

Appeal No. 517/2021
Syed Hussain Ali Shah vs Govt

12.01.2022

Nemo for the appellant.

Case was called time and again but none appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default for non prosecution. No order as to costs. File be consigned to record room.

ANNOUNCED
12.01.2022



(Atiq-Ur-Rehman Wazir)
Member (E)

08.06.2021

Counsel for the appellant present. Preliminary arguments heard.

10

117

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 14.10.2021 before the D.B.

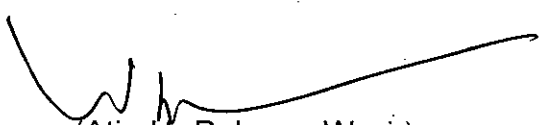

Chairman

R

14.10.2021

Appellant present through counsel.

Security and process has not been deposited. Learned counsel for appellant requested for time to deposit security and process fee. Request is acceded to with direction to deposit the same within 3 days, where-after, notices be issued to respondents for submission of reply/comments in office within 10 days of the receipt of notices. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. To come up for arguments on 12.01.2022 before D.B.



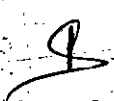
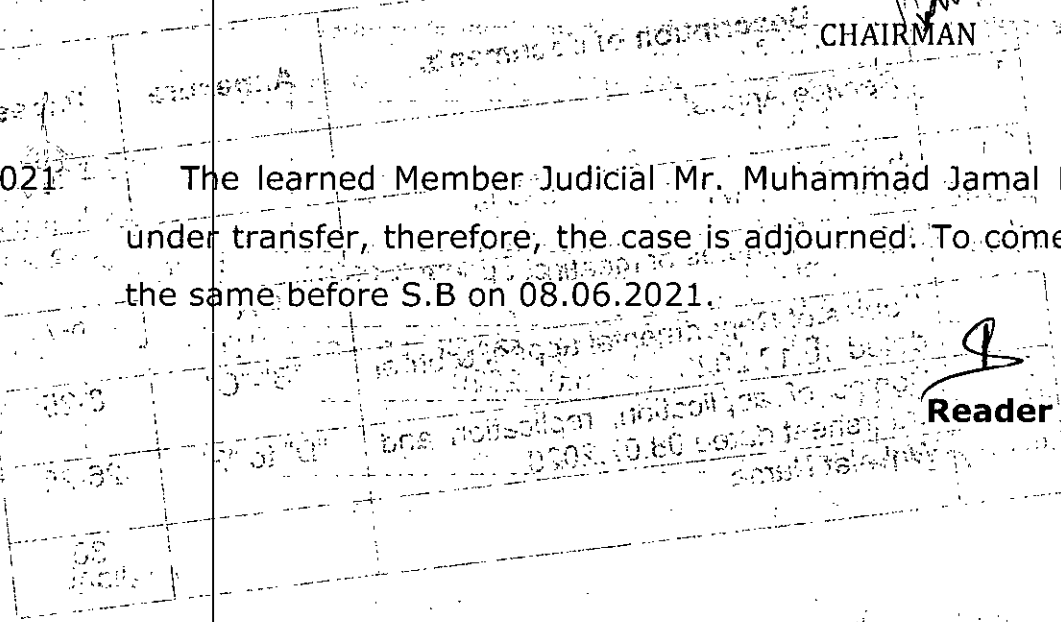

(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

FORM OF ORDER SHEET

Court of _____

Case No.- 517 /2021 21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/01/2021	<p>The appeal of Syed Hussain Ali Shah presented today by Mr. Babar Khan Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	22/02/2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22/02/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>22.02.2021 The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 08.06.2021.</p> <p style="text-align: right;"> Reader</p> <p style="text-align: center;"></p>

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No _____/2021

Syed Hussain Ali Shah.....Appellant.

VERSUS

District & Sessions Judge (Admin) Shangal & other.....Respondents.


INDEX

S.No	Description of documents	Annexure	Pages
1	Service Appeal		1-4
2	Affidavit		5
3	Copy of Minutes of meeting	"A"	6-7
4	Copies of Departmental appeal & order dated 10.12.2020	"B"- "C"	8-25
5	Copies of application, replication and ordersheet dated 08.07.2020	"D" to "F"	26-29
6	Wakalat Nama		30


Appellant

Through

Dated: - 08.01.2021


BABAR KHAN YOUSAFZAI
 Advocate, High Court,
 Peshawar.
 Cell # 03219040499

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5071

Dated 02/1/2021

Service Appeal No S17 /2021

Syed Hussain Ali Shah, Bailiff Establishment of Senior Civil Judge (Admin)
Shangla.....Appellant.

V E R S U S

1. District and Sessions Judge (Admin) Shangla.
2. Senior Civil Judge (Admin) Shangla.
3. Mrs. Aqsa Saeed, Senior Civil Judge, Mansehra (Nminee of the Hon'ble Peshawar High Court, Peshawar).
4. Mr. Shah Khalid, Civil Judge/illaqa Qazi, Chankisar District Shangla (Nominee of the Hon'ble Peshawar High Court, Peshawar).
5. Sartaj S/o Farooq, Bailiff (BPS-6) establishment of Senior Civil Judge, presently posted in the court of Civil Judge, at Puran District Shangla.
6. Muhammad Didar, Bailiff in District Judiciary Shangal.
7. Afzal Ali, Bailiff in District Judiciary Shangal.

..... Respondents

~~Filed to-day~~

~~Registrar~~

02/01/2021

=====

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974, AGAINST THE JUDGMENT DATED 10.12.2020 PASSED BY THE LEARNED DISTRICT AND SESSIONS JUDGE, SHANGLA (RESPONDENT NO.1) BY VIRTUE OF WHICH THE DEPARTMENTAL APPEAL OF THE RESPONDENT NO.5 WAS ACCEPTED AND THE SENIORITY LIST PREPARED ON 31.12.2019 WAS SET

ASIDE THE LEARNED APPELLATE AUTHORITY
 FURTHER ORDER FOR MEETING OF DEPARTMENTAL
 PROMOTION COMMITTEE BE SCHEDULED
 IMMEDIATELY AND THE RESPONDENT NO.5 BE
 CONSIDER FOR PROMOTION ON THE VACANT SEAT.

= = = = =

Respectfully Sheweth:

- 1) That the appellant is working as bailiff is performing his duties with zeal and devotion and to the full satisfaction of his superiors.
- 2) That for promotion of bailiffs BPS-6 to the post of Junior Clerks BPS-11, meeting of Departmental promotion Committee (Respondents No.2 to 4) was held on 18.09.2019.(Copy of minutes of the meeting dated 18.09.2019 is attached as annexure "A").
- 3) That in the said meeting the respondents No.2 to 4 recommended the respondents No.6 & 7 for promotion to the post of Junior Clerk/Naib Nazir (BPS-11) and notification was issued for their promotion on 18.09.2019.
- 4) That the respondent No.5 was not recommended by the above mentioned Departmental Promotion Committee so he being aggrieved from the said notification, approached and filed Departmental appeal before the learned District and Sessions Judge, (Admin) Shangla (Respondent No.1) which was accepted vide impugned judgment/order dated 10.12.2020. (Copies of the grounds of appeal and impugned judgment dated 10.12.2020 are attached as annexure "B" & "C" respectively).
- 5) That it pertinent to mentioned here that the present appellant was not party initially in the above mentioned departmental appeal but later on 24.06.2020 filed an application for impleadment which was allowed on

08.07.2020.(Copies of the application, replication and order sheet dated 08.07.2020 are attached as annexure "D" to "F" respectively).

- 6) That the appellant extremely aggrieved from the impugned judgment dated 10.12.2020 of respondent No.1 having no other adequate remedy available to him but to approaches this Hon'ble Tribunal for the redressal of his grievances, inter alia, on the following grounds:

GROUND

- A. That the impugned judgment dated 10.12.2020 is illegal, without jurisdiction, without lawful authority, of no legal effect and liable to be set aside.
- B. That the Departmental appeal submitted before the respondent No.1 was barred by time and the impugned judgment dated 10.12.2020 is completely silent regarding this material fact on this score alone the impugned judgment is liable to be set aside.
- C. That the respondent No.3 had not come to appellate forum with clean hands and concealed a material fact from Departmental appellate authority.
- D. That the honourable Peshawar High Court, Peshawar has ordered through letter No.6274-6341 dated 05.11.2019 for absorption of the Process-Serving Agency working under the Sessions Court in the establishment of the respondents No.1 & 2, therefore, in the year 2019 joint seniority list was issued. As per Judicial Esta Code 2011, Section 19 it has been observed that in case of seniority of bailiffs, the same shall be reckoned with reference to the date of acquiring the Secondary School Certificate, in the present case the mentioned criteria has also been neglected by the respondent No.1.


- E. That it is pertinent to mentioned here that, the appellant had passed passed his matriculation in the year 1990 while respondent No.5 had attained his matriculation in 1992 hence, it is crystal cleared that the appellant is senior to respondent No.5.
- F. That the appellant has dedicated a long span of his life in the department and it is a high time that he should be given reward for the same.
- G. That the appellant craves permission of this Honourable Tribunal to advance any other ground at the time of hearing and to submit any other arguments/documents if necessary, in support of this service appeal.

It is, therefore, most humbly prayed that, on acceptance of this Service Appeal, the impugned judgment dated 10.12.2020 may kindly be set aside and the seniority list prepared on 31.12.2019 may be restored for the ends of justice.

Any other relief, with this Honourable Tribunal deemed just and proper may also be granted to the appellant not specifically prayed for herein.


Appellant

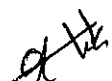
Through:


(BABAR KHAN YOUSAFZAI)
Advocate, High Court
Peshawar

Dated: 05.01.2021

CERTIFICATE:

Certified that as per information furnished by my client no such like Service Appeal on the subject has earlier been filed before this Hon'ble Tribunal.


ADVOCATE

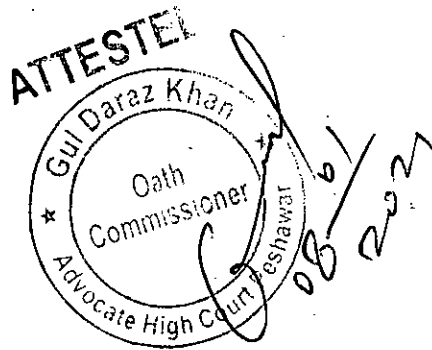
CERTIFICATE:

Certified that as per information furnished by my client no such like Service Appeal on the subject has earlier been filed before this Hon'ble Tribunal.

ADVOCATE

AFFIDAVIT

I, Syed Hussain Ali Shah, Bailiff Establishment of Senior Civil Judge (admin) Shangla, do hereby solemnly affirm and declare on Oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble Tribunal.


Deponent

(6) Amo - A

**MINUTES OF THE MEETING OF THE DEPARTMENTAL
PROMOTION COMMITTEE (DPC) HELD ON 18.09.2019 IN THE
OFFICE OF THE SENIOR CIVIL JUDGE (ADMIN)/AA'LA A'LAQA
QAZI, SHANGLA.**

Meeting of Departmental Promotion Committee for Promotion of Bailiffs to the Posts of the Junior Clerks/Naib Nazirs and Process Servers to the Posts of Bailiffs in the Establishment of the Senior Civil Judge (Admin), Shangla was held on 18.09.2019 to consider the promotion cases of the officials after the prior permission/ approval of Hon'ble Peshawar High Court, Peshawar.

The following attended the meeting.

1. **Mr. Muhammad Sher Ali Khan,**
Senior Civil Judge (Admin)/Judicial Magistrate, Shangla
(Chairman)
2. **Ms. Aqsa Saeed,**
Senior Civil Judge, Mansehra
Nominee of Peshawar High Court, Peshawar.
(Member)
3. **Mr. Shah Khalid,**
Civil Judge/Illaqqa Qazi, Chakisar, Shangla
Nominee of Senior Civil Judge, Shangla.
(Member)

1. JUNIOR CLERKS/NAIB NAZIRS (BPS-11)

Two posts of Junior Clerks/Naib Nazirs (BPS-11) were lying vacant in this establishment. Per Peshawar High Court, Peshawar, Subordinate Court Staff Recruitment Rules 2003, these posts were to be filled by Promotion from the Bailiffs BPS-06 on basis of seniority-cum-fitness. After thorough perusal of the record i.e Seniority list, the working paper, ACRs and other record, the following two Bailiffs were found fit for promotion, hence, recommended for Promotion as Junior Clerk/Naib Nazir according to the seniority.

1. Mr. Muhammad Didar (Bailiff)
2. Mr. Afzal Ali (Bailiff)

It is apt to mention that Mr. Sartaj, Bailiff, was initially appointed as Process Server on 09.09.1996 and he was promoted to the Post of Bailiff BPS-06 on 07.05.2003 but he was placed Junior to Muhammad Didar and Afzal Ali (Bailiffs) as they have qualified their SSC examination in 1989 and 1990 respectively, whereas, the former i.e. Mr. Sartaj has obtained his SSC Certificate in 1992.

Attested

(43)

(7)

2. BAILIFFS (BPS-06)

Consequent upon the promotion of two Bailiffs BPS-06 to the Posts of Junior Clerks/Naib Nazirs (BPS-11), two posts of Bailiff became vacant in this establishment. Per Peshawar High Court, Peshawar, Subordinate Court Staff) Recruitment Rules 2003, these posts are to be filled by Promotion from Process Servers BPS-05 on the basis of seniority-cum-fitness. After thorough perusal of the record i.e Seniority list, the working paper, ACRs and other record, the following Two Process Servers were found fit for promotion, hence, recommended for Promotion as Bailiffs.

1. Mr. Asghar Khan (Process Server)
2. Mr. Sabir Ali (Process Server)

The meeting ended with thanks.

18/9/19

(SHAH KHALID)
Civil Judge/~~Zilla~~ Qazi, Chakisar/
Nominee of Senior Civil Judge, Shangla.

(AQSA SAEED) 18/09/19
Senior Civil Judge, Manshra
Nominee of Peshawar High
Court, Peshawar

(MUHAMMAD SHEER ALI KHAN)
Senior Civil Judge (Admin)/Judicial Magistrate,
SHANGLA.
(Chairman) 18/09/2019

No. 660-64 /SCJ/AIQ(SH)

Dated Alpuri the 18/09/2019

Copy forwarded to:

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. The Worthy District & Sessions Judge/Zilla Qazi, Shangla.
3. All the Members of the Committee.
4. Office copy.

(MUHAMMAD SHEER ALI KHAN)
Senior Civil Judge (Admin)/Judicial Magistrate,
SHANGLA.

18/09/2019

(23)

(B)

Aux^e B



**BEFORE THE HON'BLE DISTRICT & SESSIONS JUDGE/
ZILA QAZI, SHANGLA.**

Departmental Appeal No. _____ of 2020.

Sartaj S/o Farooq, Bailiff (BPS-06) in the District Judiciary, Shangla,
presently posted in the Court of Civil Judge at Puran Appellant.

VERSUS

- (1) ✓ The Senior Civil Judge/Illaqa Qazi (Admn.), Shangla.
- (2) Mrs. Aqsa Saeed, Senior Civil Judge, Mansehra as Nominee of the Hon'ble Peshawar High Court, Peshawar.
- (3) Mr. Shah Khalid, Civil Judge/Illaqa Qazi, Chakesar, District Shangla, Nomine of Senior Civil Judge (Admn.), Shangla.
- (4) ✓ Muhammad Didar, Bailiff in District Judiciary Shangla.
- (5) ✓ Afzal Ali, Bailiff in District Judiciary, Shangla.

① Syed Hussain Ali (Bailiff) Court. Respondents
of S.C.J. Shangla.

DEPARTMENTAL REPRESENTATION/APEAL AGAINST THE
RECOMMENDATIONS OF DEPARTMENTAL PROMOTION
COMMITTEE/THE RESPONDENTS NO.1 TO 3 DATED 18/09/2019
AND ISSUANCE OF PROMOTION ORDER BY RESPONDENT
NO.1 REGARDING THE PROMOTIONS OF RESPONDENTS
NO.4 & 5 UNLAWFULLY AND ERRONEOUSLY IGNORED
THE PROMOTION OF APPELLANT.

H
District & Sessions Judge
Shangla 8/3/20

Prayer:

BY ACCEPTING THIS APPEAL, THE IMPUGNED
RECOMMENDATIONS OF THE DEPARTMENTAL
PROMOTION COMMITTEE/ RESPONDENTS NO.1 TO 3 AND
PROMOTION ORDER DATED 18/09/2019 ISSUED BY THE
RESPONDENT NO.1 IN FAVOUR OF THE RESPONDENTS
NO.4 & 5 MAY GRACIOUSLY BE SET ASIDE AND THE
APPELLANT BEING A SENIOR MOST IN BAILIFFS
MAY KINDLY BE PROMOTED AGAINST THE POST OF
NAIB-NAZIR FROM 18/09/2019 WITH ALL BACK BENEFITS.

ATTESTED
Examiner
Sessions Court Shangla

Respectfully Sheweth:

(24) (9)
The appellant submits as under:-



- That the appellant belongs to village Chakesar, Tehsil Alpurai, District Shargla.
- That initially the appellant was appointed as Process-server in the Court of Senior Civil Judge, Shargla, vide order dated 15/09/1996. (Copy of appointment order dated 15/09/1996 of the appellant is Annexure "A").
3. That the respondent No.5 namely Afzal Ali was appointed as Naib-Qasid vide order dated 19/09/1996 (Copy of appointment order is Ann: "B") while the respondent No.4 namely Muhammad Didar was appointed as Process-Server vide order dated 12/12/1996. (Copy of appointment order dated 12/12/1996 is Annexure "C").
 4. That later on, the appellant was promoted to the post of Bailiff BPS-02 vide order dated 07/05/2003. (Copy of promotion order dated 07/05/2003 is Annexure "D").
 5. That the respondent No.5 Afzal Ali was appointed as Process-Server from Naib-Qasid and his cadre was changed vide order dated 21/08/2003. (Copy of order dated 21/08/2003 is Annexure "E").
 6. That the respondents No.4 & 5 were later on promoted to the post of Bailiff as per their seniority vide order dated 13/05/2010. (Copy of order dated 13/05/2010 is Annexure "F").
 7. That according to the seniority list finally issued by the respondent No.1 on 31/12/2018, wherein the appellant was placed at the top of seniority and the respondents No.4 & 5 were placed at serial No.2 & 3 respectively. (Copy of seniority list dated 31/12/2003 is Annexure "G").

18/1/20
24
18/1/20
ATTESTED
Examiner
Sessions Court Shargla

25

10



That two posts of Naib-Nazir/Junior Clerk became vacant in the establishment of Senior Civil Judge Shangla and both the posts were to fill-up via promotion, for which, a Departmental Promotion Committee was constituted. The respondent No.1 was its chairman while the respondents No.2 & 3 were its members.

9. That the respondents No.1 to 3 erroneously recommended the respondents No.4 & 5 for promotion to the posts of Bailiffs while the appellant was illegally differed on the only score that he has passed SSC examination in 1992 while the respondents No.4 & 5 have respectively passed their SSC examinations in 1989 & 1990.
10. That being aggrieved, the appellant submitted an application to the respondent No.1 and claimed therein his promotion against the post of Naib-Nazir/Junior Clerk being senior most, however, the same was returned vide letter No.734 dated 10/10/2019 with the directions to make recourse to the proper forum. (Copy of Application is Annexure "H" and copy of letter No.734 dated 10/10/2019 of respondent No.1 is Annexure "I").
11. That thereafter, the appellant made a representation to the Worthy Registrar, Peshawar High Court, Peshawar, for seeking remedy, however, on 17/03/2020 he was informed to file an appeal before this Hon'ble Court. (Copy of representation/application is Annexure "J" while Copy of letter of Hon'ble Peshawar High Court, Peshawar is Annexure "K").
12. That the appellant being still ignored and dissatisfied from the proceedings, recommendations and orders of the respondents No.1 to 3, hence this departmental appeal, inter alia, on the following grounds:-

4
18/3/20

ATTESTED
Examiner
Sessions Court Shangla

GROUND:



- (i) That the impugned recommendations, proceedings and orders of the respondents No.1 to 3 regarding the out of turn promotions of the respondents No.4&5 are illegal, unjust, ultra vires, arbitrary, void ab-initio, discriminatory, against the principles of Shariah and Natural justice. Hence, the same are liable to be set aside and consequently, the appellant be promoted to the post of Bailiff.
- (ii) That the promotion of appellant has been regretted on the only score that he has passed his SSC examination in the year 1992 while the respondents No.4 & 5 have passed in the years 1989 & 1990 respectively, which is the result of wrong appreciation of relevant rules, thus the impugned proceedings of departmental promotion committee and promotion orders of respondents No.4 & 5 are untenable in the eyes of law.
- (iii) That the impugned proceedings and orders of promotions have been done by the respondents No.1 to 3 on 18/09/2019 and deliberately ignored the instructions of the Hon'ble Peshawar High Court, Peshawar, communicated vide letter No.2315-49/SDJ/REG dated 29/04/2019, wherein all the relevant details and clarifications regarding the promotion of employees to the post of Junior Clerk has been made. Thus the impugned proceedings, recommendations and promotion orders with regard to the respondents No.4 & 5 by the respondents No.1 to 3 are liable to be set aside. (Copy of letter No.2315-49/SDJ/REG dated 29/04/2019 of the Hon'ble Peshawar High Court, Peshawar is Annexure "L").

ATTESTED
Examiner
Sessions Court Shangla

18/3/20

(iv) That the Hon'ble Peshawar High Court, Peshawar, has clarified in simple words the methodology of promotions to the posts of Junior Clerks on the expression "dates of acquiring SSC" and stated that



"the said expression refers to two different cases.

In one case, it refers to those persons who are appointed in one batch and among them, one who acquired SSC prior in time will stand senior in common seniority list to the other who acquired SSC later in time.

In the second case, it will refer to those persons who at the time of appointment did not possess such qualification and acquired it during service. In this case, the person who acquired the SSC prior in time will stand senior to the other in common seniority list irrespective of their seniority in terms of date of appointment.

However, the respondents No.1 to 3 in deviation from the above referred instructions made the impugned recommendations and issued promotion orders of the respondents No.4 & 5 which is contrary to the seniority as defined above.

(v) That the respondents No.1 to 3 were bound to observe the promotion criteria as provided under the relevant rules in terms that:-

S #	Names	Date of Initial appointment with Designation	Date of promotion with designation	Passing year of SSC exam
1	Sartaj	09/09/1996 Process-Server	07/05/2003 as Bailiff	1996
2	Muhammad Dilar	12/12/1996 Process-Server	13/08/2010 as Bailiff	1989
3	Afzal Ali	09/09/1996 Naib-Qasid (on 21/08/2003 cadre changed to Process-Server)	13/05/2010 as Bailiff	1990

ATTESTED
Examiner
Sessions Court Shangla

The date of appointments and batches of the appellant as well as the respondents No.4 & 5 are completely different as the appellant had first join the service in judiciary as process-server on 09/09/1996 and at that time he was SSC holder.

14
18/3/2020



So far as the respondent No.5 Afzal Ali is concern, though he had joined the service in judiciary on 09/09/1996 but he was appointed as Naib-Qasid and not a process-server which are two different cadres while he was appointed as Process-Server on 21/08/2003. Therefore, the respondent No.5 is junior to the appellant.

Similarly, the respondent No.4 had joined service in judiciary on 12/12/1996 as process-server in another batch, therefore, he is junior to the appellant.

But the respondents No.1 to 3 completely ignored the above facts, misinterpreted the law and rules on the subject and illegally differed the appellant from his lawful right, thus committed legal as well as factual errors while refused the promotion of appellant, hence he has been deprived from his vested right illogically.

Handwritten signature and date:
18/3/20

- (vi) That the appellant is efficiently performing his duty to the best of his honesty and having brilliant service record while there is nothing adverse against him on record during his entire service.
- (vii) That while ignoring the promotion of appellant by the respondents No.1 to 3 directly infringed his vested right as the policy of government is to encourage their employees by way of promotion so that they shall perform their duties with zeal & zest.
- (viii) That the impugned recommendations and orders for promotions of the respondents No.4 & 5 are the result of misinterpretation and misconstruction of relevant rules, thus untenable under the law.

ATTESTED
Examiner
Sessions Court Shangla

(4)

15

Ans-C



IN THE COURT OF HAYAT GUL MOHMAND
DISTRICT & SESSIONS JUDGE/ZILLA QAZI, SHANGLA

Departmental Appeal No. 02/XIII of 2020

Date of Institution of Appeal18.03.2020

Date of Decision of Appeal.....10.12.2020

Sartaj s/o Farooq, Bailiff (BPS-6) establishment of Senior Civil Judge, Shangla, presently posted in the Court of Civil Judge at Puran.....(APPELLANT)

VERSUS

- (1) The Senior Civil Judge (Admin), Shangla.
- (2) Mrs. Aqsa Saeed, Senior Civil Judge, Mansehra (Nominee of the Hon'ble Peshawar High Court, Peshawar).
- (3) Mr. Shah Khalid, Civil Judge/Illaqa Qazi, Chakisar District Shangla, (Nominee of Senior Civil Judge (Admin), Shangla).
- (4) Muhammad Didar, Junior Clerk, establishment of Senior Civil Judge (Admin) Shangla.
- (5) Afzal Ali, Junior Clerk, establishment of Senior Civil Judge (Admin) Shangla
- (6) Syed Hussain Ali Shah, Bailiff establishment of Senior Civil Judge (Admin) Shangla.....(RESPONDENTS)

Present:-

Mr. Khan Bahadar Khan Advocate for Appellant.

Mr. Abdul Saboor Advocate for Respondents No. 4 & 5.

Mr. Haq Nawaz Advocate for Respondent No. 06.

JUDGMENT
10/12/2020

1. This Departmental appeal has been preferred against recommendation of Departmental Promotion Committee dated 18.09.2019, whereby Respondent No. 4 Muhammad Didar & Respondent

ATTESTED
Examiner
Sessions Court Shangla

14
10/12/2020
HAYAT GUL MOHMAND
DISTRICT JUDGE/ZILLA QAZI
SHANGLA

10

16



No. 5 Afzal Ali were recommended for promotion to the post of Junior Clerk/Naib Nazir (BPS-11) and promotion order of Respondent No. 1, whereby Respondent No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali were promoted and appellant was erroneously superseded/ignored.

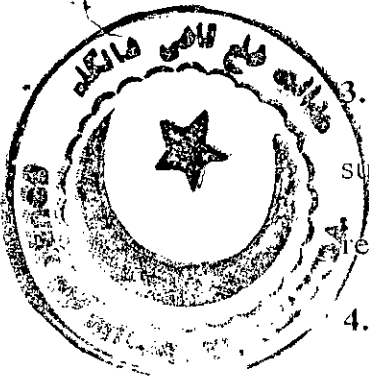
2. Brief facts forming the background of present Departmental appeal are: - For promotion of Bailiffs BPS-6 to the post of Junior Clerks BPS-11, meeting of Departmental Promotion Committee was held on 18.09.2019, under the Chairmanship of Senior Civil Judge (Admin), Shangla with Mrs. Aqsa Saeed, Senior Civil Judge, Mansehra as nominee of Hon'ble the Peshawar High Court, Peshawar and Mr. Shah Khalid CJ/JM Chakisar as nominee of Senior Civil Judge (Admin), Shangla. Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali Bailiffs were recommended for promotion to the post of Junior Clerk/Naib Nazir (BPS-11) and notification dated 18.09.2019 was issued for their promotion, while appellant Sartaj Bailiff was ignored by holding that appellant Sartaj was initially appointed as Process Server on 09.09.1996 and he was promoted to the post of Bailiff (BPS-06) on 07.05.2003 but was placed junior to Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali Bailiffs as they have qualified their SSC examination in 1989 and 1990 respectively, whereas appellant Sartaj has obtained his SSC certificate in 1992. Hence, the present Departmental appeal.

14
KAYI QUL MOHAMED
DISTRICT JUDGE / ZILLA QAZI
SHANGLA
20/12/2020

ATTESTED
Examiner
Sessions Court Shangla

(11)

(17)



3. Learned Senior Civil Judge (Admin), Shangla has submitted comments on 12.05.2020 in support of impugned recommendation and promotion order.

4. Learned counsel for appellant has argued that appellant and respondents are appointees in different batches and as they were not appointed in one and same batch as such Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali should not have been considered senior on basis of date of acquiring SSC Certificate. Learned counsel for appellant has further argued that Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali have not objected on the Seniority List for the year 2011, year 2013, year 2017 and year 2018, in which appellant Sartaj was placed senior to Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali. Learned counsel for appellant further referred to Letter No. 2315-49/SDJ/REG dated 29.04.2019 regarding guidelines for promotion to post of Junior Clerk and date of acquiring SSC certificate. Lastly, learned counsel for appellant requested for accepting of appeal, revising of Seniority List, placing appellant Sartaj at the top of Seniority list and issuance of directions to the Senior Civil Judge (Admin), Shangla for scheduling DPC meeting for promotion for the post of Bailiff to post of Junior Clerk/Naib Nazir as one seat of Junior Clerk/Naib Nazir, which is vacant, is to be filled on basis of promotion.

5. Learned counsel for the respondents No. 4 to 6 have argued that recommendations of the Departmental Promotion Committee of Respondents No. 1 to 3 and promotion order dated 18.09.2019 issued by

10/12/2020
HAJAT QUL MOHMAND
DISTRICT JUDGE/ ZILLA QAZI
SHANGLA

ATTESTED
Examiner
Sessions Court Shangla

(12)

(18) 4



Respondent No.1 in favour of Respondents No. 4 & 5 is legal and was issued according to Rules/Law as appellant has passed SSC examination later in time to that of Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali. It was further argued that Seniority List Whereby Respondent No. 6 Syed Hussain Ali Shah was placed senior to appellant Sartaj is also according to rules/promotion criteria for the post of Junior Clerk/Naib Nazir as per Judicial Esta Code 2011 at Serial No. 19 on page 239-40, which clearly state that official who has passed SSC examination prior in time, would be considered senior to that official who has passed SSC examination later in time. That impugned recommendation of Departmental Promotion Committee and subsequent notification vide which Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali were promoted to post Junior Clerk/Naib Nazir is according to rules and does not suffer for any illegality or irregularity. It was lastly argued that appeal being time barred be dismissed.

6. After hearing the arguments and perusal of record I have come to the conclusion that appellant Sartaj (Bailiff) was appointed on 09.09.1996 as Process Server and promoted to post of Bailiff BPS-06 on 07.05.2003, was at the top of Seniority list but was not considered and Respondent No. 4 Muhammad Didar (Bailiff), appointed on 12.12.1996, second in Seniority list and Respondent No. 5 Afzal Ali (Bailiff), appointed on 19.09.1996, third in Seniority list were promoted to posts of Junior

10/12/2020
HEMAT GUL MOHRKAND
DISTRICT JUDGE/ ZILDA QAZI
SHANGLA

ATTESTED
Examiner
Sessions Court Shangla

(13)

(19)



clerks/Naib Nazir (BPS-11) vide meeting of Departmental Promotion Committee dated 18.09.2019.

7. The Minutes of Departmental Promotion Committee states that "Appellant Sartaj (Bailiff) was initially appointed as Process Server on 09.09.1996 and he was promoted to post of Bailiff BPS-06 on 07.05.2003" but he was placed junior to Respondent No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali as they have qualified their SSC examinations in year 1989 and 1990 respectively, whereas appellant Sartaj (Bailiff) has obtained his SSC certificate in the year 1992.

8. Appellant Sartaj (Bailiff) was appointed as Process Server on 09.09.1996, Respondent No. 4 (Muhammad Didar) was appointed as Process server on 12.12.1996 and Respondent No. 5 (Afzal Ali) was appointed as Naib Qasid on 19.09.1996. Respondent No. 6 Syed Hussain Ali Shah was appointed as Process Server on 13.03.2004.

9. Appellant Sartaj was promoted as Bailiff on 06.05.2003, Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali were promoted as Bailiffs on 13.05.2010, while Respondent No. 6 Syed Hussain Ali Shah was promoted as Bailiff on 25.06.2014. Thus the dates of appointments of appellant and Respondents No. 4 to 6 are different. The dates of promotion of appellant and Respondents No. 4 to 6 are also different. Appellant and Respondents No. 4 to 6 are not appointees of one and same batch.

10. Seniority list of Bailiffs prepared by Senior Civil Judge/AIQ, Shangla on 31.12.2011, reveals that appellant Sartaj (Bailiff) has been

10/12/2020
KAFAT GUL MOHAMED
DISTRICT JUDGE/ ZILIA QAZI
SHANGLA

ATTESTED
Examiner
Sessions Court Shangla

14

20



placed at Serial No.02, while Muhammad Didar at Serial No.03 and Afzal Ali at Serial No. 04. The Said Seniority list was circulated and signed by all Bailiffs including appellant Sartaj, Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali but they have got no objection on same.

11. Seniority list of Bailiffs prepared by Senior Civil Judge/AIQ, Shangla on 31.12.2013, reveals that appellant Sartaj (Bailiff) has been placed at Serial No.01, while Muhammad Didar at Serial No.02, Afzal Ali at Serial No. 03 and Shams-ul-Qamar at Serial No.04. The said list was circulated and signed by all the Bailiffs but they have got no objection.

12. Seniority list of Bailiffs prepared by Senior Civil Judge/AIQ, Shangla on 31.12.2017, reveals that appellant Sartaj (Bailiff) has been placed at Serial No.01 while Muhammad Didar at Serial No.02, Afzal Ali at Serial No. 03 and Shams-ul-Qamar at Serial No.04 but they have got no objection.

13. Seniority list of Bailiffs prepared by Senior Civil Judge/AIQ, Shangla on 31.12.2018, reveals that appellant Sartaj (Bailiff) has been placed at Serial No.01 while Muhammad Didar at Serial No.02, Afzal Ali at Serial No. 03 and Shams-ul-Qamar at Serial No.04. The Said list was circulated and signed by all Bailiffs but they have got no objection.

14. Shams-ul-Qamar Bailiff and Respondent No. 6 Syed Hussain Ali Shah were appointed as Process Server in one batch i.e. 13.03.2004. Shams-ul-Qamar was senior in order of Merit list but as date of passing of SSC examination of Respondent No. 6 was prior in time as such in

14
HAKI QUL MOHAMMAD
DISTRICT JUDGE / ZILLA QAZI
SHANGLA
10/12/2020

ATTESTED
Examiner
Sessions Court Shangla



15

21

Seniority list prepared on 31.12.2019, he was placed senior to said Shams-ul-Qamar being appointee in same batch but placing of appellant Sartaj at Serial No. 2 and junior to Respondent No. 6 was wrong as appellant and Respondent No. 6 Syed Hussain Ali Shah are not appointee of same batch. Appellant Sartaj as Process Server was appointed on 09.09.1996, promoted to post of Bailiff on 07.05.2003, while Respondent No. 6 Syed Hussain Ali Shah was appointed on 13.03.2004 and promoted to post of Bailiff on 26.06.2014. Thus appellant Sartaj was appointed 10 years prior to Respondent No. 6 Syed Hussain Ali Shah and as not appointee in same batch. Respondent No. 6 Syed Hussain Ali Shah was wrongly placed in Seniority List prepared on 31.12.2019 at Senior No. 1 being senior to appellant Sartaj.

15. Promotion criteria for the post of Junior clerk/Naib Nazir as per Judicial Esta Code 2011 at Serial No. 19 page 239-40, shows that:

"By promotion on basis of seniority-cum-fitness, from amongst holders of the posts of Bailiff, who have passed Secondary school certificate examination, with at least three years service as such

Provided that in case no suitable candidate from amongst holders of the post of bailiff is available, then by promotion, on the basis of Seniority-cum-fitness from amongst post of holders of process server, who have passed secondary school certificate examination with at least five years service as such.

10/12/2020
SHANGLA
FARAT GUL MOHAMMAD
DISTRICT JUDGE/ ZILLA QAZI

ATTESTED
Examiner
Sessions Court Shangla

Note: Seniority of the official in the same BPS shall be reckoned with reference to the date of their acquiring Secondary school certificate:

Provided that:



- a) If two or more officials have acquired the secondary school certificate in the same session. The official having longer service shall rank senior to other official; and
- b) Where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in preference to the senior official.

16. The date of acquiring of SSC certificate has been clarified by the Hon'ble Peshawar High Court, Peshawar vide letter No. 2315-49/SDJ/REG dated 29.04.2019 vide which guidelines for the purpose of promotion to the post of Junior Clerk (BPS-11) were mentioned as:

"In order to avoid any further doubt on account of the expression "dates of acquiring SSC", it would be in the fitness of things to provide that the said expression refers to two different cases.

In one case, it refers to those persons who are appointed in one batch and among them, one who acquired SSC prior in time will stand senior in common seniority list to the other who required SSC later in time.

In the second case, it will refer to those persons who at the time of appointment did not possess such qualification

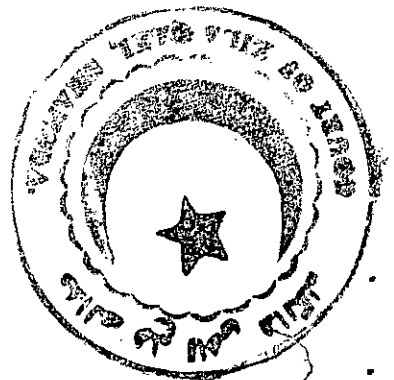
10/12/2020
H. I. GUL MOHAMMAD
DISTRICT JUDGE/ ZILLA QAZI
SHANGLA

ATTESTED
Examiner
Sessions Court Shangla

and acquired it during service. In this case, the person who acquired the SSC prior in time will stand senior to the other in common seniority list irrespective of their seniority in terms of date of appointment.

17. Learned counsel for Respondent No. 4 to 6 have mainly argued the point of limitation and has requested for dismissal of appeal on said ground, however perusal of record reveals that impugned meeting of Departmental Promotion Committee was held on 18.09.2019 and on the same date, promotion order of Respondents No. 4 Muhammad Didar & Respondent No. 5 Atzal Ali were issued. Appellant Sartaj submitted application to Senior Civil Judge (Admin), Shangla, which bears no date. Said application was disposed of by Senior Civil Judge (Admin), Shangla on 10.10.2019, by holding that promotion to post of Junior Clerk/Naib Nazir have been completed on 18.09.2019 and Senior Civil Judge (Admin), Shangla, has become functus officio in matter and appellant Sartaj was directed to make recourse to proper forum for redressal of his grievance. On same date i.e. 10.10.2019, appellant submitted application to The Registrar, Peshawar High Court, Peshawar, which was forwarded on same day i.e. 10.10.2019. Comments were sought vide letter No. 21416/Admin dated 02.11.2019, which were submitted vide letter No. 2361/D&SI/ZQ (SH) dated 11.12.2019. Vide letter No. 4470/Admin dated 13.03.2020 addressed to undersigned, appellant was advised to seek legal remedy by filing an appeal before District & Sessions Judge in accordance with Rule 3 read Rule 2 (a) of Khyber Pakhtunkhwa Civil

ATTESTED
Examiner
Sessions Court Shangla



HA
HAyat GUL MOHMAND
DISTRICT JUDGE/ ZILLA QAZI
SHANGLA
10/12/2020

23

(17)



(18)

10 (24)

Servants (Appeal) Rules 1986. The said letter was received on 17.03.2020 and appellant Sartaj has submitted the present appeal on 18.03.2020. As finding of the Departmental Promotion Committee meeting dated 18.09.2020 are not according to relevant rules on subject and appellant Sartaj was pursuing his legal remedy in good faith of which he was deprived in utter violation and disregard of rules as guidelines regarding date of acquisition of SSC Examination as such delay, if any, is condoned in interest of justice in order to decide appeal on merits.

18. In view of the above, as appellant Sartaj and Respondents No. 4 Muhammad Didar, Respondent No. 5 Afzal Ali and Respondent No. 6 Syed Hussain Ali Shah are not appointees of same batch as such Seniority List prepared on 31.12.2019 is not correct according to Rules and guidelines of Hon'ble the Peshawar High Court, Peshawar. As Respondent No. 4 Muhammad Didar and Respondent No. 5 Afzal Ali were promoted on 18.09.2019 and one seat of Junior Clerk/Naib Nazir is vacant which is to be filled on basis of promotion from post of Bailiffs as such I do not deem it appropriate to withdraw the promotion order of Respondent No. 4 Muhammad Didar and Respondent No. 5 Afzal Ali.

19. Therefore, by accepting the appeal, Seniority List prepared on 31.12.2019, in which Respondent No. 6 Syed Hussain Ali Shah is placed senior to appellant Sartaj is set aside. Respondent No. 1/Senior Civil Judge (Admin), Shangla is directed to prepare revised Seniority List and place Appellant Sartaj at Serial No. 1. Meeting of Departmental Promotion Committee be scheduled immediately. Appellant be consider

10/12/2020
SHANGLA
HARAT GUL MOHAMMAD
DISTRICT JUDGE/ ZILLA QAZI

ATTESTED
Examiner
Sessions Court Shangla



(19)

44

(25)

for promotion on said vacant seat and upon promotion, be placed senior to Respondents No. 4 Muhammad Didar & Respondent No. 5 Afzal Ali.

Copy of judgement be also send to Senior Civil Judge (Admin), Shangla for compliance. File be also consigned to Sessions Record Room.

Announced:
10.12.2020

H
Hayat Gul Mohmand
District Judge/ZQ, Shangla

CERTIFICATE:

Certified that this Judgment of mine consist of 11 (eleven) pages. Each page has been read over, signed and corrected by me wherever necessary.

H
Hayat Gul Mohmand
District Judge/ZQ, Shangla



Certified to be True Copy

[Signature]
EXAMINER
District & Sessions Judge
SHANGLA
10/12/20

112
Date of Presentation of Application 10/12/20
Date on which Copy Prepared 10/12/20
No. of Pages 10 p a
Urgent Fee
Name of Copyist
Signature *[Signature]*
Copying Fee
Date of Delivery 10/12/20

45

26

Ann-D

بخدمت جناب ڈسٹرکٹ اینڈ سیشن جج / ضلع قاضی صاحب شانگلہ

عنوان:- الف درخواست بمراہ فریق بنانے دراپیل بعنوان (سرتاج بیلف بنام

سینئر سول جج ایڈمن شانگلہ وغیرہ)

ب۔ وترقی بحیثیت نائب ناظر بمطابق ہائی کورٹ رولز۔

۵-۱
۲۸/۶/۲۰۲۰

جناب عالی!

درخواست ذیل عرض ہے۔

یہ کہ سائل گاؤں لیلونی تحصیل الپوری ضلع شانگلہ کا مستقل باشندہ ہے۔

یہ کہ سائل ضلع عدلیہ شانگلہ میں بحیثیت بیلف اپنی فرائض سرانجام دے رہا ہے۔

یہ کہ سائل 2004ء میں بحیثیت پراسس سرور بھرتی ہوا تھا۔

یہ کہ سائل 2014 میں پراسس سرور سے بیلف کو پروموٹ ہوا تھا۔

یہ کہ بیلف سے جو نیئر کلرک / نائب ناظر کی پروموشن ہائی کورٹ رولز کے مطابق میٹرک پاس کی بنیاد پر دی جاتی ہے۔ (رولز الف ہے)

یہ کہ سائل نے میٹرک کا امتحان 1990ء میں پاس کیا ہے۔ (DMC الف ہے)

یہ کہ ضلع عدلیہ میں پہلے بھی بیلف سے جو نیئر کلرک / نائب ناظر کی پروموشن میٹرک پاس کی بنیاد پر ہوئی ہے

یہ کہ سائل میٹرک پاس کی سند کی بناء پر سینارٹی لیٹ میں سب سے پہلے نمبر پر اتا ہے۔

یہ کہ سائل میٹرک کے سند کی بناء پر پروموشن کا حقدار ہے۔

یہ کہ سرتاج بیلف نے گزشتہ کئے گئے پروموشن پر اعتراضات اٹھاتے ہوئے عدالت حضور میں اپیل دائر

کی ہے لیکن بمطابق رولز اپیلانٹ سرتاج سائل سے بیلف کی سینارٹی میں جو نیئر ہے۔

gth
Attested

لہذا استدعاء کی جاتی ہے کہ سائل کا درخواست اپیل زیر سماعت میں فریق بنایا جا کر بعد ازاں سینارٹی

لیٹ اور رولز کے مطابق جو نیئر کلرک / نائب ناظر تعینات کرنے کے احکامات صادر فرمائیں تو عین نوازش ہوگی۔ فقط

العارض

We have got no objection
on acceptance of this application

سید حسین علی شاہ (بیلف)

کورٹ آف سینئر سول جج / اعلیٰ علاقہ قاضی

Mohammad Didar

Muzal Ali
... .. the Court of ...

(5/5)

(27)

Amr-E

بعدالت جناب ڈسٹرکٹ اینڈ سیشن جج / ضلع قاضی
صاحب شانگلہ

5-5

بنام سنیئر سول جج شانگلہ ایڈمن
(وغیرہ)

H
HAYAT GUL MOHMAND
SESSIONS JUDGE / ZILLA QAZI
SHANGLA
8-7-2020

جناب عالی!

جواب درخواست منجانب اپیلانٹ سرتاج برادرخواست بابت فریق مقدمہ سائیل سید حسین علی شاہ بیلف
حسب ذیل ہے۔

عذرات تمہیدی!

- (1) درخواست سائیل اشکل موجودہ ناقص اور ناقابل پزیرائی ہے۔
- (2) درخواست فریق مقدمہ بدیتی سے محض اپیل عنوان بالا کو طول دینے، اس میں بیچیدگیاں پیدا کر کے اپیلانٹ کو اپنے حق سے محروم کرنے کی غرض سے دائر کیا ہے۔

عذرات واقعاتی!

- (1) فقرہ نمبرات 2,1 درست ہیں۔
 - (2) فقرہ نمبرات 4,3 ریکارڈ سے متعلق ہیں اور بوجہ عدم موجودگی ریکارڈ درست جواب نہیں دیا جاسکا۔
 - (3) فقرہ نمبر 5 درست ہے۔
 - (4) فقرہ نمبر 6 محتاج ثبوت ہے۔
 - (5) فقرہ نمبر 7 درست ہے۔
 - (6) فقرہ نمبر 8 جیسا کہ مرتب شدہ ہے غلط اور بے بنیاد ہے لہذا اس سے انکار ہے۔
- سائیل سید حسین علی شاہ بیلف بشمول رسپانڈنٹ نمبر 4,3 ما اپیلانٹ سے کافی جو نمبر ہے جبکہ ان کو غلط اور غیر قانونی طور پر سینارٹی لسٹ میں ما اپیلانٹ سے سینئر ظاہر کیا گیا ہے دریں بارہ سینارٹی لسٹ برطابق مروجہ رولز قابل درستی ہے۔ سائیل متعلقہ رولز کی غلط توضیح و تشریح کرتا ہے۔

Attest

- (7) فقرہ نمبر 9 سے انکار ہے۔
 (8) فقرہ نمبر 10 جیسا کہ مرتب شدہ ہے غلط اور بے بنیاد ہے لہذا اس سے انکار ہے۔ تفصیلی جواب اوپر دیا گیا ہے۔
 (9) سائل کو کوئی بنائے درخواست کا حق حاصل نہ ہے۔

لہذا استدعا ہے کہ بمظوری جواب درخواست درخواست
 سائل بابت فریق مقدمہ بمعہ خرچہ خارج فرمائی جائے۔

بیان حلفی!

العارض
 اپیلانٹ سر تاج بیلف

حلفاً تصدیق کی جاتی ہے کہ جملہ مراتب جواب
 درخواست ہذا اتاحد علم و یقین میرے درست اور صحیح ہے۔

سر تاج بیلف
 اپیلانٹ

Attstual

FORM "A"
FORM OF ORDER SHEET

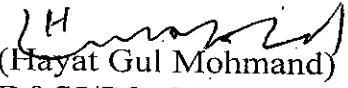

29

Amr F

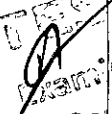
IN THE COURT OF HAYAT GUL MOHMAND DISTRICT & SESSIONS JUDGE/ZQ,
SHANGLA

Departmental Appeal No. 2/13 of 2020

Title: Sartaj Versus The Senior Civil Judge (Admin) Shangla & others

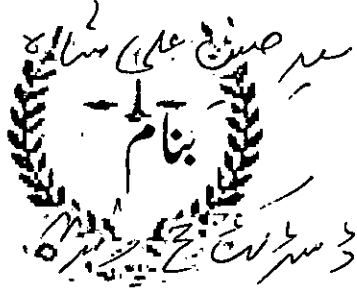
05	08.07.2020	<p>Appellant in person present. Zakir Ullah COC on behalf of Respondents No. 1 to 3 present. Respondents No. 4 and 5 in person present. Applicant Hussain Ali Shah Bailiff present. Appellant submitted reply of application for impleadment of Hussain Ali Shah Bailiff. Respondents No. 4 and 5 have got no objection on acceptance of application.</p> <p>In order to decide the appeal on merits, impleadment of Syed Hussain Ali Shah is necessary as new seniority list of Bailiffs of establishment of Senior Civil Judge Admin has been prepared on 31.12.2019, in which Applicant Hussain Ali Shah Bailiff is on top i.e. at Serial No. 1 while appellant has been placed at Serial No. 2.</p> <p>Therefore, application is accepted, Hussain Ali shah Bailiff be impleaded as respondent in panel of respondents. Muharrir is directed necessary entry with reading on appeal. To come up for arguments on main appeal on 21.07.2020.</p> <p style="text-align: right;"> (Hayat Gul Mohmand) D&SJ/ZQ, SHANGLA</p>
06	21.07.2020	<p>Appellant present. Zakir Ullah COC on behalf of Respondents No. 1 to 3 present. Respondents No. 4 to 6 present. Mr. Abdul Saboor advocate submitted wakalatnama on behalf of respondents No. 4 and 5. Counsel for respondents No. 4 to 6 seeks adjournment</p> <p style="text-align: right;"></p>



ATTESTED

Member
Sessions Court Shangla

50 روپے	67814	PBA PESHAWAR BAR ASSOCIATION		
ایڈوکیٹ: <u>بابر خان یوسفزئی</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: <u>PL-10-7911</u>		رابطہ نمبر: <u>03219040499</u>		

بعدالت جناب: صدر محترم محو نامہ سروس کے لیے

منجانب: <u>ایڈوائس</u>	دعویٰ: <u>سروس اسل</u>
	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام کے صدر محترم کیلئے بابر خان یوسفزئی ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ لکھنے و تقررات ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الموقع: 01/12/2021
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHA

الموقع: _____
الموقع: _____
مقام _____
Accepted _____ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔

At
Babar Khan Yusufzai
Adv