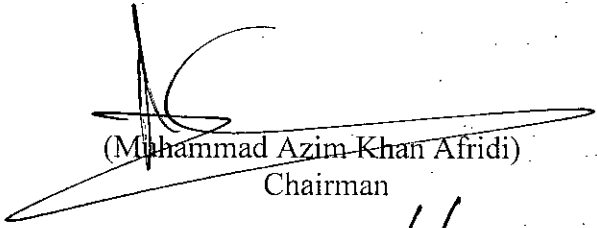


S.No. of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
		<p><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p><u>Appeal No.1321/2015</u></p> <p><u>(Miss Nousheen Gul-vs-Secretary Labour Department, Govt. of Khyber Pakhtunkhwa and 3 others).</u></p> <p><u>JUDGMENT</u></p> <p><u>Muhammad Azim Khan Afridi, Chairman:</u> Counsel for the appellant present.</p> <p>Appellant has preferred the instant appeal against the impugned order dated 3.9.2013 vide which her services were terminated by respondent No. 2 i.e Secretary Workers Welfare Board, Khyber Pakhtunkhwa, Peshawar.</p> <p>Arguments of the learned counsel for the appellant on maintainability of appeal heard and record perused.</p> <p>According to section-2 (b) (ii) of Khyber Pakhtunkhwa Civil Servants Act, 1973 the appellant is not a civil servant as such and in view of section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974, the appeal is not maintainable. The appeal is, therefore, dismissed in limine for want of maintainability. File be consigned to the record room.</p> <p style="text-align: center;">  (Muhammad Azim Khan Afridi) Chairman </p> <p style="text-align: center;">03.03.16.</p> <p><u>ANNOUNCED</u> 03.03.2016</p>

21.12.2015

Counsel for the appellant present. Requested for adjournment.
Adjourned for preliminary hearing to 26.1.2016 before S.B.


Chairman

26.1.2016

Counsel for the appellant is stated busy before the august
Peshawar High Court. Adjourned for preliminary hearing to 23.2.2016
before S.B.


Chairman

23.02.2016





Counsel for the appellant present. Seeks adjournment. Last
opportunity granted. To come up for preliminary hearing on 3.3.2016
before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1321/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.11.2015	<p>The appeal of Miss. Nousheen Gul resubmitted today by Mr. Misbah Ullah Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-11-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>30-11-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	30.11.2015	<p>Counsel for the appellant present. Learned counsel for the appellant requested for adjournment. Adjourned to 3.12.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>
	03.12.2015	<p>Counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourned to 21.12.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Miss. Nousheen Gul d/o Zafeer Gul r/o Sheikh Abad No.2 near Govt. Middle School for Boys Sheikh Abad Peshawar received to-day i.e. on 24.11.2015 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- The law under which appeal is filed is not mentioned.
- 2- Copy of dismissal order of departmental appeal mentioned in para-13 of the memo of appeal (Annexure-J) is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.

No. 1812 /S.T,

Dt. 25/11 /2015



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Misbahullah Adv. Pesh.

Respected Sir,

- 1- The instant appeal is filed u/s 4 of the Khyber Peshawar - Khawar Service Tribunal Act 1974 because as per the Judgments of the apex Court published in 2002 SCMR 1034 and 2001 SCMR 934 the appellant is a Civil servant for limited purpose.
- 2- So far objection No 2 is concern, the appellant had submitted her departmental appeal to respondent NO1 who on 25.11.2013 sent the same to respondent No 2 for further necessary action (Annex E at Page 19). Later on the Peshawar High Court Peshawar vide his Judgment dated 19.11.2014 (Annex F at Page 20-24 directed the respondents to decide the same departmental appeal of the appellant and on the failure of the respondents to decide the departmental appeal within two months, the appellant filed COC No 91-P/2014 and 170-P/2015 against the respondent ~~where~~ where in the respondents submitted an incompetent compliance report to which the appellant came to know on 11.11.2015 and the High Court accepted that compliance report as dismissal of the departmental appeal of the appellant which is Annexure J. Prior to this, the respondents have never informed the appellant about the dismissal of the departmental appeal of the appellant.
- 3- Needful is done.

Resubmitted after necessary compliance


26/11/2015

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1321 /2015

Miss Nousheen Gul.....(Appellant)

V E R S U S

Secretary, Labour Department, Government of Khyber
Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza
Foundation Hospital, Khushal Khan Khattak Road, University
Town, Peshawar and others.....(Respondents)

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Memo of Appeal		1-10
2.	Affidavit		11
3.	Addresses of the Parties		12-13
4.	Copies of the degrees	A & A-1	14-15
5.	Copy of appointment letter	B	16
6.	Copy of Good Performance Certificate	C	17
7.	Copy of the termination letter dated 03/09/2013	D	18
8.	Copy of order dated 25/11/2013 of respondent No. 1	E	19
9.	Copy of the judgment dated 19/11/2014	F	20-24
10.	Copy of the order dated 06/03/2015	G	25-27
11.	Copy of compliance report	H	28-33
12.	Copy of reminder dated 06/11/2015	I	34-35
13.	Copy of the order dated 11/11/2015	J	36-41
14.	Wakalat Nama		42

Nousheen Gul
Appellant
Miss Nousheen Gul

Through

Dated: 27/11/2015

Misbah Ullah
Misbah Ullah
Advocate High Court,
Peshawar.
Cell No. 0333-9132679

①

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1391 /2015

**K.W.F. Province
Service Tribunal
Diary No. 1377
Dated 24-11-2015**

Miss Nousheen Gul D/o Zafeer Gul R/o Sheikh Abad No. 2,
Near Government, Middle School for Boys, Sheikh Abad, Post
Office, Karim Pura, O/S Lahori Gate, Peshawar.....(Appellant)

V E R S U S

1. Secretary, Labour Department, Government of Khyber Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza Foundation Hospital, Khushal Khan Khattak Road, University Town, Peshawar.
2. Secretary Worker Welfare Board, Khyber Pakhtunkhwa, Near Shalman Park, Bungalow No. 67, Sector G-4, Phase-II, Hayatabad, Peshawar.
3. Director Education, Workers' Board Khyber Pakhtunkhwa, ^{welfare} ESSI Building Near Nasirullah Babar Hospital, Industrial Estate Area, Kohat Road, Peshawar.
4. Worker Welfare Board, Khyber Pakhtunkhwa, through its Secretary, near Shalman Park, Bungalow No. 67, Sector G-4, Phase-II, Hayatabad, Peshawar.....(Respondents)

**APPEAL AGAINST THE ORDER DATED
03/09/2013, PASSED BY RESPONDENT
NO. 2, WHEREBY THE APPELLANT HAS
BEEN ILLEGALLY AND UNLAWFULLY
TERMINATED FROM THE SERVICE.**

File to file
Registrar

*Re-submitted
has see
26/11/15
to-day.*

PRAYER:

On acceptance of this appeal, the impugned order dated 03/09/2013 may very kindly be set aside and the appellant may kindly be re-instated in her service with all back benefits including her regularization in service and promotion etc.

Any other remedy not specifically mentioned, may also be granted.

Respectfully Sheweth:

1. That the appellant have passed her B.A, B.Ed Examinations from Peshawar University. (Copies of the degrees are annexure "A", "A-1", respectively).
2. That after qualifying the written test and interview, the appellant was appointed as Teacher on the sanction post on 24/08/2012 and was posted in Working Folk Grammar High Secondary School Female-I, Hayatabad, Peshawar. (Copy of appointment letter is annexure "B").
3. That as per the appointment order dated 24/08/2012, the appellant successfully completed

her one year probation period and was awarded by Good Performance Certificate by the Principal of concerned School. (Copy of Good Performance Certificate is annexure "C").

4. That to utter surprise, the respondents No. 2 and 3 vide impugned order dated 03/09/2013, terminated the services of the appellant on the ground of poor performance being in probation period, without any prior notice, charge sheet or inquiry. (Copy of the termination letter dated 03/09/2013 is annexure "D").
5. That the respondents appointed their blue eyed, inexperienced, third divisioners and lesser qualified teachers ~~without~~ ^{without} any written test and interview on the seat of the appellant, which can be easily verified from the concerned school record.
6. That wrong stigma of poor performance used in the termination letter dated 03/09/2013 of the appellant bars the future employment and the appellant remained jobless from 03/09/2013 till today, while the other colleagues of the appellant

appointed with the appellant have been regularized and promoted to next higher grade.

7. That on 16/09/2013 the appellant preferred departmental appeal before the respondent No. 1, who is next higher authority, against the malafide and illegal termination order dated 03/09/2013. Respondent No. 1, instead of deciding the said departmental appeal himself, sent the same to respondent No. 2 for necessary action on 25/11/2013. Such action of respondent No. 1 is mockery of law. (Copy of order dated 25/11/2013 of respondent No. 1 is annexure "E").

8. That having no response from the respondent No. 2, the appellant filed a Civil Suit before the Civil Judge, Peshawar, for the redressal of her grievances but the Civil Court rejected the plaint of the appellant and such order of Civil Court was maintained upto august Peshawar High Court, Peshawar. However the august Peshawar High Court, Peshawar vide its order and judgment dated 19/11/2014 declared that the appellant can approach the proper forum only after the decision of

the departmental appeal, pending decision before the respondents and also directed the respondents to decide the departmental appeal of the appellant within two months. (Copy of the judgment dated 19/11/2014 is annexure "F").

9. That as the respondents failed to comply with the clear order dated 19/11/2014 of the august Peshawar High Court, Peshawar to decide the departmental appeal of the appellant, hence the appellant filed contempt of Court petition bearing No. 91-P/2015 against the respondents where in the respondents were directed to decide the departmental appeal of the appellant within 15 days. (Copy of the order dated 06/03/2015 is annexure "G").
10. That the respondents were brave enough by not complying the clear orders of August Peshawar High court, Peshawar, dated 06/03/2015 in C.O.C No. 91-P/2015 so the appellant was constrained to file another contempt of Court Petition bearing No. 170-P/2015 before the Peshawar High Court Peshawar.

11. That during the pendency of C.O.C No. 170-P/2015, respondents No. 2 and 3 submitted an incompetent compliance report which is not signed by respondent No. 1 who is the next higher authority. (Copy of compliance report is annexure "H").
12. That the appellant also send a remainder to respondent No. 1 on 06/11/2015 to decide the appeal of the appellant, but respondent No. 1 did not response. (Copy of reminder dated 06/11/2015 is annexure "I").
13. That on the basis of such compliance report, the departmental appeal of the appellant was held dismissed on 11/11/2015 by the august Peshawar High Court, Peshawar. (Copy of the order dated 11/11/2015 is annexure "J").
14. That the impugned order dated 09/03/2013 followed by the compliance report dated 11/11/2015 are illegal, unlawful, malafide, against the law and facts and in utter disregard of the law

applicable to the matter, hence are liable to be set aside on the following amongst other grounds:

GROUND:

- A. That as no show cause notice was issued to the appellant prior to her termination, therefore, the termination order dated 03/09/2013 of the appellant is void ab-initio as reflects from good performance certificate issued to appellant in annexure "C". It is held by the august Supreme Court that when removal of an employee of statutory body, even in the absence of statutory rules, is made on particular grounds which are in the nature of charges, the employees has vested right of hearing before any order adverse to his interest was passed. 2001 SCMR 934 = 2002 SCMR 1034 = 2005 PLC (CS) 558.

- B. That august Supreme Court repelled the contention while holding that it is wrong that on theory of master and servant relationship the employee can not be reinstated whose services had been illegally terminated. 2002 SCMR 1034.

C. *That* Termination without show cause notice is against the principal of natural justice which is equated with provision of law. 1994 SCMR 2232, and violation of provision of law is malafide. 2011 SCMR 11.

D. *That* It is settled principal of law that termination with allegation and without show cause notice is malafide and not sustainable in law. 2001 SCMR 934.

E. *That* It is fundamental principal of law that one could not be ousted from employment even if he was a contract employee unless the legal procedure was adopted. The termination order dated 03/09/2013 is also ultra virus of the Constitution of Pakistan, 1973. PLD 2014 Islamabad 38 (F).

F. That the Workers Welfare Board Rules 1997 was used merely as clock to justify the malafide of the order of termination dated 03/09/2013. The appellant being highly qualified and experienced was terminated, while the lesser qualified and

inexperienced teachers were retained. It is held by the august Supreme Court that retrenchment must be in good faith and not to victimize the employees. 2011 SCMR 11.

G. That, anomalous to suggest that a victim of illegal action has to go without redress because sub-constitutional legislation does not lay down the mode for enforcing his rights. Provisions of Section 42 of Specific Relief Act 1877, for such reasons are not exhaustive. Principal, "Wherever there is a right there must be a remedy to enforce it" persuaded courts not to remain bound within the technicalities of Section 42 of Specific Relief Act 1877 for granting relief. 2004 CLC 1029.

H. That termination and dismissal of the appeal of the appellant by respondents No. 2 and 3 is a mockery of law. Even a layman without legal assistance can easily understand that respondents No. 2 and 3 can not hear appeal against their own order of termination dated 03/09/2013. It is held by superior Courts that a person who exercise original jurisdiction can not exercise appellate jurisdiction

in respect of that matter. It is so obvious a proposition of law that it hardly require any authority. PLD 1977 Lahore 929.

- I. That the appellant seeks, permission to advance further arguments at the hearing of this appeal.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned termination order dated 03/09/2013 may very kindly be set aside and the appellant may kindly be reinstated in her service with all back benefits including her regularization in service and promotion etc.

Any other remedy not specifically mentioned may also be granted.

Nousheer Gul
Appellant
Miss Nousheen Gul

Through

Misbah Ullah
Misbah Ullah
Advocate High Court,
Peshawar.

Dated: 27/11/2015

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2015

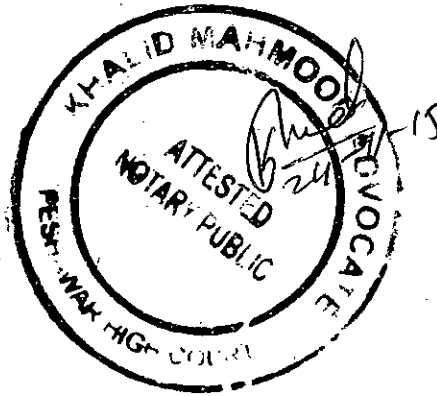
Miss Nousheen Gul.....(Appellant)

V E R S U S

Secretary, Labour Department, Government of Khyber Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza Foundation Hospital, Khushal Khan Khattak Road, University Town, Peshawar and others.....(Respondents)

AFFIDAVIT

I, Miss Nousheen Gul D/o Zafeer Gul R/o Sheikh Abad No. 2, Near Government, Middle School for Boys, Sheikh Abad, Post Office, Karim Pura, O/S Lahori Gate, Peshawar, so hereby solemnly affirm and declare on oath, that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Nousheen Gul
DEPONENT

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2015

Miss Nousheen Gul.....(Appellant)

V E R S U S

Secretary, Labour Department, Government of Khyber Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza Foundation Hospital, Khushal Khan Khattak Road, University Town, Peshawar and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Miss Nousheen Gul D/o Zafeer Gul R/o Sheikh Abad No. 2, Near Government, Middle School for Boys, Sheikh Abad, Post Office, Karim Pura, O/S Lahori Gate, Peshawar.

RESPONDENTS:

1. Secretary, Labour Department, Government of Khyber Pakhtunkhwa, R/o Bungalow No. 29-1/F, Near Hamza Foundation Hospital, Khushal Khan Khattak Road, University Town, Peshawar.
2. Secretary Worker Welfare Board, Khyber Pakhtunkhwa, Near Shalman Park, Bungalow No. 67, Sector G-4, Phase-II, Hayatabad, Peshawar.

3. Director Education, Workers Board Khyber Pakhtunkhwa, ESSI Building Near Nasirullah Babar Hospital, Industrial Estate Area, Kohat Road, Peshawar.
4. Worker Welfare Board, Khyber Pakhtunkhwa, through its Secretary, near Shalman Park, Bungalow No. 67, Sector G-4, Phase-II, Hayatabad, Peshawar.

Nousheen Gul
Appellant
Miss Nousheen Gul

Through

Mistah Ullah
Mistah Ullah
Advocate High Court,
Peshawar.

Dated: 27/11/2015

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



Annex: "A"

University Of Peshawar

(Pakistan)

14

Session: Annual 2010

Annex: A

NOUSHEEN GUL Daughter Of ZAFEER GUL and a

Private Candidate of District Peshawar having Passed the

prescribed examination held in May 2010 is this day admitted by the University Of Peshawar to

the Degree of Bachelor of Arts in 2nd Division

The examination was taken as a Whole

Registration No. 2009-PE-14826

Roll No. 66139

C.N.I.C. No. 17301-1893675-9

Results Declared on August 30, 2010

*Attested
by
Advocate*



(Signature)

Registrar

(Signature)

Vice Chancellor



052754

ATTESTED

ADVOCATE



University Of Peshawar

Pakistan

Annex. A,

Detailed Marks Certificate

Bachelor of Education

(B.Ed)

Annual Examination 2013

Bakhtawar College of Education Peshawar



Regular

Name: NOUSHEEN GUL

Gender: Female

Roll No: 429

Father's Name: ZAFEER GUL

Registration No: 2009-PE-14826

Division: 2nd

Papers	Max Marks	Marks Obtained	
		In Figures	In Words
Persp: of Edu: & Cont Social Issues	100	62	Sixty Two
School Org: & Classroom Manag: (New)	100	48	Forty Eight
Edu: Psychology, Guidance & Counseling	100	50	Fifty Only
Evaluation Techniques	50	30	Thirty Only
Curriculum & Instruction	100	40	Forty Only
Functional English	50	32	Thirty Two
Islamiat/I. History (for non-muslim) (New)	100	64	Sixty Four
Method of Teaching of English	100	42	Forty Two
Method of Teaching of Urdu	100	46	Forty Six
Elec: Foundation of Education	100	61	Sixty One
Practice of Teaching	200	106	One Hundred and Six
	1100	581	Five Hundred and Eighty One

Errors & omissions are subject to subsequent rectification

Chances Availed: 1

The Examination was taken As a Whole
Examination held From 28-Aug-2013 to 13-Sep-2013
Result Declared on Thursday, January 9, 2014
Issue Date: 09-Jan-2014
11:09 am

Attested
Advocate

Rashid Khan
(Prof. Dr. Rashid Khan)
CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR

ATTESTED
Advocate

Computerized by RTC

Ms. Nosheen Gul

D/o Zafer Gul

16

Annexure B

Ref: WWB/DE/PF/9-21502

Dated: 24-08-12

Handwritten marks and scribbles in the top right corner.

Subject:- Appointment

The undersigned is pleased to appoint you as E / TEACHER (BPS-14) for Working Folks Grammar School, Peshawar I (F-Male) under the Directorate of Education Khyber Pakhtunkhwa Workers Welfare Board. The terms and conditions of the appointment will be as under:-

1. Nature of appointment: -

Contract basis for a period of 03 years extendable on performance & mutual consent.

2. Pay & Allowance: -

Probation period will be for a period of one Year.

- a) Grade / Pay Scale
- b) House Rent Allowance
- c) Other Allowances
- d) Medical Facilities

(BPS-14) Rs.8000-610-26300

As admissible

As admissible

Cash allowance @ 30% of the basic pay. Full medical reimbursement will be allowed for medical treatment in the Government Hospital.

Gratuity will be admissible as per rules.

C.P.Fund will be deducted as per rules.

- e) Gratuity
- f) C.P.Fund

3. Place of duty:

You will be employed for Working Folks Grammar School, Peshawar I(F-Male) and you will not have any claim to employment in any other institution/office of the Board.

4. Notice of termination of appointment:

During the probation period your services can be terminated without any notice or assigning any reason. After successful completion of the probationary period your services can be terminated on one month, notice or pay in lieu thereof on either side, provided that such termination is not due to misconduct for which you will be terminated without any notice.

Attested
by
Advocate


5. Medical fitness:

You shall have to produce a medical fitness certificates from the Board's Medical Officer or Medical Superintendent of district hospital concerned within one month of joining of service.

6. Offer open up to:

If the above terms and conditions are acceptable to you, then you are requested to sign the duplicate copy of this letter as a token of your acceptance and join your place of duty within 10 days after summer vacation.

Accepted
in presence of
Zafer Gul
24/8/12
Nosheen Gul
22/2012


24/8/12
Director Education/Secretary
Khyber Pakhtunkhwa Workers Welfare Board
Peshawar.

ATTESTED

Director Education/Secretary
Khyber Pakhtunkhwa Workers Welfare Board
Peshawar.

ATTESTED

h
ADVOCATE

3
5.10.012

(17)

Amuerrine C

(17)

Working Folks Grammar School & College (FS), Hayatabad, Peshawar

NO: WFGS/G/1-2/2524

Dated: 29/08/2013

To Whom It May Concern

Certified that Miss Sadia Zafeer and Miss Nousheen Gul Daughters of Zafeen Gul have been working in this Institution as teachers' w.c.f 23.04.2011 and 03.09.2012 respectively.

They are regular and punctual teachers and their performance as observed/assessed during their service tenure is satisfactory.

(Mrs. Sameera Nadeem)

Principal

WFGS & College

Hayatabad, Peshawar

Principal

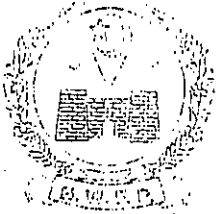
Working Folks Grammar School
Hayatabad, Peshawar

ATTESTED

h
ADVOCATE

ATTESTED

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18

GOVERNMENT OF N.W.F.P.
WORKERS WELFARE BOARD, PESHAWAR
DIRECTORATE OF EDUCATION

Phone:
Fax:

Dated Peshawar, the..... 200

Ref : WWB/DE/9-2/PF/1894

Dated : 03 - 09 - 2013

Office Order

The services of the following teachers of Working Folks Grammar Higher Secondary School, Peshawar-I (Female) are no more required by Khyber Pakhtunkhwa Workers Welfare Board on account of poor performance, hence terminated with immediate effect, being in the probation period.

1. Miss Nosheen Gul D/o Zafeer Gul
2. Miss Sadia D/o Zafeer Gul

Director Education/Secretary
Khyber Pakhtunkhwa Workers Welfare
Board, Peshawar

CC:

1. PS to Secretary, Khyber Pakhtunkhwa Workers Welfare Board
2. Deputy Director Education
3. Deputy Director (F&A(Edu))
4. Working Folks Grammar Higher Secondary School, Peshawar-I (Female)

ATTESTED

ADVOCATE

ATTESTED

Answer "E"

19

19



GOVERNMENT OF
KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

No. SOL/LD/3-23/2013 / 358/85
Dated Peshawar, the 25th November, 2013

To

The Secretary,
Workers Welfare Board,
Khyber Pakhtunkhwa, Peshawar.

Subject:

APPEAL AGAINST THE ORDER, DATED 03-09-2013, OF THE DIRECTOR
EDUCATION/SECRETARY WORKERS WELFARE BOARD.

I am directed to refer to the subject noted above and to enclose herewith a copy of an appeal in r/p Mst. Nousheen, D/O Zafeer Gul Ex Chairman, Union Council, Sheikhabad, R/O Sheikhabad No. 2 Outside Lahori Gate, P/O Karim Pura, Peshawar city alongwith its enclosures for further necessary action under the laid down policy under intimation to this department please.

Encl: As above

(NOOR ALI SHAH)

Section Officer (Labour)

Endst: No. & Date as above

A copy is forwarded to Mst. Nousheen, D/O Zafeer Gul Ex Chairman, Union Council, Shekhabad, R/O Sheikhabad No. 2 Outside Lahori Gate, P/O Karim Pura, Peshawar city w/r to her appeal referred to above for information.

Nousheen
Section Officer (Labour)

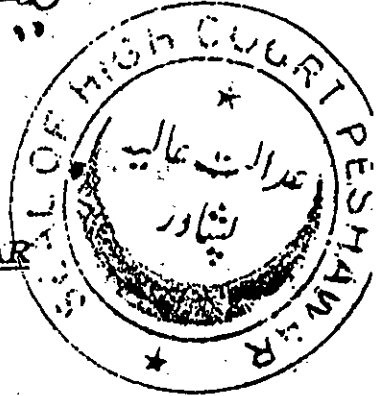
ATTESTED

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ADVOCATE

ATTESTED

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Annex "F"



JUDGMENT SHEET
PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

Writ Petition No.1950-P of 2014.

JUDGMENT.

Date of hearing 19-11-2014

Appellant/Petitioner Miss Nausheen Gul etc
by Mr. Zafar Gul Spl. attorney

Respondent Khyber Pakhtunkhwa Workers Welfare Board etc by Mr. Mujahid Ali Khan
A.A.G.

MUHAMMAD GHAZANFAR KHAN, J.:- Through

the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, the petitioners have approached this Court for the following prayer:-

"Therefore, it is most humbly prayed that the termination order dated 03/09/2013 of the petitioners issued by respondent No.1 may kindly be cancelled, being malafide, the judgments of two Courts below dated 12/12/2013 and 04/06/2013 may kindly be declared as illegal and without lawful authority and the suit filed by the petitioners may kindly be decreed with all back benefits".

TESTED
May
EXAMINER
Peshawar High Court
20 DEC 2014

ATTESTED

ATTESTED
ADVOCATE

~~21~~

~~21~~

21

filing declaratory suit and permanent injunction and during the pendency of the said suit, the respondents (defendants in the suit) put their appearance and filed an application under Order-VII rule-11 CPC for rejection of the plaint which was contested by the petitioners (plaintiffs in that suit). After hearing the learned counsel for the parties, the learned Civil Judge-XIV, Peshawar (respondent No.5 herein) vide his judgment/order dated 12.12.2013 accepted the said application under Order-VII rule 11 CPC and rejected the plaint. Feeling aggrieved with the aforesaid judgment/order the petitioners filed Civil Revision No.09 of 2013 which also met the same fate vide judgment and decree dated 04.06.2014 of the learned Additional District Judge-I, Peshawar (respondent No.4 herein). Hence, having no other adequate and efficacious remedy left with the petitioners, they have knocked the doors of this Court through the instant Constitutional petition.

3. This Court vide order-sheet dated 15.10.2014 admitted this writ petition to regular hearing for

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 Peshawar High Court
 20 DEC 2014

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consideration the sole question whether respondents No.4 & 5 while rejecting the plaint of the petitioners under Order-VII rule 11 CPC have exercise their jurisdiction in accordance with law.

4- We have heard the learned counsel for the parties and have also gone through the record of the case with their valuable assistance.

5. The attorney for the petitioners himself appeared and argued that the Civil Courts are courts of ultimate jurisdiction and there is no express bar contained in the law for maintenance of such like suits in Civil Courts, so the decree passed by both the lower courts are illegal without any material and are the result of illegal exercise of jurisdiction.

6. On the other hand, Mr. Mujahid Ali Khan, learned AAG appearing on behalf of the respondents, supported and defended the judgments of both the Courts below and maintained that legally the relationship of petitioners and respondents is that of 'Master' and

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 Raichwar High Court
 20 DEC 2014

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'Servant'. Further that the employment of the petitioners was contractual and was liable to be terminated at any time.

7. Perusal of record shows that the petitioners were the employees of the Worker Welfare Trust Board, and their services were governed under Worker Welfare Trust, Law and Rules. Another thing which is pertinent to mention here for the disposal of this writ petition is that the petitioners in their writ petition in Para No.5 has categorically stated that, "being aggrieved by the aforesaid order the petitioners preferred an appeal to Higher authority i.e Secretary Labour, KPK Peshawar, who instead of taking any action sent the appeals to respondent No.1 for disposal. The respondent No.1 made no response to the said appeal till today",

[Handwritten signature]

which means that the petitioners have availed the remedy available to them under the Rules but without waiting for the result thereof have filed civil suit. There is no cavil with the proposition that the services of petitioners were governed

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Peshawar High Court
20 DEC 2014

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under Worker Welfare Board employees Rules 1997. The vehement Rules for the purpose of appeal and representation are 14.01 and 14.04 which provides remedy for appeal before next Higher authority:

8. Both the lower courts have rightly declined to interfere with the orders of authority terminating the petitioners as civil court has no jurisdiction to entertain such like matters, consequently, the writ petition in hand being devoid of any force is dismissed. However, the respondents are directed to decide the appeal of the petitioners pending before them positively within two months and after decision of departmental appeal the petitioners shall be at liberty to seek their remedy before competent fora.

ANNOUNCED.
Dated: 19/11/2014.



Justice Nazir Ahmad Khan
CHIEF JUSTICE.

Muhammad Ghazanfar Khan
JL

CERTIFIED TO BE TRUE COPY
Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-Shareeqa Order, 1964
20/12/14
20 DEC 2014

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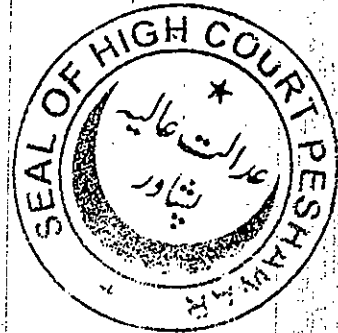
Annexure 9

IN THE PESHAWAR HIGH COURT, PESHAWAR

C.O.C No. 91-P/2015

In

Writ Petition No. 1950-P/2014



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1. Miss Nosheen Gul
2. Miss Sadia Gul daughters of Zafcer Gul R/o Sheikh Abad No. 2, Near G.M.S. for boys, Sheikhabad, Near G.M.S for boys Sheikhabad No. 2, Outside Lahori Gate, Peshawar.....(Applicants)

VERSUS

1. Naimat Ullah Khan, Secretary, Khyber Pakhtunkhwa, Worker Welfare Board R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.
2. Khyber Pakhtunkhwa Worker Welfare Board, through its Secretary R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.
3. Director Education, Khyber Pakhtunkhwa Worker Welfare Board, R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.....(Respondents/Contemnors)

**CONTEMPT OF COURT APPLICATION FOR
INITIATING CONTEMPT PROCEEDINGS
AGAINST THE RESPONDENTS FOR NOT
DECIDING THE DEPARTMENTAL APPEALS
OF THE APPLICANTS IN THE STIPULATED
PERIOD OF TWO MONTHS AS PER ORDER
OF THIS AUGUST COURT, PASSED IN
WRIT PETITION NO. 1950-P/2014
DECIDED ON 19/11/2014.**

FILED TODAY
Deputy Registrar
19 FEB 2015

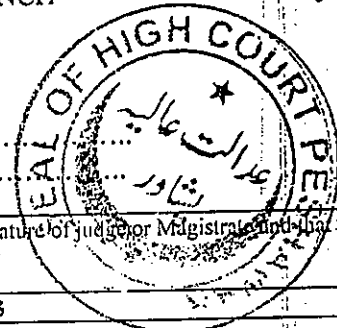
ATTESTED
EXAMINER
Peshawar High Court
12 MAR 2015

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PESHAWAR HIGH COURT, BANNU BENCH
FORM "A"
FORM OF ORDER SHEET.

Court of
Case No.....



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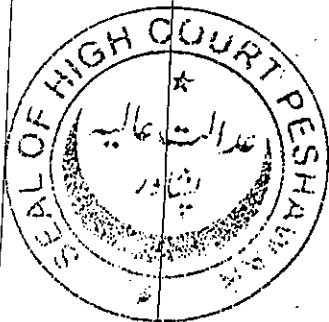
Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of Judge or Magistrate and of parties or counsel where necessary
1	2	3
	06.03.2015.	<p><u>COC 91-P /2015 in WP No.1950-P/15.</u></p> <p><u>Present:-</u> Mr. Misbah Ullah Advocate, for petitioner.</p> <p>Syed Qaisar Ali Shah AAG, for respondents.</p> <p style="text-align: center;">=====</p> <p>ABDUL LATIF KHAN, J:- Through instant COC, the petitioner seeks initiation of contempt of Court proceedings against the respondents for not deciding the departmental appeals of the applicants in the stipulated period of two months as per order of this Court passed in WP No.1950-P/14 decided on 19.11.2014.</p> <p>2. Perusal of order dated 19.11.20014 passed in WP No.1950-P/14, decided by this Court, reveals that the respondents were directed to decide the appeal of petitioners pending before them positively within two months and after decision of departmental appeal the petitioners shall be at liberty to seek their remedy before</p>

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EXAMINER
Peshawar High Court.
12 MAR 2015

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competent fora but the said order of this Court has not been complied with so far. The petitioners had approached the Secretary Worker Welfare Board, KPK/respondent No.1 by filing an application but no heed was paid to the grouse of petitioners. Respondents are once again directed to comply with the order of this Court positively within 15 days. Additional Registrar(Judicial) of this Court is directed to send the copy of this order to respondents for compliance of order of this Court in the light of application made by petitioners who in turn has to inform the Registrar of this Court about compliance of order of this Court strictly in accordance with law. In case respondents failed to comply with the order of this Court, the petitioners would be at liberty to initiate contempt of Court proceedings against the respondents which would be dealt with strictly in accordance with law. This COC is disposed of accordingly.



Announced.
06.03.2015.

Abdul Latif Khan JUDGE
Sajid Jan JUDGE

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court
Authorised Under Order No. 187 of
The Government of Peshawar Order 1964

12 MAR 2015

"A. Qayyum"

ADVOCATE

Annex. H²¹

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR


Miss Nosheen & Others
VERSUS
Naimatullah Khan & Others

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3.	Memo	--	03
3.	Compliance Report	--	04-05

RESPONDENTS No. 1&2

Dated: 15-07, 20:5 Through


MUHAMMAD ADNAN SHER
Advocate High Court, Peshawar

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(29)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Civil Miscellaneous In Ref:
COC No. 170-P/ 2015
Writ Petition No: 1950-P/ 2014

Miss Nosheen Gul & Others

..... PETITIONERS

VERSUS

Naimatullah Khan & Others

..... RESPONDENTS

APPLICATION FOR SUBMISSION OF COMPLIANCE REPORT IN
PURSUANCE OF ORDER OF HON'BLE COURT

Respectfully Sheweth;

1. That the instant contempt petition is pending adjudication before the august court whereby contempt proceedings were initiated against the respondents and fixed for 16.07.2015.
2. That respondents obeyed the directions of this august court in its letter and spirit and *via* instant civil miscellaneous petition hereby submit compliance report in strict observance of orders of this august court.

It is, therefore, respectfully prayed that on acceptance of instant civil miscellaneous petition, the compliance report may kindly be allowed to be submitted and be considered part and parcel of the comments in the main contempt petition.

Dated: 6-7, 2015

RESPONDENTS 1&2

Through


MUHAMMAD ADNAN SHER
Advocate High Court, Peshawar

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IN THE PESHAWAR HIGH COURT PESHAWAR

Additional documents:
COC NO.170-P/2015
W.P.NO.1950-P/2014


Miss Nosheen Gul & Others
VS
Naimat Ullah Khan & Others

AFFIDAVIT


1. I Haji Qudrat Ullah Assistant Director (Legal) KPK WWB do here by declare & affirm on oath that the contents of enclosed documents are true and correct to the best of my knowledge and belief &
2. That nothing has been concealed from the court, which it is necessary to disclose.


DEPONENT

Verified on this 15th day of July, 2015, at Peshawar that contents of this Affidavit are true and correct to the best of my knowledge and belief and that nothing has been deliberately concealed from the Hon'able court.


DEPONENT
NIC No.11201-6182087-3

Identified;


Mtikhab Chamkani
Advocate

No. 897
Certified that the above was verified on solemn affirmation before me in office, this 15th day of July, 2015 by Qudrat Ullah who was identified to me by Mtikhab Chamkani who is personally known to me.
Oath Commissioner
Peshawar High Court, Peshawar

ATTESTED

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(31)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

C.M In Ref:
COC No. 170-P/ 2015
Writ Petition No: 1950-P/ 2014

MEMO OF THE PARTIES

PETITIONER

1. Miss Nousheen Gul &
2. Miss SAdia Gul

Daughters of Zafeer Gul
Resident of Sheikh Abad No.2,
Near GMS for Boys, Sheikhabad, Outside Lahori Gate, Peshawar

RESPONDENTS

1. Naimat Ullah Khan

Secretary, Workers Welfare Board, Khyber Pakhtunkhwa
Near Shalman Park, Phase-II, Sector G-4, Banglow No. 67
Hayatabad, Peshawar

2. Mujahid Hussain Suri

Director Education, Workers Welfare Board KP
ESSI Building, Near Nasirullah Babar Hospital,
Industrial Estate Area, Kohat Road, Peshawar

3. Khyber Pakhtunkhwa Workers Welfare Board

Through Secretary
Near Shalman Park, Phase-II, Sector G-4, Banglow No. 67
Hayatabad, Peshawar

RESPONDENTS 1 & 2

Through


MUHAMMAD ADNAN SHER
Advocate High Court, Peshawar

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ADVOCATE

Subject: Compliance Report of Personal Hearing Appellate Committee Regarding Case Title Miss Nosheen Gul & Miss Sadia Gul Vs Secretary, KP WWB & Others In WP No.1950-P/2014

P.U.C is the order sheet dated 01.07.2015 issued by the Honourable Peshawar High Court Peshawar in COC No.170/P-/2015 in WP No.1950-P/2014/D. reproduced as under:

"Learned Counsel for respondents along with respondent No 2 are directed to submit their replies duly supported by affidavit within a fortnight, failing which, respondents No.1 & 2 are directed to appear in person on 16.07.2015"

The Khyber Pakhtunkhwa Workers Welfare Board, in the light of Honourable Peshawar High Court Peshawar directions, has already notified a personal hearing appellate committee vide No. WWB/1079-2/360 dated 17.06.2015.

The said committee personally heard the appellants i.e Miss Sadia Gul Ex Teacher and Miss Nosheen Gul Ex-Teacher, in person on 09.07.2015 and conclude as under. Findings of the Personal Hearing Appellate Committee are as under:-

- i. Both the individuals were appointed on contract basis for a period of 03 years extendable on mutual consent. However, before, completion of their contract period, they were terminated from their services.
- ii. There are no statutory rules in KP WWB and its employees are working on master servant basis, which has already been declared by the Honourable Peshawar High Court Peshawar in its judgement in WP No.1651 dated 17.06.2014.
- iii. Presently no vacancy of teacher is available in our schools at Peshawar i.e.WFGHSS, Hayatabad Peshawar.
- iv. The KP WWB in its 79th meeting held on 30.06.2015 has decided no extension will be granted to contract employees and all recruitment in KP WWB will be made in future through NTS.
- v. In the instant case, termination of Miss Nosheen Gul was made in the probation period, hence may remained intact in the light of clause-IV of her appointment letter reproduced as under:

"During the probation period your services can be terminated without any notice or assigning any reason. After probation period your service can be terminated on one month notice or pay in lieu there of on either side provided that such termination is not due to misconduct for which you will be terminated without any notice."

- vi. The termination of Miss Sadia Gul was made without one-month prior notice/one month salary in lieu, as per clause-IV of her appointment letter, therefore, she may be paid one month salary and may be considered as relieved from duty.

KP WWB/LC/213 dated 13-07-2015

Nosheen

Sadia Gul

OFFICE OF SECRETARY WWB
Diary No. 1194
Dated: 14/7/15

jj051 np

Attested


[Signature]

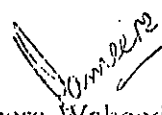
HAJI QURANULLAH KHAN
Assistant Director
Khyber Pakhtunkhwa
Workers Welfare Board

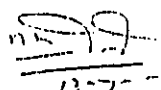
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decision *Honorable*

As per decision of the court, the decision is to be made by the Competent Authority within fortnight but not later than 15.07.2015, the committee report is therefore, submitted for your kind perusal to submit the same to Honourable High Court accordingly.


Qudrat Ullah 13/7/15
Assistant Director (Legal)
HAJI QUDRATULLAH KHAN
Assistant Director Legal
Khyber Pakhtunkhwa
Workers Welfare Board Peshawar.


Sameera Waheed
Principal WFGHSS, Peshawar-f

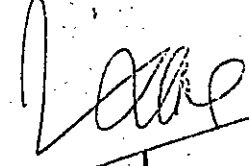


13-7-15
Prof: Mujahid Hassan Suri
Director Education, WWB

Director Education.
KPK Workers Welfare Board
Peshawar

Secretary KP-WWB

Submitted for approval please

Honorable Chairman
KP-WWB


Attested

HAJI QUDRATULLAH KHAN
Assistant Director Legal
Khyber Pakhtunkhwa
Workers Welfare Board Peshawar.

ji051 np

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Annex: I

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To

The secretary labour,
Govt of KPK Peshawar.

Subject: Reinstatement of the petitioners with all back benefits.

Respectfully sheweth:

1. That the petitioner Nousheen gul is B.A B.ed while the petitioner Sadia is B.A B.ed and M.A, M.ed.
2. That both the petitioners were appointed on sanctioned posts through written test and interview on 24-08-2012. And 23-04-2011 respectively and were posted in Working Folks Grammar Higher Secondary School Peshawar 1 (female) Hayatabad Peshawar.
3. That both the petitioners were terminated on 03-09-2013 illegally and the petitioners referred an appeal against their termination to your excellency.
4. That instead of deciding the appeal yourself your excellency send the same to the secretary/Director education for necessary action/decision on 25-11-2013, but they failed to comply of your order.
5. That the Peshawar High Court Peshawar has ordered the Secretary/Director Education of worker Welfare Board to decide the appeal of the petitioners within 15 days positively on 06-03-2015 but they failed to do so.
6. That the secretary/Director Education are deliberately not obeying the order of your excellency dated 25-11-2013 as well as

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the order of August Peshawar High Court dated 06-03-2015, therefore the petitioners were compelled to move contempt of court proceedings against them, in which the next date is fixed in Peshawar high court on 11-11-2015.

Therefore is most humbly prayed that both the petitioners may kindly be reinstated with all back benefits in order to avoid further litigations in future in the best interest of the petitioners as well as of the department.

Petitioner
Nousheen gul
Sadia
Through

[Handwritten Signature]
06/11/2015

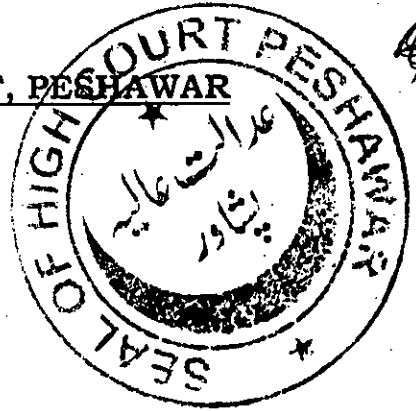
(Zafeer gul) father and attorney for the petitioners
Ex chairman union council Sheikh Abad R/O Sheikh abad no.2 near
govt middle school for boys sheikh abad outside lahori gate
Peshawar city.

Note : all the necessary documents mentioned in the instant application are attached.

ATTESTED
[Handwritten Signature]
ADVOCATE

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IN THE PESHAWAR HIGH COURT, PESHAWAR



C.O.C No. 170-P/2015

In

Writ Petition No. 1950-P/2014

1. Miss Nosheen Gul
2. Miss Sadia Gul daughters of Zafeer Gul R/o Sheikh Abad No. 2, Near G.M.S. for boys, Sheikhabad, Outside Lahori Gate, Peshawar.....(Applicants)

VERSUS

1. Naimat Ullah Khan, Secretary, Khyber Pakhtunkhwa, Worker Welfare Board R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.
2. Mujahid Hussain, Director Education, Khyber Pakhtunkhwa Worker Welfare Board R/o House NO. 129, Street No. 2, Shami Road, Peshawar.
3. Khyber Pakhtunkhwa Worker Welder Board, through its Secretary R/o House No. 129, Street No. 2, Shami Road, Peshawar Cantt.....(Respondents/Contemnors)

CONTEMPT OF COURT APPLICATION FOR INITIATING CONTEMPT PROCEEDINGS AGAINST THE RESPONDENTS FOR NOT DECIDING THE DEPARTMENTAL APPEALS OF THE APPLICANTS IN THE STIPULATED PERIOD OF 15 DAYS AS PER ORDER OF THIS HON'BLE COURT DATED 06/03/2015, PASSED IN C.O.C NO. 91-P/2015.

FILED TODAY
Deputy Registrar
15 APR 2015

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EXAMINER
Peshawar High Court
24 NOV 2015

Respectfully Sheweth:

The applicants humbly submits as under:

1. That this Hon'ble Court, while dismissing the above mentioned Writ Petition vide order dated 19/11/2014; directed the respondents to decide the departmental appeal of the appellant, pending before the respondents, positively within two months.
2. That the ^{respondents} applicants were failed to decide the decide the departmental appeals of the applicants within the stipulated period of two months despite of filing application for the strict compliance of the order dated 19/11/2014 of this august Court, the applicants were constrained to file C.O.C No. 91-P/2015 against the respondents.
3. That on 06/03/2015, this august Court while disposing off the C.O.C No. 91-P/2015, again directed the respondents to decide the departmental appeals of the applicant strictly within 15 days. The Additional Registrar of this Court was also directed to send the copy of the Court order dated 06/03/2015 to the respondents and the respondents were also directed to inform the registrar of this Court about the compliance of the Court order dated 06/03/2015.
4. That on 12/04/2015, the applicants sent an application to the respondents along with the copy of the Court order dated 06/03/2015 and were requested for the

FILED TODAY
 Deputy Registrar
 15 APR 2015

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 EXAMINER
 Registrar of High Court
 24 NOV 2015



compliance of the order dated 06/03/2015 of this Court but the respondents paid no heed to such application of the applicants.

- 5. That the respondents are paying no heed to the order dated 19/11/2014 and 06/03/2015 passed by this august Court in Writ Petition No. 1950-P/2014 and C.O.C No. 91-P/2015 and have committed sever contempt of this august Court for which the respondents are liable to serve punishment according to law.

It is, therefore, humbly prayed that the respondents may kindly be awarded exemplary punishment for disobeying the clear orders dated 19/11/2014 passed in Writ petition No. 1950-P/2014 and C.O.C NO. 91-P/2015 of this august Court and also direct to decide the departmental appeal of the applicants forthwith with intimation to this august Court.

Any other remedy, not specifically mentioned, may also be granted.

Applicants
Miss Nosheen Gul etc

Through

Misbah Ullah
Advocate High Court,
Peshawar.

Dated: 15/04/2015

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ATTESTED
EXAMINER
Peshawar High Court
24 NOV 2015

FILED TODAY
Deputy Registrar
15 APR 2015



JUDGMENT SHEET

PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

C.O.C NO 170 OF 2015
IN W.P. No. 1950/2015

Date of hearing 11-11-2015

Appellant (Miss Nosheen Gul) By Misbahullah Advocate.

Respondent (Naimatullah Khan) By Muhammad Adnan shah & Muhammad Iqbal Khan Advocate.

MAZHAR ALAM KHAN MIANKHEL, C.J.- Petitioners,

Miss Nosheen Gul and Miss Sadia Gul, have filed this C.O.C for initiating contempt of Court proceedings against the respondents for not implementing the judgment of this Court dated 6.3.2015 passed in COC No. 91-P/2015.

2. Petitioners had filed Writ Petition No. 1950-P/2014, wherein they had sought for setting aside their termination order dated 3.9.2013 and also declaring the judgments of two courts below dated 12.12.2013 and 4.6.2013 to be illegal and without lawful authority. The said writ petition was dismissed on 19.11.2014, however,

the respondents were directed to decide the appeals of the

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ADVOCATE

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EXAMINER
Peshawar High Court
24 NOV 2015



petitioners pending before them positively within two months. As the departmental appeals of the petitioners were not decided within the stipulated period, therefore, they filed C.O.C No. 91-P/2015, which was disposed of by this Court on 6.3.2015 with the direction to the respondents to comply with the order of this Court positively within fifteen days, failing which, the petitioners would be at liberty to initiate contempt of court proceedings against the respondents. Since the respondents once again failed to comply with the order of the Court, therefore, the petitioners have come to this court with the instant C.O.C.

3. The grievance of petitioners is that the respondents have not honoured the judgment of this Court, as no action has been taken so far towards compliance of the directions issued by this Court. The respondents No. 1 and 2 were, thus, issued show cause notices to which the respondents submitted their

m → compliance report, according to which, the appellate

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 EXAMINER
 24 NOV 2015

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Committee after hearing the petitioners on 9.7.2015,
dismissed their appeals.

4. Since the order of this Court have been
complied with by the respondents in letter and spirits,
therefore, the show-cause notices issued to respondents
are hereby recalled and this COC is dismissed.

Announced
11.11.2015

CHIEF JUSTICE
JUDGE

sd/ Nazim Akbar Khan
sd/ M. Younis Trohem


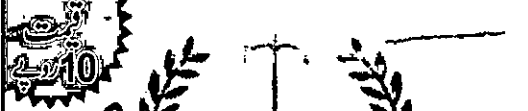
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Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-Shahada: Order 1984
24 NOV 2015

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Date of Presentation of Application 12-11-15
No. of Pages 6P
Filing fee /
Urgent Fee /
Total 12.00
Date of Preparation of Copy 24-11-15
Date Given For Delivery 24-11-15
Date of Delivery of Copy 24-11-15
Received By *Salma*


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ADVOCATE

Office
16/11/15

M.Zafra

	10214
	
ایدوکیٹ / دستخط بار کونسل ابار ایسوسی ایشن نمبر 7202-10-6c رابطہ نمبر: 0333-9139679	پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروس ٹریبونل این اے

منجانب: نوشین گل  نوشین گل بنام سیکریٹری دفعہ 10	دعویٰ: علت نمبر: مورثہ: جرم: تھانہ:
باعت تحریر آنگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ ان مقام **این اے** کیلئے **صباح انڈر ٹریٹمنٹ اینڈ کونسل** 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 کرنے و تقرز جالت و فیصلہ برعلت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا تاخیر یا غلطی یا اجیل کی برآمدگی اور منسوخی، نیز دائر کرنے اجیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ برداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جہانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و منول کرنے کا اختیار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 24.11.2015

و ا ہ ش د

مقام **خیبر پختونخواہ سروس ٹریبونل این اے** کے

Accepted and Accepted

(Signature)

Nousheer Gul
نوشین گل