

EP No. 03/2020
(Muhammad Farooq Khan)

22.11.2021 Counsel for the petitioner and Mr. Muhammad Rasheed, DDA alongwith Mehmood Azam, ADO (Litigation) for respondents are present.

Arguments have been heard and record has been perused.

For disposal of this Execution Petition, it is deemed befitting to have recourse to the facts and documents. One Muhammad Usman presently respondent No. 8 in the Execution Petition preferred Service Appeal No. 409/2019 before this Tribunal on 01.04.2019 which was decided on 07.08.2019. The present petitioner was respondent No. 8 in the said appeal besides the official respondents. The facts noted in the judgment dated 07.08.2009 being relevant for further discussion herein after are reproduced herein below:-

"Brief facts of the case are that Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar (respondent No. 3) vide order dated 16.08.2018 transferred the appellant Muhammad Usman (SST General) from GMS Kot Kat, District Tank and posted him as ADO (Sports) at the office of District Education Officer (Male) Tank. On the very next month of issuance of above mentioned order dated 16.08.2018, the respondent No. 3 placed the services of the appellant at the disposal of DEO (Male) Tank for further adjustment at the vacant post of SST while private respondent No. 7 (SST) was appointed in his place as ADEO (Sports) vide order dated 28.09.2018. Again on 06.11.2018 the previous transfer posting order dated 28.09.2018 regarding adjustment of the appellant as SST was withdrawn, resultantly the position of the appellant as ADEO (Sports) was restored. Finally on 17.12.2018 the above mentioned order dated 06.11.2018 was cancelled and the order in respect of private respondent No. 7 as ADEO (Sports) was restored. This led to the present service appeal for restoration of transfer posting of the appellant as ADEO (Sports) Tank."



The Tribunal after noting the arguments of the parties in the judgment observed that both the appellant (present respondent No. 8) and private respondent No. 7 (present petitioner) belong to teaching cadre but were blessed with administrative cadre post one after the other. The said observation was followed by a reference to the judgment dated 18.11.2009 passed by Honourable Peshawar High Court in Writ Petition No. 2937/2009, whereby it was held that it was not befitting for teachers to hold administrative post because they are getting benefit, but the students are suffering. It was also noted in the judgment dated 07.08.2019 being pressed for execution through this petition that the said judgment of the Hon'ble High Court was implemented vide notification dated 08.02.2019. This Tribunal with addition to certain other observations in the said judgment conclusively directed for appointment of suitable officer belonging to administrative cadre, as ADEO (Sports) District Tank by the respondent department. Consequently, posting orders of both the appellant and private respondent No. 7 against the administrative cadre post of ADEO (Sports) Tank was treated as cancelled. The respondent department was further directed to forthwith recall all the transfer orders of teachers against the administrative posts and the service appeal No. 409/2019 mentioned above was disposed of in the given term.



Through the present Execution Petition, the petitioner has invoked the jurisdiction of this Tribunal for implementation of the judgment dated 07.08.2009 as already described above with reference to the findings and its operative part. Obviously, the said judgment was passed in an appeal preferred by one Muhammad Usman wherein the present petitioner was one among the panel of respondents at Serial No. 6. According to term taken into account for disposal of the said appeal no relief was granted to the appellant or to the petitioner being a private respondent. Therefore,

the question of execution of judgment dated 07.08.2019 does not arise. However, if the Tribunal remained oblivious of the situation highlighted through execution petition, there is likely-hood of abuse of process of the Tribunal in future if the situation is not controlled by a proper governance measurement. Needless to say that the appeal No. 409/2019 decided vide judgment dated 07.08.2019 pertained to the dispute of transfer against the post of ADEO (Sports) in the office of DEO(M) Tank. The said judgment directed in explicit term requiring the respondent department to forthwith recalled all transfers of the teachers against the administrative posts. It is stated in the Execution Petition vide Paragraph 5 that after the said judgment the present petitioner was transferred from the post of ADEO (Sports) and was temporarily appointed/posted as SST in the GHS No. 3 Tank, as no post of SST was lying vacant at that time. In the next Para of the petition, the petitioner stated that in his place, now very surprisingly one Ali Gohar (CT) Teacher of Government High School Umer Khel Tank has been appointed/posted as ADEO (Sports) Tank in gross violation violation of the judgment dated 07.08.2019 of this Tribunal. The afore-named teacher has been arrayed as party in the panel of respondents at Serial No. 7 in the present petition. It has been pointed out in the same Paragraph that he belongs to teaching cadre whereas the petitioner is SST holding a senior post than the post of respondent No. 7. The factual position stated vide Para-7 of the execution petition is also noticeable and is worth reproduction herein below:-

"That Muhammad Bilal (respondent No. 6) is SST belongs to teaching cadre and prior to the judgment dated 07.08.2019, he has been appointed as ADEO (Establishment) in District Education Office (Male) Tank against administrative post whereas this Honourable Court/Tribunal also directed the respondent department to recall forthwith all the transfer orders

of the Teachers against the administrative posts. The petitioner also made objection petition to the official respondents regarding the appointment of the respondent No. 6 (Teacher) against administrative post but of no avail and respondent No. 6 being teacher of Teaching Cadre is still appointed as ADEO (Establishment) which is also clear violation of the judgment of this Honourable Tribunal."

The petitioner stated that the acts of official respondents are clear violation of the judgment dated 07.08.2019 and prayed for issuance of direction for the official respondents to implement the judgment dated 07.08.2019 in letter and spirit and recall the transfer orders of the teachers (respondents No. 6 & 7) etc. from the posts of Management/ Administrative cadre and be appointed as teachers, otherwise the petitioner be restored to his post as ADEO (Sports) Tank.

According to the proceedings reflected in order sheet dated 22.09.2020, request was made for adjournment on behalf of the respondents in order to produce certain documents showing the number of administrative posts. Adjournment was granted and the case was fixed for arguments on the point of production of necessary documents. The representative of respondent No. 5 has produced today the detail of ADEOs/SDEOs (Management Cadre Posts) alongwith copy of advertisement No. 09/2019 of the Khyber Pakhtunkhwa Public Service Commission. The same have been placed on file. Accordingly the shortage of administrative cadre posts has been shown as justification for adjustment of teaching cadre officers on the posts of management cadre officers. It has been prayed that present execution petition may be dismissed in light of the said position.

Although the shortage of the posts of ADEO and SDEO in the management cadre is no ground for adjustment of the teaching cadre

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officers against management cadre posts in view of the judgment of Hon'ble Peshawar High Court passed in Writ Petition No. 2937/2009 referred herein before and of the judgment of this Tribunal but it is not befitting to take on the general position of wrong posting as well as the scope of present execution petition is concerned. The very violation of the judgment of the Hon'ble High Court as well as of this Tribunal in the case of posting against the post of ADEO (Sports) District Tank is noticeable from particular aspect of the special qualification suiting to the post. It is an undeniable fact that the ADEO (Sports) is not a general cadre post and the job requirement of the said post includes the supervision of the sports activities in the schools under control of the Khyber Pakhtunkhwa, E&SE Department in respective Districts. The subject post of S.P.E.T comes within the job description of Physical Education Teacher appointed in schools falling under control of District Education Officer of the respective district. Right person for right post is the cardinal principle of a good administration/governance. As pointed out in the present execution petition, previously the petitioner was posted as ADEO (Sports) by replacement of respondent No. 8 in the present execution petition. The later challenged his transfer in Service Appeal No. 409/2019 and dispute of posting between the present petitioner and respondent No. 8 about posting against the post of ADEO (Sports) District Tank was settled by treating the posting/transfer of contesting parties as cancelled with direction to the department to recall the same forthwith. What episode recurring the petitioner to come up with present petitioner was the posting of respondent No. 7 against the post of ADEO (Sports). The petitioner was surprised that in his place one Ali Gohar S.C.T Teacher of Government High School Umer Khel, Tank (respondent No. 7) was posted as ADEO (Sports) Tank in gross violation of the judgment dated 07.08.2009 of this Tribunal. The petitioner emphasized that respondent



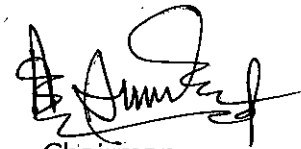
No. 7 belongs to teaching cadre holding S.C.T post while the petitioner is holding a senior position i.e. SST. According to the petitioner the act of the respondent department is not only against the mandate of the judgment of this Tribunal but also contemptuous being in disregard of the direction given to the respondent department to appoint a suitable officer belonging to administrative cadre post as ADEO (Sports) Tank. Taking clue from said submission of the petitioner, it has become expedient to settle certain guidelines for posting of a suitable officer/teacher on the post of ADEO (Sports) to avoid undermining of the judgment of this Tribunal in the particular matter of the post of ADEO (Sports) Tank and generally the undermining of judgment of Hon'ble Peshawar High Court Peshawar in Writ Petition No. 2937/2009. As a matter of principle, it is obligation of the respondent No. 1 to provide the eligibility criteria for the post of ADEO (Sports) having regard to the specialty of the job of the said post and to reflect the same in the method of recruitment, qualification and other conditions in consultation with the Finance Department and Establishment Department, Government of Khyber Pakhtunkhwa within the meaning of sub-rule (2) of Rule 3 of the Government Servants (Appointment, Promotion and Transfer) Rules, 1989. Until the said arrangement is not actualized under due course, the post of ADEO (Sports) shall only be filled by transfer of an incumbent of S.P.E.T post from the teaching cadre due to his having specialized qualification for sports activities and physical training as the present execution petition is an example of multiplicity of present proceedings resulting into abuse of process of the Tribunal, therefore, in order to avoid the future litigation in relation to the transfer on post of ADEO (Sports) in offices of the District Education Officers and Sub Divisional Education Officers in the Province under the control of respondent No. 1, it is apt to pass order in exercise of jurisdiction under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal



Rules, 1974 that henceforth the respondents No. 1 and 3 shall not transfer any incumbent of the teaching cadre post and post him as ADEO (Sports) other than the incumbent of the post of S.P.E.T. In case of violation of this order/ prohibition, it shall be taken as undermining of the judgment/orders of this Tribunal as well as of the judgment of the Hon'ble Peshawar High Court passed on 18.11.2009 in Writ Petition No. 2937/2009 and he concerned authority shall be liable for proceedings on account of contempt of court before the competent forum under due process of law. The Registrar of this office is directed to check at the time of scrutiny of appeals or execution petitions the fitness of the dispute relating to the post of ADEO(Sports) whether it involve the violation of the criteria laid down by this order for posting against the post of ADEO(Sports) in the province. If any violation is found by him, he shall draft the complaint for contempt of court proceedings for sending the same to the competent forum for cognizance against the contemnor. The present incumbent of the posts of ADEO(Sports) in the province other than the SPETs shall be transferred forthwith and the post shall be filled by incumbent of SPET posts.

The execution petition at hands is disposed of accordingly. File be consigned to the record room.

ANNOUNCED
22.11.2021



Chairman
Camp Court, D.I.Khan

27.09.2021

Nemo for the petitioner. Mr. Usman Ghani, District Attorney alongwith Mr. Mehmood Azam ADEO for the official respondents No. 1 to 5 present. None present on behalf of private respondents No. 6 to 8.

Previous date was changed on Note Reader, therefore, notice for prosecution of the petition be issued to the petitioner as well as his counsel and private respondents No. 6 to 8 for 22.11.2021 before S.B at Camp Court, D.I Khan.

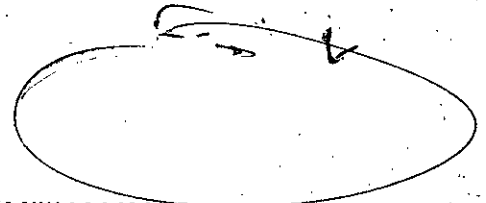


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COUR D.I KHAN

28.10.2020

Petitioner is present in person. Mr. Usman Ghani, District Attorney for the official respondents is also present.

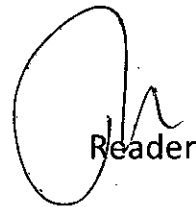
Petitioner requested for adjournment on the ground that the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, his counsel is not available today. Adjourned to 21.12.2020 on which date to come up for arguments on the point of production of necessary documents before S.B at Camp Court, D.I.Khan.



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT D.I.KHAN

21.12.2020

Due to Pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same.



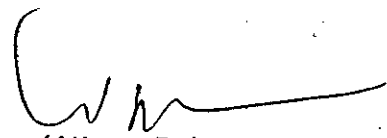
Reader

22.02.2021

Nemo for petitioner.

Noor Zaman Khattak learned District Attorney for official respondents and counsel for private respondent No.7 present.

Preceding date was adjourned on a reader's note, therefore, notice be issued to the appellant and his respective counsel for 24.05.2021 before S.B for further proceedings at Camp Court, D.I Khan.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan

*Due to COVID-19 therefore to
come up for the same on 27/9/21*



24/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 21/4/2020 at Camp Court, D.I Khan

Reader

21/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/9/2020 at Camp Court, D.I Khan


Reader


22.09.2020

Petitioner present through counsel.

Mr. Muhammad Jan, learned Deputy District Attorney alongwith Mehmood Azam, ADO for respondents present. Mr. Sheikh Iftikhar-ul-Haq, Advocate submitted Wakalat Nama in favor of private respondent No. 7.


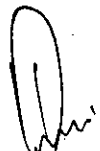
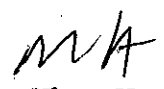
A request was made for adjournment on behalf of the respondents in order to produce certain documents showing the number of administrative posts; granted. To come up for arguments on the point of production of necessary documents on 28.10.2020 before D.B at Camp Court D.I Khan.


(Attiq-ur-Rehman Wazir)
Member
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. 03/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.01.2020	<p>The execution petition of Mr. Muhammad Farooq Khan received today by post through Shaukatullah Khan Battani 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 06/01/20</p>
2-		<p>This execution petition be put up before touring S. Bench D.I.Khan on <u>28-1-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
28.01.2020		<p>None present on behalf of the petitioner. Notices be issued to the respondents for implementation report for 24.03.2020 before S.B at Camp Court D.I.Khan. Notices be also issued to petitioner and his counsel for attendance for the date fixed.</p> <p style="text-align: right;"> (M. Amin Khan Kundi) Member Camp Court D.I.Khan</p>

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR, CAMPT COURT AT DIKHAN.**
Execution / Implementation Petition No. 03 /2020

Muhammad Farooq Khan(Petitioner)

VERSUS

Govt; of KPK & others.....(Respondents)

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3	Copy of order dated 11/09/2019	"B"	10
4	Copy of order dated 27/11/2019	"C"	11
5	Copy of objection petition / application dated 14/11/2019	"D"	12
6	Vakalatnama		13

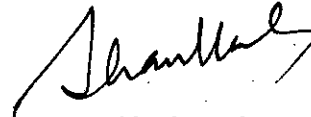
Your Humble Petitioner



Muhammad Farooq Khan

Through counsel

Dated: 4/01/2020



Shaukat Ullah Khan Bettani

Advocate High Court

Dera Ismail Khan

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR, CAMPT COURT AT DIKHAN.
Execution / Implementation Petition No. 03 /2020

Muhammad Farooq Khan S/o Ghulam Jan SST,
Presently Temporarily Posted at Government High School
No. 3, Tank.

.....(Petitioner)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 199

Dated 06/11/2020

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Assistant Director, Elementary & Secondary Education Department, Peshawar.
4. Deputy Director (Establishment) Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
5. District Education Officer (Male), Tank.
6. Muhammad Bilal (SST), ADEO (Establishment), District Education Office (Male), Tank.
7. Ali Gohar (SCT), ADEO (Sports) District Education Office (Male) Tank.
8. Muhammad Usman S/o Khan Gul (SST), Govt. Middle School Nourang, Tehsil & District Tank.

.....(Respondents)

Filed to-day
[Signature]
Registrar
06/01/20

EXECUTION / IMPLEMENTATION PETITION UNDER KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1997 READ WITH KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 (AS AMENDED) FOR IMPLEMENTATION THE JUDGMENT DATED 07/08/2019, PASSED BY THIS HONOURABLE TRIBUNAL IN SERVICE APPEAL NO. 409/2019, TITLED AS MUHAMMAD USMAN VS GOVT. OF KPK ETC.

Respectfully Sheweth:-

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BRIEF FACTS:-

The petitioner respectfully submits as under:-

- 1- That the present petitioner is serving as Secondary School Teacher (SST) in the Education Department. He was transferred and posted as ADEO (Sports) in the office of respondent No. 05 in the place of respondent No. 8 (Muhammad Usman) by the respondent No. 2 vide order dated 28/09/2018, in the interest of public service.
- 2- That being dissatisfied with transfer order dated 28/09/2018, of the petitioner, the present respondent No. 8 (Muhammad Usman) filed service appeal No. 409/2019 before this Honourable Tribunal against respondent department as well as against present petitioner.
- 3- That during the proceeding of the above said appeal, this Honourable Tribunal observed that petitioner and present respondent No. 8 belong to Teaching cadre whereas the post of ADEO (Sports) is administrative post.
- 4- That vide judgment dated 07/08/2019, this Honourable Tribunal was pleased to direct the official respondents to appoint suitable officer belonging to administrative cadre as ADEO (Sports) District Tank, the posting order of the present petitioner and respondent No. 8 against the administrative cadre post of ADEO (Sports) Tank, was cancelled. The respondent department was also directed to forthwith recall, all the transfer orders of the Teachers against the administrative post. Certified copy of judgment dated 07/08/2019 is enclosed as Annexure "A".
- 5- That thereafter the present petitioner was transferred from the post of ADEO (Sports) and temporarily appointed as SST in the GHS No. 3

Tank, as no post of SST was lying vacant at that time. Copy of such order dated 11/09/2019 is enclosed as **Annexure "B"**.

6- That in the place of petitioner, now very surprisingly one Ali Gohar (CT) Teacher of Government High School Umer Khel Tank, has been appointed / posted as ADEO (Sports) Tank, in gross violation of the verdict of the judgment dated 07/08/2019 of this Honourable Tribunal. The said Ali Gohar (respondent No. 7) is CT and belongs to teaching cadre whereas the petitioner is SST which is senior post then the post of respondent No. 7. The act of the respondent department is not only against the mandate of the judgment of this Honourable Tribunal but also contemptuous one as this Honourable Tribunal clearly directed the respondents department to appoint on suitable officer belong to administrative cadre as ADEO (Sports) Tank, whereas they appointed a teacher of Junior Post against a administrative post. Copy of order dated 27/11/2019 is enclosed as **Annexure "C"**.

7- That Muhammad Bilal (respondent No. 6) is SST belongs to teacher cadre and prior to the judgment dated 07/08/2019, he has been appointed as ADEO (Estab) in District Education Office (Male Tank) against administrative post whereas this Honourable Court / Tribunal also directed the respondent department to recall forthwith all the transfer orders of the Teachers against the administrative post. The petitioner also made objection petition to the official respondents regarding the appointment of the respondent No. 6 (Teacher) against administrative post but of no avail and respondent No. 6 being teacher of Teaching cadre is still appointed as ADEO (Estab) which is also clear violation of the judgment of this Honourable Tribunal. Copy of

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objection petition / application dated 14/11/2019 of the petitioner is enclosed as **Annexure "D"**.

8- That the acts of official respondents is clear violation of the judgment dated 07/08/2019, of this Honourable Tribunal and contemptuous of the judgment of this Honourable Tribunal.

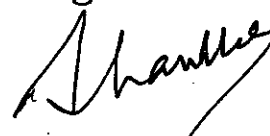
In view of above noted facts and circumstances, this Honourable Tribunal will be pleased to direct the official respondents to implement the judgment dated 07/08/2019, of this Honourable Tribunal, in letter and spirit and recall the transfer orders of the Teachers (respondents No. 6 & 7) etc from the post of management / administrative cadre and be appointed as a teacher otherwise the petitioner be restored to his post as ADEO (Sports) Tank.

Your Humble Petitioner



Muhammad Farooq Khan

Through counsel



Shaukat Ullah Khan Bettani

Advocate High Court
Dera Ismail Khan

Dated: /01/2020

(5)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR, CAMPT COURT AT DIKHAN.**

Writ Petition No. _____/2020

Muhammad Farooq Khan(Petitioner)

VERSUS

Govt; of KPK & others.....(Respondents)

AFFIDAVIT

I, **Muhammad Farooq Khan** S/o Ghulam Jan SST, Presently Temporarily Posted at Government High School No. 3, Tank, the petitioner, do hereby solemnly affirm and declare on oath that all the parawise contents of the **Writ Petition** are true and correct and nothing has been deliberately concealed from this Honourable Court.

Deponent


Muhammad Farooq

Identified by Counsel;



**SHAUKAT ULLAH KHAN BETTANI,
ADVOCATE HIGH COURT,
DERA ISMAIL KHAN.**

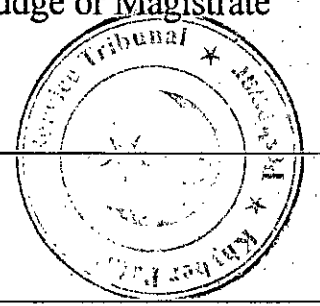


4/1/2020

A

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Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL Service Appeal No. 409/2019</p> <p style="text-align: right;">Date of Institution 01.04.2019 Date of Decision 07.08.2019</p> <p>Muhammad Usman S/o Khan Gul District Tank presently SST/ADEO (Sports), District Education Office, Tank.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Peshawar. 2. Deputy Secretary (Estab), Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar. 3. Director, Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar. 4. Assistant Director, Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar. 5. District Education Officer, (Male) Tank. 6. Muhammad Farooq, SST, GHS Umar Adda, Tehsil & District Tank. <p style="text-align: right;">Respondents</p> <p>07.08.2019 Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan -----Member(E)</p> <p style="text-align: center;">JUDGMENT MUHAMMAD HAMID MUGHAL, MEMBER: Appellant present. Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for official respondents present. Private respondent No.7 alongwith his counsel present.</p> <ol style="list-style-type: none"> 2. Brief facts of the case are that Director Elementary & 		



07.08.2019

ATTESTED

(Handwritten signature)

Khyber Pakhtunkhwa Service Tribunal
Peshawar

Secondary Education Department Khyber Pakhtunkhwa, Peshawar (respondent No.3) vide order dated 16.08.2018 transferred the appellant Muhammad Usman (SST General) from GMS Kot Kat, District Tank and posted him as ADO (Sports) at the office of District Education Officer (Male) Tank. On the very next month of issuance of above mentioned order dated 16.08.2018, the respondent No.3 placed the services of the appellant at the disposal of DEO (Male) Tank for further adjustment at the vacant post of SST while private respondent No.7 (SST) was appointed in his place as ADEO (Sports) vide order dated 28.09.2018. Again on 06.11.2018 the previous transfer posting order dated 28.09.2018 regarding adjustment of the appellant as SST was withdrawn, resultantly the position of the appellant as ADEO (Sports) was restored. Finally on 17.12.2018 the above mentioned order dated 06.11.2018 was cancelled and the order in respect of private respondent No.7 as ADEO (Sports) was restored. This led to the present service appeal for restoration of transfer posting of the appellant as ADEO (Sports) Tank.

3. Learned counsel for the appellant argued that the impugned order dated 17.12.2018 is the outcome of malafide and a result of political victimization and that the same was issued to oblige the political figure.

4. As against that learned DDA assisted by the learned counsel for private respondent No.7 argued that the appellant has no vested right to claim posting of his choice; that the appellant being an

17.8.2018
ATTESTED

[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

influential person, got himself transferred to the post of ADEO (Sports) by using political channel; that earlier the appellant filed civil suit to regain his position as ADEO (Sports) District Tank; that initially the appellant was appointed as Class-IV official who secured promotion on the basis of 3rd Division B.A Degree and thereafter the appellant submitted BA Degree of 2nd Division which is illegal; that on the complaint of private respondent No.7 inquiry was also initiated against the appellant.

5. Arguments heard. File perused.


6. Both the appellant and private respondent No.7 belong to teaching cadre but were blessed with administrative cadre post one after the other.

7. Hon'ble Peshawar High Court Peshawar vide its judgment dated 18.11.2009 in Writ Petition No. 2937/2009 has observed that it is not befitting for teachers to hold administrative posts because they are getting benefits, but the students are suffering thus, they shall go to their respective places

8. The above mentioned judgment of Hon'ble Peshawar High Court Peshawar was implemented vide Notification dated 08.02.2019.

9. From the arguments advanced by the parties and record particularly the posting transfer orders available on file, it appeared that the Director Elementary & Secondary Education concerned has no capability to face political pressure and that his actions, as made impugned in the pleadings of the parties, fall within the ambit of

ATTESTED


 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

misuse of authority.

10. The parties (SSTs) could not demonstrate any exigency due to which they were adjusted against the administrative cadre post.

11. In the light of above, the respondent department is directed to appoint suitable officer belonging to administrative cadre, as ADEO (Sports) District Tank. The posting orders of both the appellant and private respondent No.7 against the administrative cadre post of ADEO (Sports) Tank shall be treated as cancelled. The respondent department is also directed to forthwith recall, all the transfer orders of the teachers against the administrative post. The present service appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED
05.08.2019

Certified to be true copy

Khwaja Muneer
Secretary
Peshawar

Date of Presentation 02-01-2020
Number of Pages 1600
Copying Fee 18-00
Urgent ✓
Total 22-00
Name [Signature]
Date of Receipt 02-01-2020
Date of Delivery of Copy 02-01-2020

Date: _____ Consequence: _____

(B)

10

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) TANK


OFFICE ORDER:

Consequent upon the decision by the Honourable Service Tribunal Camp Court DIKhan, the following adjustment is hereby ordered with immediate effect, provided that the approval of competent authority Elementary & Secondary Education Chyber Pakhunkhwa, Peshawar will be obtained in the light of decision passed by the Honourable Service Tribunal in Service Appeal No. 409.

S. No	Name & Desig:	From	To	Remarks
1.	Farooq Khan SST / Ex ADEO (Sports)	GMS Mumraiz Pathan	GHS No. 3 Tank	Temporary adjusted till the approval of Director.
2.	Muhammad Usman ADEO / SST	o/o DEO (Male) Tank	GMS Chesan Kach	Vice S.No. 3
3.	Awal Jan SST	GMS Chesan Kach	GMS Mumraiz Pathan	Vice S.No. 1

Note: No TA/DA is allowed.

Charge report should be submitted to all concerned.


District Education Officer
(Male) Tank


Endst. No. 4398-4603 /DEO-M

Dated Tank the 11/05 /2019,

Copy to the:

1. District Accounts Officer, Tank
2. District Monitoring Officer (IMU) Tank.
3. Dy. District Education Officer (Male) Tank.
4. Teachers Concerned.
5. Office File.

Attended
Blank


District Education Officer
(Male) Tank

C C

(11)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION

KHYBER PAKHTUNKHWA, PESHAWAR

OFFICE ORDER.

Consequent upon the approval the Competent Authority Mr. Ali Gohar SGT (BPS-16) at GHS Umer Khel District Tank is hereby transferred and posted against the vacant post of ADEO (Sports) at Office of the District Education Officer, Peshawar & BPS in the interest of public service with immediate effect with the following terms and conditions.

TERMS AND CONDITIONS.

1. Charge report should be submitted to all concerned.
2. No TA/DA etc is allowed.
3. The order of the above named SST (teaching cadre) will be effective subject to the conditions that he will give an undertaking/affidavit on legal paper/stamp paper to DEO (Male) Tank to the effect not to claim seniority of Management cadre.
4. His seniority will be intact in teaching cadre as per rules. He will not affect the promotion of any incumbent of that cadre.
5. The terms & conditions mentioned in his appointment order as SST (teaching cadre) will remain intact.
6. He will not claim any kind of absorption in Management cadre.
7. Posting Adjustment of Teaching Cadre Officers shall be considered as stop-gap arrangement till the arrival of Management Cadre officers.

DIRECTOR

Endst. No. 1045-199 /F. No. 436/Vol-6/ADEOs (M) Transfers/KP
Dated Peshawar the 27/11/2019.

Copy of the above is to the:-

7. Accountant General Khyber Pakhtunkhwa, Peshawar.
8. District Education Officer (M) Tank.
9. District Accounts Officer Tank.
10. Official concerned.
11. PA to Director (E&SE) Khyber Pakhtunkhwa, Peshawar
12. Master File.

Attested
Shamir

[Signature]
Deputy Director (Estab)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

[Signature]

بخدمت جناب D.E.O (M) صاحب ٹانک

درخواست برآمد۔ قانونی کارروائی برخلاف محمد بلال متعینہ (ADEO(Estab----) ڈسٹرکٹ ایجوکیشن آفس ٹانک جو کہ Teaching Cadre سے تعلق رکھتا ہے بدیں وجوہ Management Cadre کی پوسٹ پر تعیناتی کا حقدار نہیں ہے۔

جناب عالی! حسب ذیل عرض رساں ہے۔

- 1- یہ کہ مذکورہ محمد بلال SST (G) ٹیچر ہے اور کئی عرصہ سے Management Cadre پوسٹ پر بطور (ADEO(Estab----) ڈسٹرکٹ ایجوکیشن آفس ٹانک میں تعینات ہے جو کہ سراسر غلط غیر قانونی ہے
 - 2- یہ کہ سائل خود SST ٹیچر ہے اور بطور ADEO SPORTS ڈسٹرکٹ ایجوکیشن آفس ٹانک میں تعینات تھا اور اس سے پہلے محمد عثمان جو کہ SST ٹیچر تھا اور بطور ADEO SPORTS تعینات تھا اور محمد بلال مذکورہ کا بھائی ہے اور محمد بلال کی ایما پر محمد عثمان نے من سائل کی تعیناتی بطور ADEO SPORTS کو سروس ٹریبونل خیبر پختونخواہ پشاور میں Challenge کیا۔ فاضل ٹریبونل نے بروئے فیصلہ مورخہ 7-8-2019 من سائل اور محمد عثمان کی تعیناتی بطور ADEO SPORTS کو غیر قانونی قرار دیا۔ اور ایجوکیشن ڈیپارٹمنٹ نے سروس ٹریبونل کی فیصلے کی رو سے Management Cadre سے ہٹا کر بطور SST ٹیچر سکولوں میں تبادلہ کر دیا اور مذکورہ فیصلہ سروس ٹریبونل مورخہ 7-8-2019 لفظ ہذا ہے۔
 - 3- یہ کہ مذکورہ فیصلے کی روشنی میں Management Cadre پر Teaching Cadre پوسٹ کا ٹیچر تعینات نہیں ہو سکتا اس نے مذکورہ محمد بلال جو کہ SST ٹیچر ہے Teaching Cadre سے تعلق رکھتا ہے Management Cadre پوسٹ پر تعینات نہیں ہو سکتا ہے اور اسکی تعیناتی بطور (ADEO(Estab----) ڈسٹرکٹ ایجوکیشن آفس ٹانک میں غیر قانونی ہے۔
- لہذا استدعا ہے کہ مذکورہ محمد بلال (ADEO(Estab----) پوسٹ سے ہٹا کر کسی سکول میں بطور ٹیچر تعینات فرمایا جاوے۔

کاپی برائے اطلاع:-

- 1- سیکرٹری ایجوکیشن صوبہ خیبر پختونخواہ پشاور
- 2- ڈائریکٹر آف ایجوکیشن صوبہ خیبر پختونخواہ پشاور

العارض

فاروق خان ولد غلام جان SST ٹیچر گورنمنٹ ہائی سکول نمبر 3 تحصیل و ضلع ٹانک

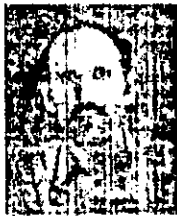
12101-1114672-7

14/11/2019

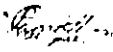
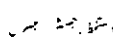
Attested
Ahmed

Received in
originals.
Bashir Assistant
14/11/2019


حکومت پاکستان
قومی شناختی کارڈ
12101-1114672-7



نام: اناروق خان
جنس: مرد
امداد کا نام: غلام جان
قومی شناختی کارڈ کی تاریخ: 01/02/1970

دستخط: 
دستخط: 


شناختی نمبر: 12101-1114672-7
TICKET



14991008456

سنہ پیدائش: 13/03/2007
تاریخ سیر: 29/02/2020

گھنٹہ کارڈ بننے پر قریبی لنگر گیس میں ڈال دیں





**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1080 / ST.

Dated: 18/05 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The District Education Officer (Male),
Government of Khyber Pakhtunkhwa,
Tank.

Subject: ORDER IN EXECUTION PETITION NO. 03/2020, MR. FAROOQ KHAN

I am directed to forward herewith a certified copy of Judgement dated 22.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA CAMP COURT DIKHAN

Execution Petition No. 03/2020

Muhammad Farooq Khan VS Govt. of Khyber Pakhtunkhwa etc.

Respectfully shweth:

With reference to order sheet of Execution Petition No. 03/2020, the requisite information is as under: -


1. Detail of ADEOs/ASDEOs (Management Cadre) Posts.

S.No.	Name of Post	BPS	Total Sanction	Working	
				Management	Teaching
1	Assistant District Education Officer (ADEO)	16	05	01	04
2	Assistant Sub-Divisional Education Officer (ASDEO)	16	04	02	02

2. The teaching cadre officer are adjusted for time being due to shortage of management cadre officer.

3. The Elementary and Secondary Education Department has sent requisition of vacant posts of ADEOs/ASDEOs to Khyber Pakhtunkhwa Public Service Commission. Accordingly, the Khyber Pakhtunkhwa Public Service Commission has advertised the said post on 30/09/2019. (Copy of Advertisement is Annexed as-A)

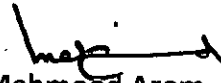
It is humbly prayed that in the light of the above, the Execution Petition may please be dismissed.


District Education Officer
Male Tank

RESPONDENT NO.5

Affidavit:

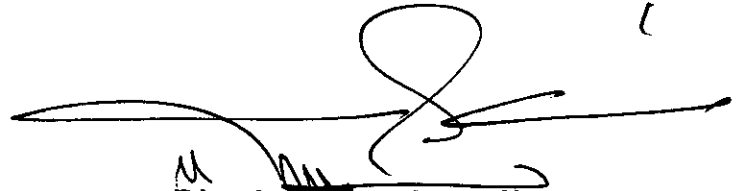
I, Mehmood Azam ADEO (Litigation) do hereby solemnly affirm and declared on the oath that the reply of execution petition is true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable Court.



Mehmood Azam
ADEO(Litigation)
O/O DEO-M Tank
CNIC No.12201-0313189-7

AUTHORITY LETTER

Mr. Mehmood Azam ADEO (Litigation) is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp Court DIKhan on behalf of District Education Officer (Male) Tank, in connection with the Execution Petition 03/2020 titled as Muhammad Farooq Vs Govt. of Khyber Pakhtunkhwa etc.



**District Education Officer
Male Tank**

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 30.09.2019

ADVERTISEMENT No. 09/2019

Online applications are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa by **17.10.2019**

Applications other than online will not be accepted. To apply, visit any Jazz Cash & Easy Paisa Agent, deposit application fee of RS.500/- excluding service charges and get transaction I.D through SMS. Visit PSC website www.kppsc.gov.pk and apply online.

Candidates are advised to fill in all the columns carefully as change(s) will not be allowed after submission. Unclaimed qualification, experience etc will not be accepted later on.

Only one application is required for one serial, however the candidates applying for various quotas should mention serial number of (1)a, (1)b or (1)c in the application form specifically.

Documents are not required at the time of submission of application; candidates who qualify the test will have to submit their documents within one week time after announcement of the result.

AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT

1.	EIGHT (08) RESEARCH OFFICERS / FARM MANAGERS IN LIVESTOCK & DAIRY DEVELOPMENT (RESEARCH WING). QUALIFICATION: At least 2 nd Class Degree in Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences from recognized University having valid registration with Pakistan Veterinary Medical Council. AGE LIMIT: 21 to 32 years PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes												
ALLOCATION:	<table border="1"> <tr> <td>Merit</td> <td>Zone-1</td> <td>Zone-2</td> <td>Zone-3</td> <td>Zone-4</td> <td>Zone-5</td> </tr> <tr> <td>02</td> <td>01</td> <td>01</td> <td>01</td> <td>02</td> <td>01</td> </tr> </table>	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	02	01	01	01	02	01
Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5								
02	01	01	01	02	01								
2.	ONE (01) BIOCHEMIST IN AGRICULTURE, LIVESTOCK & COOPERATIVE DEPARTMENT (RESEARCH WING). QUALIFICATION: (i) At least 2 nd Class Master's Degree in Biochemistry after at least Second Class Degree in Doctor of Veterinary Medicine or equivalent qualification in Veterinary Sciences from a recognized University having valid registration with Pakistan Veterinary Medical Council; or (ii) At least 2 nd Class M.Phil or MS Degree in Biochemistry or equivalent qualification from a recognized University. AGE LIMIT: 21 to 32 years PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes												
ALLOCATION:	<table border="1"> <tr> <td>Zone-1</td> </tr> <tr> <td>01</td> </tr> </table>	Zone-1	01										
Zone-1													
01													
3.	ONE (01) INSTRUCTOR ISLAMIAT IN DIRECTORATE OF AGRICULTURE (EXTENSION) AGRICULTURE DEPARTMENT. QUALIFICATION: Molvi Fazil or Sanadul Faraghat from wafaqi Madrasa or equivalent sanad from recognized religious institution. AGE LIMIT: 21 to 32 years PAY SCALE: BPS-17 ELIGIBILITY: Male												
ALLOCATION:	<table border="1"> <tr> <td>Merit</td> </tr> <tr> <td>01</td> </tr> </table>	Merit	01										
Merit													
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4.	ONE (01) INSTRUCTOR IN DIRECTORATE OF COOPERATIVE SOCIETIES, KHYBER PAKHTUNKHWA. QUALIFICATION: At least 2 nd Class Master's in Economics / Business Administration / Public Administration/ B.Sc (Hons Four years) in Agriculture or its equivalent qualification from a recognized University. AGE LIMIT: 21 to 32 years PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes												
ALLOCATION:	<table border="1"> <tr> <td>Zone-1</td> </tr> <tr> <td>01</td> </tr> </table>	Zone-1	01										
Zone-1													
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ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

5. (a)	ONE HUNDRED & TWENTY THREE (123) MALE ASDEOs/ ADEOs QUALIFICATION: 1. At least 2 nd Class Bachelor's Degree or Four (04) years B.S degree from a recognized University. 2. At least 2 nd Class Bachelor's Degree of Education from a recognized University; AND 3. Five years teaching or administrative experience in Government recognized institutes or offices. AGE LIMIT: 25 to 35 years PAY SCALE: BPS-16 ELIGIBILITY: Male												
ALLOCATION:	<table border="1"> <tr> <td>Merit</td> <td>Zone-1</td> <td>Zone-2</td> <td>Zone-3</td> <td>Zone-4</td> <td>Zone-5</td> </tr> <tr> <td>30</td> <td>21</td> <td>21</td> <td>21</td> <td>15</td> <td>15</td> </tr> </table>	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	30	21	21	21	15	15
Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5								
30	21	21	21	15	15								
(b)	FOUR (04) MALE ASDEOs/ ADEOs (MINORITY QUOTA) QUALIFICATION: 1. At least 2 nd Class Bachelor's Degree or Four (04) years B.S degree from a recognized University												

- (c) **THREE (03) MALE ASDEOs/ ADEOs (DISABLE QUOTA)**
QUALIFICATION: 1. At least 2nd Class Bachelor's Degree or Four (04) years B.S degree from a recognized University.
 2. At least 2nd Class Bachelor's Degree of Education from a recognized University; **AND**
 3. Five years teaching or administrative experience in Government recognized institutes or offices.
AGE LIMIT: 25 to 35 years **PAY SCALE:** BPS-16 **ELIGIBILITY:** Male

ALLOCATION:	Merit
	03

ESTABLISHMENT DEPARTMENT.

6. **FIVE (05) ASSISTANT DIRECTOR IT.**
QUALIFICATION: Second Class Master Degree or equivalent qualification in Computer Science from a recognized University.
AGE LIMIT: 22 to 35 years **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes

ALLOCATION:	Merit	Zone-1	Zone-2	Zone-5
	02	01	01	01

FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

7. **TWO (02) DEPUTY DIRECTORS IN THE OFFICE OF DIRECTOR GENERAL, ENVIROMENTAL PROTECTION AGENCY, KHYBER PAKHTUNKHWA.**
QUALIFICATION: PhD from a recognized University or equivalent qualification in any one of the following subjects: Environmental Planning & Management/ Environmental Engineering/Forestry/Fisheries/wildlife/Range Science/ Geology/Watershed Management/Ecology/Agriculture/Chemistry/Bio-Chemistry/Physical Chemistry/Physics/Botany/ Zoology/Analytical Chemistry/Geology/Hydrology/Economics/City & Regional Planning;
 OR
 M.Phil or equivalent qualification in subjects mentioned above from a recognized university with three years experience in the relevant field;
 OR
 Master's Degree in any of the subjects mentioned above from a recognized University with 5 years experience in the relevant field;
 OR
 Bachelor's Degree in Civil/Mechanical Engineering/City & Regional Planning/ Law from a recognized University with five years research work in the relevant field;
AGE LIMIT: 21 to 40 years **PAY SCALE:** BPS-18 **ELIGIBILITY:** Both Sexes

ALLOCATION:	Merit

HEALTH DEPARTMENT

8. (a) **FIVE (05) (LEFTOVER) DENTAL SURGEON (MINORITY QUOTA).**
QUALIFICATION: (a) BDS or equivalent qualification from a recognized University. (b) Completion of House Job Training.
AGE LIMIT: 22 to 35 years **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes

ALLOCATION:	Merit
	05

- (b) **TWO (02) (LEFTOVER) DENTAL SURGEONS (DISABLED QUOTA).**
QUALIFICATION: (a) BDS or equivalent qualification from a recognized University. (b) Completion of House Job Training.
AGE LIMIT: 22 to 35 years **PAY SCALE:** BPS-17 **ELIGIBILITY:** Both Sexes

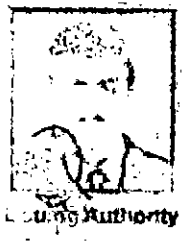
ALLOCATION:	Merit
	02

9. **FIFTEEN (15) NURSING INSTRUCTORS/ NURSING SUPERINTENDENTS/ NURSING DIRECTRESS IN HEALTH DEPARTMENT.**
QUALIFICATION: (i). At least Second Class M.Sc in Nursing from a recognized University;
 OR
 At least Second Class Post Registered B.Sc in Nursing with Master's Degree in Public Health (MPH)
 OR
 Master's Degree in Science and Public Health (MSPH) from a recognized University;
 OR
 At least Second Class B.Sc Nursing (four years) degree with Master's Degree in Public Health (MPH)
 OR
 Master's Degree in Science and Public Health (MSPH) from a recognized University;
 OR
 Diploma in Ward Administration and Diploma in Teaching Administration from a recognized College of Nursing with Master in Public Health (MPH) or Master of Science in Public Health (MSPH) from a recognized University;
 OR
 Diploma in Ward Administration and Diploma in Teaching Administration from a recognized College of Nursing with



وکالت

SR. NICHAR UL HAQ
Advocate High Court
N.C. 2201-0316740-9
S.No 365



کورٹ
فیس

Before the Khyber Pakhtunkhwa Service Tribunal ^{سروس ٹریبونل}
Respondent No 1 ^{مستجاب} Ali Gohar ^{علی گھار}

Muhammad Farooq ^{محمد فاروق} Govt of K.P.
Education/Implementation ^{تعلیم / عملدرآمد}

تفصیل دہی یا جرم

باعث تحریر آنک

Shah J. Khan ^{شاہ جی خان} Shah J. Khan ^{شاہ جی خان}

High Court

مقدمہ مندرجہ بالا خوان میں اپنی طرف سے درخواست گزار علی گھار نے درخواست کی ہے کہ میں فوٹی پر فرائض انجام دے رہا ہوں اور میری فرائض پوری کرنے میں کوئی رکاوٹ نہیں ہے۔
موصوف صاحب نے کسی طرح امداد نہ ہونے کے نیز ایک صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا بیچے یا بروز تعطیل
ہدی کرنے کے امداد نہ ہونے اور مقدمہ صدر کچہری کے علاوہ اور کچہری کے اوقات سے پہلے یا بیچے یا بروز تعطیل
مطلبہ کوئی انسان پنہاں اس کے امداد نہ ہونے کے علاوہ اس کے معاوضے کے ادا کرنے یا منت نہ ہونے کے لئے بھی صاحب موصوف امداد نہ ہونے کے مجھ
کو کس ساختہ پر داغ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دہی یا جواب دہی یا درخواست اجراء اسے دہی
نظر ثانی اپنی عمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تاشی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دہی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ فوٹی مقدمہ محرکہ عدوان ال کچہری صدر ہدی مقدمہ محرکہ لظرف عالی اہل و عمرانی و برآمدگی مقدمہ یا مصلحتی دہی یک طرفہ یا درخواست حکم امتحانی یا قری
یا کر دہی لعل ال فیصلہ اجراء دہی بھی صاحب موصوف کو بشرط ادا ہونے کے لئے منظور ہونے کا اختیار ہو گا اور قریب سے پروا نہ صاحب موصوف مثل کردہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ محرکہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
اہل عمرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا ہر منکر کو اپنے جہانے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر اس میں دہی اور ایسے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب اختیار ہو گا : دو صاحب موصوف کا حق ہو گا کہ
صاحب موصوف کو پورا میں تاریخ فوٹی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پوری نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا نکالت نامہ لکھ دیا ہے تاکہ سندرتے
22
مہینہ 2020
مستور و نکالت نامہ من لیا ہے اور ایسی طرح کچھ لیا ہے اور منظور ہے

Attest

Accept

Shah J. Khan