

08.03.2016

Mr Noor Karim alongwith agent of counsel for the appellant and Mr. Amir Qadir, G.P for respondents present. Application for withdrawal of the instant appeal submitted as grievances of the appellant have been redressed.

Dismissed as withdrawn. File be consigned to the record room.


ANNOUNCED  
08.03.2016

~~Chairman  
Camp Court Swat~~

08-03-16


8.12.2015


Counsel for the appellant and Mr. Bashir Ahmad, Headmaster alongwith Mr.Amir Qadir, G.P for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 2.2.2016 at Camp Court Swat. The restraint order shall continue.

  
Chairman  
Camp Court Swat

02.02.2016

Counsel for the appellant and Mr. Bashir Ahmad, Head Master alongwith Mr.Muhammad Zubair, Sr.G.P for respondents present. Learned counsel for the appellant requested for adjournment. To come up for rejoinder and final hearing before D.B on 8.3. 2015 at Camp Court Swat. The restraint order shall continue.

  
Member

  
Chairman  
Camp Court Swat

Appellant Deposited  
Security & Process Fee

7.9.2015

Counsel for the appellant present. At the very outset learned counsel for the appellant requested for correcting the title of the appeal by deleting the word "not" which is a clerical mistake. Learned counsel for the appellant was allowed to correct the same which was accordingly corrected.

Learned counsel for the appellant argued that the appellant was serving as SST at GGHS Agra when transferred vide impugned order dated 30.4.2015 to GGHS Inzargai against which appellant preferred departmental appeal on 4.5.2015 which was not responded and hence the instant service appeal on 17.8.2015.

That the impugned transfer order is premature and that at the time of the said order ban was imposed by the Election Commission which directions were violated by the respondents.

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 5.10.2015 before S.B at Camp Court Swat.

Learned counsel for the appellant further argued that the appellant has not yet relieved the charge at GGHS Agra. Notice of stay application be also issued for the date fixed. Status-quo be maintained.

  
Chairman  
Camp Court Swat

5.10.2015

Counsel for the appellant and Mr. Bashir Ahmed, Headmaster alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Requested for adjournment. To come up for written reply/comments on 8.12.2015 before S.B at Camp Court Swat. The restraint order shall continue.

  
Chairman  
Camp Court Swat

Form- A

FORM OF ORDER SHEET

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

Case No. 923/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17.08.2015	<p>The appeal of Mst. Bakht Zia presented today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	24-8-15	<p>This case is entrusted to Touring Bench <u>Swat</u> for preliminary hearing to be put up thereon <u>7-09-15</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.

S.A No 923 of 2015

Mst. Bakht Zia ..... Appellant

VERSUS

Education Department & others..... Respondents

APPLICATION FOR WITHDRAWAL OF  
THE INSTANT APPEAL.

Respectfully Sheweth:-

1. That the above titled petition is pending of adjudication before this Honorable Court and fixed for today.
2. That the respondents have redressed the grievance of the appellant and therefore, the appellant wants to withdraw the instant service petition.

It is therefore humbly prayed that this application may please be allowed.



Appellant through

Noor Karim

8/3/2016

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKAND AT BATKHELA.**

**OFFICE ORDER:-**

The following CT teachers BPS-No: 15 are hereby transferred to the school noted against each their name in the interest of public service with immediate effect.

S.No:	Name of Teacher/Designation	From	To	Remarks
1.	Mst:Bakht Zia CT	GGHS Inzargai	GGHS Agra	Against vacant post of CT B-15
2.	Mst:Sajida Bibi CT	GGHS Inzargai	GGHS Agra	Against vacant post of CT B-15

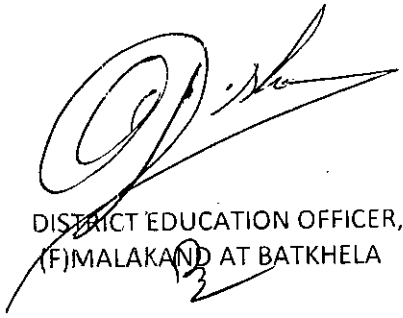
- NOTE:**
1. Charge reports should be submitted to all concerned.
  2. No TA/DA is allowed.

**(DILSHAD BEGUM)**  
DISTRICT EDUCATION OFFICER,  
(F)MALAKAND AT BATKHELA.

Endst:No. 1131-36 /Transfer CT(F)Mkd: dated 27/2/2016.

Copy of the above is forwarded to the:-

1. Director E&SE Khyber Pakhtun Khwa Peshawar.
2. District Accounts Officer Malakand.
3. Head Mistress GGHS Agra.
4. Head Mistress GGHS Inzargai.
- 5-6 Teachers concerned.

  
DISTRICT EDUCATION OFFICER,  
(F)MALAKAND AT BATKHELA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR**

Service Appeal No. 923 of 2015

Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.

...Appellant

**VERSUS**

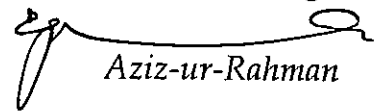
Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

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Appellant Through

  
Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,

Mingora Swat, Cell 0300 907 0671

①

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: 923 of 2015

Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.

N.W.F. Province  
Service Tribunal  
Diary No. 967  
Dated 17-8-2015

...Appellant

VERSUS

1. Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
2. Director Secondary and Elementary Education Government of Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Malakand at Batkhila, Malakand Agency.

...Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF THE RESPONDENT NO. 3 WHEREBY THE APPELLANT WAS TRANSFERRED VIDE ORDER ENDST: NO. 1359-63 DATED 30-04-2015 AGAINST THE LAW, RULES AND POLICY HENCE ~~NOT~~ Inded LIABLE TO BE SET ASIDE, AGAINST WHICH THE APPELLANT PREFERRED A DEPARTMENTAL APPEAL WHICH IS STILL NOT RESPONDED TO INSPITE THE LAPSE OF MANDATORY PERIOD OF TIME.

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Filed as per  
17/8/15.



PRAYER:

2

THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER IMPUGNED MAY VERY KINDLY SET ASIDE AND THE APPELLANT TRANSFERRED BACK TO HER ORIGINAL PLACE OF POSTING I.E. GOVERNMENT GIRLS. HIGH SCHOOL AGRA, BY CANCELLING THE IMPUGNED TRANSFER ORDER FROM THE DATE OF ISSUANCE.

---

Respectfully Sheweth:

- i. That the appellant is a permanent resident of Agra District Malakand Agency.
- ii. That the appellant has performed her duties to the best of her ability with devotion to the satisfaction of the authorities and public and that is the reason that no complaint has ever been made against her till date.
- iii. That the appellant was all of a sudden transferred prematurely without any reason or exigencies of service in utter violation of the law and rules vide order Endst: No. 1359-63 dated 30-04-2015. Copy of the order is enclosed as Annexure "A".
- iv. That there are other teachers whose tenure in the school i.e. GGHS Agra is more than that of the appellant yet they are not disturbed whereas the appellant has been transferred prematurely.
- v. That the appellant feeling aggrieved of the order impugned filed a departmental appeal, but the

same is not responded to inspite the lapse of mandatory period of time, hence this appeal on the following grounds. Copy of the appeal is enclosed as Annexure "B".


Grounds:

- a. That the appellant has not been treated in accordance with the law, rules and policy on the subject. That she has been transferred prematurely and that too from her home town to a far flung school in utter violation of the rules and policy of the Government on the subject.
- b. That appellant has been discriminated as other teachers of longer tenure are left undisturbed whereas the appellant has been transferred and that too without any reasons or any exigencies.
- c. That the transfer order is made at the time when the Election Commission of Pakistan put ban on any sort of posting transfer of the civil servant in line with the directions of the August Supreme Court of Pakistan. Copy is enclosed as Annexure "C".
- d. That respondents have misused the authority in a very colourful and fanciful manner without any regards to either rules and policy or the directions of the Election Commission of Pakistan.
- e. That the appellant had accrued vested right in the shape of legitimate expectation to complete her tenure, which have been violated with utter disregard in very mechanical and arbitrary manner.

4

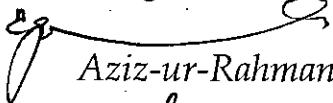
It is, therefore, very respectfully prayed that on acceptance of this appeal the order impugned may very kindly be set aside/cancelled, from the date of issuance, being in violation of the law, rules and ban put by the Election Commission of Pakistan and the appellant transferred back to her original place of posting i.e. GGHS Agra.

Any other relief deemed appropriate in the circumstances may also very kindly be granted.

 Appellant

Mst. Bakht Zia

Through Counsels,



Aziz-ur-Rahman



Imdad Ullah  
Advocates Swat

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_ of 2015

*Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.*

*...Appellant*

**VERSUS**

*Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and Others.*

*...Respondents*

**AFFIDAVIT**

*It is solemnly stated on Oath that all the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has either been misstated or concealed thereto.*

Deponent



Mst. Bakht Zia

**ATTESTED**

*Gulzar*  
**Gulzar Ullah Khan Advocate**  
**OATH COMMISSIONER**  
Distt: Courts Swat.  
upto. 13-11-2017  
No. 136 Date 11/8/2015

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2015

Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.

...Appellant

**VERSUS**

Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

ADDRESSES OF THE PARTIES

Appellant:

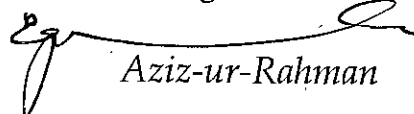
Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.

Respondents:

1. Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
2. Director Secondary and Elementary Education Government of Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Malakand at Batkhila, Malakand Agency.

Appellant

Through Counsel,



Aziz-ur-Rahman

Advocate Swat

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2015

*Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.*

*...Appellant*

**VERSUS**

*Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and Others.*

*...Respondents*

*Application for grant of interim relief to the effect that the operation of the impugned transfer order may suspended.*

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*Respectfully Sheweth:*

- i. That the above titled service appeal is pending before this Honourable Tribunal in which no date of hearing is fixed as yet.*
- ii. That the appellant has a prima facie case in her face..*
- iii. That the balance of convince is in favour of the appellant.*
- iv. That if the impugned order is not suspended the appellant will suffer irreparable loss and will also face the appellant with hardship and another complicated round of litigations.*

It is, therefore, very respectfully prayed that on acceptance of this application the operation of the order impugned may very kindly be suspended till the disposal of the appeal.

Petitioner

Through Counsels,

*[Signature]*  
Aziz-ur-Rahman

*[Signature]*  
Imdad Ullah

Advocates Swat

Affidavit:

It is stated on Oath that all the contents of this application are true and correct to the best of my knowledge.

ATTESTED

*Guizar*  
Guizar Ullah Khan Advocate  
OATH COMMISSIONER  
Distt: Courts Swat.  
upto. 18-11-2017  
No. 136 Date 11/8/15

*[Signature]* Deponent

Mst. Bakht Zia

Annexure "A"

(9)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKANDAT BATHKHELA

OFFICE ORDER:

Consequent upon the approval of the competent authority, the following CTs (Female) teachers are hereby transferred against the newly created posts of CT (F) to the schools noted against each their names on their own pay and scales in the interest of public service from the date of their taking over charges.

S.No	Name and Designation	From	To	Remarks
1	Mst. Sajida Bibi CT	GGHS Agra	GGHS Inzargai	Newly created post
2	Mst. Bakht Zia CT	GGHS Agra	GGHS Inzargai	Newly created post

- Note: 1. Charge report should be submitted to all concerned.  
2. No TA/DA etc. allowed.

(RABBIA BIBI)  
DISTRICT EDUCATION OFFICER  
(F)MALAKANDAT BATHKHELA

Endst No. 1359-631

Dated the 30/4 /2015

Copy of the above is forwarded to:-

1. The District Accounts Officer, Malakand.
2. The Head Mistress GGHS, Agra.
3. The Head Mistress GGHS Inzargai.
- 4-5. The Officials concerned.

*Cy*  
DISTRICT EDUCATION OFFICER  
(F)MALAKANDAT BATHKHELA  
*D*

**ATTESTED**

*Indad*  
**ADVOCATE**



یہ مذکورہ جناب ڈاکٹر کے ایجوکیشن S & E پشاور  
Signature B

اپیل خلاف تبادلہ ۹۹HS آڑہ ۹۹HS انٹرنگز

جناب عالی ا

گزارش پر کہ سائلہ آڑہ کا مستقل باشندہ ہے۔ اور  
۹۹HS آڑہ میں تقریباً ۹ مہینے سے اپنے خرائض سرانجام دے  
رہی ہے۔ لیکن سیاسی اثر رسوخ سے آپ صاحبان نے  
ارڈر نمبر 63-1359 مطابقت سائلہ کا تبادلہ  
۹۹HS انٹرنگز ہو چکا ہے۔ حالانکہ سائلہ  
ہیت سے Long Stay والے ٹیکسٹ ۹۹HS آڑہ  
میں موجود ہیں۔

لہذا آپ صاحبان سے بذریعہ اپیل بڑا درخواست  
کی جاتی ہے کہ سائلہ کا تبادلہ منسوخ کیا جائے  
عین نوازش ہوگی۔

العارض B

محنت ضیاء سیٹی ۹۹HS آڑہ ملاکنڈ

4/5/015

ATTESTED

Inded

ADVOCATE

07-4-15

Annexure "C"

Annexure "C" (11)

GOVERNMENT OF K.P.  
Diary No: 4975  
Date: 8-4-15  
LG&RDD

ELECTION COMMISSION OF PAKISTAN

PS/CS Khyber Pakhtunkhwa  
Diary No. 2563 (we)  
Date: 08-4-2015

NOTIFICATION

Islamabad; the 4<sup>th</sup> April, 2015.

No.F.8(1)/2015-LGE-KPK (1) :— Pursuant to the Order dated 6<sup>th</sup> March 2015 of the Hon,ble Supreme Court of Pakistan passed in CMA No.18/2014 , CMA No.11/2014 & CMA No. 6882/2013 in Constitution Petition No. 77/2010, CMA No.7546/2013 in Constitution Petition No.65/2009 and other connected petitions ; in exercise of the powers conferred upon it under sub-section (1) of section 75 of the Khyber Pakhtunkhwa Local Government Act, 2013 read with sub-rule(1) of rule 13 of the Khyber Pakhtunkhwa Local Councils ( Conduct of Elections) Rules 2014 and all other powers enabling it in that behalf, the Election Commission of Pakistan hereby issues the following schedule for election to fill the categories of seats\* in each Village Council, Neighborhood Council, Tehsil/Town Council and District Council of the Province (except district Kohistan being subjudice in Peshawar High Court Peshawar) and calls upon the electors of each Village Council , Neighborhood Council, Territorial Wards of Tehsil/Town Council and District Council to elect their representatives from the attached list of local government institutions:

S.No.	Activity	Date
1	Notice inviting nomination papers to be issued by the Returning Officer on	06.04.2015
2	Nomination papers shall be received on	13.04.2015 to 17.04.2015
3	Publication of notice of all the nomination papers received on	18.04.2015
4	Objection to the nomination papers	19.04.2015
5	Scrutiny of nomination papers and publication of names of validly nominated candidates on	20.04.2015 to 25.04.2015
6	Appeals against acceptance / rejection of nomination papers to be filed on	26.04.2015 to 28.04.2015
7	Disposal of appeals on	29.04.2015 to 04.05.2015
8	Withdrawal of candidature and allotment of symbols on	05.05.2015
9	Publication of list of contesting candidates with symbols allotted to them on	06.05.2015
10	Polling day on	30.05.2015 ( from 0800 hours to 1700 hours)
11	Declaration of results by the Returning Officer on	07.06.2015

ATTESTED

Seyid B

ADVOCATE

ATTESTED

Inded  
ADVOCATE

\* General Members in Territorial Wards of Tehsil/Town and District Councils and following categories of seats in Village Council/Neighborhood Councils:

- a. General Members
- b. Women Members
- c. Peasants and Worker
- d. Youth Member
- e. Non-Muslims Member

2. The above mentioned Programme shall also apply to the seats reserved for Women, Peasants & Workers, Youth and Non-Muslims Members in the District and Tehsil/Town Councils.

3. With a view to ensure that elections to the Local Government are conducted honestly, justly, fairly and in accordance with law and to ensure that the corrupt practices are guarded against, the Election Commission of Pakistan directs that:

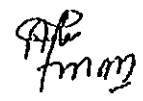
- a. All Executive Authorities in the Federation and in the Provinces shall not use State Resources in Local Government Elections calculated to influence the elections in favour of a particular candidate or a political party.
- b. If any person in government service misuses his official position in any manner in order to influence results of elections, he shall be liable to be proceeded against under Section 60 of the Khyber Pakhtunkhwa Local Government Act, 2013.
- c. No transfers / postings of the civil servants shall be made after the issuance of Schedule of local government elections without prior approval of the Commission till the publication of election results.
- d. After the issuance of Election Schedule, the Prime Minister, Governor, Chief Minister, Speaker, Deputy Speaker, Federal and Provincial Ministers, Advisors to the Prime Minister or Chief Minister or any other holder of public office will not visit the area of any local council to announce any development scheme or to canvass or campaign for any candidate or any political party.
- e. No Deputy Commissioner/ District Coordination Officer shall perform protocol duty with the Prime Minister, Chief Minister, Speaker, Deputy Speaker, Federal Ministers, State Ministers, Provincial Ministers, Advisors to the Prime Minister and Chief Minister or any person on their behalf till conclusion of the electoral process.
- f. Any holder of public office, who is found to have violated any provision of election laws or the instructions issued by the Election Commission, shall be proceeded against as mandated in law.

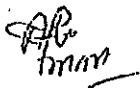
Note: The offices of the Election Commission as well as the offices of District Returning Officers and Returning Officers shall remain open on all public holidays during the schedule period.

All electoral activities mentioned in the aforesaid schedule shall be undertaken during office hour (08:00 a.m. to 04:00 pm) and the said timing will also be followed on public holidays fixed for any electoral activity of the schedule.

By order of the Election Commission of Pakistan.

Encl: List of Local Government Institutions attached

  
(Atta ur Rehman)  
Joint Secretary (LGE)



SETTA

STADUVGA

12  
a

To:

The Manager,  
Printing Corporation of Pakistan Press, Islamabad.  
[For publication in the Gazette of Pakistan,  
Extraordinary (Part-III) of today's date.]

I. Copy forwarded for information to the:

- (1) Secretary to the President, Aiwan-e-Sadar, Islamabad.
- (2) Secretary to the Prime Minister, Prime Minister Secretariat, Islamabad.
- (3) Secretary, Cabinet Division, Islamabad.
- (4) Secretary, Ministry of Interior Government of Pakistan, Islamabad.
- (5) The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
- (6) The Secretary, Local Government Department, Pakhtunkhwa, Peshawar.

ii. Copy also forwarded for information and necessary action to the:

- i. The Provincial Election Commissioner, Pakhtunkhwa, Peshawar.
- ii. All District Returning Officers.
- iii. All Returning Officers.
- iv. All Assistant Returning Officers.
- v. All Regional Election Commissioners.
- vi. All District Election Commissioners.

Through PEC, Pakhtunkhwa,

iv. Copy forwarded to the:

- i. Director General (Admn)
- ii. Additional Director General (Elections)
- iii. Director General (Budget)
- iv. Additional Director General (PR)
- v. Additional Director General (Legal)
- vi. Additional Director General (E/R)
- vii. Director General (IT)
- viii. Director Protocol to Hon'ble CEC
- ix. PS to Hon'ble MEC-I-II-III & IV
- x. PS to Secretary
- xi. Deputy Director (GS)

ECP's Secretariat, Islamabad.

*(M. Rasheed Bhatti)*  
Director

**ATTESTED**

*(Signature)*  
**ADVOCATE**

**ATTESTED**

*(Signature)*  
**ADVOCATE**

*(Handwritten initials)*

بعد الت صبا - سروس مرئوس لستہ در گبہ سہ سہ

13

کورت فیس قیمت ایک روپیہ

مورخہ 25 جولائی 1912ء منجانب ریٹائرڈ  
مقدمہ حماہ ہٹ ضلع بنام جوت سنگھ  
دعویٰ سرکار  
جرم باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی  
متعلقہ آن مقام گبہ سہ سہ سہ / عزیز مسلمان الہ آباد لستہ در  
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل  
اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب  
دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔  
نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل  
یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔  
اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ  
برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا یہ مقدمہ کے  
سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے  
وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل  
صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

المرقوم 25 جولائی 1912ء

العبد گواہ شہد العبد

Attested and  
Accepted by

کے لئے منظور ہے

بمقام گبہ سہ سہ

جوت سنگھ

Included

26

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTOONKHWA PESHAWAR**

**Service Appeal No 923/2015**

**Mst: Bakht Zia CT Teacher Govt Girls High School Agra, under transfer to  
Govt Girls High School Inzargai , Malakand Agency .....Appellant .**

**VERSUS**

- 1. The Government of Khyber Pakhtunkhwa through secretary of (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.**
- 2. The Director Elementary &Secondary Education, Khyber Pakhtunkhwa, Peshawar**
- 3. The District Education Officer (F) District Malakand. (Respondents)**

Para wise comments on behalf of respondents no 1-3 .

Respectfully Sheweth  
Preliminary Objections.

1. That the appeal is badly barred by time and under the rules is not maintainable.
2. That the appellant had concealed material facts from the Honorable Service Tribunal.
3. That the appellant has got no cause of action to file the instant appeal.
4. That the appellant has got no locus standi to ask for claim.
5. That the appellant is estopped by his own conduct to file the present appeal.
6. That the appeal is not maintainable in its present form and is not competent.
7. That the Honorable Tribunal has no jurisdiction to entertain the appeal.
8. That the instant appeal is bad for mis-joinder/ non joinder of necessary parties.

**FACTS.**

- 1 Pertains, to record. needs no comments.
- 2 Pertains, to record. needs no comments.
- 3 Incorrect, the appellant and another teacher Mst Sajida Bibi CT have been transferred on war footed basis in order to encounter protest of Girls Students covered by media. as there is no other High and Middle school in the said area/union council and the said school has been upgraded from primary to High level at once and the same time. Its

25

building has been constructed by **Pak Army** and verbally ordered to appoint the staff from the said area to start the new school on emergency basis. So, Respondent No3 transferred the appellant and another teacher temporarily in order to start the new school. But the appellant has not obeyed the order. **(Annexure A)**

- 4 Incorrect, being a local teacher Respondent No 3 issued the appellant and another teacher transferred order temporarily and mentioned it in the reply of her departmental appeal that the said teacher will be returned back to their original school as and when the appointment process completed through NTS. (Annexure A)
- 5 Incorrect, the appellant filed a departmental appeal to Respondent No 2 on **28/07/2015** and Respondent No 2 asked a detail report /factual position from Respondent No 3 dated 31/07/2015, while Respondent No 3 sent the factual position to Respondent No 2 dated 25/08/2015. but the appellant has not obeyed the order. **(Annexure A, B, C)**

### GROUNDS.

- A. Incorrect, the impugned transfer/adjustment order dated 30/04/2015 issued on emergency basis by the Respondent 3 is according to law, facts and norms of natural justice and, available materials on the record showed that no violation has been made.
- B. Incorrect, the appellant and another teacher Mst:Sajida Bibi CT were being local teachers in the same area so Respondent No3 issued their adjustment order temporarily.
- C. Incorrect, it was the adjustment order on emergency basis in the local area and for the local interest, not interfered in any process of Election Commission of Pakistan.
- D Replied as para above.
- E Incorrect, Appellant was adjusted temporarily on emergency basis not transferred but she has not obeyed the order while Respondent No 3 assured her that she will be returned back to their original school as and when the appointment process completed through NTS. (Annexure A)

In light of the above facts it is submitted to kindly dismiss the appeal in hand with cost.

**RESPONDENT NO. 3**

**DISTRICT EDUCATION OFFICER  
(F) MALAKAND AT BATKHELA.**

**RESPONDENT NO 2**

**DIRECTOR (E&SE)  
KHYBER PAKHTUNKHWA  
AT PESHAWAR.**

11/11/2015

**RESPONDENT NO. 1**

**SECRETARY (E&SE) DEPARTMENT  
KHYBER PAKHTUNKHWA PESHAWAR.**

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that all the contents of the accompanying parawise comments are true and correct to the best of my knowledge and belief and all the coddle formalities were fulfilled.

**District Education Officer,  
(F) Malakand at Batkhela.**



Ammer (A)

OFFICE OF THE  
DISTRICT EDUCATION OFFICER  
FEMALE MALAKAND AT BATKHELA

NO 3274 /DATE 25/8/2015

TO

The Director,  
(E&SE) Govt of Khyber Pakhtunkhwa  
Peshawar

SUBJECT: APPEAL

Memo:

Reference your No 6159/Date-3/7/2015.

It is stated for you kind information that two teachers named Miss: Bakht Zia Ct GGHS Agra Malakand and Miss: Sajida Bibi Ct GGHS Agra have been transferred to the said school as there is no other High and Middle school in the said area/Union Council school and the said school has been upgraded ~~to~~ from Primary level to Middle level as well as to High level at one and same time. The High portion has been constructed by Pak Army, and there is no other way to transfer the teachers from other school. Further added that the said teachers will be returned back to their original school as and when appointed process completed through NTS.

*It may be noted that GGHS Lagrang is very sensitive on staff issue and so they were transferred on war footing basis in order to encounter ~~protest~~ protest of girls student covered by media*

DISTRICT EDUCATION OFFICER (M/F)  
MALAKAND AT BATKHELA

*[Handwritten Signature]*

Distt. Edu. Officer (F)  
Malakand at Batkhela

(Annexure B)  
29

(135)

jo

The Director of Education  
(SBL) KPK Peshawar.

Subject:- APPEAL

Respectfully stated that I the undersigned transferred from GGHS Agrā MILD. to GGHS Inzargai which is a far away from my home as well as my tenure less than 3yrs i.e I took over charge on 13/8/2013 according to the transfer order No. 3126 dated 12/8/2013, but now transferred again to the school, Inzargai, vide order No. 1359-63 dated 30/4/20.

Therefore, it is humbly requested that my appeal may kindly be considered on humanitarian grounds please.

Note: (Due to promotion to CI.  
Post transferred from GGHS  
Inzargai to GGHS Agrā and took  
over charge on 11/8/2014)

Yours obediently,  
  
(Bakht Zia)

CI  
GGHS Agrā, MILD. Agrā  
dt. 28/7/2015

Zahid for report.  
29/10/15

(Annexure G) 21  
136

Directorate of Elementary & Secondary  
Education Khyber Pakhtunkhwa, Peshawar

No. 6159 /F.No,77/(F)/Appeal MKD

Dated Peshawar the 23/17 /2015.

To.

The District Education Officer,  
(Female) Malakand

D.E.O (F) Mkd  
Diary .....1427.....  
Date: 5-8-15  
At Bathkela

Subject APPEAL

I am directed to refer to the subject cited above and to enclose herewith a copy of an appeal in respect of Mst. Bakht Zia CT GGHS Agra Malakand and to ask you to submit detail report/factual position to this directorate within (10) days for further necessary

*[Signature]*  
20/7/15  
Deputy Director Female  
(E&SE) Khyber Pakhtunkhwa,

Endst: No. \_\_\_\_\_  
Copy forwarded for information to the:-

*[Signature]*  
28/7/15

1. Mst. Bakht Zia CT GGHS Agra Malakand

*[Signature]*  
Deputy Director Female  
(E&SE) Khyber Pakhtunkhwa,

*[Handwritten notes and signatures]*  
10/8/15  
E/S  
gupt

*[Handwritten notes and signatures]*  
10/8/15

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 923 of 2015

Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.

...Appellant

VERSUS

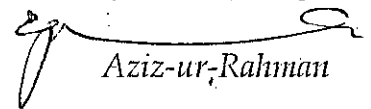
Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

INDEX

S #	Description of documents	Annexure	Pages
1.	Memo of Appeal	....	1-4
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6.	Copy of the Departmental Appeal	B	10
7.	Copy of the Notification	C	11-12
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Appellant Through

  
Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,

Mingora Swat, Cell 0300 907 0671

①

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2015

*Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.*

*...Appellant*

**VERSUS**

1. *Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.*
2. *Director Secondary and Elementary Education Government of Khyber Pakhtunkhwa, Peshawar.*
3. *District Education Officer (Female) Malakand at Batkhila, Malakand Agency.*

*...Respondents*

SERVICE APPEAL UNDER SECTION 4  
OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER OF THE  
RESPONDENT NO. 3 WHEREBY THE  
APPELLANT WAS TRANSFERRED  
VIDE ORDER ENDST: NO. 1359-63  
DATED 30-04-2015 AGAINST THE LAW,  
RULES AND POLICY HENCE NOT  
LIABLE TO BE SET ASIDE, AGAINST  
WHICH THE APPELLANT PREFERRED  
A DEPARTMENTAL APPEAL WHICH IS  
STILL NOT RESPONDED TO INSPITE  
THE LAPSE OF MANDATORY PERIOD  
OF TIME.

---

PRAYER:

2

THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER IMPUGNED MAY VERY KINDLY SET ASIDE AND THE APPELLANT TRANSFERRED BACK TO HER ORIGINAL PLACE OF POSTING I.E. GOVERNMENT GIRLS HIGH SCHOOL AGRA, BY CANCELLING THE IMPUGNED TRANSFER ORDER FROM THE DATE OF ISSUANCE.

---

Respectfully Sheweth:

- i. That the appellant is a permanent resident of Agra District Malakand Agency.
- ii. That the appellant has performed her duties to the best of her ability with devotion to the satisfaction of the authorities and public and that is the reason that no complaint has ever been made against her till date.
- iii. That the appellant was all of a sudden transferred prematurely without any reason or exigencies of service in utter violation of the law and rules vide order Endst: No. 1359-63 dated 30-04-2015. Copy of the order is enclosed as Annexure "A".
- iv. That there are other teachers whose tenure in the school i.e. GGHS Agra is more than that of the appellant yet they are not disturbed whereas the appellant has been transferred prematurely.
- v. That the appellant feeling aggrieved of the order impugned filed a departmental appeal, but the

(3)

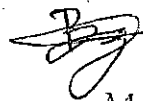
same is not responded to inspite the lapse of mandatory period of time, hence this appeal on the following grounds. Copy of the appeal is enclosed as Annexure "B".

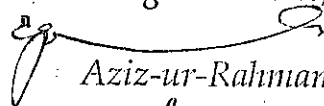
Grounds:


- a. That the appellant has not been treated in accordance with the law, rules and policy on the subject. That she has been transferred prematurely and that too from her home town to a far flung school in utter violation of the rules and policy of the Government on the subject.
- b. That appellant has been discriminated as other teachers of longer tenure are left undisturbed whereas the appellant has been transferred and that too without any reasons or any exigencies.
- c. That the transfer order is made at the time when the Election Commission of Pakistan put ban on any sort of posting transfer of the civil servant in line with the directions of the August Supreme Court of Pakistan. Copy is enclosed as Annexure "C".
- d. That respondents have misused the authority in a very colourful and fanciful manner without any regards to either rules and policy or the directions of the Election Commission of Pakistan.
- e. That the appellant had accrued vested right in the shape of legitimate expectation to complete her tenure, which have been violated with utter disregard in very mechanical and arbitrary manner.

It is, therefore, very respectfully prayed that on acceptance of this appeal the order impugned may very kindly be set aside/cancelled, from the date of issuance, being in violation of the law, rules and ban put by the Election Commission of Pakistan and the appellant transferred back to her original place of posting i.e. GGHS Agra.

Any other relief deemed appropriate in the circumstances may also very kindly be granted.

 Appellant  
Mst. Bakht Zia

Through Counsels,  
 Aziz-ur-Rahman

 Imdad Ullah  
Advocates Swat



(5)

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_ of 2015

*Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.*

*...Appellant*

**VERSUS**

*Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and Others.*

*...Respondents*

**AFFIDAVIT**

*It is solemnly stated on Oath that all the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has either been misstated or concealed thereto.*

Deponent



Mst. Bakht Zia

**ATTESTED**

*Gulzar*  
**Gulzar Ullah Khan Advocate**  
**OATH COMMISSIONER**  
**Distt: Courts Swat.**  
upto. 18-11-2017  
No. 135 Date 11/8/2015

6

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2015

Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.

...Appellant

VERSUS

Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

ADDRESSES OF THE PARTIES

Appellant:

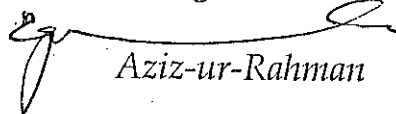
Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.

Respondents:

1. Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar.
2. Director Secondary and Elementary Education Government of Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Malakand at Batkhila, Malakand Agency.

Appellant

Through Counsel,



Aziz-ur-Rahman

Advocate Swat

(7)

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2015

Mst. Bakht Zia CT Teacher at Government Girls High School Agra, under transfer to Government Girls High School Inzargai, Malakand Agency.

...Appellant

VERSUS

Secretary Elementary and Secondary Education Government of Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

*Application for grant of interim relief to the effect that the operation of the impugned transfer order may suspended.*

---

Respectfully Sheweth:

- i. That the above titled service appeal is pending before this Honourable Tribunal in which no date of hearing is fixed as yet.
- ii. That the appellant has a prima facie case in her face.
- iii. That the balance of convince is in favour of the appellant.
- iv. That if the impugned order is not suspended the appellant will suffer irreparable loss and will also face the appellant with hardship and another complicated round of litigations.

It is, therefore, very respectfully prayed that on acceptance of this application the operation of the order impugned may very kindly be suspended till the disposal of the appeal.

Petitioner

Through Counsels,

*Aziz-ur-Rahman*  
*Imdad Ullah*  
Advocates Swat

Affidavit:

It is stated on Oath that all the contents of this application are true and correct to the best of my knowledge.

ATTESTED

*Gulzar*  
Gulzar Ullah Khan Advocate  
OATH COMMISSIONER  
Distt: Courts Swat.  
upto. 18-11-2017  
No. 136 Date 11/12/15

*Bj* Deponent  
Mst. Bakht Zia

Annexure "A"

(9)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MALAKANDAT BATHKHELA

OFFICE ORDER:

Consequent upon the approval of the competent authority, the following CTs (Female) teachers are hereby transferred against the newly created posts of CT (F) to the schools noted against each their names on their own pay and scales in the interest of public service from the date of their taking over charges.

S.No.	Name and Designation	From	To	Remarks
1	Mrs. Sajida Bibi CT	GGHS Agra	GGHS Inzargai	Newly created post
2	Mrs. Bakht Zia CT	GGHS Agra	GGHS Inzargai	Newly created post

- Note: 1. Charge report should be submitted to all concerned.  
2. No TADA etc. allowed.

(RABIA BIBI)  
DISTRICT EDUCATION OFFICER  
(F)MALAKANDAT BATHKHELA

Endst No. 1359-631 Dated the 30/4 /2015

Copy of the above is forwarded to:-

1. The District Accounts Officer, Malakand.
2. The Head Mistress GGHS, Agra.
3. The Head Mistress GGHS Inzargai.
- 4-5. The Officials concerned.

DISTRICT EDUCATION OFFICER  
(F)MALAKANDAT BATHKHELA

ATTESTED

Indad  
ADVOCATE

• اپیل خلاف تبادلہ ۹۹HS آرہ ۱۰ To ۹۹HS آرہ ۱۰ انٹرنل

صاحب عالی

گزارش ہے کہ سائٹ آرہ کا مستقل باشندہ ہے۔ اور  
۹۹HS آرہ میں تقریباً ۹ مہینے سے اپنے خرائض سرانجام دے  
رہی ہے۔ لیکن سیاسی اثر رسوخ سے آپ صاحبان  
ارڈر نمبر ۱۰-۱۳۵۹ مطابق سائٹ کا تبادلہ

۹۹HS انٹرنل ہو چکا ہے۔ حالانکہ سائٹ  
پست سے Long Stay والے ٹیکس ۹۹HS آرہ  
میں موجود ہیں۔

لہذا آپ صاحبان سے بذریعہ اپیل یزاد درخواست  
کئی جاتی ہے کہ سائٹ کا تبادلہ منسوخ کیا جائے  
عین نوازش ہوگی۔

العارض

محکمہ صحت و اعلیٰ تعلیم، حکومت سندھ، پشاور

۴/۵/۰۱۵

ATTESTED

Indef

ADVOCATE

07/11/15

Signature "C"

Signature "B" (11)

PSIC S Khyber Pakhtunkhwa  
Jury No. 2563 (we)  
Date: 08-4-2015

GOVERNMENT OF PAKISTAN ELECTION COMMISSION OF PAKISTAN

Diry No: 4975

Date: 8-4-15

LG & RDD

NOTIFICATION

Islamabad, the 4<sup>th</sup> April, 2015.

No.F.8(1)/2015-LGE-KPK (1) :— Pursuant to the Order dated 6<sup>th</sup> March 2015 of the Hon,ble Supreme Court of Pakistan passed in CMA No.18/2014 , CMA No.11/2014 & CMA No. 6882/2013 in Constitution Petition No. 77/2010, CMA No.7546/2013 in Constitution Petition No.65/2009 and other connected petitions ; in exercise of the powers conferred upon it under sub-section (1) of section 75 of the Khyber Pakhtunkhwa Local Government Act, 2013 read with sub-rule(1) of rule 13 of the Khyber Pakhtunkhwa Local Councils ( Conduct of Elections) Rules 2014 and all other powers enabling it in that behalf, the Election Commission of Pakistan hereby issues the following schedule for election to fill the categories of seats\* in each Village Council, Neighborhood Council, Tehsil/Town Council and District Council of the Province (except district Kohistan being subjudice in Peshawar High Court Peshawar) and calls upon the electors of each Village Council , Neighborhood Council, Territorial Wards of Tehsil/Town Council and District Council to elect their representatives from the attached list of local government institutions:

S.No.	Activity	Date
1	Notice inviting nomination papers to be issued by the Returning Officer on	06.04.2015
2	Nomination papers shall be received on	13.04.2015 to 17.04.2015
3	Publication of notice of all the nomination papers received on	18.04.2015
4	Objection to the nomination papers	19.04.2015
5	Scrutiny of nomination papers and publication of names of validly nominated candidates on	20.04.2015 to 25.04.2015
6	Appeals against acceptance / rejection of nomination papers to be filed on	26.04.2015 to 28.04.2015
7	Disposal of appeals on	29.04.2015 to 04.05.2015
8	Withdrawal of candidature and allotment of symbols on	05.05.2015
9	Publication of list of contesting candidates with symbols allotted to them on	06.05.2015
10	Polling day on	30.05.2015 ( from 0800 hours to 1700 hours)
11	Declaration of results by the Returning Officer on	07.06.2015

ATTESTED

Signature of Advocate

ADVOCATE

ATTESTED

Signature of Advocate

ADVOCATE

\* General Members in Territorial Wards of Tehsil/Town and District Councils and following categories of seats in Village Council/Neighborhood Councils:

- a. General Members
- b. Women Members
- c. Peasants and Workers
- d. Youth Member
- e. Non-Muslims Member

2. The above mentioned Programme shall also apply to the seats reserved for Women, Peasants & Workers, Youth and Non-Muslims Members in the District and Tehsil/Town Councils.

3. With a view to ensure that elections to the Local Government are conducted honestly, justly, fairly and in accordance with law and to ensure that the corrupt practices are guarded against, the Election Commission of Pakistan directs that:

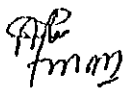
- a. All Executive Authorities in the Federation and in the Provinces shall not use State Resources in Local Government Elections calculated to influence the elections in favour of a particular candidate or a political party.
- b. If any person in government service misuses his official position in any manner in order to influence results of elections, he shall be liable to be proceeded against under Section 60 of the Khyber Pakhtunkhwa Local Government Act, 2013.
- c. No transfers / postings of the civil servants shall be made after the issuance of Schedule of local government elections without prior approval of the Commission till the publication of election results.
- d. After the issuance of Election Schedule, the Prime Minister, Governor, Chief Minister, Speaker, Deputy Speaker, Federal and Provincial Ministers, Advisors to the Prime Minister or Chief Minister or any other holder of public office will not visit the area of any local council to announce any development scheme or to canvass or campaign for any candidate or any political party.
- e. No Deputy Commissioner/ District Coordination Officer shall perform protocol duty with the Prime Minister, Chief Minister, Speaker, Deputy Speaker, Federal Ministers, State Ministers, Provincial Ministers, Advisors to the Prime Minister and Chief Minister or any person on their behalf till conclusion of the electoral process.
- f. Any holder of public office, who is found to have violated any provision of election laws or the instructions issued by the Election Commission, shall be proceeded against as mandated in law.

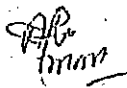
Note: The offices of the Election Commission as well as the offices of District Returning Officers and Returning Officers shall remain open on all public holidays during the schedule period.

All electoral activities mentioned in the aforesaid schedule shall be undertaken during office hour (08:00 a.m. to 04:00 pm) and the said timing will also be followed on public holidays fixed for any electoral activity of the schedule.

By order of the Election Commission of Pakistan.

Encl: List of Local Government Institutions attached

  
( Atta ur Rehman )  
Joint Secretary (LGE)



STBETA

STADCOVA



12  
a

To:

The Manager,  
Printing Corporation of Pakistan Press, Islamabad.  
[For publication in the Gazette of Pakistan,  
Extraordinary (Part-III) of today's date.]

i. Copy forwarded for information to the:

- (1) Secretary to the President, Aiwan-e-Sadar, Islamabad.
- (2) Secretary to the Prime Minister, Prime Minister Secretariat, Islamabad.
- (3) Secretary, Cabinet Division, Islamabad.
- (4) Secretary, Ministry of Interior Government of Pakistan, Islamabad.
- (5) The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
- (6) The Secretary, Local Government Department, Pakhtunkhwa, Peshawar.

ii. Copy also forwarded for information and necessary action to the:

- i. The Provincial Election Commissioner, Pakhtunkhwa, Peshawar.
- ii. All District Returning Officers.
- iii. All Returning Officers.
- iv. All Assistant Returning Officers.
- v. All Regional Election Commissioners.
- vi. All District Election Commissioners.

Through PEC, Pakhtunkhwa,

iv. Copy forwarded to the:

- i. Director General (Admn)
- ii. Additional Director General (Elections)
- iii. Director General (Budget)
- iv. Additional Director General (PR)
- v. Additional Director General (Legal)
- vi. Additional Director General (E/R)
- vii. Director General (IT)
- viii. Director Protocol to Hon'ble CEC
- ix. PS to Hon'ble MEC-I-II-III & IV
- x. PS to Secretary
- xi. Deputy Director (GS)

ECP's Secretariat, Islamabad.

*(M. Rasheed Bhatti)*  
Director

ATTESTED

*[Signature]*  
ADVOCATE

ATTESTED

*[Signature]*  
ADVOCATE

*[Handwritten mark]*

تیت ایک روپیہ  
 کورٹ فیس

مورخہ 25 جولائی 1912ء  
 مقدمہ حماة بٹ ضیاد بنام حکومت ممبئی  
 دعویٰ سرکار  
 جرم  
 باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی  
 متعلقہ آن مقام گھبراہٹ سے سروں میں قبول لیتا / عزیز عثمان الہاد 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 و تقرر ثالث و فیصلہ پر حلف دینے جواب  
 دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔  
 نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل  
 یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔  
 اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ  
 برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوایے مقدمہ کے  
 سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے  
 وقت کا بھی اختیار ہوگا اگر کوئی نارنج پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل  
 صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا اوکالت نامہ لکھ دیا کہ سند ہے  
 المرقوم کا  
 ماہ جولائی  
 کل

Attested and  
 Accepted by

کے لئے منظور ہے

*[Signature]*

Inwaded

مقام گھبراہٹ سے سروں میں قبول لیتا