

FORM OF ORDER SHEET

Court of _____

Appeal No. 351 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3

06/03/2024

The appeal of Mr. Rashi Iqbal resubmitted today by Sophia Noreen Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 08-03-2024. Parcha Peshi is given to counsel for the appellant.

By the order of Chairman


REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2024.

Rashi Iqbal

Versus

The D&SJ North

Waziristan & others

..... Respondents

..... Appellant



APPLICATION FOR FIXATION OF THE INSTANT SERVICE
APPEAL BEFORE THE PRINCIPAL SEAT OF THIS
HONOURABLE TRIBUNAL AT PESHAWAR.

Respectfully Sheweth:-

1. That the above titled Service appeal has been filed by the petitioner before this Honourable Service Tribunal, in which no date of hearing has yet been fixed.
2. That the counsel for the applicant practicing and residing in District Peshawar.
3. That there is no legal bar on acceptance of instant application for better administration of justice.

It is therefore, humbly request, that on acceptance of the instant application, the above titled Service Appeal may very kindly be fixed before the principal seat at Peshawar.

Dated:- 06/03/2024

Through:-

Petitioner

Sophia Noreen

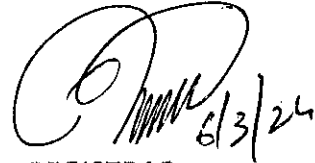
Advocate Supreme Court

The appeal of Mr. Rashi Iqbal received today i.e on 05.03.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and submission within 10 days.

1. According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1 un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.

No. 505 /S.T.

DC. 6/3 /2024.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Saaduliah Khan Marwat Adv.
High Court, Peshawar.

Respected Sir

Resubmitted after due completion

SII
Sayma Noor
ASC

6/3/2024

On acceptance of this appeal, the impugned order dated 10/12/2022 and 17/12/2022 passed by the District & Sessions Judge, North Waziristan Bannu may kindly be set aside and the appellant may kindly be restored/ reinstated into service with all back benefits.

Respectfully Sheweth:-

1. *That the appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973. (Copy of CNIC is attached as annexure "A")*
2. *That briefly stated the facts relevant for the purpose of this appeal are that the appellant was appointed as Naib Qasid (BPS-03) vide order dated 03/05/2019 in the respondent department and later on was joined his duty. (Copy of the appointment order is attached as annexure "B").*
3. *That after appointment, the appellant was being competent for the said post, performed his duties with great zeal and zest and with full devotion with no complaint whatsoever by any means.*
4. *That the appellant being non-Muslim and belongs to the minority community and also residing at North Waziristan Miran Shah, where the Talabnization Groups are actively*

working since long and even the appellant does not easy move from one place to other and was regular facing hardships in performance of his duty against which the petitioner bring into the knowledge of his high-up, but no heed was ever given to the same.

5. That being regular employee the appellant was performing his duty on his respective post with good results and was giving outstanding performance since his appointment, meanwhile the appellant due to the above mentioned reasons was inconvenient to serve the respondent department and due to the unavoidable circumstances the petitioner had left with no other option but to submit his resignation with the intention that his grievances would be redressed but unfortunately the resignation was accepted on the same day in hasty manner without conducting proper inquiry to probe up the matter. (Copy of Resignation and judgment are attached as annexure C & D).

6. That soon after the resignation, the appellant filed departmental representation/withdrawal of resignation to the respondent No. 2 on dated 13.12.2022 in pursuance of that departmental representation, the appellant was called for appearance in person where the appellant disclosed all of his agonies/ hardship in performance of his duty before the

- competent authority and requested for lenient view for the withdrawal of his resignation but the same was rejected. **(Copy of the Appeal & Order dated 17/12/2022 is attached as annexure E).**
7. That against the orders dated 17/12/2022 and 10/12/2022 the appellant had filed Service Appeal within time, but inadvertently filed Service Appeal No 185/2022 before Service Tribunal Khyber Pakhtunkhwa Peshawar, where after preliminary Hearing Pre-Admission Notice was given and the respondents had submitted their reply. **(Copy of Service Appeal Reply & Order Sheet is attached as annexure F).**
8. That the appellant then made request for withdrawn of his Service Appeal before the Service Tribunal with the permission to approach the proper forum on 06/11/2023 which was accepted. **(Copy of Permission order is attached as annexure G).**
9. That the appellant being feeling aggrieved from the order dated 10/12/2022 and 17/12/2022, had approached the Hon'ble Administrative Judge Peshawar High Court Peshawar being competent authority on dated: 18/11/2023,

but the departmental appeal was not decided within the stipulated period of 90 days. (Copy of appeal is attached as annexure H).

10. That the appellant feeling aggrieved from the acts of the respondents having no other adequate and efficiency remedy approaches this honorable Tribunal inter alia on the following grounds;

Grounds:

- A. The appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and are fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B. That the appellant is a low paid employee and had never desire for acceptance of his resignation and has never asked for its immediate acceptance in absence of such request the respondent showed haste in its acceptance.
- C. That the appellant clearly mentioned in his application about the problems which he was facing due to threat being belong to minority community, but the respondent totally ignored this aspect of the case while passing the impugned orders.

- D. That the appellant being non-Muslim and belongs to the Minority Community and also residing at North Wazirstan Miran Shah, where the talabnization groups are actively working since long and even the appellant does not easily move from one place to other and was regular facing hardship in performance of his duty against which the petitioner brought into the knowledge of his high ups for his security protection but no heed was ever given to the same.
- E. That the appellant inadvertently had filed service appeal before the Service Tribunal Khyber Pakhtunkhwa Peshawar, where after preliminary hearing the reply was called from the respondents, where the respondent properly submitted their reply.
- F. That the respondents were obligatory to probe into such matter as question of survival of appellant was involved being low paid employee, but no such request was fulfilled.
- G. That the fundamental right of the appellant has blatantly violated by the respondents and the appellant has been discriminated and has been denied his due right under the Islamic republic of Pakistan, 1973.


- H. That vested right have been occurred in favor of the appellant because he was performing his duties efficiently and with devotion and also without any complaint from any quarter.
- I. That the resignation of the appellant was not volunteer one but was due to the attending circumstances which were never considered by the respondents while passing the impugned orders.
- J. That while passing the impugned orders dated 10/12/2022 & 17/12/2022, the appellant fully explained all his grievance/agonies about the threats which he was facing being member of Hindu community, but no heed was given by the respondent while passing the impugned order.

It is therefore most humbly prayed that on acceptance of this appeal, the impugned order dated 10/12/2022 and 17/12/2022 passed District and Session Judge North Wazirstan Bannu may kindly be set aside and the appellant may kindly be restored/reinstated into service with all back benefit.

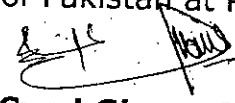
Dated:- 05/03/2024

Through:-

Appellant


Sophia Noreen
 Advocate Supreme Court
 of Pakistan at Peshawar

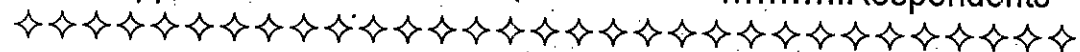
&


Syed Ghous Azam Shah
 Advocate High Court
 Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2024

Rashi Iqbal **Versus** The Registrar Peshawar High Court
& others
..... Appellant Respondents



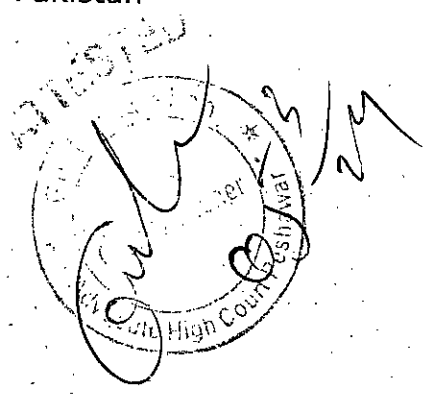
AFFIDAVIT

I, Rashi Iqbal S/o Prakash Lal R/o Civil Colony, House No 3, Miran Shah, North Waziristan, (The Appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified by

Sophia Noreen
Advocate Supreme Court of Pakistan

DEPONENT
CNIC No:- 21506-5884832-5
Cell No:- 0335-5529158



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2024

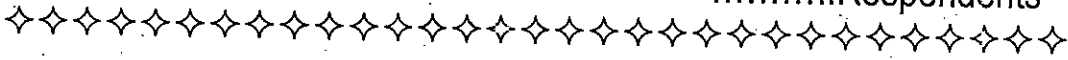
Rashi Iqbal

Versus

The Registrar Peshawar High Court
& others

..... Appellant

..... Respondents



APPLICATION FOR INTERIM RELIEF TO THE EFFECT THAT THE
RESPONDENTS MAY KINDLY BE RESTRAINED FROM NOT TO
CONDUCTED INTERVIEW AND ISSUE APPOINTMENT ORDER TO
ANY OTHER PERSON IN PLACE OF THE APPELLANT, TILL THE
FINAL DISPOSAL OF THE INSTANT SERVICE APPEAL.

Respectfully Sheweth:

1. That the captioned Appeal is being filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the respondents are about to fill the post and in this respect interview date is scheduled. **(Copy is attached).**
3. That the respondents had illegally and unlawfully going to issue appointment order to other person in place of appellant.
4. That here it is pertinent to mention that the appellant has got prima facie case, balance of convenience also lies in favor of the appellant.

5. That the grounds of Service Appeal may be read as integral part of this application.
6. That on the face of it, the applicant has got strong arguable case and is sanguine about its success.
7. That if the interim relief as prayed for is not granted in favor of the appellant, the petitioner would suffer extreme irreparable loss and the very purpose of appeal would become infructuous.
8. That if the instant application has not been fixed before 07-03-2024, the appeal of the appellant will become infructuous.
9. That there is no legal bar on acceptance of this application.

It is, therefore, most humbly prayed that on acceptance of this application, the interim relief may please be granted in favour of the applicant/appellant as prayed for in the head note of the application, till the final disposal of the case.

Dated:- 05/03/2024

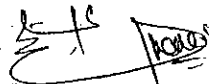
Through

Applicant/Appellant



Sophia Noreen
Advocate Supreme Court
of Pakistan at Peshawar

&



Syed Ghous Azam Shah
Advocate High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2024

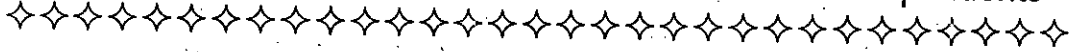
Rashi Iqbal

Versus

The Registrar Peshawar High Court
& others

..... Appellant

..... Respondents



AFFIDAVIT

I, Rashi Iqbal S/o Prakash Lal R/o Civil Colony, House No 3, Miran Shah, North Waziristan, (The Appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying Application for Interim Relief are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified by

Sophia Noreen
Advocate Supreme Court of Pakistan

DEPONENT
CNIC No:- 21506-5884832-5
Cell No:- 0335-5529158

TEST SCHEDULE

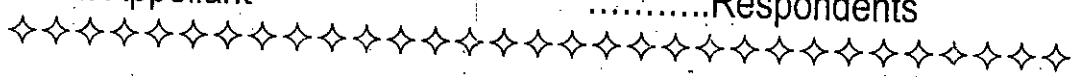
Tests schedule for different posts in District Judiciary North Waziristan at Bannu
(District & Sessions Judge Establishment)

S#	POST APPLIED FOR	DATE	Timing	VENUE
1.	(i) JUNIOR CLERK (BPS-11) i. General Merit; ii. Female Quota (ii) COMPUTER OPERATOR (BPS-16)	07 th March 2024	1. Junior Clerk Test: Arrival Time: 08:30 AM Start Time: 09:00 AM 2. Computer Operator Test: Arrival Time: 09:30 AM Start Time: 10:30 AM	For Screening Test and Written Test: Venue: Government Degree College No. 02 Bannu. For Interview: Venue: District Courts North Waziristan at Bannu
2.	(i) STENOYPIST (BPS-14) & (ii) ASSISTANT (BPS- 16)	08 th March 2024	1. Stenotypist Test: Arrival: 8:30 AM Start Time: 09:00 AM 2. Assistant Test: Arrival Time: 09:30 AM Start Time: 10:30 AM	For Screening Test and Written Test: Venue: Government Degree College No. 2 Bannu. For Interview: Venue: District Courts North Waziristan at Bannu
3.	(i) SWEEPER (BPS- 03) & (ii) NAIB QASID (BPS- 03)	09 th March 2024	Arrival Time: 08:30 AM Start Time: 09:00 AM	Interview: District Courts, North Waziristan at Bannu

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2024

Rashi Iqbal **Versus** The Registrar Peshawar High Court
..... Appellant & others
..... Respondents



ADDRESSES OF PARTIES

APPELLANT

Rashi Iqbal S/o Prakash Lal R/o Civil Colony, House No 3, Miran Shah,
North Waziristan

RESPONDENTS

1. The Registrar Peshawar High Court, Peshawar.
2. The Learned District & Sessions Judge, North Waziristan.

Dated:- 05/03/2024

Through:-

Appellant

Sophia Noreen
Advocate Supreme Court
of Pakistan at Peshawar

&

Syed Ghous Azam Shah
Advocate High Court
Peshawar



PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN



14

Name
Rashi Iqbal



Father Name
Parkash Lal

رشی اقبال

پکاش لال



Gender: Country of Stay
M Pakistan

Identity Number
21506-5884832-5

Date of Birth
01.07.1989

Date of Issue
08.10.2019

Date of Expiry
08.10.2029

Rashi

Holder's Signature

موجودہ: رسول کالونی، مکان نمبر 37، ڈاک خانہ میران شاہ، میران شاہ، تحصیل میران شاہ، ضلع نارنگ وڑی ستان

21506-5884832-5



مستقبل: رسول کالونی، مکان نمبر 37، ڈاک خانہ میران شاہ، میران شاہ، تحصیل میران شاہ، ضلع نارنگ وڑی ستان

101281085012

Minister of Information
Registrar General of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیو بکس میں ڈال دیں

OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT BANNU.ORDER

On the recommendations of Departmental Selection Committee made in its meeting, held on 03.05.2019, the competent authority is pleased to order the appointment of the following candidates on temporary basis, for the posts mentioned against their names, from the date of assumption of charge of their respective posts subject to medical fitness and antecedent, verification/clearance as well as their documents' verification.

1. Naib Qasid (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Murad Khan	Qimat Khan r/o Shogi Ali Khel, P.O Razmak North Waziristan
2	Sabitullah	Hazrat Gul r/o Aghzan Kala Miranshah, P.O Miranshah North Waziristan
3	Niamatullah	Gul Karam Khan r/o Spin Wam Hassan Khel Tehsil Spin Wam North Waziristan
4	Abdul Qayum	Gul Shah Ali Jan r/o Mir Ali Issori, North Waziristan
5	Havedullah	Haki Rehman r/o Haider Khel P.O Mir Ali North Waziristan
6	Khaliq Noor	Bahadar Khan r/o Spalga Tori Khel P.O Miranshah North Waziristan
7	Muhammad Farooq	Rehman Qadir r/o Danday Darpa Khel Miranshah North Waziristan

2. Chowkidar (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Shahzar Ali	Gul Mamir Khan r/o Mir Ali P.O Spin Wam Tehsil Spin Wam North Waziristan
2	Sher Awal Din	Jabbar Khan r/o Dawar Khaddi Eidak Mir Ali North Waziristan
3	Kifayatullah	Gui Sarwar Khan r/o Mussaki P.O Mir Ali North Waziristan

3. Maali (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Akhter Munir	Abdul Qadeer r/o Darpa Khel P.O Miranshah North Waziristan
2	Rehmanullah	Raghzali Khan r/o Spin Wam Shamiri Tori Khel, Spin Wam North Waziristan

4. Sweepers (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Anderyas	Boota r/o Civil Colony Miranshah North Waziristan
2	Rajesh Daas	Arjun Daas r/o Civil Colony Miranshah North Waziristan
3	Rashi Iqbal	Parkash Laal r/o Civil Colony House No.3 P.O Miranshah North Waziristan

5. Water Carrier (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Arif Shah	Syed Noor Jamal Shah r/o Eidak Mir Ali North Waziristan

6. Daftari (BPS-03)

S.#	NAME OF CANDIDATE	FATHER'S NAME / ADDRESS
1	Gul Nawar Din	Muhammad Khalil r/o Khaddi P.O Mir Ali North Waziristan
2	Javed Islam	Muhammad Aslam r/o Dawar P.O Darpa Khel Miranshah North Waziristan

2. Their appointment to the service shall be subject to the following terms and conditions:-
- i. They will be governed by the KP Civil Servants Act, 1973 and KP Government Servant (Appointment, Promotion & Transfer) Rules, 1989.
 - ii. They will be allowed to the minimum pay of BPS plus other allowances as admissible under the rules. Those who are already in Govt Service and whose pay is more than the minimum of BPS will be allowed to draw pay, which they were drawing before their appointment, subject to permission by the Competent Authority. Their pay shall be fixed at proper stage in BPS.
 - iii. They shall be governed by such rules and instructions relating to leave, T.A., and Medical Attendance as may be prescribed from time to time.
 - iv. They shall be on probation initially for a period of one year extendable upto two years.
 - v. They will be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, subject to availability of permanent posts and the completion of prescribed training, if any.
 - vi. Their services shall be liable to be dispensed with at any time without notice and assigning any reason before the expiry of the period of their probation/extended period of probation, if, their work or conduct during this period is not found satisfactory. In the event of termination from service, fourteen days notice or in lieu thereof fourteen days pay will be

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paid by the Government. In case of resignation, they will give one month notice to the Competent Authority or in lieu thereof one month pay shall be forfeited to the Government. The resignation shall, however, be subject to the acceptance by the Competent Authority.

- vii. They will be governed by the KP Government Servants (Efficiency and Discipline) Rules, 1973 and the KP, Government Servants Conduct Rules, 1987 and any other instructions which may be issued by the Competent Authority from time to time.

3. If the above terms and conditions of appointment are acceptable to them, they should report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if any one fails to report for duty to the undersigned within one month from the date of issue of this order.

4. They shall join duty at their own expenses.

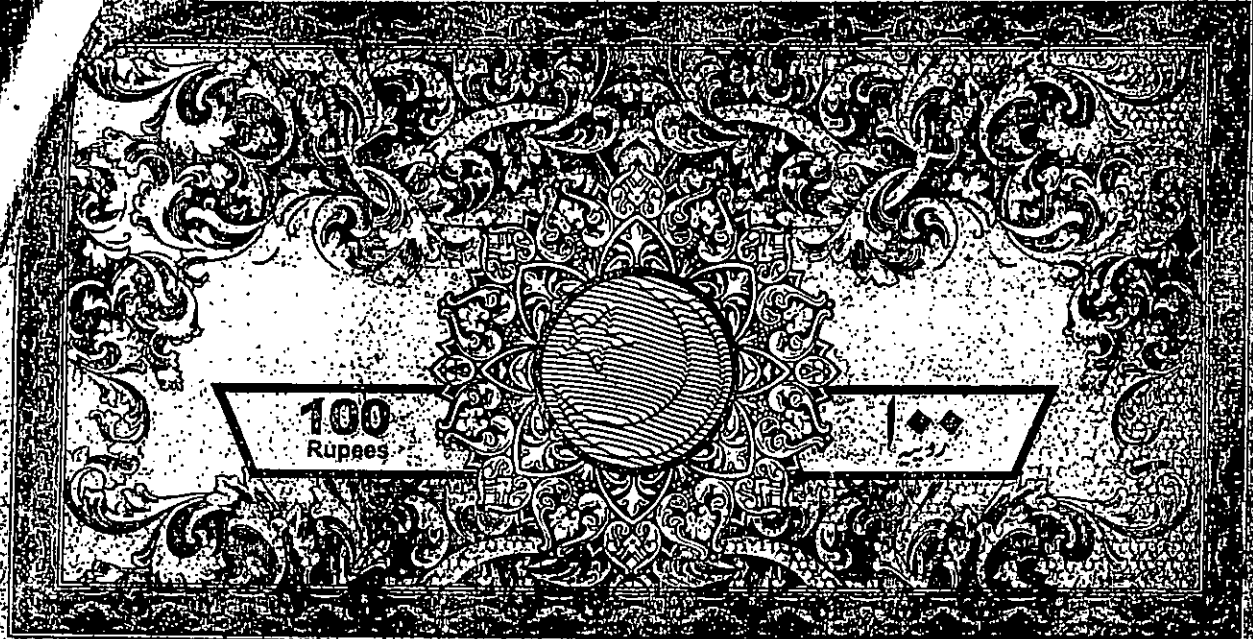
DISTRICT & SESSIONS JUDGE,
NW AT BANNU

Endst: # 234-260 Dated 03/05/2019.

Copies forwarded to:

1. The worthy Registrar, Peshawar High Court Peshawar.
2. The worthy Additional Registrar (Admin), Peshawar High Court, Peshawar.
3. The worthy Member Inspection Team, Peshawar High Court, Peshawar.
4. The learned PSO to the Honorable, the Chief Justice, Peshawar High Court, Peshawar.
5. The learned In-Charge, Secretariat for District Judiciary, Peshawar.
6. The worthy Additional Registrar, Peshawar High Court, Bannu Bench.
7. The Deputy Commissioner, Miranshah, North Waziristan,
8. The MS, DHQ Hospital, Miranshah, North Waziristan.
9. The District Comptroller of Accounts, District Miranshah, North Waziristan.
10. Officials concerned,
11. Personal file of the officials concerned.

Sumras
103/05/19
DISTRICT & SESSIONS JUDGE,
NW AT BANNU



Ex. 10
81
12.2020
خدمت منابہ دسترکٹ اینڈ سٹیشن چیف نارنگ ویرستان ڈسٹرکٹ
جنابہ عالی

استغنیٰ
موردبانہ گزارشی کی جاتی ہے کہ فدوی آپ زلیخور پھول کے سال کا
سے بطور خانہ رو بہ / سو پیو ڈیوٹی انجام دے رہا تھا دھان
کروں فدوی کو کافی وقت سے راستہ میں ساتیل اور
گھر کے ساتیل سے روزانہ دو بار پیونا پڑھتا ہے
بکلی وجہ سے فدوی کو ڈیوٹی ادقات ہی تاخیر مانا سا ہوتا ہے
اور ڈیوٹی بھی متاثر ہوتی ہے
لہذا آپ سے کہا گیا ہے کہ وہ اپنی ڈیوٹی سے
استغنیٰ کرنا چاہتا ہوں

میں نوڈل سے ہوگی

العارضی
آپ کا فرما منبردار رشی اقبال ولد پیرکاش لعل (خانگروہ)

21506-5884832-5

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DISTRICT JUDICIARY KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT & SESSIONS JUDGE, NORTH WAZIRISTAN AT
BANNU

Ph: 0928-920007
 Fax: 0928-662036
 Email: dsjnorthwaziristan@gmail.com

No. 4009/DSJ NW at Bannu.

Dated: 10/12/2022

ORDER

Mr. Rashi Iqbal Sanitation Attendant/Sweeper of this Sessions Division has rendered his resignation on 10/12/2022 on the ground mentioned in his application, which is accepted w.e.f: 10/12/2022 subject to service rules.

The official concerned is relieved from his responsibilities on 10/12/2022(A.N). Office is directed to keep his personal file and ACR in safe custody for record and service card be recovered from him.


 (Usman Wali Khan)
 District & Sessions Judge
 North Waziristan at Bannu

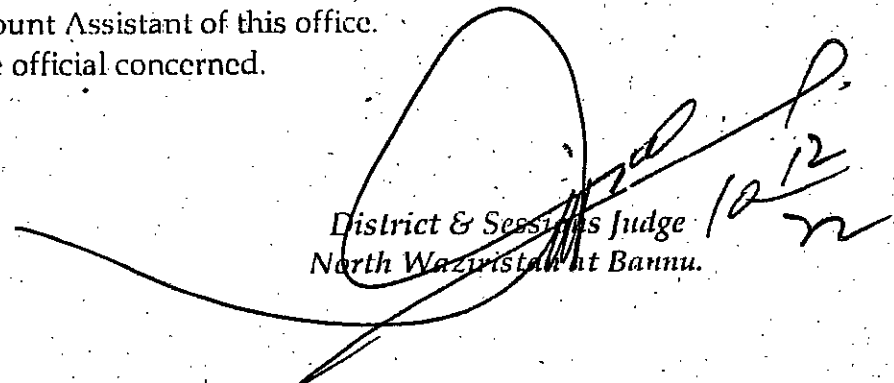
OFFICE OF THE DISTRICT & SESSIONS JUDGE NW at BANNU

Indst: No. 4010-13 /DSJ NW at BANNU

Dated: 10/12/2022.

Copy forwarded to:

1. The Senior Civil Judge North Waziristan at Bannu.
2. The District Accounts Officer, North Waziristan
3. The Budget & Account Assistant of this office.
4. Personal file of the official concerned.


 District & Sessions Judge
 North Waziristan at Bannu.

2005 S C M R 1194

[Supreme Court of Pakistan]

Present: Iftikhar Muhammad Chaudhry and Rana Bhagwandas, JJ

MUHAMMAD ZAHOOR---Petitioner

Versus

REGISTRAR, LAHORE HIGH COURT, LAHORE and another---Respondents

C.P.L.A. No.1087-L of 2003, decided on 11th May, 2005.

(On appeal from judgment of Punjab Service Tribunal, dated 10-4-2003 passed in Appeal No.23 of 2003).

(a) Punjab Service Tribunals Act (IX of 1974)---

---S. 4---Constitution of Pakistan (1973), Art.212(3)---Resignation by Naib Qasid of Court. Acceptance of resignation by Sessions Judge with immediate effect subject to deposit of one month pay by civil servant---Withdrawal of resignation after 12 days, prayer for---No mentioning of reason of withdrawal in departmental appeal and in appeal before Service Tribunal---Refusal of both forums to grant relief to civil servant for such omission treating resignation to be voluntary---Validity---Civil servant had not drafted resignation himself---Civil servant in resignation had not asked for its immediate acceptance---Low paid employee servant Naib Qasid would ordinarily never desire for acceptance of his resignation subject to such condition---In absence of such request, Sessions Judge should have postponed acceptance of resignation for some time as there was no necessity to show haste in its acceptance---Civil servant in departmental appeal alleged his resignation not to be voluntary, but he was forced to do so with threat that otherwise he would be sent to jail---No comparison could be drawn between powers of Sessions Judge qua a Naib Qasid---Departmental Appellate Authority had a legal and moral obligation to probe into such matter as same was a question of survival of a low paid employee. Civil servant had repeated such plea in appeal before Tribunal, which had not cared to analyze such aspect of case---Service record of civil servant was above board---Civil servant for first time had filed before Supreme Court an affidavit disclosing facts due to which Sessions Judge had compelled him to resign from service---Tendering of resignation by civil servant could not be inferred from such facts to be voluntary---Tribunal had erred in law in not granting relief to civil servant---Supreme Court accepted appeal while reinstating civil servant in service without back benefits with observations that period during he remained out of job would be treated on par against leave accrued, if any, or leave without pay for purposes of his length of service and family benefits.

Dr. Muhammad Munirul Haq v Dr. Muhammad Latif Chaudhry 1992 SCMR 2335 and Abraham Reuben v. Karachi Municipality AIR 1929 Sindh 69 rel.

(b) Civil service---

---Resignation, whether voluntary or not---Test.

While determining, whether a person has resigned or has been compelled to resign, the correct test is to find out, whether the acts and conduct of the servant evince an intention to be no longer bound by the contract or whether the conduct of employer amounts to a basic refusal to continue the servant on the agreed terms of the employment.

Abraham Reuben v. Karachi Municipality AIR 1929 Sindh 69 fol.

Muhammad Zaman Bhatti, Advocate Supreme Court and Arshad Ali Chaudhry, Advocate-on-Record for Petitioner.

Nadeem Anwar, Junior Clerk, Lahore High Court Respondent No.1.

Abdul Sattar, English Clerk Office of the District and Sessions Judge, Gujranwala for Respondent No.2.

Date of hearing: 11th May, 2005.

JUDGMENT

IFTIKHAR MUHAMMAD CHAUDHRY, J.--- This petition has been filed for leave to appeal against judgment dated 10-4-2003 of Punjab Service Tribunal (hereinafter referred to as the Tribunal).

2. Precisely stating, facts of the case are that petitioner joined the office of District and Sessions Judge, Gujranwala as far back as in the year 1987. It is alleged that on 25-9-2002 he tendered his resignation from service, which was statedly drafted by one Abdul Sattar, Junior Clerk of the Sessions Court, Respondent No.2, being competent authority accepted his resignation with immediate effect, subject to the condition that he will deposit one month salary with the Nazir of the Court i.e. District and Sessions Judge, Gujranwala. Subsequent thereto on 7-10-2002, an appeal was filed by the petitioner before the Registrar, Lahore High Court, Lahore-respondent No.1 wherein he alleged that resignation was not tendered by him voluntarily. Contents of the appeal read as under:--

"1, Muhammad Zahoor son of Patch Muhammad, ex-Naib Qasid, was serving in the Court of Chaudhry Asad Raza, District and Sessions Judge, Gujranwala. I was serving since March, 1987, with a spotless career.

(2) That on 25-9-2002, I was forced by the learned District and Sessions Judge, to resign under coercion failing which, I was threatened either to resign or I will be handed over to the police under a fake complaint against me. The learned Sessions Judge got resignation from me by force which was accepted on the

(3) It is worthy to mention that that resignation was not written by me rather it was got written by learned District and Sessions Judge by an official (Abdul Sattar, Junior clerk) and I was forced to sign the same.

(4) It is, therefore, prayed that I may be given an opportunity to prove my case that I never resigned voluntarily but it was obtained under duress. It is further requested that I may be provided personal hearing and be reinstated in service with all back-benefits."

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3. Since no relief was given to the petitioner, therefore, he preferred an appeal before the Tribunal but without any success as the same has been dismissed vide impugned judgment, hence instant petition for leave to appeal. Relevant para. from the judgment for convenience is reproduced below:--

"(5) I asked the learned counsel for the appellant, as to why the District and Sessions Judge, Gujranwala put pressure upon the appellant to tender his resignation. Learned counsel for the appellant could not give me any reason after consulting the appellant. In the appeal filed before the Registrar, Lahore High Court, Lahore against the order dated 25-9-2002, appellant did not cite any reason why the District and Sessions Judge, Gujranwala pressurized the appellant to tender resignation. In the appeal before the Tribunal I also do not find any reason given by the appellant, why the alleged mischief was committed with him. When the appellant himself is reluctant to give any reason which prompted the District and Sessions Judge, Gujranwala to persuade him to tender resignation it becomes crystal clear that the resignation was as a result of appellant's own free-will and volition. He shall not be allowed, now, to turn back and state that his resignation was forced. There is no merit in the appeal, which is accordingly dismissed."

4. Learned counsel for the petitioner contended that the petitioner had served for a period of 15 years to the utmost satisfaction of his superiors as there is no adverse report against him. The competent authority pressurized him for submission of the resignation. This fact was disclosed by him immediately at the first available opportunity to next higher authority by filing an appeal but unfortunately the Tribunal without having looked into this aspect of the case in depth rejected his appeal. To strengthen his arguments, he contended that it is not the only case in which in such a manner the resignation was obtained but there were many other officials of the same Court who were compelled to tender resignation but ultimately their appeals were accepted. In this behalf he has made reference to cases of Irfan Latif Ahmad v. Registrar, Lahore High Court, Lahore (Appeal No.2322 of 2002), Muhammad Javed Gondal v. District and Sessions Judge, Gujranwala (Appeal No.2862 of 2002), Muhammad Malik v. Registrar Lahore High Court, Lahore (Appeal No.3021 of 2002), Muhammad Riaz Shahid v. Registrar, Lahore High Court, Lahore (Appeal No.286 of 2003) and Shaukat Ali v. District and Sessions Judge, Gujranwala (Appeal No.2406 of 2003).

5. Mr. Nadeem Anwar, Junior Clerk appeared on behalf of the Registrar, Lahore High Court, Lahore and placed service record of the petitioner before us for our perusal. Similarly Mr. Abdul Sattar, English Clerk, Office of the District and Sessions Judge, Gujranwala appeared and stated that record is with the High Court.

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6. On the other hand learned Assistant Advocate-General, Punjab contended that as the petitioner had tendered his resignation, therefore, in view of judgment of this Court in the case of Dr. Muhammad Munirul Haq v. Dr. Muhammad Latif Chaudhry 1992 SCMR 2135, the voluntariness of submitting the resignation cannot be questioned unless it is proved otherwise by the petitioner himself. According to her, despite questioning by the Tribunal, the petitioner failed to disclose the reason as to why he was forced to tender his resignation after serving 15 years, therefore, the presumption would be that the resignation was submitted voluntarily, as such, according to her, he is not entitled to any relief.

7. We have heard petitioner's counsel as well as the respondents through their representatives and the learned Assistant Advocate-General at length and have also gone through the impugned judgment as well as the order passed by District Judge, Gujranwala accepting resignation of the petitioner with immediate effect on 25-9-2002.

8. It is true that the petitioner in the resignation letter dated 25-9-2002 categorically mentioned that he was no more interested in the service but to ascertain whether it was a statement which was given voluntarily by the petitioner, examination of attending circumstances, which have come on record is necessary. Firstly, it is to be noted that the petitioner himself had not drafted the resignation; secondly, in the resignation he had not stated that the resignation may be accepted with immediate effect because a low paid employee serving as Naib Qasid would ordinarily never desire for acceptance of his resignation subject to deposit of one month salary. In all fairness, the competent authority should have postponed the acceptance or otherwise of the resignation for some time because when there was no request in this behalf, there was no necessity to show haste in accepting his resignation; thirdly, in the appeal dated 7-10-2002, relevant contents wherefrom have been reproduced hereinabove, the petitioner in so many words stated that he had not voluntarily tendered the resignation but he was forced to do so with the threat that otherwise he would be sent to jail. Admittedly no comparison can be drawn between the powers of Sessions Judge qua a Naib Qasid. therefore, in view of such assertion the Registrar, Lahore High Court, Lahore-respondent No.1 had a legal and moral obligation to probe into the matter because it was a question of survival of a low paid employee; fourthly, same plea was repeated by the petitioner in the appeal filed by him before the Tribunal. but the Tribunal also, with utmost respects, did not care to analyse this aspect of the case at all.

9. Having taken into consideration above aspects of the case and having gone through the service record of the petitioner which has been produced for our perusal, no other conclusion can be drawn except that there was no allegation of whatsoever nature of any insubordination against him. The Annual

Confidential Reports of petitioner were also found satisfactory because the competent authority and Reporting Officer had been grading him very good and good. It may be noted that along with this petition, an affidavit has been filed by the petitioner for the first time before us in which certain facts have been disclosed by him due to which Sessions Judge compelled him to resign from service, as he had informed allegedly about his habits to the Advocates but we do not like to ponder upon the same being indecent in character. Be that as it may, even if it is not considered and whatever we have discussed hereinabove, without experiencing any difficulty, inference can be drawn that the petitioner had not tendered his resignation voluntarily. In *Abraham Reuben v. Karachi Municipality AIR 1929 Sindh 69* a test to detect voluntariness or otherwise of a resignation has been laid down. Similarly, this Court in the case of *Dr. Muhammad Munirul Haq (ibid)* has laid down following test:--

"(30) There is no dispute about the proposition advanced by respondent No.1 that a resignation has to be intentional and voluntary and as defined in Black's Law Dictionary it means "formal renouncement or relinquishment of an office. It must be made with intention of relinquishing the office accompanied by act of relinquishment". It is also correct that the totality of the circumstances have to be taken into consideration for drawing a conclusion whether the resignation tendered was voluntary or not."

10. Taking into consideration the principle laid down in the above judgment and in the judgment of *Abraham (ibid)*, wherein it has been held that in determining whether a person has resigned or has been compelled to resign the correct test is to find out whether the acts and conduct of the servant evince an intention no longer to be bound by the contract, or whether the conduct of the employer amounts to a basic refusal to continue the servant on the agreed terms of employment. In the latter case there is a wrongful dismissal and repudiation of the contract and the use of polite instead of peremptory language would not alter the conclusion. In our considered opinion, in the instant case the resignation was not tendered voluntarily, therefore, the Tribunal erred in law in not granting the relief to the petitioner.

11. As far as the precedents cited by the petitioner's counsel pertaining to the Court of District and Sessions Judge, Gujranwala noted hereinabove are concerned, need no discussion in view of above cited judgments.

12. Thus, for the foregoing reasons, petition is converted into appeal and allowed. Petitioner is ordered to be reinstated in service without back-benefits. However, the period of service during which he remained out of job shall be treated on duty against leave accrued, if any, or leave without pay for the purpose of his length of service and future benefits.

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Case Judgement

<http://www.plsbeta.com/LawOnline/law/casedescription.asp?cas>

S.A.K./M-270/S
accepted.

Appeal

PH

To

*Official be called
17/12/22*

Your

The Hon'ble District & Sessions Judge/Cashier
North Waziristan at Bannu.

13/12/22
District Sessions Judge
North Waziristan
At Bannu

Subject: APPLICATION FOR WITHDRAWAL OF RESIGNATION

Respected Sir,

With due respect I have the honor to state that I have submitted my resignation on 10/12/2022, from the post of Sanitation Attendant/Sweeper, which was gratefully accepted by your goodself on 10/12/2022. In some unforeseen circumstances I have taken a decision to resign, but now I realized my mistake.

So, I request to your goodself to kindly ignore my resignation and allow me to continue in my current position Sanitation Attendant/Sweeper with an open heart and mind.

I shall be very grateful to you for this act of kindness.

Rashi 13/12/2022

Rashi Iqbal
CNIC # 21506-588-4832-5

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25.12.2022
Rashid Iqbal Vs State
Court of D&S/ APPOINTING AUTHORITY North Waziristan at Bannu

**IN THE COURT OF USMAN WALI KHAN, DISTRICT AND SESSIONS
JUDGE/APPOINTING AUTHORITY, DISTRICT NORTH WAZIRISTAN AT
BANNU.**
Rashid Iqbal Vs State

ORDER 01
17.12.2022

Application submitted personally. Be registered.

Applicant personally present and heard at length. No such reason was explained during personal hearing, which could show any coercion or other defect in submission of resignation. Record reveals that resignation was submitted on stamp paper. Statement of applicant was properly recorded and accepted accordingly.

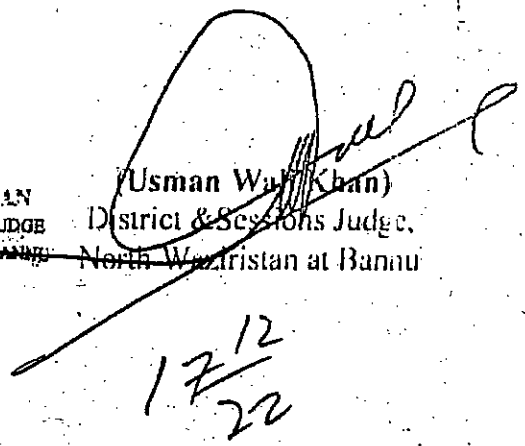
In view of above, I see no substance in present application, which is rejected without further proceedings.

Applicant be informed accordingly and file be consigned to record room of learned D&SJ, Bannu after completion and compilation.

Announced.

USMAN WALI KHAN
DISTRICT & SESSIONS JUDGE
NORTH WAZIRISTAN AT BANNU

(Usman Wali Khan)
District & Sessions Judge,
North Waziristan at Bannu





BEFORE THE LEARNED SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No 185 /2023

Rashu Iqbal S/o Prakash Lal R/o Civil Colony, House No. 3 Miran Shah, North Waziristan.

.....Appellant

VERSUS

1. The Hon'ble Registrar, Peshawar High Court, Peshawar.
2. The Learned District & Sessions Judge, North Waziristan at Bannu.

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 10.12.2022 ACCORDING TO WHICH THE STATEMENT IN RESPECT OF RESIGNATION OF THE APPELLANT WAS RECORDED AND THE RESPONDENT NO 2 HAS DEEMED TO HAVE BEEN ACCEPTED THE RESIGNATION OF THE APPELLANT, WHEREBY THE APPELLANT PRIOR TO ACCEPTANCE OF RESIGNATION WANTED TO WITHDRAW / RESCIND THE PROCESS OF RESIGNATION SUBMITTED APPEAL, WHICH WAS TOO DISMISSED VIDE ORDER DATED 17.12.2022.

Prayer in Appeal:

On acceptance of this Appeal, the Impugned Order dated 10.12.2022 may kindly be set aside and the appellant may kindly be restored / reinstated into service with all back benefits.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

1. That the Appellant is the peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
2. That briefly stated the fact relevant for the purpose of this petition are that the Appellant was appointed as Sweeper BPS-03 vide dated 03.05.2019 in Respondents Department and later on was joined his duty. (Copy of

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

Service Appeal No.185/2023

Rashi Iqbal(Appellant)

Versus

1. The Registrar PHC etc.....(Respondents)

INDEX

S.No	Documents	Dated	Annex: Reply	Page
1	Reply along with counter Affidavit & Annexures			1-11
2	Letter of DSJ	14-10-2023		12
3	Appointment order	03-05-2019		13-15

Respondent No.1

Registrar,
Peshawar High Court,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Title: Service Appeal No. 185/2023

Rashi Iqbal... Vs ... Registrar PHC & Others

Subject: PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action to file instant appeal.
2. That the appellant has not come to this Hon'ble Tribunal with clean hands.
3. That the appeal is barred by law and limitation.

FACTS:

1. Para no pertains to record.
2. Para no 2 is correct.
3. In reply to Para 3. It is submitted that three explanations were called from the appellant regarding his absence from duty without any leave application or intimation. (Copies are annexed as Annexure "A")
4. In reply to para no. 4. It is submitted that not only the appellant was coming from Miranshah but many other staff members are also attending their duty place at District Judicial Complex, Bannu.
5. In reply to para no. 5, it is submitted that the appellant has submitted his resignation on 10.12.2022 by mentioning therein that due to late coming, his duty was also affected. Therefore, voluntarily submitted his resignation. His statement was also recorded on the overleaf of the resignation. (Copy is annexed as Annexure "B").
6. In reply to para no.6, it is submitted that after tendering resignation, the statement of the appellant was recorded and a proper order regarding acceptance of resignation w.e.f 10.12.2022 was issued on 10.12.2022. The order dated 10.12.2022 regarding acceptance of resignation has already been annexed by the appellant as Annexure "C".
7. In reply to para no 07, it is submitted that on 17-12-2022 application of the appellant for withdrawal of resignation was heard, but no plausible reason was mentioned/explained during his personal hearing. Similarly, no unforeseen circumstance for tendering resignation was mentioned. Therefore, the application for the withdrawal of resignation was dismissed. Copy of the application and order of withdrawal has already been annexed as annexure

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"D" with the appeal. Moreover, the resignation was submitted with free will & without any coercion.

8. Para No.8 is incorrect.

GROUND:

A. Para-A need no Comment

B. In reply to para-B, it is submitted that not only the appellant but other employees belonging to the Non-Muslim/ Minority community are also employed in District Judiciary North Waziristan at Bannu and they along with other staff members attend their duty at District Courts North Waziristan at Bannu.

C. In reply to para-C, it is stated that tendering resignation has been admitted by the appellant by mentioning there that he was unable to perform duty and come late whereby his duty was affected. He has submitted his resignation without any coercion and his resignation was accepted vide order No. 4009/DSJ NW at Bannu dated 10-12-2022, Copy of which is already been annexed with the ground of appeal as Annexure "C".

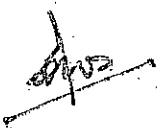
D. In reply to para-D, a proper order has been issued regarding the acceptance of resignation. The appellant has clearly stated in his statement that due to some domestic problems, he was not able to continue his duty. Copy of the statement is already annexed as Annexure "B".

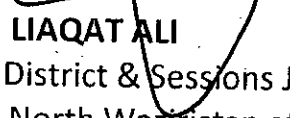
E. Para-E is completely incorrect. The Appellant himself has tendered his resignation and was never discriminated or denied of his due rights.

F. In reply to para-F, it is submitted that the appellant himself stated in his resignation that he came late and his duty was affected.

G. In reply to para-G, it is submitted that the appellant was found absent from duty, and during his tenure explanations for absence were called from him. Copies already annexed as Annexure "A".

It is, therefore, requested that the appeal being without merit is liable to be dismissed with cost.


REGISTRAR
Peshawar High Court
Peshawar


LIAQAT ALI
District & Sessions Judge
North Waziristan at Bannu

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 185/2023

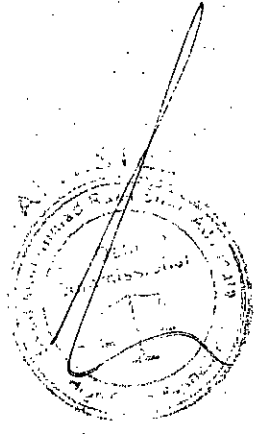
Rashi Iqbal Appellant

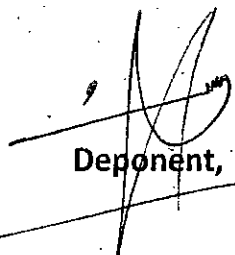
Versus

The Registrar PHC etc. Respondents

Counter Affidavit.

I, Ahmad Ud Din, Superintendent Sessions Court, District North Waziristan do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.




Deponent,

6th Nov. 2023

1. Learned counsel for the appellant present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Iftikhar Ahmad, Litigation Assistant for the respondents present.
2. Learned counsel for the appellant has at the very outset submitted that the appellant had not filed departmental appeal to the appellate authority. Learned counsel for the appellant submits that she would advise her client to first file departmental appeal as required by Section-4 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 and then to further voice for his grievance. She requests for withdrawal of this appeal to remove the defect and file it again. The appellant is allowed to withdraw this appeal and to file fresh which, if filed will be decided on its own merits subject to limitation etc. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 6th day of November, 2023.*

(Kalim Arshad Khan)
Chairman

Adrian Shah

Page 2

101-

101-

07-11-23

13/11/23
13/4/23

**BEFORE THE HONOURABLE ADMINISTRATIVE JUDGE
PESHAWAR HIGH COURT PESHAWAR**

Appeal _____ 2023

Rashi Iqbal son of Prakash Lal Resident of civil Colony, house No.3 Miran Shah,
North Waziristan

..... Appellant

VERSUS

1. The Honourable Registrar, Peshawar High Court, Peshawar
2. The learned District and session Judge, North Waziristan at Bannu

..... Respondents

Appeal against the impugned order dated 10.12.2022 passed by respondent no. 2 whereby the resignation of the petitioner is accepted in hasty manner without conducted proper inquiry, and against which the petitioner filed departmental representation which was dismissed vide order 17/12/2022

Prayer in Appeal

On acceptance of this appeal, the impugned order dated 10.12.2022 and 17/12/2022 passed district and session judge North Waziristan Bannu may kindly be set aside and the appellant may kindly be restored/reinstated into service with all back benefit

Respectfully sheweth;

The appellant humbly submits as under;

1. That the appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the constitution of Islamic republic of Pakistan, 1973 (Copy of CNIC is attached as annexure A)
2. That briefly stated the facts relevant for the purpose of petition are that the appellant was appointed as Naib Qasid BPS-03 vide dated 03.05.2019 in respondents department and later on was joined his duty.(Copy of the appointment order is attached as annexure B)
3. That after appointment, the appellant was being competent for the said post, performed his duties with great zeal & zest and with full devotion with no complaint whatsoever by any means.
4. That the appellant being non-Muslim and belongs to the minority community and also residing at North Waziristan Miran Shah, Where the talabnization groups are actively working since long and even the appellant does not easy move from one place to other and was regular facing hardship

in performance of his duty against which the petitioner bring into the knowledge of his high-up but no heed was ever given to the same.

- 5. That being regular employee the appellant was performing his duty on his respective post with good results and was giving outstanding performance since his appointment, meanwhile the appellant due to the above mentioned reasons was inconvenient to serve the respondent department and due to the unavoidable circumstances the petitioner had left with no other option but to submit his resignation which was accepted on the same day in hasty manner without conducting proper inquiry to probe up the matter **(Copy of Resignation and judgment are attached as annexure C & D)**
- 6. That soon after the resignation, the appellant filed departmental representation/withdrawal of resignation to the respondent No.2 on dated 13.12.2022 in pursuance of that departmental representation, the appellant was called for appearance in person where the appellant disclosed all of his agonies/ hardship in performance of his duty before the competent authority and requested for lenient view for the withdrawal of his resignation but the same was rejected. **(Copy of the Appeal & Order dated 17/12/2022 is attached as annexure E)**
- 7. That against the order dated 17/12/2022 and 10/12/2022 the appellant within time inadvertently filed service appeal no 185/2022 before Service Tribunal Khyber Pakhtunkhwa Peshawar, where after preliminary Hearing Pre-admission notice was given and the respondents had submitted their reply **(Service appeal reply , order sheet is attached as annexure F)**
- 8. That the appellant then made request of withdrawn his service appeal before the service tribunal with the permission to approach the proper forum on 06/11/2023 which was accepted **(Copy of Permission order is attached as annexure G)**
- 9. That the appellant being feeling aggrieved from the order dated 10/12/2022 and 17/12/2022, having no other adequate and efficiency remedy approaches this honorable administrative judge inter alia on the following grounds

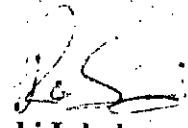
Grounds

- A. That the appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and are fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B. That the appellant is a low paid employee and had never desire for acceptance of his resignation and has never asked for its immediate acceptance in absence of such request the respondent showed haste in its acceptance.

- C. That the appellant clearly mentioned in his application about the problems which he was facing due to threat being belong to minority community, but the respondent totally ignored this aspect of the case while passing the impugned order.
- D. That the appellant being non-Muslim and belongs to the Minority Community and also residing at North Wazirstan Miran Shah, where the talabnization groups are actively working since long and even the appellant does not easily move from one place to other and was regular facing hardship in performance of his duty against which the petitioner brought into the knowledge of his high up but no heed was ever given to the same.
- E. That the appellant inadvertently had filed service appeal before the service tribunal Khyber Pakhtunkhwa Peshawar, where after preliminary hearing the reply was called from the respondents, where the respondent properly submitted their reply.
- F. That the respondents were obligatory to probe into such matter as question of survival of appellant being low paid employee, but no such request was fulfilled.
- G. That the fundamental right of the appellant has blatantly violated by the respondents and the appellant has been discriminated and has been denied his due right under the Islamic republic of Pakistan, 1973.
- H. That vested right have been occurred in favor of the appellant because he was performing his duties efficiently and with devotion and also without any complaint from any quarter.
- I. That while passing the impugned order dated 17/12/2022, the appellant fully explained all his grievance/agonies about the threats which he was facing being member of Hindu community, but no heed was given by the respondent while passing the impugned order.

It is therefore most humbly prayed that on acceptance of this appeal, the impugned order dated 10.12.2022 and 17/12/2022 passed district and session judge North Wazirstan Bannu may kindly be set aside and the appellant may kindly be restored/reinstated into service with all back benefit.

Yours Obediently


Rashi Iqbal
Parkash Lal
CNIC: 21506-5884832-5
Cell: 0335-5529158

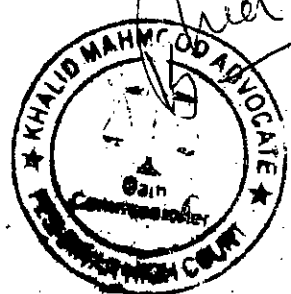
**BEFORE THE HON'BLE ADMINISTRATIVE
JUDGE PESHAWAR HIGH COURT
PESHAWAR**

CM No. _____/2023
In Re:
Appeal No. _____/2023

Rashi Iqbal.....Appellant/ Applicant
V E R S U S
The Hon'ble Registrar PHC & others.....Respondents

AFFIDAVIT

I, **Rashi Iqbal S/o Parkash Lal R/o Civil Colony, House No 37, Miran Shah District North Waziristan,** do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



[Handwritten Signature]

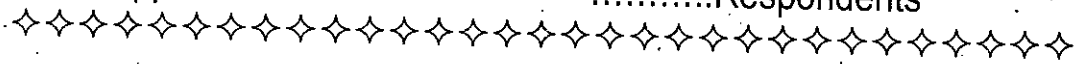
D E P O N E N T

RASHI IQBAL
CNIC # 21506-5884832-5
Cekk # 0335-5529158

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2024

Rashi Iqbal **Versus** The Registrar Peshawar High Court
..... Appellant & others
..... Respondents



NOTICE UNDER RULE 11 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL RULES 1974 FOR FILLING OF
SERVICE APPEAL

To

1. The Registrar Peshawar High Court, Peshawar.
2. The Learned District & Sessions Judge, North Waziristan.


Respected Sir

Please take notice that I am going to file a Service Appeal before the Honourable Khyber Pakhtunkhwa Services Tribunal, you are hereby informed regarding the filing of Service Appeal.

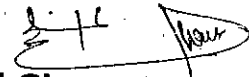
Dated:- 05/03/2024

Appellant

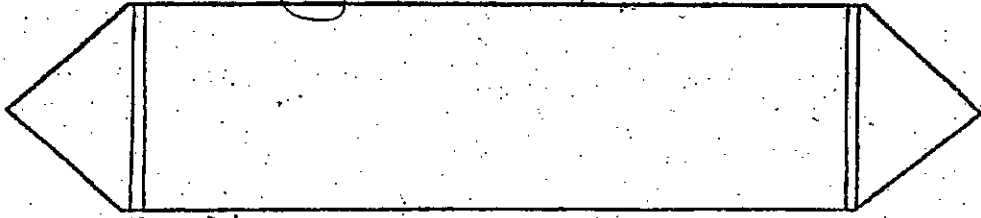
Through:-


Sophia Noreen
Advocate Supreme Court
of Pakistan at Peshawar

&


Syed Ghous Azam Shah
Advocate High Court
Peshawar

بعدالت سوسائٹی ٹرانسپارینسی



2024ء بمطابق

رضی اعظمی بنام رجسٹرار سندھ

موزخہ
 مقدمہ
 دعویٰ
 جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کاروائی متعلقہ آن مقام سندھ اور کے لیے ہیو ایچ ایس آر این اے (ASC) سید علویات اعظمی شاہ ایدو کی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دگا۔ نیز دکن صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور بسورت ڈگری کرنے اجراء اور وصولی چیک در و پیدار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زبرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بسورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ در ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 5 ماہ مارچ 2024ء

واہ العبد

بمقام سندھ اور کے لئے منظور ہے۔

Handwritten signature and stamp.

Accepted

Handwritten mark.