

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Execution petition No. \_\_\_\_\_/2023

In Service Appeal No.1366/2019

Syed Tajjamal Hussain

V/S

SMBR & other

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THROUGH:

**APPELLANT**



**TAIMUR ALI KHAN  
(ADVOCATE HIGH COURT)**

Cell# 0333-9390916

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Execution petition No. \_\_\_\_\_/2023  
In Service Appeal No.1366/2019

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 4542

Dated 27/3/2023

Syed Tajjamal Hussain Kanungo,  
Office of Deputy Commissioner, Peshawar.

**PETITIONER**

**VERSUS**

1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. The Commissioner, Peshawar Division Peshawar.
3. The Deputy Commissioner, Peshawar.

**RESPONDENTS**

-----  
**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 21.12.2021 OF THIS  
HONORABLE TRIBUNAL IN LETTER AND  
SPIRIT.**  
-----

**RESPECTFULLY SHEWETH:**

1. That the petitioner has filed service appeal No.1366/2019 against the orders dated 31.05.2019 passed by the Deputy Commissioner Peshawar, whereby juniors to the appellant were promoted as Kanungos (BPS-11) in the utter violation of law and the petitioner being senior than them was deprived of his due right of promotion illegally against which a departmental appeal was filed with the Commissioner, Peshawar Division but the same was not responded. (Copy of memo of appeal is attached as Annexure-A)

2. That said appeal was heard and decided by the Honorable Tribunal on 21.12.2021. the Honorable Tribunal accepted the appeal. The impugned seniority list issued in 2017 was set aside with direction to the respondents to draw the seniority list based on merit assigned by departmental selection committee and to effect promotions in accordance with seniority position of the candidates. Since the petitioner stands senior to private respondents, he shall stands entitled to promotion from the date, private respondents were promoted with all consequential benefits. **(Copy of judgment is attached as Annexure-B)**
3. That the petitioner also filed applications for implementation of judgment dated 21.12.2021 of this Honorable Tribunal, but despite that the judgment dated 21.12.2021 of this Honorable Tribunal was not implemented by the respondents. **(Copy of applications are attached as Annexure-C)**
4. That the Honorable Tribunal accepted the appeal of the petitioner on 21.12.2021, but the respondents did not implement the judgment dated 21.12.2021 of this Honorable Tribunal after the lapse of one year and more than 03 months.
5. That the in-action and not fulfilling the formal requirements by the respondents after passing the judgment of this honorable Service Tribunal, is totally illegal, amount to disobedience and contempt of Court.
6. That the judgment is still in filed and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 21.12.2021 of this Honorable Tribunal in letter and spirit.
7. That the petitioner having no other remedy except to file this execution petition for implementation of judgment dated 21.12.2021 of this Honorable Tribunal.

It is therefore, most humbly prayed that the respondents may kindly be directed to implement the judgment dated 21.12.2021 of this Honorable Service Tribunal in letter and spirit. Any other remedy, which this Honorable Tribunal deems fit and appropriate that, may also be awarded in favour of the petitioner.



PETITIONER  
Syed Tajamal Hussain

THROUGH:



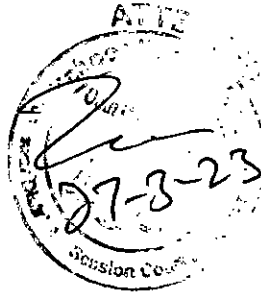
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

**AFFIDAVIT**

It is affirmed and declared that the contents of this execution petition are true and correct to the best of my knowledge and belief.



DEPONENT



**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1366 /2019

\* Syed Tajjamal Hussain kanungo office of Deputy Commissioner, Peshawar.

**APPELLANT**  
Khyber Pakhtunkhwa  
Service Tribunal

**VERSUS**

Diary No. 1461

Dated 17-10-2019

1. Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Commissioner, Peshawar Division Peshawar.
3. The Deputy Commissioner, Peshawar.
4. Fazal Rabi Girdawar Circle, Badaber, Peshawar
5. Qaiser-ud-Din Girdawar Circle, PDA office, Peshawar
6. Mian Noor-ul-Haq Girdawar Circle Land Acquisition Branch, office of Deputy Commissioner, Peshawar

**APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
IMPUGNED ORDERS DATED 31-05-2019  
PASSED BY THE DEPUTY COMMISSIONER,  
PESHAWAR WHEREBY FAZAL RABI,  
QAISER-UD-DIN AND MIAN NOOR-UL-HAQ  
PATWARIS WERE PROMOTED AS  
KANUNGOS (BPS-11) IN UTTER VIOLATION  
OF LAW AND THE APPELLANT BEING  
SENIOR THAN THEM WAS DEPRIVED OF HIS  
DUE RIGHT OF PROMOTION ILLEGALLY  
AGAINST WHICH A DEPARTMENTAL  
APPEAL WAS FILED WITH THE  
COMMISSIONER, PESHAWAR DIVISION  
PESHAWAR (RESPONDENT NO. 2) BUT THE  
SAME WAS NOT RESPONDED.**

**Filed to-day**  
**Registrar**  
17/10/19

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Prayer in Appeal

By accepting this appeal, the impugned orders dated 31-05-2019 in respect of Fazal Rabi, Qaiser-ud-Din and Mian Noor-ul-Haq Kanungos (respondents No. 4 to 6) may very graciously be declared as illegal, unlawful and without lawful authority and the Competent Authority (respondent No. 3) may kindly be directed to consider the appellant for promotion against the said post being deserved and eligible employee of the Department with consequential benefits from the date on which his juniors were promoted. Any seniority list if notified at the back of appellant after 2013 and adversely affected his right may also be nullified.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

Respectfully Sheweth,

*Short facts giving rise to the present appeal are as under:-*

1. That the appellant joined the services of Revenue and Estate Department in-capacity as Patwari vide office order No. 715-38 dated 28-04-2000. He assumed the charge of said post accordingly. He had 19 years unblemished service record to his credit.

(Copy of appointment order is appended as Annex-A)

2. That the Competent Authority notified final seniority list of Patwaris (as stood on 31-12-2013) wherein the appellant was placed at serial No. 46 while Fazal Rabi, Qaiser-ud-Din and Mian Noor-ul-Haq (respondents No. 4 to 6) were shown at serial No. 50, 54 and 59. This clearly shows that the appellant was made senior than the above named employees. The said seniority list was not challenged by any employee of the

Department before any legal forum and as such the same has attained finality in the eye of law.

**(Copy of final seniority list is appended as Annex- B)**

3. That the Competent Authority vide letter No. 3154 dated 09-11-2017 notified Tentative Seniority List of Patwaris (as stood on 30-09-2017) wherein the above respondents who were junior than appellant in the final Seniority List as referred earlier, were made senior to him and placed them at Serial No. 20, 22 and 27 whereas, the appellant was shown at Serial No. 32.

**(Copy of tentative seniority list is appended as Annex- C)**

4. That the appellant felt aggrieved by the said list, submitted an application for rectification of the said seniority list but his grievance was neither redressed nor any information whatsoever was given to him.

**(Copy of application is appended as Annex- D)**

5. That it is strange to note that the Competent Authority vide order dated 31-05-2019 promoted the above junior Patwaris as Kanungos and the appellant being senior and deserved employee was deprived of his due right of promotion.

**(Copy of promotion orders are appended as Annex- E, F and G)**

6. That the appellant felt aggrieved by the said orders filed departmental appeal with the Commissioner, Peshawar Division, Peshawar on 28-06-2019 which was received on the

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same date vide diary No. 5790, but the same was not responded within the statutory period of 90 days.

(Copy of departmental appeal is appended as Annex- H)

7. That the Competent Authority (respondent No. 3) vide order dated 07-10-2019 promoted the appellant as Kanungo (B-11) with immediate effect despite the fact that he was entitled to be promoted from the date on which his juniors were promoted i.e. (31-05-2019).

(Copy of promotion order is appended as Annex- I)

8. That appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds.

#### GROUNDS OF APPEAL

- A. That the Competent Authority has not treated appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973**. Therefore, the impugned order is not sustainable in the eye of law.
- B. That the Competent Authority was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with the provisions of rule 17(1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules, 1989. But he failed to do so and promoted the junior employees as Kanungos and deprived the appellant despite the fact that he was senior than appellant in the final seniority list (as stood on 31-12-2013) duly notified on the basis of merit position. This seniority list was not assailed before any legal forums and as such the same has attained finality. But the Competent Authority has overlooked this



important aspect of the case without any cogent and valid reasons. Therefore, the impugned orders are against the spirit of administration of justice.

- C. That the Competent Authority has acted in arbitrary manner by not considering the appellant for promotion being the senior most Patwari with unblemished service record spreading over 19 years and also fulfilled the criteria as laid down in the relevant service rules. But he was unlawfully ignored from gaining such promotion. Therefore, the impugned orders are not tenable under the law.
- D. That the junior Patwaris (respondents No. 4 to 6) were promoted out of turn which is not only against the Constitution but also against the injunction of Islam. Reliance can be placed on judgment of august Supreme Court of Pakistan reported in 2010-PLC-(CS)-page-924-citation-(m). It would be advantageous to reproduce herein the relevant citation for facility of reference: -

**(m) Civil service---**

**---Promotion---Out-of-turn promotion---**  
**---Scope---**

Out of turn promotion is not only against the Constitution, but also against Injunctions of Islam. Out of turn promotion in a public department generates frustration and thereby diminishes the spirit of public service. It generates undue preference in a public service. Element of reward and award is good to install the spirit of service of community, but it should not be made basis of accelerated promotion.

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It is also well settled law that the decision of august Supreme Court is binding on each and every organ of the state by virtue of **Article 189 and 190 of the Constitution of Islamic Republic of Pakistan 1973**. Reliance in this respect can also be placed on the judgment reported in **1996-SCMR-284-citation(c)**. The relevant citation is as under: -

**(c) Constitution Of Pakistan (1973)---**

**---Arts. 189 & 190--- Decision of Supreme Court---Binding, effect of--Extent--Law declared by Supreme Court would bind all Courts, Tribunals and bureaucratic set-up in Pakistan.**

That the Competent Authority has acted in derogation of law by promoting the junior Patwaris and deprived the appellant who was the most senior employee of the Department. Therefore, the impugned orders are not warranted under the law.

- E.** That justice is not only confined to judicial system. Every person dealing with the right of people is bound to act justly, fairly, honestly and also in accordance with law otherwise, he should be made answerable to law and should be proceeded against for an appropriate action by his superiors. Reliance can be placed on the judgment of august Supreme Court of Pakistan reported in **2003-SCMR-page-1140-citation (c)**. The relevant citation is reproduced as under: -

**(c) Administration of justice---**

**---Concept---Administration of justice is not confined only to judicial system--- Every person discharging functions in relation to rights of people is bound to act fairly, justly and in accordance with law---Exercise of powers by public functionaries in derogation of direction of**

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law would amount to disobeying the command of law and Constitution--If a person holding a public office is found to have proceeded in violation of law or his acts and conduct amounted to misuse of his official authority, he should be made answerable to law and should be proceeded against for an appropriate action by his superiors.

In view of the above dictum of august Supreme Court of Pakistan, Competent Authority was legally bound to have acted within the four corners of Constitution and law. But he failed to do so and promoted the junior Patwaris as Kanungos and deprived the appellant of his fundamental right of promotion. Hence, the impugned orders are liable to be set aside on this count alone.

F. That the Appellate Authority (respondent No. 2) was under statutory obligation to have decided the departmental appeal filed by the appellant after application of mind with cogent reasons within reasonable time as per law laid down by august Supreme Court of Pakistan reported in **2011-SCMR-page-1**. It would be advantageous to reproduce herein the relevant citation for facility of reference: -

**2011-SCMR-page-1**

**Citation-b**

**S. 24-A---Speaking order-Public functionaries are bound to decide cases of their subordinates after application of mind with cogent reasons within reasonable time.**

But the Appellate Authority (respondent No. 2) has blatantly violated the above dictum of Apex Court of country by not disposing of the


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departmental appeal within the statutory period of law. Therefore, the impugned order is liable to be set aside on this count alone.


- G.** That the impugned orders are suffering from legal infirmities and as such caused grave miscarriage of justice to the appellant.
- H.** That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same is not tenable under the law.

In view of the above narrated facts and grounds, the impugned orders dated 31-05-2019 in respect of Fazal Rabi, Qaiser-ud-Din and Mian Noor-ul-Haq Kanungos (respondents No. 4 to 6) may very graciously be declared as illegal, unlawful and without lawful authority and the Competent Authority (respondent No. 3) may kindly be directed to consider the appellant for promotion against the said post being deserved and eligible employee of the Department with consequential benefits from the date on which his juniors were promoted. Any seniority list if notified at the back of appellant after 2013 and adversely affected his right may also be nullified.

Any other relief deemed proper and just in the circumstances of the case, may also be granted.

  
Appellant

Through

  
**Rizwanullah**  
M.A. LL.B  
Advocate High Court,  
Peshawar.

Dated: 15-10-2019

B

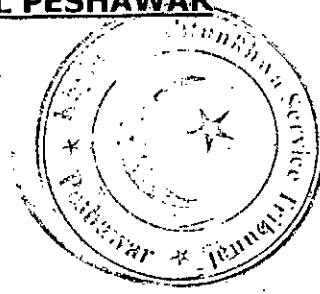
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1366/2019

Date of Institution ... 17.10.2019

Date of Decision ... 21.12.2021



Syed Tajjamal Hussain Kanungo office of Deputy Commissioner, Peshawar.  
... (Appellant)

**VERSUS**

Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa,  
Peshawar and five others. ... (Respondents)

Rizwanullah,  
Advocate ... For Appellant

Asif Masood Ali Shah,  
Deputy District Attorney ... For respondents

**ROZINA REHMAN** ... **MEMBER (JUDICIAL)**  
**ATIQU-UR-REHMAN WAZIR** ... **MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the case are that the appellant joined revenue department as Patwari vide order dated 28-04-2000. As per seniority list issued in 2013, the appellant was shown at serial No 46, whereas respondents No. 4 to 6 were shown at serial No. 50, 54 and 59 respectively. Again another seniority list was issued on 19-11-2017, wherein the above respondents were shown senior to the appellant. feeling aggrieved, the appellant filed departmental appeal dated 18-01-2018, which was not responded, but in the meanwhile, the respondents No. 4 to 6 were promoted vide order dated 31-05-2019. Feeling aggrieved, the appellant again filed departmental appeal dated 28-06-2019, which was not responded within the statutory period, but the appellant was promoted as Kanungo (BPS-11) vide order dated 07-10-2019 but

ATTESTED

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with immediate effect. The appellant filed the instant service appeal instituted on 17-10-2019 with prayers that the impugned order dated 31-05-2019 in respect of respondents No. 4 to 6 may be set aside and the appellant may be considered for promotion against the said post alongwith consequential benefits from the date his juniors were promoted and any seniority list if notified at the back of the appellant after 2013 which adversely affect his rights may be nullified as well.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law and his rights secured under the constitution has been violated, therefore the impugned order is not sustainable in the eye of law; that the competent authority was under statutory obligation to have considered the case of the appellant in its true perspective and also in accordance with the provisions of Rule-17(1)(a) of Civil Servants (Appointments, Promotion & Transfer) Rules, 1989, but the respondents failed to do so and promoted the juniors employees as Kanongo and deprived the appellant despite the fact that the appellant was senior in the seniority list issued in 2013; that such seniority list was not assailed before any legal forum and as such the same had attained finality, but the respondents has overlooked this important aspect of the case without any cogent reason, therefore the impugned orders are against the spirit of administration of justice; that the competent authority has acted in arbitrary manner by not considering the appellant for promotion being the senior most and otherwise fit for promotion, therefore the impugned orders are not tenable under the law; that respondents No. 4 to 6 were promoted out of turn which is not only against law but also against the injunction of Islam. Reliance was placed on 2010 PLC (CS) 924.

03. Learned Deputy District Attorney for the official respondents has contended that the appellant was appointed as Patwari vide order dated 28-04-2000, but he reported his arrival on 17-05-2000; that it is correct that a tentative seniority list was circulated in 2013 but seniority list is revised every year and as

TESTED

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such the tentative seniority list was again circulated in 2017, which was prepared according to the date of arrival of the officials and the appellant reported his arrival on 17-05-2000, but respondents No 4 to 6 reported their arrival earlier than the appellant, hence were placed senior to the appellant in the seniority list; that the appellant has no cause of action to file the instant appeal as the impugned order is in accordance with law.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant as well as respondents No. 4 to 6 were appointed on the same date i.e. 28-04-2000. The appellant reported his arrival on 17-05-2000, whereas respondents No. 4 to 6 reported their arrivals on 06-05-2000, 15-05-2000 and 10-05-2000 respectively. Placed on record is a tentative seniority list issued in 2013, where the appellant is placed at serial No. 46, whereas respondents No. 4 to 6 are placed at serial No. 50, 54 and 59 respectively, but with the same arrival reports. We have noted the appellant was placed senior to private respondents No. 4 to 6 inspite of the fact that they reported their arrival earlier than the appellant did; hence, the stance of the official respondents to the effect that the appellant was placed junior in seniority list issued in 2017 was due to his late arrival than private respondents is not understandable, as arrival reports are the same in 2013, but the appellant was placed senior in 2013. Record is silent as to whether any objection was raised by any of the official on the said list or not but official respondents issued another seniority list in 2017, where the appellant was placed at serial No. 32, whereas private respondents No. 4 to 6 were placed at serial No. 20, 27 and 22 respectively, but the appellant objected on such seniority list by filing appeal dated 18-01-2018, which was not responded and in the meanwhile, based on the same seniority list, respondents No. 4 to 6 were promoted vide separate orders dated 31-05-2019. Contention of the official respondents to the effect that such

**ATTESTED**

*[Signature]*  
K. S. SINGH  
Secretary  
Service Tribunal  
Pune

seniority list was drawn on the basis of arrival reports does not hold force, as the Supreme Court of Pakistan in its judgment reported as 2009 SCMR 82 have held that mere assumption of duty earlier would not adversely affect seniority position of the one who assumed the duties later.

06. Placed on record is an appointment letter dated 28-04-2000 containing 19 individuals including the appellant as well as private respondents No. 4, 5 and 6, who were appointed as Patwaris and as per practice in vogue, the names are placed in order of merit in joint appointment order, where the appellant is placed at serial No 6 of the appointment letter and respondents No 4 to 6 are placed at serial No 10, 14 and 19 respectively, hence it is assumed that their appointment order was their merit list as well and based on it tentative seniority list was drawn, where the appellant was correctly shown senior to private respondents. Record would suggest that no objections were raised on such seniority list until 2017, which as per law was required to attain finality, as no tentative seniority list could be continued for more than a period of six months during which objections might be invited, decided and tentative seniority list was to be made final. Reliance is placed on 2001 SCMR 352. Respondents however, were unable to clarify as to why final seniority list was not issued, when no objection was raised by any one on such list nor they were able to satisfy the tribunal as to how promotions were made on a tentative seniority list issued in 2017, upon which the appellant had submitted his reservations, which were not satisfied nor any reply was given to him. It would also be beneficial to note that seniority cannot be claimed on the basis of tentative seniority list not yet finalized, whereas the promotions of private respondents were made on a tentative seniority list issued in 2017, which was illegal. Reliance is placed on 2011 SCMR572. The appellant is mainly aggrieved of the tentative seniority list issued in 2017 and promotions made vide order dated 31-05-2019 because of such seniority list. The appellant however, was also

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**ATTESTED**  
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

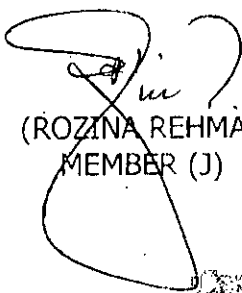



promoted during the course of litigation vide order dated 07-10-2019 with immediate effect.

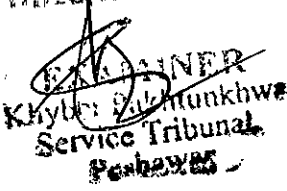
07. Since the issue of his promotion is resolved to the extent that he was promoted to the next grade, but the issue of seniority is still in the field and we are of the opinion that the appellant as well as the private respondents must have been selected through a departmental selection committee and the committee must have drawn an order of merit amongst the selected candidates, which however, was not produced by the respondents, hence we rely on the merit assigned in the appointment order dated 28-04-2000 and the seniority list issued in 2013, where the appellant was placed senior to the private respondents, which must have been drawn in order of merit assigned by the departmental selection committee and according to which the appellant is senior to private respondents.

08. In view of the foregoing discussion, the instant appeal is accepted. The impugned seniority list issued in 2017 is set aside with direction to the respondents to draw the seniority list based on merit assigned by departmental selection committee and to effect promotions in accordance with the seniority position of the candidates. Since the appellant stands senior to private respondents, he shall stands entitled to promotion from the date, private respondents were promoted with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
21.12.2021

  
(ROZINA REHMAN)  
MEMBER (J)

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

Certified to be true copy  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 22/3/23  
Number of ~~W~~ Page 5  
Copying Fee 24/-  
Urgent 8/-  
Total 36/-  
Name of   
Date of Completion 22/3/23  
Date of Delivery of Copy 22/3/23

بخدمت جناب ڈپٹی کمشنر صاحب ضلع پشاور

17

عنوان: درخواست بابت عطائیگی سنیارٹی برطانیہ سردسز ٹریبونل فیصلہ مورخہ 21-12-2021

جناب عالی!

مؤدبانہ التماس ہے کہ فدوی نے اپنی سابقہ سنیارٹی بحالی بحیثیت پٹواری کے لئے خیر پختہ خوا سردسز ٹریبونل سے رجوع کیا تھا۔ اور عدالت مذکورہ نے فدوی کے حق میں مورخہ 21-12-2021 کو فیصلہ جاری فرمادیا (کاپی لف ہے)۔ جس میں عدالت نے سال 2017 میں جاری کردہ عارضی سنیارٹی لسٹ پٹواریاں کو منسوخ کرتے ہوئے سال 2013-12-31 کی سنیارٹی لسٹ کو بحال کر دیا۔ جس کے مطابق فدوی میاں صدیق علی شاہ سابقہ پٹواری (حال گرداور) کے بعد آتا تھا۔ اب فدوی اور میاں صدیق علی شاہ ترقی پا کر گرداور ہو چکے ہیں۔ لہذا قوانین کے مطابق سابقہ سنیارٹی برقرار رکھی جائیگی۔

لہذا آپ جناب سے التماس ہے کہ سردسز ٹریبونل کے مذکورہ حکمنامے کے بعد بطور پٹواری سابقہ سنیارٹی سال 2013 کی بنیاد پر فدوی کو گردوار کی سنیارٹی میں میاں صدیق علی شاہ گرداور (حال نائب تحصیلدار (OPS)) کے بعد رکھا جائے۔ جبکہ دیگر تمام گرداوران فدوی کے تحت آئیں گے۔ تاکہ فدوی کو قوانین کے مطابق حقوق حاصل ہو سکیں۔ عین نوازش ہوگی۔

العارض

(سید تاجمل حسین شاہ)

گردوار ایکویزیشن برانچ

ڈی۔ آفس پشاور

Deputy Commissioner  
Peshawar

Diary No. 1987

Date 21/12/22

# بخدمت جناب کمشنر صاحب پشاور ڈویژن پشاور

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عنوان: درخواست بابت عطائیگی سینارٹی بمطابق سرورسز ٹریبونل فیصلہ مورخہ 21-12-2021

جناب عالی!

مؤدبانہ التماس ہے کہ فدوی نے اپنی سابقہ سینارٹی بحالی بحیثیت پٹواری کے لئے خیر پختو نخواسترو سرورسز ٹریبونل سے رجوع کیا تھا۔ اور عدالت مذکورہ نے فدوی کے حق میں مورخہ 21-12-2021 کو فیصلہ جاری فرمادیا (کاپی لف ہے)۔ اس ضمن میں فدوی نے ڈپٹی کمشنر صاحب ضلع پشاور کو مورخہ 21-06-2022 کو درخواست بھی دی تھی (کاپی لف ہے)۔ جس میں فدوی نے عدالت کے فیصلے کی کاپی لف کرتے ہوئے عرض کیا تھا کہ بمطابق حکم عدالت سال 2017 میں جاری کردہ عارضی سینارٹی لسٹ پٹواریاں کو منسوخ کرتے ہوئے سال 2013-12-31 کی سینارٹی لسٹ کو بحال کیا جائے۔ اور فدوی کو اسکے مطابق سینارٹی لسٹ میں رکھا جائے۔ لیکن تاحال اس پر کوئی کارروائی نہیں ہوئی۔

لہذا آپ جناب سے التماس ہے کہ سرورسز ٹریبونل کے مذکورہ حکمنامے پر عملدرآمد کیلئے

ڈپٹی کمشنر صاحب کو احکامات جاری فرمائے جائیں۔ تاکہ فدوی کو سینارٹی لسٹ میں درست مقام پر رکھا جاسکے۔

عین نوازش ہوگی۔

العارض

(سید تجمیل حسین شاہ)

نائب تحصیلدار ملاکنڈ ڈویژن/

سابقہ گردوار ضلع پشاور

Secy:	
AC PID:	
AC R/Ga:	
Suptd:	
Branch:	6862
Diary No.	
Date:	26-7-22

# بعدالت



پندرہمین صفاہ  
2 منجانب  
سید محمد حسین شاہ بنام محکمہ ماں

مورخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

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

آن مقام پشاور لیسٹور کیلئے دھوموسی خان اور سہار اللہ اور سہار اللہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے 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 محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

Accepted

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ماہ

المرقوم

العبید د گ واه العبید

کے لئے منظور ہے۔

مقام

ساکہ اللہ