: Inspector General of Police
Elite Force Khyber Pakhtunkhwa Peshawar

No. / EF

Copy of above is forward for information and necessary action to the:-

1. Superintendent of Police, Elite Force Malakand Region.
2. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
3. EC/S.R.C/OASI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. FMC alongwith complete enquiry file (pages 33) Peshawar.
5. Ex-FC Muhammad Ali No. 765, through Reader SP Elite Force Malakand.

IN THE COURT OF RAHATULLAH,
ADDITIONAL SESSIONS JUDGE/IZAFI ZILLA QAZI-VI, SWAT

Sessions Case No. 119/7 of 2022,
"The State Vs Muhammad Ali"

Order No.03
25.10.2022

Mr. Mujeeb-ur-Rehman, learned APP for the State, present.
Accused Muhammad Ali, booked in instant case FIR No. 308 dated 30.04.2022 U/S 324/34/337-F(iii)(vi)/337-A(iv)/15AA PPC of P.S Saidu Sharif, produced in custody from jail. Complainant/injured namely Haidar Ali along with injured namely Nadar Khan S/o Behram, Hayat Khan S/o Muzafar Khan, Aftab S/o Muhammad Yousaf and Imran S/o Nadar Khan present, who at the very outset, stated at the Bar that they have effected compromise with the accused Muhammad Ali and have pardoned him in the name of Almighty Allah, therefore, they have got no objection if the accused is acquitted in the instant case. To this effect, their joint statement recorded. Copies of CNICs of Nadar Khan, Hayat Khan, Aftab Hussain, Imran, Sabir Khan and Haidar Ali are Ex.PA to Ex.PF respectively.

Since, all the offences, except offence u/s 15AA PPC, are compoundable, therefore, the accused Muhammad Ali is hereby acquitted from charge u/s 324/34/337-F(iii)(vi)/337-A(iv).PPC on the basis of compromise.

As far as section 15AA is concerned, record transpired that one 30 bore pistol has been recovered on pointation of


Additional Sessions Judge
Zilla Qazi-VI, SWAT
W.C.C. GEV



Order No. 03
25.10.2022
(continued)

accused Muhammad Ali on 18.06.2022 while eight crime empties of 30 bore were recovered from the place of occurrence vide recovery memo dated 30.04.2022. Accused Muhammad Ali along with one unknown co-accused have been charged in the FIR, however, when the crime empties were sent to FSL, its report revealed that seven crime empties were fired from different 30 bore weapons while one crime empty is that of 9mm bore. The recovered pistol has not been sent to FSL for matching with the crime empties, hence, in the absence of such FSL report it cannot be determined that the pistol so recovered was the weapon used in the offence or not. For above, there is no probability of conviction of the accused Muhammad Ali u/s 15AA, therefore, he is acquitted u/s 265-K Cr.P.C from the charge u/s 15AA.



The accused Muhammad Ali is in jail, therefore, he be released forthwith, if not required in any other case/crime.

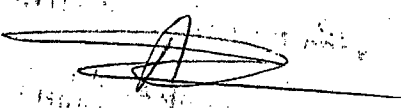
Case property be dealt with in accordance with law after expiry of the period for appeal/revision.

File be consigned to record room after necessary completion and compilation.

Announced
25.10.2022


(Rahatullah)

Addl: Sessions Judge/IZQ-VI,
Swat
Additional Sessions Judge,
IZQ-VI Swat
M.C.C. GBV


27/10/2022

کلا

وکالت نامہ

بعدالت سرسبز ٹریڈنگ کمپنی پرائیویٹ لمیٹڈ

محمد علی بنام

مخبر: مسٹر / سید / تاریخ

تعلق نمبر: مورخہ: بجرم: تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام سرسبز ٹریڈنگ کمپنی کے ہے۔

حماد حسین ایڈووکیٹ ہائی کورٹ پشاور ایڈووکیٹ ہائی کورٹ پشاور

کو بدین شرط و کیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو بروئے عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے پر مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے یا برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشور کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر من مظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا اختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ذاختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہو گا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالی درامی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہو گا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا کیلی علیحدہ مختیار نامہ پیروی کا اختیار ہو گا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہو گا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں نیز ایسے مشیر قانون کو ہر امر میں وہی اور ایسے ہی اختیارات حاصل ہونگے جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہو گا۔ لہذا یہ مختیار نامہ لکھ دیا تاکہ سند ہے۔ مورخہ: _____ مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED

محمد حسین ایڈووکیٹ ہائی کورٹ پشاور

محمد حسین ایڈووکیٹ ہائی کورٹ پشاور

رابطہ نمبر: 0312-0952763

محمد علی

محمد علی

محمد علی ولد محمد سید