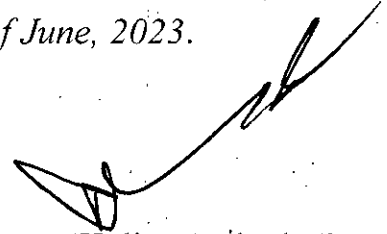


13<sup>th</sup> June, 2023

1. Nobody is present on behalf of appellant.
2. This case was called time and again but no one put appearance on behalf of appellant, therefore, the appeal in hand is dismissed in default.
3. *Pronounced in open Court at Peshawar under my hand and seal of the Tribunal on this 13<sup>th</sup> day of June, 2023.*

STAMPED  
T  
Peshawar



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

17<sup>th</sup> April, 2023 1. Learned counsel for the appellant present.

2. This matter was lastly fixed for 10.10.2022 but that was not brought on the cause list nor placed before the Tribunal on the said date. Alongwith this matter some more than twenty other matters were also kept by the office for which an explanation has already been called for. It was directed on 14.04.2023 on a note placed before me, regarding non-fixation of some more than twenty cases that all these cases be fixed before me on 17.04.2023 with further direction to inform the parties and learned counsel on telephone. Learned counsel for the appellant seeks adjournment. To come up on 03.05.2023 before S.B.


SCANNED  
KFST  
Peshawar

  
(Kalim Arshad Khan)  
Chairman

*\*Adnan Shah, PA\**

03.05.2023

Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 13.06.2023 before S.B. Parcha Peshi given to learned counsel for the appellant.

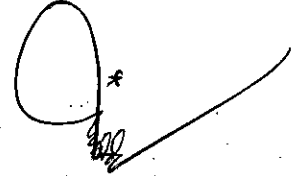
  
(Muhammad Akbar Khan)  
Member (E)

*\*Kamranullah\**

SCANNED  
KFST  
Peshawar

19.07.2022

Learned counsel for the appellant present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for preliminary hearing on 21.09.2022 before S.B.

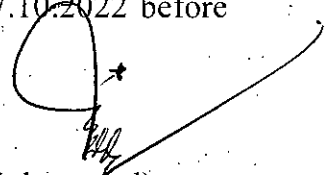


(Mian Muhammad)  
Member (E)

21.09.2022

Clerk of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 07.10.2022 before S.B.

(Handwritten notes in Urdu)



(Mian Muhammad)  
Member (E)

7<sup>th</sup> Oct, 2022

Appellant alongwith his counsel present.

Learned counsel for the appellant seeks adjournment as he has not prepared the case. Adjourned as a last chance. To come up preliminary hearing on 10.10.2022 before S.B.

*counsel info By  
Telephone for Date  
14.4.23 Shafiullah*

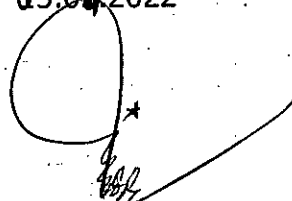


(Kalim Arshad Khan)  
Chairman

01.02.2022


Counsel for the appellant present.

Learned counsel for the appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 15.04.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

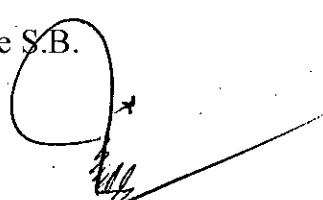
05.04.2022

Appellant present in person. Counsel for the appellant not available. Appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 27.05.2022 before S.B.

  
Chairman

27.05.2022

Clerk to counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 19.07.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

**SCANNED**  
**KPST**  
**Peshawar**

31.08.2021

Clerk of counsel (Syed Noman Ali Bukhari) for the appellant present and submitted fresh wakalatnama.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on 14.10.2021.



(MIAN MUHAMMAD)  
MEMBER (E)

14.10.2021

Appellant in person present.

Former requests for adjournment on the ground that his counsel is not available today. Granted. To come up for further proceedings before the S.B on 29.11.2021.



(MIAN MUHAMMAD)  
MEMBER (E)

29.11.2021

None for the appellant present.

Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 01.02.2022 before S.B.



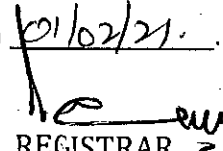


(MIAN MUHAMMAD)  
MEMBER (E)

Form-A

FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 16413/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	<p>24/12/2020</p> <p>01.02.2021</p> <p>18.05.2021</p>	<p>As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection and preliminary hearing. To be put up there on <u>01/02/21</u>.</p> <p style="text-align: right;">                       REGISTRAR                 </p> <p>Nemo for the appellant.</p> <p>Office shall issue notices of appearance to the appellant/counsel for 18.05.2021 before S.B.</p> <p style="text-align: right;">                       Chairman                 </p> <p>Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 31.08.2021 for the same as before.</p> <p style="text-align: right;">                       Reader                 </p>

SCANNED  
 COURT  
 Peshawar

The appeal of Mr. Kamal Khan Ex-Sepoy No. 4883 Malakand Levies received today by i.e. on 04.12.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- In the memo of appeal many places have been left blank which may be filled up.
- ② Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- Copy of judgment of FST mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- ④ Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal may be flagged.
- 6- Annexures of the appeal may be attested.
- 7- Four more copies/sets of the appeal along with the annexures i.e. complete in all respect may also be submitted with the appeal.


No. 3990 /S.T,

Dt. 04/12 /2019

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

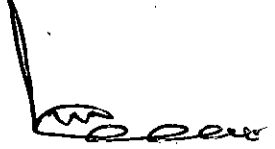
Mr. Farooq Ahmad Seemab Adv. Islamabad.

- (i) Objection NO 1 has been removed.
- ② As regard objection no 2 copy of hand written appeal is not available, the court may call from the department.
- (iii) Objection NO 3 is legal ground can be provided before the court as reference.
- ④ Objection NO 4 are the legal infirmities on behalf of the department.
- (v) NO 5 has been removed.
- (vi) also has been removed.
- (vii) All required copies/sets of appeal have been provided.




Sir

The objections No. 2 and 4 not removed,  
reply to the objections 2 and 4 is sub-  
mitted for order please.

  
21/12/2020

Humble / Chauhan

Be laid before S.B. for deciding  
office objections and preliminary hearing.

  
24/12/20



**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

APPEAL No 16413 /2020

Mr Kamal Khan, Ex-Sepoy No. 4883, Malakand Levies, District Malakand. R/o Village Sandhyanokley Post office Badargah, Tehsil Dargai, District Malakand.

...APPELLANT

***Versus***

1. DCO/Commandant Malakand Levies Malakand.
2. Commissioner Malakand Division, Malakand.

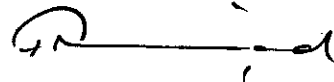
...RESPONDENTS

**APPEAL UNDER SECTION SECTION 4 OF THE SERVICE TRIBUNAL ACT 1973.**

**I N D E X**

<b>S.No</b>	<b>DESCRIPTION</b>	<b>ANNEX</b>	<b>PAGE No.</b>
1.	Memo of appeal with affidavit.	-	1-07
2.	<b>Impugned Order dated 24-01-2009</b>	<b>A</b>	<b>08</b>
3.	Departmental Reminder to decide Appeal dated 03-09-2015	<b>B</b>	09-10
4.	MP for Condonation of Delay		11-13
5.	Wakalatnama		14

For the Appellant



**(FAROOQ AHMED SEEMAB)**

Advocate High Court,  
Al Qaza Wal Qanoon Law Associates  
Office no 5-B, Sama Plaza, Blue Area,  
Islamabad 0333-5173073

**SCANNED**  
**KFST**  
**Peshawar**

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

APPEAL NO. 1643/2020

Mr Kamal Khan, Ex-Sepoy No. 4883, Malakand Levies, District Malakand.  
R/o Village Sandhyanokley Post office Badargah, Tehsil Dargai, District  
Malakand.

...APPELLANT

*Versus*

**Khyber Pakhtunkhwa  
Service Tribunal**

1. DCO/Commandant Malakand Levies Malakand.
2. Commissioner Malakand Division, Malakand.

Diary No. 16108

Dated 04/12/2020

...RESPONDENTS

**APPEAL UNDER SECTION SECTION 4 OF THE SERVICE  
TRIBUNAL ACT 1974.**

Respectfully Sheweth,

**APPEAL:**

AGAINST THE IMPUGNED ORDER OF DISMISSAL  
FROM SERVICE DATED  
24-01-2009 (ANNEX A) WHEREBY THE SERVICE OF  
THE APPELLANT HAS BEEN TERMINATED WITH  
IMMEDIATE EFFECT, AGAINST WHICH THE  
APPELLANT PREFERRED DEPARTMENTAL APPEAL  
WITHIN TIME, WHICH WAS NOT CONSIDERED NOR  
RESPONDED, THE APPELLANT SENT REMINDER TO  
DECIDE APPEAL DATED 03-09-2015, WHICH HAS  
ALSO NOT DECIDED, HENCE THIS APPEAL BEFORE  
THE HONORBLE....

Filed to-day

Registrar

04/12/2020.

## **PRAYER IN APPEAL**

It is humbly prayed before this Honourable Tribunal may accept the instant appeal and set aside the impugned order of Dismissal from service dated 24-01-2009 and may direct the respondents to reinstate the appellant into service with all back benefits in the interest of natural justice.

## **FACTS**

1. That the appellant was appointed along with other officials in the respondent department as Constable (Sepoy) in 2006. He was regularly performing his duties with complete devotion and dedication for the entire satisfaction of his authority.
2. That when this incident was happened the situation of law and order in the area was very critical. The Levies Sepoys could not find any instructions from the authority that how could be situation faced particularly when the Pakistan Army announced emergency in the area. The appellant have been fighting against Taliban with complete courage and brave. During fighting Levy sepoy have nothing of ammunition and such he had been sent to home till the next order.
3. That in such a critical situation appellant had to shift his family in some peaceful area. He was never deserter nor he was willingly absent from his service, the appellant several time tried to contact his authority but due to curfew he was not allowed to come out from village and to join the duty, nor his authority called him for duty at that adverse time.
4. That the appellant has been imposed major penalty of dismissal from service without providing him opportunity of personal hearing. The copy of impugned order of dismissal from service dated 24-01-2009 is **ANNEX A**.
5. That the appellant submitted a hand written application for reinstatement into service and requested that his absence was not willful or intentional but it was due to adverse situation of the area. The copy of the application has not been kept in hand due to not being well versed of legal formalities.

6. That the appellant is very poor official/Sepoy of Levy Force. He has no any source of income except his job in the Levy Force. He was very punctual and disciplined, devoted and dedicated Levy Sepoy. Recently when the appellant has come to know that his several colleagues have been reinstated into their services by the order of the Service Tribunal on the ground that they were dismissed from service without personal hearing and show cause notice as it has been held that the service of a civil servant cannot be terminated without assigning any reason and without issuing the show cause notice. The word "*SHOW CAUSE*" meant to make clear or apparent, as by evidence testimony or reasoning to prove some guilt. Reliance is placed on **2006 SCMR 37 & 2007 CLC 1123**.

7. That the reinstatement of other official into service provided the appellant fresh cause and he sent a reminder by his counsel to the department that his appeal may graciously considered and to be decided but all in vain. The copy of reminder dated 03-09-2015 is **ANNEX B**.

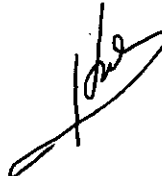
8. That the appellant had approached the Honourable Federal Service Tribunal, Islamabad to seek appropriate remedy but the case had been returned for the want of jurisdiction, hence the instant appeal on the following grounds.

### **GROUND S**

1. That the Impugned order of Dismissal is illegal and void order as it is issued with out the issuance of the show cause notice. The service of the civil servant can not be terminated with out assigning any reason and with out issuing the show cause notice. The word "*SHOW CAUSE*" meant to make clear or apparent, as by evidence testimony or reasoning to prove some guilt. **Reliance is placed on 2006 SCMR 37 & 2007 CLC 1123. And** even he would be on probation period. **2000 SCMR 643.**
2. That the imposition penalty of dismissal from service to the appellant is not clear that under what prescribed law the penalty has been imposed.

3. That the reinstatement of other officials who were terminated by the same order and finally they have been reinstated into service it clearly speaks discrimination and violation to Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973. [**Reliance is placed on 2002 SCMR 71 & 82**].
4. That Dismissal penalty is harsh not commensurate with gravity of offence. The appellant has his future career, Dismissal penalty would make him disqualified for any Government service. It is against the Dictum of the Apex Court of Pakistan.
5. That the Dismissal from service of the civil servant is a major penalty and it is settled law that such major penalty cannot be imposed without regular inquiry. This view has been constantly maintained by this Honourable Tribunal as well as by the Honourable Supreme Court of Pakistan. Reliance is placed on the following judgments:-
  - a. 2001 TD (Service) 147.
  - b. PLJ 2002 SC 525.
  - c. NLR 2003 Service 133 (SC).
  - d. 2003 TD (Service) 413.
  - e. 2003 SCMR 681.
  - f. NLR 2004 Service 22 (SC).
  - g. 2004 SCMR 294.
  - h. 2004 PLC (CS) 328 & 344 (SC).
  - i. 2005 PLC (CS) 256 & 263.
6. That the law by now has been fully settled that no person could be condemned unheard. It is a part of every statute unless expressly or impliedly done away with. [**Reliance is placed on 2002 SCJ 438, 2002 T.D. (Service) 420 (SC), 2003 PLC(CS) 113 & 2001 T.D. (Service) 318**].
7. That the rejection order was not a speaking order as against the Section 24-A of the General Clauses Act, 1897, which stipulates that every order should be speaking one and well reasoned. It has been held in a case reported as **2002 PLC(CS) 1480**, that, "*Any order passed by the executive/competent authority must be speaking one and shall be well reasoned*". Therefore, the order of dismissal being against the Section

24-A of the General Clauses Act 1897 is liable to be set aside.

  
Appellant

Through

  
**(Farooq Ahmad Seemab)**

Advocate High Court,  
Al Qaza Wal Qanoon Law Associates  
Office No. 5-B, Mezzanine Floor, Sama  
Plaza, Blue area, Islamabad. 0333-5173073

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

Mr Kamal Khan, Ex-Sepoy No. 4883, Malakand Levies, District Malakand.  
R/o Village Sandhyanokley Post office Badargah, Tehsil Dargai, District  
Malakand.

...*APPELLANT****V e r s u s***

1. DCO/Commandant Malakand Levies Malakand.
2. Commissioner Malakand Division, Malakand.

...*RESPONDENTS***APPEAL UNDER SECTION SECTION 4 OF THE SERVICE  
TRIBUNAL ACT 1973.****MEMO OF ADDRESSES**

1. Mr Kamal Khan, Ex-Sepoy No. 4883, Malakand Levies, District  
Malakand. R/o Village Sandhyanokley Post office Badargah, Tehsil  
Dargai, District Malakand. DCO/Commandant Malakand Levies  
Malakand.
2. DCO/Commandant Malakand Levies Malakand.
3. Commissioner Malakand Division, Malakand.

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

Mr Kamal Khan, Ex-Sepoy No. 4883, Malakand Levies, District Malakand.  
R/o Village Sandhyanokley Post office Badargah, Tehsil Dargai, District  
Malakand.

...APPELLANT

*V e r s u s*

1. DCO/Commandant Malakand Levies Malakand.
2. Commissioner Malakand Division, Malakand.

...RESPONDENTS

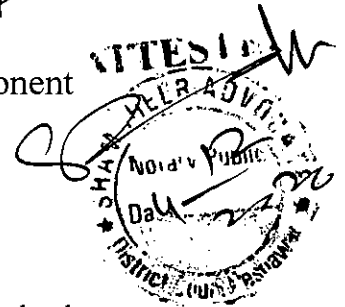
**APPEAL UNDER SECTION SECTION 4 OF THE SERVICE  
TRIBUNAL ACT 1973.**

**A F F I D A V I T**

I, Kamal Khan, Ex-Sepoy No. 4883, Malakand Levies, District Malakand.  
R/o Village Sandhyanokley Post office Badargah, Tehsil Dargai, District  
Malakand, do hereby solemnly affirm and declare that the contents of my  
accompanying appeal are true and correct to the best of my knowledge and  
belief. I further declare that I have not filed any other appeal on the subject  
in \_\_\_\_\_ any \_\_\_\_\_ other \_\_\_\_\_ tribunal  
in Pakistan.

Place: Islamabad

Deponent



The above affidavit is verified and attested today by me at Islamabad.



OFFICE OF THE DCO/COMMANDANT  
MALAKAND LEVIES MALAKAND

No. 2917 /LC  
DATED MALAKAND THE 24/6 /09

OFFICE ORDER.

As reported by Subedar Major Malakand Levies that No. 4883 Sepoy Kamal Khan of Malakand Levies is absent from his duty without any prior permission of the competent authority. He was directed to report for his duty forthwith, but he did not obey the order and remained absent till now.

In view of the above, he is hereby dismissed from service with immediate effect.

*[Signature]*  
DCO/COMMANDANT  
MALAKAND LEVIES MALAKAND

No. 2918-19 /LC  
Copy forwarded to the:-

1. Agency Accounts Officer, Malakand.
  2. Subedar Major, Malakand Levies Malakand.
- For information & necessary action.

*[Signature]*  
DCO/COMMANDANT  
MALAKAND LEVIES MALAKAND

Jang, 2006  
0345-024 8924

Attested by me  
The Counsel.

*[Signature]*

The,  
DCO/Commandant,  
Malakand Levies,  
Malakand.

SUBJECT:-

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER OF DISMISSAL DATED 24-01-2009 AND REQUEST FOR RE-INSTATEMENT OF THE APPELLANT KAMAL KHAN SEPOY NO 4883.

Respected Sir,

With profound gratitude I have the honour to state that I joined the Levy Force in 2006 and served the department with full devotion and dedication. Unfortunately I have been imposed major penalty of Dismissal from Service vide Order dated 26-01-2009 without the issuance of any Show Cause Notice and without providing opportunity of personal hearing. I am approaching your Honour with submission on the following facts and grounds;

That when this incident was happened the situation of law and order in the area was very critical. The Levies Sepoys could not find any instructions from the authority that how could be situation faced particularly when the Pakistan Army announced emergency in the area. I have been fighting against Taliban with complete courage and brave. During fighting we have nothing of ammunition and I had been sent to home till the next order.

That in such a critical situation I had to shift my family in some peaceful area. I was never deserter nor I was not willingly absent from my service, I several time tried to contact my authority but due to curfew I was not allowed to come out from village and to join the duty, nor my authority called me for duty.

*Supdt*  
*120*  
*Pt. Dismissal case and*  
*re-instatement case and*  
*no copy of the*  
*dismissal order*  
*27/15*

and disciplined, devoted and dedicated Levy Sepoy. Recently I have come to know that my several colleagues have been reinstated into their services by the order of the Service Tribunal on the ground that they were dismissed from service without personal hearing and show cause notice and it has been held that the service of a civil servant cannot be terminated without assigning any reason and without issuing the show cause notice. The word "*SHOW CAUSE*" meant to make clear or apparent, as by evidence testimony or reasoning to prove some guilt. **Reliance is placed on 2006 SCMR 37 & 2007 CLC 1123.**

It would be discriminatory treatment if my penalty of Dismissal is not set aside by my department, the reinstatement of other officials who were terminated by the same order and finally they have been reinstated into service it clearly speaks discrimination and violation to Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973. [Reliance is placed on 2002 SCMR 71 & 82].

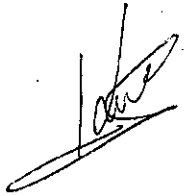
In the light of above captioned humble explanation I therefore request before your Honour that you may accept the instant departmental appeal and set aside the impugned order of dismissal from service dated 24-01-2009 and I may be reinstated into service to meet the ends of justice.

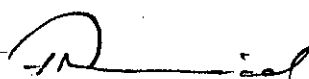
Yours faithfully,

Kamal Khan s/o Sarfraz Khan

Sepoy No 4883. Malakand Levy

R/o Village Sandhyanokley Post  
office Badargah, Tehsil Dargai,  
District Malakand.

9/3/15  
  
Attested by me



the Counsel.

-11-

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

Mr Kamal Khan, Ex-Sepoy No. 4883, Malakand Levies, District Malakand.  
R/o Village Sandhyanokley Post office Badargah, Tehsil Dargai, District  
Malakand.

...APPELLANT

*V e r s u s*

1. DCO/Commandant Malakand Levies Malakand.
2. Commissioner Malakand Division, Malakand.

...RESPONDENTS

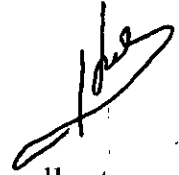
**APPLICATION FOR THE CONDONATION OF DELAY**

Respectfully Sheweth,

1. That the petitioner/appellant has filed the instant petition for the condonation of delay, the contents of which may kindly be read as integral part of the accompanied appeal.
2. That the whole proceedings were devoid of legal sanctity and void ab initio being conducted with out the issuance of the show cause notice. No limitation runs against such order which is void ab initio. **Reliance is placed on 2006 SCMR 37 and 2002 TD Service 150.**
3. That the petitioner/appellant's service was terminated and the order of termination was not delivered and communicated to the appellant. Limitation runs from the date of communication of order. **1989 PLC CS 262.**
4. That the Apex Court of Pakistan directed to Honorable Tribunal to take into consideration all the relevant facts for deciding the application for condonation of delay sympathetically. **2002 SCMR 142.**
5. That the case of the petitioner/appellant has strong merit as he has been awarded a major penalty without conducting a regular inquiry against the settled principle of law. Decision of cases on merit always to be encouraged instead of non-suiting the litigants for technical reasons including limitations. **[Reliance is placed on PLD 2003 SC 724 & 2003 PLC(CS) 796].**
6. That the impugned order penalty was illegal and void ab initio being issued with out issuance of the show cause notice, in the violation of the principle of natural justice. No limitation runs against such void order. **[Reliance is placed on 2002 TD (Service) 150].**

- 12
7. That the appellant belongs to very poor family and far countryside area. So the delay in filing appeal not intentional but to the poorness of the appellant. On the other hand the question of merit to decide the case would be preferred over the question of limitation.

It is, therefore, prayed that the delay of nine days, in filing the departmental appeal may kindly be condoned in the interest of justice.

  
Petitioner/appellant

Through

  
**(Farooq Ahmad Seemab)**  
Advocate High Court

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

Mr Kamal Khan, Ex-Sepoy No. 4883, Malakand Levies, District Malakand.  
R/o Village Sandhyanokley Post office Badargah, Tehsil Dargai, District  
Malakand.

...APPELLANT

*Versus*

1. DCO/Commandant Malakand Levies Malakand.
2. Commissioner Malakand Division, Malakand.

...RESPONDENTS


**APPLICATION FOR THE CONDONATION OF DELAY**

.....

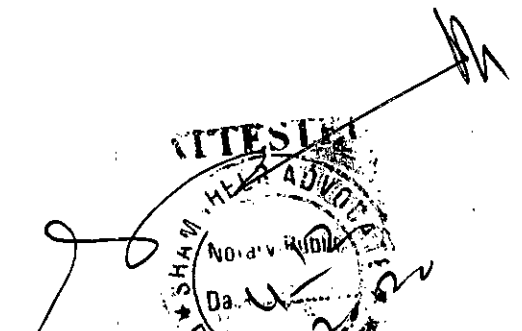
**AFFIDAVIT**

I, Kamal Khan, Ex-Sepoy No. 4883, Malakand Levies, District Malakand.  
R/o Village Sandhyanokley Post office Badargah, Tehsil Dargai, District  
Malakand, do hereby solemnly affirm and declare that the contents of my  
miscellaneous petition for the condonation of delay are true and correct to  
the best of my knowledge and belief.

Place: Islamabad

  
Deponent

The above affidavit is verified and attested today by me at Islamabad.

  
**ATTESTED**  
SHAM HELL ADVOCATE  
No. 1111  
Da. 11/11/2020  
District Malakand

# وکالت نامہ

کورٹ فیس  
تہیتی

ہیبر مجتو خواہ سروس ٹریڈنگ، بساؤر

بعد الت جناب

منجانب ابسانہ

ڈی سی او مالکنڈ

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بنام

دعوئے یا جرم سروس ٹریڈنگ

باعث تحریر آئیکہ

بساؤر

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام فاروق احمد سیماب ایڈووکیٹ بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روز و عدالت حاضر ہوتا ہوں گا اور وقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ 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 کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا روز تعطیل پیروی کرے مجاز نہ ہوں گے اگر مقدمہ پکھری کے کسی اور جگہ سماعت ہونے پر یا روز پکھری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا وسیع وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد خاشی و راضی نامہ فیصلہ بر خلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخ ڈگری یک طرفہ درخواست حکم امتناعی یا ڈگری یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایئر سز کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے اوانہ کروں گا تو صاحب کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 20/20

Accepted

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