

Due to COVID, 19 therefore to come
up for the same on 29/9/21

On
Ready

29.09.2021

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice be issued to the appellant as well as his counsel to deposit security and process fee within 10 day, where-after 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 before the D.B on 25.11.2021 at Camp Court D.I Khan.

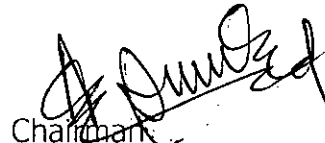


(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I KHAN

25.11.2021

None present on behalf of the appellant.

The appeal was admitted for regular hearing on 25.09.2020 and the appellant was required to deposit security and process fee within 10 days. Today, the case was called several times till last hours of the court but none has turned up on behalf of the appellant nor the requisite fee has been deposited. The appeal is therefore, dismissed in default. File be consigned to the record room.



Chairman
Camp Court, D.I.Khan

Announced
25.11.2021

24.11.2020

Nemo for appellant.

Security and process fee not deposited, therefore, notice were not issued to the respondents for submission of reply. Fresh notice be issued to the appellant and his counsel to deposit security and process fee, thereafter, notice be issued to the respondents for submission of written reply/comments on 26.01.2021 before S.B at Camp Court, D.I. Khan.

Member (E)
Camp Court, D.I. Khan

26.01.2021 Due to Covid-19, case is
adjourned to 24.02.2021 for
the same as before

24.02.2021 Nemo for appellant.

Security and process fee not deposited. Preceding date was adjourned on a Reader's note, therefore, notice be issued be to the appellant and his respective counsel to deposit security and process fee, thereafter, notice be issued to respondents for submission of reply/comments. To come up for reply/comments on 26.05.2021 before S.B at Camp Court D.I. Khan

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

27/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/4/2020 at Camp Court, D.I Khan


Reader

23/4/2020


Due to COVID-19 the case is adjourned. To come up for the same 25/4/2020 at Camp Court, D.I Khan


Reader

25.09.2020

Counsel for appellant present. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 24.11.2020 before S.B at Camp Court, D.I.Khan.




(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1290 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/03/2020	<p>The appeal of Mr. Muhammad Imranullah received today by post through Mr. Muhammad Yousaf Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 4/3/2020</p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>27-3-2020</u></p> <p style="text-align: right;"> MEMBER</p>

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, CAMP DERA ISMAIL KHAN.**

Service Appeal No. 1290 of 2020

Mohammad Imran Ullah

V E R S U S

Government of Khyber Pakhtunkhwa & Others

I N D E X

S.No	Description of Documents	Annexure	Page
1.	Grounds of Petition		1-7
2.	Copy of CNIC	"A"	8
3.	Copy of Medical History	"B"	9-10
4.	Order Dated 08-02-2018	"C"	11
5.	Departmental Appeal	"D"	12
6.	Order Dated 06-02-2020	"E"	13
7.	Wakalatnama	"F"	14

Dated: 03/03/2020

Yours Humble Petitioner

M. Imran Ullah

Mohammad Imran Ullah
Through Counsel

Muhammad Yousuf Khan

Muhammad Yousuf Khan
Advocate
Supreme Court, DIKhan

Nauman Akbar Khan

Nauman Akbar Khan
Advocate
High Court, DIKhan

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
PESHAWAR, KHYBER PUKHTUNKHWA.**

Service Appeal No. 1290 /2020.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1435

Dated 04-3-2020

Mohammad Imran Ullah.

S/O Mosa Khan, Caste Badin Khel, Wanda Karim
Darkhan, Panyala, Tehsil Pahar Pur, District Dera Ismail
Khan. Ex-Constable No. 8378/Frontier Reserve Police
Dera Ismail Khan.

(Petitioner/Appellant)

V E R S U S

- 1) **Government of Khyber Pakhtunkhwa.**
Through Secretary Home & Tribal Affairs, Peshawar.
- 2) **Provincial Police Officer (IGP).**
Khyber Pukhtunkhwa, Peshawar.
- 3) **Additional IGP, Commandant, (FRP).**
Phase VI, Hayat Abad, Khyber Pukhtunkhwa, Peshawar.
- 4) **Deputy Commandant (FRP).**
Khyber Pukhtunkhwa, Peshawar.
- 5) **Superintendent of Police Frontier Reserve Police (FRP).**
Qasim Road, near St. Helen School Dera Ismail Khan.

(Respondents)

**FURTHER REPRESENTATION (APPEAL) UNDER SECTION 4
OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, AGAINST THE EX-PARTE ORDER DATED 08-02-
2018 PASSED BY THE RESPONDENT NO. 5 AND ORDER
DATED 06-02-2020 PASSED BY THE RESPONDENT NO. 4**

Filed to-day

Registrar


04/03/2020

VIDE WHICH THE DEPARTMENTAL APPEAL DATED 22-11-2019 WAS REJECTED, AND THE APPELLANT HAS BEEN REMOVED FROM HIS SERVICE AS CONSTABLE BPS-5.

PRAYER:

ON ACCEPTANCE OF THE INSTANT SERVICE TRIBUNAL APPEAL, THE IMPUGNED ORDERS MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RE INSTATED INCUMBENCY OF FOOT CONSTABLE BPS-5 FRONTIER RESERVE POLICE (FRP), DERA ISMAIL KHAN AND TO AWARD ALL THE PRIVILEGES WITH ALL THE BACK BENEFITS.

Respectfully Submitted:

 1) **That** the appellant/petitioner was appointed in the year 2013 as foot Constable in the Frontier Reserve Police (FRP) Khyber Pakhtunkhwa stationed at Dera Ismail Khan Police Lines. Copy of the CNIC is annexed as **Annexure "A"**.

2) **That** as being the elder son of the family almost all responsibilities are on the shoulders of the appellant and to fulfill the responsibilities the appellant was remain busy with his mother (deceased) as she was in a critical condition and often was admitted in different hospitals. Copy of the medical history is attached and is annexed as **Annexure "B"**.

3) **That** after the sad demises of the mother brother of the appellant namely Ikram met an accident and broke his hand and leg, which is also one of the reason for not

intimating the department within time. Documents attached.

- 4) **That** in the meanwhile the appellant was removed Ex-Parte from his service by Respondent no. 5 without fulfilling coddle formalities and any prior notice. Copy of the order dated 08-02-2018 is annexed as **Annexure "C"**.
- 5) **That** the petitioner/Appellant filed appeal against the order dated 08-02-2018 to the Respondent no. 3. Copy of the appeal is annexed as **Annexure "D"**.
- 6) **That** Respondent No. 4 vide Order No. 1355-56/EC dated Peshawar the 06-02-2020 dismissed the appeal of the Petitioner/Appellant. Copy of the same is annexed as **Annexure "E"**.
- 7) **That** feeling aggrieved from the act of the respondents, the petitioner is obliged now to challenge the same vide instant appeal having no other appropriate remedy but to invoke the appellate jurisdiction of this Honorable Tribunal inter alia on the following grounds:

G R O U N D S:

- 1) **That** the act of the respondents is against the law, facts and circumstances of the case, hence, discriminatory.
- 2) **That** the appellant is the law abiding, respectable, bona fide and permanent resident of District Dera Ismail Khan, and remained servant of this esteemed department
- 3) **That** no prior notice before termination was given to appellant neither any sort of enquiry was held as required under the rule.

- 4) **That** appellant was condemned unheard, which is against the norms of justice and the golden principle of Audi Alteram Partem.
- 5) **That** the worthy superintendent police not acted as per the Khyber Pakhtunkhwa Civil Service Act and laws, as well as codal formalities were not adopted which is otherwise essential for taking major action of removal from service.
- 6) **That** the appellant was removed from his service without mentioning any allegation, misconduct, Hence order of removal from service is ab-initio void, and liable for reversal. It is also important to mention here that the removal from service letter was kept secret and no removal order was conveyed to the appellant.
- 7) **That** the Petitioner has been informed 3 days ago whereof the appellant searched for his dismissal order.
- 8) **That** due to the above mentioned facts the delay if any occurred, the same may kindly be condoned for the interest of justice.
- 9) **That** the appellant is the sole bread-earner of the family and due to the decision of the Superintendent Police FRP, the appellant is now facing financial crises and unable to fulfill the daily needs of the family members.
- 10) **That** the act of the respondents is in violation of principle of natural justice enshrined in the maxim Audi Alteram Partem would be enough to vitiate even most solemn proceedings, as such principles are originated from Islamic system of justice and would read/considered as an every part of statute in the interest of justice.



Handwritten signature in black ink, appearing to read 'Atun Khan'.

11) That now it is a settled principle of law that departure from the principle would render subsequent action illegal in the eyes of law.

12) That it is by now settled principle of law that where adverse action is contemplated to be taken against the person he would have the right to defend such action, notwithstanding the fact that the statute governing their rights does not contain provision of the principles of natural justice and even in absence therefore, it is to be read/considered as a part of such statute in the interest of justice.

13) That it is important to note that the principles of natural justice are now made an inbuilt part of civil contract. This principle originates from Islamic system of justice as evidenced from historical episode when Idles was scolded for having misled Hazrat Adam Peace be upon him into disobedience of Allah's commands. Almighty Allah called upon Idles to explain his conduct after having an explanation from him, which was found untenable, he was condemned and punished for all times to come. The principle of natural justice has to be applied in all kinds of proceedings strictly and departure there from would render subsequent actions illegal in the eyes of law.

14) That the appellant/petitioner was condemned unheard as it is against the golden principle of Audi Alteram Partem. As where an order has been passed against a person without complying with fundamental principle, viz

Audi Alteram Partem, such order is nullity and non entity notwithstanding the fact that the proceedings resulting in the order were sacred and sacrosanct hence; the impugned orders are liable for cancellation, as the appellate authority also violated Rule 5 of the Appeal Rules, 1986.

15) That the petitioner hails from very poor family who has no landed property for cultivation and to take care of the other family members dependable on the petitioner and the only source of income was the monthly salary from the police department.

16) That due to the aforesaid reason most respectfully it is submitted that the above said acts, of the respondents named above are illegal, unlawful, against the law and clear cut misusing of the powers of being government Officials.

17) That since there is no other efficacious remedy is available to the petitioner except to file the instant petition.

18) That the petitioner above named neither has made any false statement nor has concealed any fact from this Honorable Court, hence this petition is being filed before this Honorable Court.

19) That counsel of the petitioners may kindly be allowed to raise further grounds during the course of arguments.

• *It is, therefore, humbly prayed that by accepting the instant appeal, the*

Petitioners/Appellants may kindly be re-instated with all the back benefits.

- Pass any such other, orders as this Honorable Tribunal thinks fit and proper in view of the circumstances of the case and has not been particularly asked for in the noted appeal may also be very graciously granted to the petitioners.

Dated: 03/03/2020

Yours Humble Petitioner

M. Iman

Mohammad Imran Ullah
Through Counsel

M. Yousuf Khan
Muhammad Yousuf Khan
Advocate
Supreme Court, Dera Ismail Khan. High Court, Dera Ismail Khan

Nauman Akbar Khan
Nauman Akbar Khan
Advocate
Supreme Court, Dera Ismail Khan. High Court, Dera Ismail Khan

VERIFICATION:

It is to certify that there is no other petition pending before any court of law, nor earlier instituted such kind of petition.

M. Iman

Deponent

AFFIDAVIT:

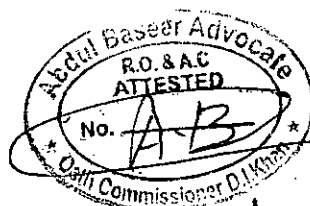
I, Mr. Mohammad Imran Ullah, S/O Mosa Khan, Caste Badin Khel, Wanda Karim Darkhan, Panyala, Tehsil Pahar Pur, District Dera Ismail Khan. Ex-Constable No. 8378/Frontier Reserve Police Dera Ismail Khan, do hereby affirm on oath that the contents of this application are true and correct to the best of my Client's knowledge and belief and nothing has been concealed from this Honorable Court.

Identified By:

Nauman Akbar Khan
Nauman Akbar Khan
Advocate High Court.

M. Iman

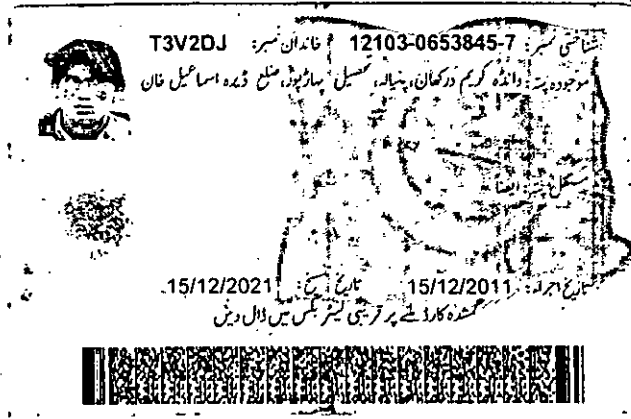
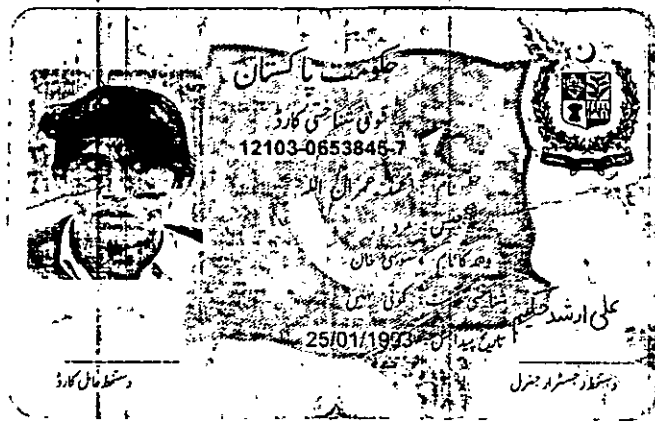
Deponent



3/3/2020

8

Annexure "A"



MAESTRO

Nauman Akbar Khan

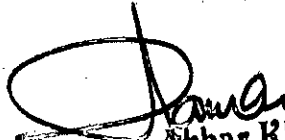
Nauman Akbar Khan
Advocate High Court
Dera Ismail Khan
Cell # 0300, 0345-5795002

FOLLOW UP

Annexure "B"

9

Attested


Nauman Akbar Khan
Advocate High Court
Dera Ismail Khan
Cell # 0300, 0345-5795002

سوموار۔ جمعرات۔ جمعہ
ادبی ڈی کے دن

منگل۔ ہفتہ
آپریشن کے دن

DISCHARGE SLIP

(Surgical Unit)

DHQ Teaching Hospital (MTI) D.I.Khan

Associate Prof. Incharge
Dr. AKHTAR MUNIR
FCPS

Senior Registrars

Dr. Dastagir Waheed
FCPS

District Surgeon

Dr. Fozail-U-Rehman
(MS)

Dr. Waseem Ahmed
FCPS

Dr. M. Humayun
FCPS

Medical Officer

Dr. Nadia Khitab

Dr. Farooq Gul

Dr. Javed Iqbal

Dr. Mast Ali

Pt's Name Nadia Zaibibi Bed/No _____

Address Panyala Age/Sex 70y F

Admission No 602/183

Date of Admission 22/3/17

Date of Discharge 26/3/17 Age/Sex 70y F

Diagnosis P. U. H.

Operation Mayer's Repair

10

Investigation

Blood _____

Urine: _____

Radiology: _____

Ultrasound: _____

Others _____

Operation Notes

Mayo's repair

Signature _____

Treatment at Home

گھر کے لئے علاج

- Dar Em-flor ^{ہدایت:-}

10 دن

- Dar Spiano

10 دن

- Dar Pro-age

10 دن

abdominal belt

احتیاط حسب ہدایت کریں۔

بھاری اور وزنی کام سے پرہیز کریں۔

3 = Titan

دیں دن ٹائٹل نکلائیں۔

10

POLICE DEPARTMENT
ORDER:-

Annexure C

11

This order will dispose off departmental enquiry conducted against Constable Muhammad Imran No.8378/7583/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

The defaulter constable was absent from law full duties with effect from 13.12.2016 to 15.05.2017 total (152) days vide daily diary report No.15 dated 15.05.2017 of Police Station Gomal University DIKhan, similarly according to daily diary report No.35 dated 16.05.2017 of District Police Line DIKhan, he remained absent from law full duties with effect from 16.05.2017 to till date without any leave or permission from the competent authority. To this effect he was served with show cause notices on 10.07.2017. He was required to submit the reply of said show cause notice within stipulated period i.e 07 days but he failed to submit his reply. He was issued charge sheet along with summary of allegation on 04.08.2017 and SI Shakir Ullah of FRP DIKhan Range was nominated as enquiry officer to unearth the actual facts. Enquiry Officer was summoned time to time for completion of departmental enquiry but he did not attend the enquiry proceedings. After completion of all codal formalities the Enquiry Officer submitted his finding report wherein he recommended him for Final Show Cause Notice. Final show cause notice was prepared and sent to his home address for delivered upon him through Constable Sifat Ullah No.7460/FRP on 07.10.2017. He was required to submit his reply but he failed to do so. He was called in orderly room in the office of the undersigned on various dates but he does not appear before the undersigned. The enquiry papers were marked to Muhammad Ismail Khan DSP/FRP DIKhan Range for re-enquiry. After re-enquiry the enquiry officer recommended him for major punishment. He was called in next orderly room but he does not attend the orderly room. From perusal of his service record it revealed that he was enlisted as Constable on 04.09.2013, during service he remained absent from law full duties for (106) days, 10 days confinement to quarter guard, 03 days extra drill and "CENSURE" previously.

Keeping in view the facts stated above, as well as recommendation of enquiry officer, I MR. AMAN ULLAH KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested upon me under Khyber Pakhtunkhwa Rules-1975 amended-2014 taking Ex-parte action against Constable Muhammad Imran No.8378/7583/FRP awarded him major punishment of **Removal from Service** from the date of absence i.e 13.12.2016. His period of absence from 13.12.2016 to 15.05.2017 and 16.05.2017 to till date is treated as without pay.

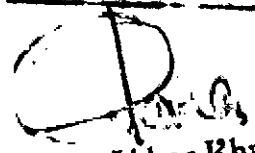
ORDER ANNOUNCED.

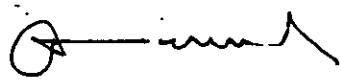
Dated _____ 2018.

OB No. 181 /FRP

Dated 08 /02/2018

Attested


Nauman Akbar Khan
Advocate High Court
Dera Ismail Khan
Cell # 0300, 0345-5795002


(AMAN ULLAH KHAN)
Superintendent of Police,
FRP, DIKhan Range DIKhan.

کمیٹی کے ذریعہ فراہم کردہ FRP کی کاپی

Office of the Additional Commandant
F.R.P. KPK Peshawar
Diary No. 10501 Encl
Date 22/11/2019

عنوان :- درخواست بہرہ و جالی سروس

جناب عالی!

گزارش دیکھ سیکہ سائل FRP ڈی آئی خان رشید سے تعلق رکھنے والے ہیں۔
ڈیوٹی انجام دے رہا تھا۔ سائل اپنی ڈیوٹی نہایت اہم انداز میں اور خوش اسلوبی سے انجام
دے رہا تھا۔ اسی دوران سائل کو گھریلو وجوہات کی بناء پر سائل کو غیر حاضر ہونا
پڑا۔ سائل کو جناب SP صاحب FRP ڈی آئی خان رشید سے یومیہ غیر حاضری توکری
سے درخواست کیا گیا۔ سائل کو مورخہ 08/02/2019 کو حکم پڑا ہے کہ برطرف کیا گیا۔
چونکہ اب سائل نے گھریلو مسائل اللہ تعالیٰ کے فضل و کرم سے حل ہو گئے ہیں اور
دوبارہ اپنی ڈیوٹی لینے فرمایا ہے۔

جناب والا!

چونکہ سائل کی غیر حاضری تقریباً محض تین تھی۔ اور اب گھریلو مسائل
حل ہو چکے ہیں۔ لہذا بذریعہ درخواست استدعا ہے کہ سائل کو دوبارہ اپنی ڈیوٹی
انجام دینے کا موقع دیکر سائل اور اسکے خاندان والوں پر رحم فرمائیں۔

جناب والا!

سائل ایک غریب خاندان سے تعلق رکھتا ہے اور توکری لینے اور کوئی
ذریعہ معاش نہیں ہے۔ اسلئے سائل کی مفلسی اور لاچاری کو مدنظر رکھ کر سائل
کو جلد فراغت کے ساتھ ڈیوٹی پر بحال کرنے کا حکم بہادر فرما کر مسترد فرمائیں۔
سائل اور اس کے خاندان آپ بہادر کی بلند اہمیت کو دیکھ کر رستے۔

Attested

عین اقرار شدہ ہوگی

Nauman Akbar Khan

Nauman Akbar Khan
Advocate High Court
Dera Ismail Khan
Cell. # 0300, 9345-5795002

الکافی

FRP/DIK 8378 - کمیٹی کے ذریعہ فراہم کردہ FRP کی کاپی

Mobile - 0345-9836023

S/ Legal

for medical

ORDER

This order will dispose of the departmental appeal preferred by ex-constable Muhammad Imran No. 8378/7583 of FRP DI Khan Range, against the order of SP FRP DI Khan Range, DI Khan issued vide OB No. 181, dated 08.02.2018, wherein he was awarded major punishment of removal from service. The applicant was proceeded against on the allegations that he absented himself from lawful duty with effect from 13.12.2016 to 15.05.2017 total (152) days, and again remained absented himself from lawful duty with effect from 16.05.2017 till the dated of removal from service i.e 08.02.2018 for total period of 03 months 22 days, without any leave or prior permission of the competent authority.

In this regard, he was served with Show Cause Notice on 10.07.2017, but he failed to submit his reply within stipulated period i.e 07 days. He was issued Charge Sheet and Statement of Allegations on 04.08.2017 and SI Shakir Ullah of FRP DI Khan Range was appointed as Enquiry Officer. The Enquiry Officer was summoned him time and again to join the enquiry proceeding and submit reply of said Charge Sheet, but he neither submitted reply of Charge Sheet, nor attend the enquiry proceedings. After completion of all codal formalities the Enquiry Officer submitted his finding alongwith other relevant papers, wherein the delinquent constable was found guilty of the charges leveled against him and recommended him for Final Show Cause Notice.

Upon the findings of Enquiry Officer he was issued Final Show Cause Notice and sent to his home address for deliver upon him through constable Sifat Ullah No. 7460 on 07.10.2017. He was required to submit his reply within stipulated period, but he failed to do so. He was called in orderly room, but he does not appear before the competent authority.

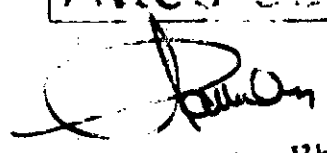
Keeping in view the above narrated facts and other material available on record, he was awarded major punishment removal from service vide OB No. 181, dated 08.02.2018.

Feeling aggrieved against the impugned order of SP FRP DI Khan Range, DI Khan, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 22.01.2020.

During the course of personal hearing, the applicant failed to present any justification regarding his prolong absence. From perusal of record the applicant has found a habitual absentee as during his past service he remained for a long period of 106 days on deferent occasions, to which he awarded deferent punishments. His reinstatement in service may impinge upon the over all moral and affect adversely the discipline of the force. Thus there doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same. Besides, his appeal is badly time barred.


Based on the findings narrated above, I, Malik Muhammad Tariq PSP, Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected/dismissed being meritless and time barred.

Order Announced
Anestech



Nauman Akbar Khan
Advocate High Court

No. 1355-56/IEC, dated 06/02/2020
Dera Ismail Khan
Cell # 0300-0345-875000



Dy. Commandant
For Commandant FRP,
Khyber Pakhtunkhwa, Peshawar

- Copy of above is forwarded for information and necessary action to the:-
1. SP FRP DI Khan Range, DI Khan. His service record alongwith D-file sent herewith.
 2. Ex-constable Muhammad Imran No. 8378/7583 S/O Musa Khan, Police Station Panyala, Village Panyala Phar Pur District DI Khan.

وکالت نامہ

قیمتی ایک روپیہ		کورٹ فیس
--------------------	--	-------------

بعد ازاں جناب خدیجہ بیگم نے سروسز کے لیے ایک لٹریچر ڈیپارٹمنٹ کے اہلکار

جناب امین اللہ
نام حکومت پنجاب تحفہ تیار ہوا ہے

محمد عمران اللہ

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

برسوں سے

باعث خیر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے برکری و جواب دہی برائے پیشی یا تصدیق مقدمہ بنام
ہیدرآباد سٹیٹ ایئر لائنز لمیٹڈ کے لیے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ذرا بدتر یا خود برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اساتے ڈگری نظر ثانی اپیل مگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر مائشی یا رائشی نامہ و فیصلہ برطرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیش مقدمہ مزکورہ بیروان از پکھری صدر بیروی مقدمہ مزکورہ نظر ثانی اپیل و مگرانی و برآمدگی مقدمہ یا تفسوفی ڈگری ایک طرف یا درخواست حکم امتناعی یا ترقی یا گرتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا سگی علیحدہ مقررہ اختیار ہو گا اور تمام ساختہ برداشتہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل مگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہڈ سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے بشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری نہیں تاریخ پیش سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ ۱۳ مارچ ۲۰۲۰ء

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

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