


25.05.2017

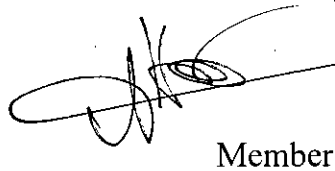
Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on 21.11.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly

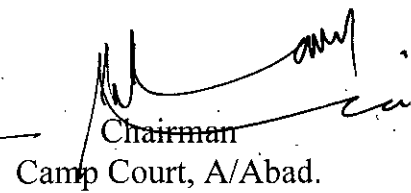

Registrar

21.11.2017

Appellant alongwith counsel and Mr. Kabeerullah Khattak, Addl. AG alongwith Syed Wasiq Shah, SDO C&W Circle Balakot for the respondents present. The learned counsel for the appellant stated at the bar that this appeal may be dismissed as withdrawn.

The appeal is dismissed as withdrawn. File be consigned to the record room.


Member


Chairman
Camp Court, A/Abad.

ANNOUNCED

21.11.2017



16.03.2016

None present for appellant. Mr. Muhammad Zahid, SDO alongwith Mr. Muhammad Siddique, Sr. GP for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 22.6.2016 before S.B at Camp Court A/Abad.


Chairman.

Camp Court A/Abad

22.06.2016

Agent of counsel for the appellant and Mr. Muhammad Zahid, ADO (Litigation) alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 20.12.2016 at camp court, Abbottabad.


Chairman

Camp court, A/Abad,

20.12.2016

Appellant in person and Hafiz Umair, SDO alongwith Mr. Muhammad Siddique, Sr.GP for the ~~respondents~~ official respondents present. Due to non-submission of rejoinder and incomplete bench arguments could not be heard. To come up for rejoinder and final hearing on 16.05.2017 before D.B at camp court, Abbottabad.


Chairman

Camp court, A/Abad

Appellant Deposited
Security & Process Fee

9

14.9.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Cooly/civil servant vide appointment order dated 13.3.1988 and was entitled to promotion as Gang Mate but ignored vide impugned order dated 25.8.2011 regarding which he preferred departmental appeal on 22.9.2011 where-after he instituted civil suit on 25.9.2011 which was rejected vide order dated 17.1.2012 for want of jurisdiction and then the appellant has preferred the instant service appeal on 19.2.2013.

That the appellant was entitled to promotion but ignored despite entitlement and that limitation would not run against the appellant due to recurring cause of action.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 14.12.2015 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

10


14.12.2015

Appellant in person and Mr. Muhammad Zahid, SDO alongwith Mr. Muhammad Siddique, Sr.G.P forl respondents No.1 to 3 present. Requested for adjournment. None present for private respondent No.4 despite service. Proceeded ex-parte. To come up for written reply comments on 16.3.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

6 19.5.2015

None present for appellant. Notice to appellant and his counsel be issued for preliminary hearing for 18.6.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad


7 18.6.2015

Appellant in person present. Counsel for the appellant is not in attendance. Adjourned for preliminary hearing before S.B to 19.8.2015 at Camp Court A/Abad.


Chairman
Camp Court Abbottabad

8 19.08.2015

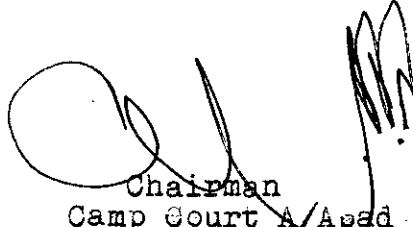
Appellant in person present. Counsel for the appellant is not in attendance. Requested for adjournment. Last opportunity granted. To come up for preliminary hearing on 14.09.2015 before S.B at camp court A/Abad.


Chairman
Camp Court Abbottabad

4.

20.01.2014

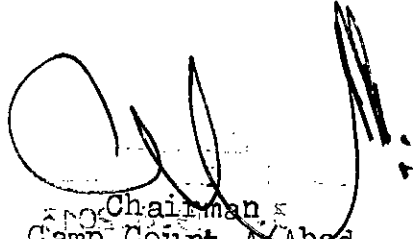
Neither appellant nor his counsel present. Another chance is given for preliminary hearing at camp court A/Abad on 16.6.2014.


Chairman
Camp Court A/Abad

5

16.6.2014

Neither appellant nor counsel for the appellant present. A last chance is given, and notices be issued to the appellant and his counsel for preliminary hearing, positively, at camp court A/Abad on 15.12.14.


Chairman
Camp Court A/Abad

ent to H... no presence of one of the

... for preliminary hearing

... on 15.12.14

15.12.2014




No one is present on behalf of the appellant. The Tribunal is incomplete. To come up for preliminary hearing at c/c A/Abad on 19.5.2015.

Camp Court A/Abad


Reader

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 457/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/02/2013	<p>The appeal of Mr. Badar Zaman presented today by Mr. Zulfiqar Sultan Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	7.3.13	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>19.8.13</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	19.8.2013	<p>No one is present on behalf of the appellant. To come up for preliminary hearing at camp court A/Abad on 20.01.2014.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>

**BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR**

Appeal no. 457/2013

Badri ZamanAppellant

VERSUS

XEN C&W Masnerha etc.....Respondents

SERVICE APPEAL

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Dated: 19-2-2013

Badri Zaman

Badri Zaman

.....Appellant

THROUGH

Zulfiqar Sultan Khan

ZULFIQAR SULTAN KHAN
ADVOCATE HIGH COURT
(MANSEHRA)

①

**BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR**

Appeal no. 457/2013

Badri Zaman S/O Muhammad Ismail Cooly Gang No.4 Garhi
Boi Road, XEN(2) C&W Circle Mansehra Division resident
of Chari Kaghan, Tehsil Balakot, presently Shohal Najaf
Khan Tehsil Balakot, District Mansehra.....Appellant

C.W.F. Peshawar
477
19-2-13

VERSUS

- (1) XEN C&W Mansehra.
- (2) Superintending Engineer, C&W Circle Battagram.
- (3) S.D.O. C&W Rod-II Mansehra.
- ④ Muhammad Anwar S/O Ghulam Rabbani, Cooly
Gang No.2, Garhi Habibullah to Boi Road C&W
Circle Mansehra, resident of Mohandri, Tehsil
Balakot, District Mansehra.....Respondents

*Respondent No-4
Ex-parte vide order
sheet No. 10 dt: 14/12/11.*

19/2/13

**APPEAL AGAINST THE ORDER OF
RESPONDENT NO.2 DATED:25.08.2011 BY
WHICH THE RESPONDENT NO.2 PROMOTED
THE RESPONDENT NO.4 AS GANG MATE BPS (2)
ON THE RECOMMENDATION OF RESPONDENT
NO.1.**

PRAYER

On acceptance of instant appeal the impugned order of respondent No.2 for promotion of respondent No.4 may graciously be set aside and the appellant may kindly be promoted at the place of respondent No.4.

Respected Sir,

Brief facts of the instant appeal are as under:-

1. That, appellant has joined the C&W Department as a Cooly on 15.03.1988. **(Copy of appointment letter is annexed as Annexure "A")**.
2. That, to the misfortune of the appellant respondent No.1 recommended the respondent No.2 for the promotion of respondent No.4 as a Gang Mate BPS (02), who passed an order for the promotion of respondent No.4. **(Copy of promotion order is annexed as Annexure "B")**.
3. That, for the purpose of promotion in the light of available record would show that appellant had joined service earlier than respondent No.4. The respondent No.4 was appointed as Gang Cooly in the year 1996, because of this the respondent No.4 is not entitled for the promotion unless the appellant is to be promoted.
4. That, there existed no justification to supersede the appellant and no reasons were given by respondent No.2, in this respect the recommendation made by respondent No.1 and consequently order passed therein is against the principle of natural justice.
5. That, the appellant being aggrieved by the order of respondent No.2 submitted applications before respondent No.1 and 3 on dated: 20.08.2011 & 22.09.2011 respectively. **(The copies of applications are annexed as Annexure "C&D" respectively).**

6. That, the appellant approached before the Civil Courts Mansehra and instituted a suit before the Senior Civil Judge Mansehra, who entrusted the same to Civil Judge Mansehra for disposal. The Civil Judge Mansehra dismissed the suit on the ground jurisdiction vide order dated: 17.01.2012. (Copies of plaint and order are annexed as Annexure "E&F" respectively).

GROUNDS

- A. That, the order of promotion passed by respondent No.2 is against the facts and law and is not maintainable in the eye of law.
- B. That, the respondent No.1 has all together ignored the settled principle of law and introduce/ applied the law which is absolutely not applicable upon the rights of appellant.
- C. That, the purpose of promotion the seniority is most crucial point and appellant had joined service much earlier than respondent No.4 and for the reason best known the appellant has been ignored for promotion.
- D. That, the appellant is entitled to be very variable right which has been taken away in a very arbitrary, fanciful and discriminatory manner and thus deprived of his valuable right while respondents No.1&2.

(4)

It is therefore, most humbly prayed that on acceptance of instant appeal the impugned order of respondent No.2 for promotion of respondent No.4 may graciously be set aside and the appellant may kindly be promoted at the place of respondent No.4.

Dated: 19-2-2013

بدر زمان
Badri Zaman
.....Appellant

THROUGH



ZULFIQAR SULTAN KHAN
ADVOCATE HIGH COURT
(MANSEHRA)

VERIFICATION

It is certified that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable Court.

Dated: 19-2-2013

بدر زمان
Badri Zaman
.....Deponent

5

**BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR**

Badri ZamanAppellant

VERSUS

XEN C&W Masnerha etc.....Respondents

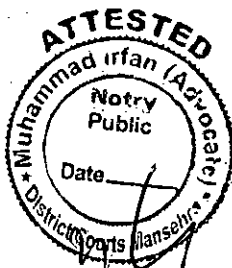
SERVICE APPEAL

AFFIDAVIT

I, Badri Zaman S/O Muhammad Ismail, resident of Chari Kaghan, Tehsil Balakot, presently Shohal Najaf Khan Tehsil Balakot, District Mansehra, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable Court.

Dated: 19-2-2013

Badri Zaman
Badri Zaman
.....Deponent



6

**BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR**

Badri ZamanAppellant

VERSUS

XEN C&W Masnerha etc.....Respondents

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES


APPELLANT

Badri Zaman S/O Muhammad Ismail Cooly Gang No.4 Garhi Boi Road, XEN(2) C&W Circle Mansehra Division resident of Chari Kaghan, Tehsil Balakot, presently Shohal Najaf Khan Tehsil Balakot, District Mansehra.

RESPONDENTS

- (1) XEN C&W Masnerha.
- (2) Superintending Engineer, C&W Circle Battagram.
- (3) S.D.O. C&W Rod-II Mansehra.
- (4) Muhammad Anwar S/O Ghulam Rabbani, Cooly Gang No.2, Garhi Habibullah to Boi Road C&W Circle Mansehra, resident of Mohandri, Tehsil Balakot, District Mansehra.

Dated: 19-2-2013


Badri Zaman
.....Appellant

THROUGH


ZULFIQAR SULTAN KHAN
ADVOCATE HIGH COURT
(MANSEHRA)

Annexure "A"

7

No. 4993

B-FE

Dated Maunera the 13/3/1988.

To,

Mr. Jader Jadhav
3/0 ...
Village Trust ...
Palakot.

Subject:-

Appointment as Cooly against the post of
Mohammad Amin Cooly.

Reference:-

Your application dated 1/3/1988.

You are hereby appointed as Cooly against the vacant
post @ Rs.600/- in the p/s no.1 Viz Rs.600-13-860 plus usual allow-
ances as sanctioned by the Government by time to time.

If you accept the post on the following conditions
you should report for duty to the Sub Divisional officer, C&W Sub
Division, Palakot for performance of duty within 15 days failing
which the offer shall be considered as cancelled.

Your appointment is purely temporary and your service
can be terminated at two weeks notice at any time without any reason
being assigned irrespective of the fact that you may be holding
a post other than the one to which you were originally recruited
or on payment of the two weeks pay in lieu of the notice. Your
services are also placed for probation period of six months which
can be further extended upto one year.

In case you wish to resign at any time two weeks
notice shall be necessary otherwise two weeks pay shall be fore-
feited.

You shall be Governed by such rules and orders relat-
ing to leave, T.A. Medical attendance, pay pension etc, as may be
issued by Govt: from time to time for category of Govt: Servants
to which you belong.

You will have to ...

You will have to produce a medical certificate of
fitness from Medical Superintendent, D.M.C Hospital Maunera.

J. Jadhav
Executive Engineer
C&W Division Maunera.

Copy to:-

1. Sub Divisional officer, C&W Sub Division Palakot for information
with reference to ... dated 1/3/88.
2. District ...
3. Divisional ...
4. Office ...

EXECUTIVE ENGINEER
C&W DIVISION MAUNERA

Better copy of Annexure "A" (7)

No.4993/8-E

Dated Mansehra the 13.03.1988

To,

Mr. Beder Zaman
S/O Mohd. Ismail
Village Tranna Tehsil
Balakot.

Subject: APPOINTMENT AS COOLY AGAINST THE POST OF MOHAMMAD AMIN COOLY.

Reference: Your application dated 01.03.1988

You are hereby appointed as Cooly against the vacant post @ Rs.600/- PM in the BPS No.1 Viz Rs.600-13-860 plus usual allowances as sanctioned by the Government by time to time.

If you accepted the post on the following conditions you should report for duty to the Sub Divisional Officer, C&W Sub Division, Balakot for performance of duty within 15 days failing which the offer shall be considered as cancelled.

Your appointment is purely temporary and your service can be terminated at two weeks notice at any time without any reason being assigned irrespective of the fact that you may be holding a post other than the offer to which you were recruited or on payment of the two weeks pay in lieu of the notices. Your services are also placed for probation period of six months which can be further extended upto one year.

In case your wish to resign at any time two weeks notice shall be necessary otherwise two weeks pay shall be forfeited.

You shall be governed by such rules and orders relating to leave, T.A Medical attendance pay pension etc, as may be issued by Govt. from time to time for category of Govt. Servants to which your belong.

You will have to join duty on your own expenses.

You will have to produce a medical certificate of fitness from medical Superintendent D.H.Q Hospital Mansehra.

EXECUTIVE ENGINEER,
C&W Division Mansehra.

Copy to: -

1. Sub Divisional Officer, C&W Division Balakot for information with reference to his No.2744/3-E dated 07.03.1988.
2. District Education Officer Mansehra for information.
3. Divisional Unit local.
4. Office concerned.

EXECUTIVE ENGINEER,
C&W Division Mansehra.

Annexure "B" (8)

OFFICE OF THE SUPERINTENDING ENGINEER C&W CIRCLE BATTAGRAM.

OFFICE ORDER NO. 372 /2-E, DATED BATTAGRAM THE 25 /8/2011

As recommended by the Executive Engineer, C&W Division Mansehra, Mr. Muhammad Anwar Gang Cooly BPS (1) viz Rs.4800-150-9300 attached with the Sub Divisional officer (Road-II) C&W Sub Division Mansehra is hereby promoted as " Gang Mate" BPS (2) viz Rs.4900-170-1000 being Senior in his Gang.

Superintending Engineer,
C&W Circle Battagram.

Copy to the:-

1. Executive Engineer, C&W Division Mansehra for information with reference to his No.970 dated 16.8.2011.
2. Divisional Accounts Officer(Local).
3. Office order File.

M. Anwar
Superintending Engineer,
C&W Circle Battagram.

...

خدمت جناب XEN صاحب ۷۷۷ ڈیڑھ ماہیہ۔

درخواست پر دنا منڈی کے میٹ

جناب عالی۔ درخواست ذیل عرفیہ -

1۔ یہ کہ منڈی کے کٹ گئے ۷ گزھی بوٹے روٹ
کا ممبر ہیں۔

2۔ یہ کہ پکار گئے ۷ کا میٹ میں نذر حاکم شاہ
حال میں اپنی سرورس پورے کٹر کے حکم سے یہ کٹر لے گیا
ہے۔

3۔ یہ کہ منڈی کے کٹ گئے ۷ میں
سب سے ستر آہی ہیں۔

4۔ یہ کہ منڈی کے کٹ گئے میں میں کٹ گئے کا من مسائل کا حق
ہے۔

لینا اس کے لئے کہ من مسائل کو کٹ گئے ۷
گزھی بوٹے روٹ کا میٹ میں فرمایا جائے
کہ دھکا مانے جا کر فرمائے ہیں۔

لکھنؤ: ۲۰/۸/۲۰۱۱

9 - 6091970 - 13501 - CMIE

بدر زمان ویسٹی اسماعیل۔ سائنس جی جی خان تحصیل ہارنڈ۔
حال قیوم شہر ال نجف خان۔ تحصیل ہارنڈ۔

بدر زمان

خدمت جناب ایس ڈی او صاحب روڈ ڈرامہ کالج

جناب عالی -

موجودہ گزارش خدمت مقدمہ سائل ایک زیر تامل

ننگ علی نام لکڑی ہے۔ یہ نہ پھر کی ننگ کا سٹریٹ

یوٹیو ہے۔ جبکہ اس ننگ میں سب سے سٹیٹ ٹریڈنگ آرڈر

میں سائل کو معلوم ہوا ہے۔ کہ میں محمد انور علی جوہر

ننگ میں آکر رہتا ہے۔ جوہر سب سے سٹیٹ ٹریڈنگ

ہے اور جس ننگ (ننگ) میں سائل ہوا تھا۔ اس آرڈر

پر دیا ہے جوہر آپ نے دستوں (Recommend) لکھے

جوہر سائل کے ساتھ زیادتی اور سائل اس ننگ

میراث فرما کر اور محمد فرمایا۔ المرقوم 22/11/99

عزت نواز میں ہوگا۔

اللہ اعلم
بدرخان علی ننگ
(1) کا پتہ ہے - SE. 5 = (2) EN x مالکین ڈھول

ان کے لیے اس کے ساتھ ساتھ ایک اور نسخہ بھی جمع کیا گیا ہے۔
لہذا اس کے ساتھ ساتھ ایک اور نسخہ بھی جمع کیا گیا ہے۔
Annexure E

بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔

بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔

Senior Civil Judge
Manshera
29-09

رابطہ
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔

بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔
بدری زمانہ دید نظر حاصل کیے جا رہی ہیں۔

ATTESTED
2007

2007

- ① یہ کہہ کر فوراً 3/15/1988 کو حکم میں کشتی قتل (cooling) پھرتی ہوا۔ اور ای ڈیوٹی
افن طرہ سے بحال کسرا نام کا ہے۔ اس طرح ہر سال زیل بھی کھڑے ہیں
کشتی قتل سال 1996 میں کشتیاں ہوا۔ نئی کشتیاں اور دلوں کے ساتھ ساتھ کشتیوں کے
② یہ کہہ کر کشتیوں کے زیل میں ڈیوٹی کسرا نام کا ہے۔ اور ان میں بھی کشتیوں
نہایت سے ہر نور عالم شاہ بیڈ (بیڈ) اسٹیشن ہوا۔ جبکہ اس کے خالی بھی۔ اس طرح
کشتیوں میں کشتیوں کے ہے۔ جبکہ ہر سال زیل کشتیوں کے ساتھ ساتھ
③ یہ کہہ کر ہر سال زیل کے اپنے آفس اور ڈیوٹی 372/2 کسرا نام کا ہے۔ اس میں
ہر سال کے ہر سال زیل کے خالی آسانی کشتیوں کے ساتھ ساتھ کسرا نام کا ہے۔ اور آفس اور
مذہب شہن الزخراں دلوں۔ عذرا۔ ہر روز نماز اور ہر روز راتم۔ ہر روز اخبار
دیوار ملی کشتی۔ سازش کا نتیجہ ہے۔ کسرا نام کی سنیار کی کشتیوں کے ساتھ ساتھ
کا کسرا نام ہے۔ اور ہر سال زیل کے ساتھ ساتھ کسرا نام کا ہے۔ اور آفس اور ڈیوٹی
کا کسرا نام ہے۔ جس کا کسرا نام کا کسرا نام ہے۔ اور کسرا نام کا کسرا نام ہے
اس کے ساتھ ساتھ الزخراں دلوں کے ساتھ ساتھ کسرا نام کا ہے۔ اور آفس اور ڈیوٹی
④ یہ کہہ کر ہر سال زیل کے اپنے آفس اور مذہب شہن الزخراں دلوں کے ساتھ ساتھ
دراں ہر سال کے ساتھ ساتھ کسرا نام کا ہے۔ اور ہر سال کے ساتھ ساتھ کسرا نام کا ہے
رہنے۔ ہر سال کے ساتھ ساتھ کسرا نام کا ہے۔ کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا
کامل تہ مشفق سے کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا
میں کامیاب رہے۔ کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا
دلوں کے ساتھ ساتھ کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا
⑤ یہ ہر سال کے ساتھ ساتھ کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا
کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا
⑥ یہ کہہ کر دلوں کے ساتھ ساتھ کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا کسرا نام کا

مدت نیا پیدا شد. - اور عدالت نیا از قلمرو کی افتادگی حاصل ہے۔
- یہ سہ ماہی نیشن کر رہا نہیں دیکھیں اب یہ سہ ماہی عنوان دیکھیں
مقتل درج ہے

8- اس پر عمل ہے کہ وہ سہ ماہی عدالت کی عنوان دیکھیں
دارو کی ماہرگی بہانہ عدالت شہادت مرقی ہے بہ عدالت نیا مرقی مرقی عدالت
فرمانی ماہر

ادام 28/9/11

بدر کی زبان و بہ لہر اسماعیل کہ قلم شہادت کی صفحہ میں باہر
حال قلم شہادت کی صفحہ میں باہر
(قلم میں نیا مرقی) مرقی مرقی مرقی مرقی

بدر کی زبان و بہ لہر اسماعیل (مرکی)
ادام 28/9/11

نہرتی

ماہر شہادت کی زبان و بہ لہر اسماعیل

تساہل مرقی مرقی مرقی مرقی

ادام 28/9/11

نہرتی. فراموش نہ کریں نیا مرقی
میں صفحہ درج ہے

بدر کی زبان و بہ لہر اسماعیل

بدر کی زبان و بہ لہر اسماعیل

بدر کی زبان و بہ لہر اسماعیل

بدر کی زبان و بہ لہر اسماعیل

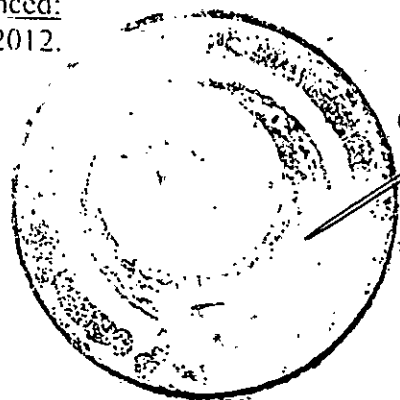
19

Annexure "F"

Order: 09.
17-01-2012.

Clerk of plaintiff counsel, Government, pleader to represent defendants No: 1 to 4 and counsel for defendant No:5 made appearance. Plaintiff counsel was unavailable. No explanation came for his absence. The counsel present was heard on a petition moved under Order 7 Rule 11 CPC. Factually, plaintiff has impugned office order No: 372/2E dated 25-08-2011. The order read that upon recommendation of Executive Engineer C & W Division Manshra, Mr. Muhammad Anwar was promoted, being the senior most. Plaintiff conceives himself to be the senior most and as such has challenged the order. Petition of rejection has been filed on the ground that matter related to service domain, as such this Court as Civil Court lacked the jurisdiction to try the suit. I do agree that claim raised before the court, when both the plaintiff and defendant No:4 are civil servants, will be within the jurisdiction of Service Tribunal. And the bar of jurisdiction in respect of such matters is mandated by nothing less than the fundamental law of the country itself. Plaint returned for presentation before proper forum. No cost. File be record room-after completion and compilation.

Announced:
17-01-2012.



(Ahmed Iftikhar)
Civil Judge-IV, Manshra.

TESTED
9.2.13

1043
07.2.2013
K. M.
J. H.
S. H.
9.2.13

09-02-13

وکالت نامہ

15

بعدالت جناب سرورس کونونیل صدر کونونوالہ بشپادور

منجانب پبلانٹ

پہر زمان نام XEN سے اینڈر ٹیلو مانڈر وکونو

دعویٰ یلحم سوس اپیل

باعث تحریر آنکھ!

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے پیروی و جواب دی بمقام بشپادور علیہ

ذوالفقار سلطان خان ایڈووکیٹ ہائی کورٹ مانسہرہ

کو بدیں شرف وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رُوید و عدالت حاضر ہوتا ہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا 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 کچہری کے علاوہ کسی اور جگہ سماعت ہو یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے 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 کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و دستبرداری و اقبال و دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل ازین ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا 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 ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پرداختہ موصوف مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سندر ہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ 19 فبروری 2003

ذوالفقار سلطان خان ایڈووکیٹ ہائی کورٹ مانسہرہ

Accepted & accepted



Zulfiqar Sultan Khan
Advocate High Court Mansehra

پہر زمان

مانسہرہ فونوٹاٹلٹ اینڈ کمپیوٹر کمپوزنگ پوانٹ ڈسٹریکٹ کورٹ مانسہرہ

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.**

BADAR ZAMAN

APPELLANT

VS:

XEN C&W DIVISION MANSEHRA

RESPONDENTS

Para wise comments on behalf of respondent 1, to 3

Respectfully she with.

Respondents submit as under.

Preliminary objections.

1. That the appellant has no cause of action to file the present appeal.
2. That appellant has estopped to sue to their own conduct.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appeal is time barred hence liable to be dismissed.
5. That the appellant has suppressed the original facts from this Honorable Tribunal hence not entitled for any relief and appeal is liable to be dismissed on this score alone.
6. That the competent authority passed the order dated. 25-08-2011 as per law and rule hence the appeal is not maintainable in the eye of law and liable to be dismissed.

ON FACTS

1. Para No.1 relate to record of appellant.
2. Para No.2 is incorrect hence denied infect the order of promotion of respondent No.4 is on the basis of his better managerial capabilities. As gang mate being

supervision for the road colliers working in a gang and manage their activities according to the road maintenance requirements.

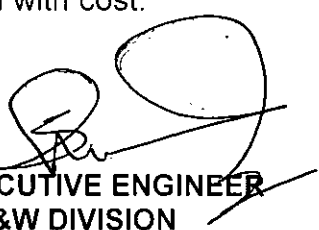
3. Para No.3 is incorrect, hence denied in fact as per record, the appellant is not the senior most coolly in the jurisdiction of Sub Divisional Officer (Road-II) C&W Department Mansehra further stated that the defended No.4 promoted by the authority as per his better performance.
4. Para No.4 incorrect hence denied, the competent authority passed the order dated 25-08-2011 as per law further stated that currently the appellant as well as respondent No.4 is working in same grade i.e. BPS-04.
5. Para No.5 is subject to proof.
6. Para No.6 is correct.


GROUND

- a. Incorrect hence denied order passed by the competent authority is according to law.
- b. Incorrect, hence denied, all the proceeding has been done by the authority as per law and rule.
- c. Incorrect, hence denied, complete reply has been given in Para 2 on facts.
- d. Incorrect, hence denied complete reply has been given in proceeding pages.

Under the circumstances it is humbly prayed that the appeal may kindly be dismissed with cost.



SUB DIVISIONAL OFFICER
(R-II)C&W SUB DIVISION
MANSEHRA


EXECUTIVE ENGINEER
C&W DIVISION
MANSEHRA


SUPERINTENDING ENGINEER
C&W CIRCLE BATTAGRAM
AT MANSEHRA

AFFIDAVID.

It is certified that all the contents of comments written statements are true and correct to the best of our knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


Deponent