


## FORM OF ORDER SHEET

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

**Appeal No. 736/2024**

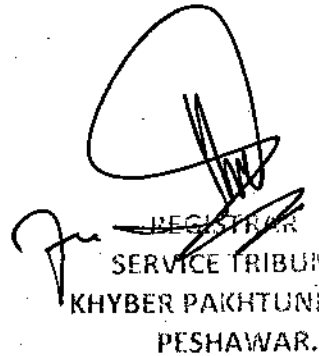
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/05/2024	<p>The appeal of Mst. Bibi Asia resubmitted today by Mr. Tariq Javed Qureshi Advocate. It is fixed for preliminary hearing before touring Single Bench at Bannu 22.08.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mst. Bibi Asia received today i.e on 29.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no.1 & 2 are un-necessary/improper parties, 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 respondent.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Appeal has not been page marked according to the Index.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Annexures of the appeal are unattested.
- 6- Address of the appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 7- Check list is not attached with the appeal.
- 8- Copy of appeal mentioned in para-3 of the memo of appeal is not attached with the appeal be placed on it.
- 9- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 89 /Inst;/2024/KPST,

Dt. 29/05 /2024.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.  
29/5/24

Tariq Javed Qureshi Adv.  
Supreme Court at Bannu.

Copy of Appeal mentioned in Para 3 of memo of Appeal is not attached and it is not available with Appellant for the time being.  
Rest of the requirements completed.  
30/05/2024

(1)

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,  
PESHAWAR**

Service Appeal No. 736 /2024

**Mst. Bibi Asia Operator cum Chawkidar Public Health Engineering  
Division Lakki Marwat.**

*Versus*

**Govt. of Khyber Pakhtun Khwa through Secretary Public Health,  
Engineering Dept: and others**

Respondents


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Dated: 27-5-2024

**Appellant  
Bibi Aasia**

Through Special Attorney:-

  
**Junaid Khan s/o Aslam Khan**

Through Counsel:-

  
**Tariq Javed Qureshi  
Advocate Supreme Court.**

(2)

BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL,  
PESHAWAR

Service Appeal No. 736 /2024

Mst. Bibi Aasia W/O Aslam Khan,  
R/O Toor Lawang-Khel, Tehsil Ghazni Khel, District Lakki Marwat.

Appellant

*Versus*

1. Govt. of Khyber Pakhtun Khwa through Secretary Public Health, Engineering Department, KP, Peshawar.
2. Director Public Health, Engineering Department, Peshawar.
3. S.E, Public Health, Engineering Department Bannu.
4. X.E.N Public Health Engineering Department Lakki Marwat.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE CIVIL  
SERVANT ACT, 1974.

**PRAYER IN APPEAL:**

Filed to-day

Registrar

ON ACCEPTANCE OF THIS APPEAL, THE  
APPLICATION FOR REINSTATEMENT OF APPELLANT  
MAY PLEASE BY ACCEPTED AND RESULTANTLY THE  
APPELLANT MAY GRACIOUSLY BE REINSTATED IN  
SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth!

The appellant most humbly submits as under:-

1. That the present appellant was appointed upon recommendation of the Departmental Selection Committee, vide order No. 2702/E-16 Dated: 23-05-2017 as "Operator cum chowkidar" (BPS-03) in the respondents department after passing through interview and proper procedure. In compliance of above referred Appointment Order, the appellant assumed the charge. {Copy of Appointment order is attached as Annexure-A}.

(2)

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL,  
PESHAWAR**

Service Appeal No. \_\_\_\_\_ /2024

**Mst. Bibi Asia Operator cum Chowkidar,  
Pubic Health Engineering Division, Lakki Marwat.**

**Appellant**

*Versus*

1. S.E, Public Health, Engineering Department Bannu.
2. X.E.N Public Health Engineering Department Lakki Marwat.

**Respondents**

**SERVICE APPEAL UNDER SECTION-4 OF THE CIVIL  
SERVANT ACT, 1974.**

**PRAYER IN APPEAL:**

**ON ACCEPTANCE OF THIS APPEAL, THE  
APPLICATION FOR REINSTATEMENT OF APPELLANT  
MAY PLEASE BY ACCEPTED AND RESULTANTLY THE  
APPELLANT MAY GRACIOUSLY BE REINSTATED IN  
SERVICE WITH ALL BACK BENEFITS.**

**Respectfully Sheweth!**

The appellant most humbly submits as under:-

1. That the present appellant was appointed upon recommendation of the Departmental Selection Committee, vide order No. 2702/E-16 Dated: 23-05-2017 as "Operator cum chowkidar" (BPS-03)" in the respondents department after passing through interview and proper procedure. In compliance of above referred Appointment Order, the appellant assumed the charge. {Copy of Appointment order is attached as Annexure-A}.

(3)

2. That one of the appellant's co-villager namely Akbar Khan filed petition u/s 12(2) C.P.C against the judgment & decree passed in favour of Sarwar Khan father in-law of appellant, which was dismissed by trial court as well by revisional court but in writ petition No. 152-B/2019 the Honourable High Court passed judgment wherein the appointment of appellant was called illegal, whereupon the respondents / department issued appellant's termination order vide order No.1915/B09 dated: 28-05-2019. **{Copy of writ petition, judgment and termination order are attached as Annex-B, C & D}**
3. That the decision of Honourable High Court was challenged in the August Supreme Court of Pakistan, whereupon the August Supreme Court of Pakistan set-aside the judgment of Hon'ble High Court with observation that the appellant is not appointed through judgment & decree passed in favour of Sarwar Khan rather appellant was appointed on merit. The August Supreme Court remanded the writ petition for fresh disposal. **(Copy Judgment of Supreme Court is Annexure-E)**
4. That thereafter the Hon'ble High Court after hearing of arguments by the parties dismissed the writ petition No.152-B/2019 vide judgment dated: 06-12-2023. **(Copy of Judgment is Annexure-F)**
5. That after dismissal of writ petition No.152-B/2019, preferred an application to respondent No.4 for re-instatement of appellant but the same was not entertained by the respondent No.4, whereupon the appellant preferred a departmental appeal in shape of representation to the respondent No.3 on 31-01-2024, which was not decided within the specified period. **{Copies of application and departmental representation are attached as Annex-G & H}**
6. That the appellant being aggrieved and having no other efficacies remedy except to file the instant appeal for the redressal of his grievances before this Hon'ble Tribunal on the following amongst other grounds.

**GROUNDS:**

- A. That the act and omission of the respondents whereby they refuse to re-instate the appellant are against law, facts, hence liable to be set-aside.
- B. That as the August Supreme Court of Pakistan has declared that the appellant was appointed on merit hence could not be terminated in the case wherein

landowner quota was challenged, hence the termination of appellant is against the law, illegal, unlawful and void ab initio and liable to be turned down and appellant is liable to be re-instated with all back benefits.

- C. That after dismissal of writ petition No.152-B/2019 the respondents / department is under obligation to re-instate the appellant with all back benefits because the appellant was wrongly terminated and the said judgment whereupon the appellant was terminated was set-aside by the August Supreme Court of Pakistan, hence the appellant is liable to be re-instated with all back benefits.
- D. That the **termination of the appellant from her service without adopting proper criteria and codal requirements by the respondents was declared illegal by the worthy Supreme Court of Pakistan** and therefore, the re-instatement of appellant with all back benefits is just and proper to remove the agonies of appellant.
- E. That the **appellant had been made victim of discrimination, demerits, partiality and favoritism** without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the respondents refusal to re-instate the appellant is liable to be set at naught.
- F. That the appellant was neither party to the said 12(2) petition nor was appointed in pursuance of judgment and decree passed in favour of Serwar Khan rather the appellant was appointed on merit and the judgment of High Court whereby the appointment of appellant was called illegal, was set-at-naught by the August Supreme Court of Pakistan, hence the appellant is liable to be re-instated with all back benefits.
- G. That the appellant was condemned unheard, her departmental appeal was not properly adjudicated in the manner as provided by the law. Further no chance of personal hearing was given to the present appellant in order to redress her grievances which shows the malafide of the Respondents; hence needs interference of this Hon'ble Tribunal.
- H. That refusal of respondents to re-instant the appellant with all back benefits is illegal, against the settle norms of justice and is against the fundamental

(5)

rights of appellant provided by the Constitution of Islamic Republic Of Pakistan.

- I. The appellant crave for leave of the Hon'ble Tribunal to raise additional grounds at the time of arguments.

**IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL:**

- i. **The appellant may kindly be reinstated in service with all back benefits.**
- ii. **Any other relief, though not specifically asked for, deems appropriate to the Hon'ble Tribunal may also be granted.**

Dated: -5-2024


Appellant  
Bibi Aasia

Through Special Attorney:-



Junaid Khan s/o Aslam Khan

Through Counsel:-



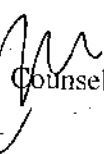
Tariq Javed Qureshi  
Advocate Supreme Court.

**VERIFICATION:**

It is verified that all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

 Deponent

Note: That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

  
Counsel



(5)

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,  
PESHAWAR**

Service Appeal No. \_\_\_\_\_ /2024

Mst. Bibi Asia \_\_\_\_\_

Appellant

*Versus*

**Govt. of Khyber Pakhtun Khwa through Secretary Public Health,  
Engineering Dept: and others**


Respondents

**AFFIDAVIT**

I, **Junaid Khan s/o Aslam Khan r/o Toor Lawang, Tehsil Ghazni Khel, District Lakki Marwat, (Special Attorney)** do hereby solemnly affirm and declare upon oath that the contents of the appeal are true and correct to the best of my knowledge & belief and nothing has been concealed or withheld from this Honourable Tribunal.

Identified By:

Deponent

  
**Tariq Javed Qureshi**  
Advocate, Supreme Court,  
Lakki Marwat

CNIC:  
11201-4705875-5



21/6/24

Annex A



Office of The Executive Engineer  
Public Health Engineering Division Lakki  
No. 2702 /E-16  
Dated: 23/05/2017

**Office Order**

On the recommendation of District Selection Committee, as per its minutes of the meeting held on 03-03-2017, PHE Division Lakki Marwat for appointment for class-IV, Mst. Bibi Aasia W/O Aslam Khan CNIC No 11201-7671490-8 R/O Village Tor Lawang Khel Tehsil and District Lakki Marwat is hereby appointed as Operator Cum Chowkidar on water supply scheme Daulat Mir Lawang Khel and Tor Lawang Khel @8040/- per month plus usual allowances in BPS-03 (8040-325-17790) against Vacant Post in PHE Sub Division Lakki Marwat on the following terms and conditions.

1. She will get the pay at the minimum of BPS-03 (8040-325-17790) including usual allowances as admissible under the rules. She will also be entitled annual increment as per existing policy.
2. She Shall be governed by the Khyber Pakhtunkhwa civil servant act 1973 at all the laws applicable to the civil servants and rules made there under.
3. She Shall for all intents and purposes, be civil servant except for purpose of pension or gratuity, she Shall be entitled to receive such amount contributed by her towards General Provident Fund (G.P.F) along with the contributions made by Government to her account in the said fund, in prescribed manner.
4. Her employment in the PHE Department is purely temporary and her services are liable to be terminated without assigning any reason at 14 days notice or on the payment of 14 days salary in the lieu of the notice. In case she wishes to resign at any time 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
5. She Shall initially, be on probation period for a period of two years extendable up to three years.
6. She Shall produce a Medical Certificate of fitness from Medical Superintendent, District Head Quarter Hospital Lakki Marwat before reporting herself for duty to the Sub Divisional Officer, PHE Sub Division Lakki Marwat as required under the rules.
7. She has to join duty at her own expenses.
8. If she accepts the post of these conditions, she should report for duty to the Sub Divisional Officer, PHE Sub Division Lakki Marwat within 14 days of the receipt of this offer and produce original certificates in connection with her qualifications, domicile and age.

**Executive Engineer  
PHE Division Lakki Marwat**

**Copy Forwarded to:**

1. The Superintending Engineer PHE Circle Bannu.
2. The District Accounts Officer Lakki Marwat.
3. The Manager Employment Exchange Lakki Marwat.
4. The Sub Divisional Officer PHE Sub Division Lakki Marwat.
5. Mst. Bibi Aasia W/O Aslam Khan Village tor Lawang Khel Tehsil and District Lakki Marwat.

*Attested as True copy  
of original*

**Executive Engineer  
PHE Division Lakki Marwat**

Anny B

-1 (8)

**BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH.**

W.P No. 152-B /2019

Akbar Khan son of Alam Dad resident of Tor Lawang Khel Distt:  
Lakki Marwat .....Petitioner

**VERSUS**

1. Govt. of KP through Secretary, Public Health Engineering Deptt: Peshawar,
2. Director, Public Health Engineering Deptt: Peshawar,
3. S.E, Public Health Engineering Deptt: Bannu,
4. XEN, Public Health Engineering Deptt: Lakki Marwat,
5. SDO, Public Health Engineering Deptt: Lakki Marwat,
6. Deputy Commissioner / Additional Assistant Commissioner / Collector, Lakki Marwat,
7. Tehsildar, Lakki Marwat,
8. Sarwar Khan s/o Alam Dad r/o Tor Lawang Takhti Khel, Distt: Lakki Marwat,
9. ADJ-III, Lakki Marwat,
10. CJ-II, Serai Naurang, Distt: Lakki Marwat  
..... Respondents

**WRIT PETITION UNDER ARTICLE 199 (1)(a)(i) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 FOR:**

- a. To set aside the impugned judgment of the Revisional Court and the impugned order of the Trial Court of CJ-II, Lakki Marwat who dismissed the civil revision petition No.32 of 2018, date of institution 29-06-2018 Decided 09-01-2019 titled "Akbar Khan Vs Govt. of KP etc" by ADJ-III, Lakki Marwat by upholding the impugned order of the Trial Court CJ-II, Serai Naurang dated 11-09-2018, who decreed the suit No.22/1 of 2015 titled "Sarwar Khan Vs Govt. of KP & others" the petitioner challenged the validity of the aforesaid decree of the Trial Court by filing application U/S 12(2) CPC bearing No.2/12(2), who dismissed the same being devoid of merits and imposed a heavy special costs of Rs.15,000/- upon the petitioner, which is against the law, unlawful, un-constitutional and of no legal effect.
- b. On acceptance of the instant constitutional petition, may please set aside the impugned order, judgment & decree of the learned Fora below and accepted the application U/S 12(2) of CPC bearing No.2/12(2) and remand the case and direct the respondent No.10 (CJ-II, Serai Naurang Distt: Lakki Marwat) to decide the case of petitioner on merits after providing opportunity to the petitioner to procure his relevant evidence, with costs throughout.
- c. The Honorable High Court may further be pleased to restrained the respondents No.1 to 8 with immediate effect, from doing anything which they are not permitted by Law to do. *executions may be suspended.*
- d. Any other relief, consider appropriate, may also be granted.

*[Handwritten signature]*

**Respectfully Sheweth:**

**Brief Facts**

1. That the petitioner filed an application U/S 12(2) CPC before the SCJ, Lakki Marwat, who entrusted the same to CJ-II, Lakki Marwat/respondent-10 for disposal on merit, on the ground that the suit No.22/1 decided on 31.01.2017 in the Court of CJ-II, Lakki Marwat, the petitioner further contended that the same was decreed on the basis of fraud, concealment of

Filed Today  
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Registrar

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facts and misrepresentation and the petitioner was not made as a necessary party to the suit, which is illegal, ineffective upon the rights of petitioner and thus requested that upon the acceptance of 12(2) CPC petition, the petitioner be arrayed as a necessary party in the suit and then the learned Trial Court shall decide the case afresh on merits. Certified copies of the petition U/S 12(2) CPC, reply, impugned order dated 11-09-2018, judgment dated 19-01-2018, memo of sheet, revision petition, suit bearing No.22/1 and decree-sheet with copy of plaint, written statement, issues, PWs, DWs, exhibits & other miscellaneous documents etc are enclosed as Annexure-A to K respectively.

2. That after that the petitioner impugned the order dated 11-09-2018 in revision petition, which also met the same fate.
3. That now the petitioner having no alternative remedy except the instant writ petition and wants to indulge this Honorable Court into the matter, inter alia, on the following grounds;

**Grounds**

- A. That the impugned judgment, decree of the Revisional Court and the impugned order of the Trial Court are illegal, against the Law and amounts to transgression on his lawful authority and violation of the fundamental rights of the petitioner, unconstitutional and of no legal effect.
- B. That the respondents No.10 was legally bound to have had resorted to the legal preposition to provide opportunity to the petitioner to establish his right on the basis of Principle of Pro & contra evidence, but the respondent-10 exercising his illegal powers, took aside this legal preposition and straight away dismissed the application in limine without providing an opportunity to the petitioner to prove his plea through cogent and reliable evidence, which is against his fundamental rights.
- C. That the revenue record also transpires the ownership of petitioner over the suit land, but constantly and deliberately ignored this factual proposition of the suit, which indicates transgression upon the illegal power of both the learned Fora below.
- D. That law favors disposal of legal propositions on merits. The impugned judgment & decree of the Revisional Court and the impugned order of the Trial Court are *Per Incurium*, because for the Court was necessary to dilate upon the factual and legal points in the case.
- E. That for doing substantial justice in the true sense in a hardship case, technicalities of law & rule shall not operate as an absolute bar in the way of court, because, giving preference to the technicalities of law, would defeat the substantial justice.
- F. That it was the duty of both the Fora below to unravel tangled skein of facts involved in a case to identify material issues and consider all the necessary and relevant aspects of the controversy adjudicated between the parties to examine root cause of dispute, so that truth is unveiled for administration of justice.
- G. That acts of Court should not cause prejudice nor should the right and interests of the parties be effected by them.
- H. That one who had alleged a fact must be proved by Pro & contra evidence and order in contravention of law could not be termed as proper judicial order, so the impugned judgment, decree and orders are totally against the fundamental rights, unconstitutional and unlawful, liable to be set aside and

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requires the remanding of case to the Trial Court for disposal on merits in the light of material available on file and to be benefited with opportunities.

It is, therefore, humbly prayed that the instant Writ Petition may graciously be accepted and may be pleased set aside the impugned judgment, decree & order of both the learned Fora below and remand the case with directions to the respondent No.10 (CJ-II, Serai Naurang Distt: Lakki Marwat) to decide the case of petitioner on merits after providing opportunity to the petitioner to procure his relevant evidence, with costs throughout.

Dated: 24/01/2019

Petitioner

Akbar Khan,

Through Counsel

Asghar Ali Khan, Daim Khel, ASC.

Asghar Ali

**Interim Relief:**

*That the Honorable High Court may be pleased to remand the case and direct the respondent No.10 (CJ-II, Serai Naurang Distt: Lakki Marwat) to decide the case of petitioner on merits after providing opportunity to the petitioner to procure his relevant evidence, with costs throughout.*

Petitioner

Akbar Khan,

AS

Filed Today  
31/01/2019  
Additional Registrar

Annex C

(11)

**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT,**  
**BANNU BENCH.**

(Judicial Department)

W.P No.152-B of 2019

Akbar Khan  
Vs  
Govt. of Khyber Pakhtunkhwa.

**JUDGMENT**

Date of hearing . . . . . 22.05.2019

Appellant-Petitioner by Mr. Asghar

Ali Khan Dains Chel Adv.

Respondent by Mr. Muhammad Jamil

Adv. by Mr. Shahid Hussain Adv.

MUHAMMAD NASIR MAHFOOZ, J.--- The petitioner has  
implored this Court under Article 199 of the Constitution of  
Islamic Republic of Pakistan, as follows:

*Handwritten mark*

*"It is, therefore, humbly prayed that the instant writ petition may graciously be accepted and may be pleased set aside the impugned judgment, decree & order of both the learned fora below and remand the case with direction to the respondents No.10(CJ-II, Serai Naurang, district Lakki Marwat) to decide the case of petitioner on*

*Handwritten signature*

*merits after providing opportunity to the petitioner to procure the relevant evidence with Costs."*

2. This petition is in the nature of writ of certiorari to call upon the official respondents as to why they have appointed wife of respondent No.8 as Chowkidar In Public Health Engineering Department, vide appointment order 23.05.2017. The impugned order passed by learned Courts below are outcome of application under section 12(2) CPC filed against the order dated 31.01.2017 passed in civil Suit No.22/1 of 2015 filed by respondent No.8 to the effect that since he had donated land for construction of tube well and water tank to the official respondents/ department, but they are not attesting any mutation in their name nor they are removing water tank from his property. It was also prayed in the suit that on the basis of this donation of land, respondents may be directed to appoint class-IV, servant on his recommendation. Since it was admitted that the tube well is constructed on the land owned by respondent/ plaintiff, so the suit was decreed on

*S. J. K.*

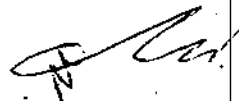
*[Signature]*

31.01.2017, this suit continued without impleading present petitioner, who happened to be brother of plaintiff/ respondent No.8, hence the application under section 12(2) CPC filed on 27.07.2017.

3. Respondents contested the said application, wherein they relied on earlier civil suit filed by son of the petitioner on 29.05.2017, but plaint was rejected on 21.07.2017 for lack of jurisdiction and lack of cause of action. The said order was assailed in appeal, but appeal was dismissed on 19.12.2017. Petitioner also filed civil suit on 21.03.2016 for declaration of specific performance on the identical ground of suit No.22/1, but his plaint was rejected on 12.11.2016 and the appeal there from also met the same fate on 19.12.2017.

4. I have heard arguments of learned counsel for the parties and learned Addl. A.G for official respondents and perused the record.

5. No factual controversy relating to donation of land and appointment of wife of respondent No.8 Mst. Asia Bibi on the basis of said donation is involved, as





this fact is admitted by both the parties as well as their counsel at the bar. The question that falls for determination in the instant petition is the legality or otherwise of appointment of wife of respondent No.8 on the basis of donation of land for the purpose of construction of tube well. There is no record as to who is managing the tube well, because learned A.A.G has not strongly claimed that the department is managing affairs of running tube well, which implies that tube well is being managed by respondent No.8 having been constructed on his land.

6. Petitioner and respondent No.8 are brothers interse and the earlier litigation as well as present litigation bears true testimony of the fact that the appointment on the post of chowkidar for tube well is an apple of discord between them. The legality of appointment on the basis of donation is no more alive issue, once it has been settled by the Hon'ble Supreme Court of Pakistan in case titled, "Munawar Khan Vs.

*S. P. A.*

*[Handwritten Signature]*

Niaz Muhammad and 7 others (1993 SCMR 1287),

wherein it is held that:

*"As regards the policy of making appointments against land grants, we find that this amounts to, in fact, sale of public office for property. Not only it is against the constitutional law applicable to public office, but is not conducive to public interest. What could be done within the framework of the law was to create a margin of preference for those who make such grants, other conditions of eligibility and suitability and fitness being equal. We, therefore, overrule this practice prospectively."*

7. It is the settled principle that an agreement to transfer land in exchange for employment is void, illegal and the same is not enforceable in the eyes of law as the same is against the public policy and against the public interest. It is also established rule that the parties cannot contract themselves against the public policy, if the agreement is made against it. Reliance is placed on judgment reported in case titled "Hameedullah and 9 others Vs headmistress, govt. Girls School, Chowkara, (1997 SCMR 855), relevant part is quoted below.

(16)

*"There is nothing in evidence on record to show that the appellant was equally eligible, suitable and fit for the post as compared to respondent No.5. The appointment is to be based on merits and if on merits the donor or his nominee is at par with other candidates, only then preference can be given to him. By the observation referred hereinabove, the donor or his nominee is not vested with any right to claim the post."*

8. The legality of appointment on the basis of donation of land treating it to be sale of office is now finally resolved and requires no more determination in the instant case. The Rule framed under the Civil Servants Act, for the appointment of Class-IV, employees inevitably provides publication of post through advertisement in daily news paper. In this respect Rule 10 (2) of Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 is quoted below.

*J.P.D.*

*(2) Initial recruitment to posts which does not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers";*

*R M*

9. For issuance of writ of certiorari, the High Court is duty bound to grant remedy i.e. in aid of justice and for the fulfillment of legal obligation accruing from any legal provision and the hands of this Court are not tied to delve deeper into the merits of judgment of subordinate Courts and in case it is found that the same has been based in contravention of the established norms of justice and express provision of law, then this court has got vast powers of judicial review to interfere by setting aside orders impugned before it. Nevertheless, the subject matter is already finally resolved through the afore quoted judgment of Hon'ble Supreme Court of Pakistan, so it is past and closed transaction and no court can grant any remedy to surpass the same or thwart its effect in any manner whatsoever. Under Article 189 of the constitution of Islamic Republic of Pakistan, the judgments of superior Courts are always binding on the subordinate Courts and no such relief could be granted.

89A


10. Consequence to the above I have arrived on the irresistible conclusion that the impugned judgment



(18)

and decree / orders are in complete oblivion as afore mentioned and could not be allowed to sustain in the facts and circumstances of the case. Hence, the instant writ petition is allowed and by setting aside impugned judgment and decree, the appointment order dated 23.05.2017 of wife of respondent No.8 Mst. Asia Bibi on the post of chowkidar is declared as null & void and the post shall remain vacant and official respondents are directed to initiate appointment process from the candidates of the concerned village council by advertising the same in widely circulated news paper and thereafter issue appointment order in fair and transparent manner, without favouritism. The process shall be completed within a period of one month without fail.

Announced.  
22.05.2019



24/05/2019

31/01/2024

Annex D

(19)

OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH ENGG: DIVISION LAKKI MARWAT

NO 1915 /

DATED Lakki the 28-05 /2019

**OFFICE ORDER**

As per Decision of Honourable High Court Bannu Bench , Writ Petition NO.152-B/2019 announced on 22-05-2019, the services of Mst:Asia Bibi W/O Aslam Khan Operator cum Chowkidar is terminated from service vide office order No.2702/E16 dated 23-05-2017, with immediate effect.

EXECUTIVE ENGINEER

Copy is forwarded to:

- 1.The District Accounts Officer Lakki Marwat .
- 2.The Sub Divisional Officer PHE/Division Lakki Marwat .
- 3.The Head Clerk PHE Division Lakki Marwat .
- 4.Mst Asia Bibi W/O Aslam Khan Operator cum Chowkidar WSS:

Daulat Mir Lawang Khel & Tor Lawang .

EXECUTIVE ENGINEER

Attested as true copy of original



(20) (23)

**OFFICE OF THE EXECUTIVE ENGINEER  
PUBLIC HEALTH ENGG: DIVISION  
LAKKI MARWAT**

No. 1915 / B-9.  
Dated Lakki the 98/05/2019.

**OFFICE ORDER**

As per Decision of Honourable High Court Bannu Bench, Writ Petition No. 152-B/2019, announced on 22-05-2019, the services of Mst: Asia Bibi W/O Aslam Khan Operator cum Chowkidar is terminated from service vide office order No. 2702/E-16 dated 23-05-2017, with immediate effect.

Copy is forwarded to:-

**EXECUTIVE ENGINEER**

- 1- The Branch Accounts Officer Lakki Marwat.
- 2- The Sub-Divisional Officer PHE S/Division Lakki Marwat.
- 3- The Head Clerk PHE Division Lakki Marwat.
- 4- Mst: Asia Bibi W/O Aslam Khan Operator cum Chowkidar WSS Daulat Mir Lawang Khel & Tor Lawang.

**EXECUTIVE ENGINEER**

Attested as true copy of original

*Me*

Annex E

21

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Muhammad Ali Mazhar  
Mrs. Justice Ayesha A. Malik

**CIVIL PETITION NO.2348 OF 2019 along with CMA**  
**No.8621 & 10260/2022** [Against the judgment dated 22.05.2019  
passed by the Peshawar High Court, Bannu Bench in WP No.152-B of  
2019]

Sarwar Khan (deceased) through LRs and ...Petitioner/  
another (in both cases) Applicant(s)

Versus

Government of KP through Secretary, Public ...Respondent(s)  
Health Engineering Department Peshawar  
and others (in both cases)

For the Petitioner/ : Mr. Salahuddin Malik, ASC  
Applicant(s) Junaid Khan, in person  
(in CMA.10260/2022)

For the Respondent(s) : Mr. Zahid Yousaf Qureshi,  
Additional Advocate General, KP  
Mr. Fazal Ahmed, XEN  
Mr. Asghar Ali Khan, ASC

Date of Hearing : 03.01.2023

**ORDER**

**MUHAMMAD ALI MAZHAR, J.**- This Civil Petition is directed  
against the judgment dated 22.05.2019 passed by the learned  
Peshawar High Court, Bannu Bench ("**High Court**") in W.P.  
No.152-B of 2019.

2. According to the sequence of events, Sarwar Khan (Petitioner  
No.1 in the High Court) alleged that he donated a piece of land  
to the Public Health Engineering Department, Peshawar and, in  
lieu thereof, he made a request to the department to appoint his  
nominee Ms. Asia Bibi as Chowkidar. Since his request was not  
acceded to, hence he filed a Civil Suit which was decreed vide  
judgment and decree dated 31.01.2017. Being aggrieved, Akbar  
Khan (respondent No.9), filed an application under Section 12

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad



(2), CPC which was dismissed vide order dated 11.09.2018, thereafter he filed a Revision Application before the learned Additional District Judge-III, Lakki Marwat which was also dismissed on 09.01.2019. In order to challenge both the orders, he filed Writ Petition No.152-B of 2019 in the High Court. In the meanwhile, Ms. Asia Bibi was appointed as Chowkidar as requested by Sarwar Khan. The memo of the Writ Petition depicts that Akbar Khan (respondent No.9), challenged the appointment of Asia Bibi on the ground that there was no policy or justification to appoint Ms. Asia Bibi on the basis of donation of land and, in addition thereto, he also asserted in ground (c) of the petition that the revenue record transpires the ownership of the petitioner over the suit land which was not considered by the lower *fora*.

3. The learned High Court heard the parties and while referring to the judgment rendered by this Court in the case reported as Munawar Khan Vs. Niaz Muhammad and 7 others (1993 SCMR 1287) held that the legality of appointment on the basis of donation of land has been set at naught by this Court and finally allowed the Writ Petition and set aside the impugned judgment and decree passed by the lower *fora* and, as a consequence thereof, the appointment order dated 23.05.2017 issued in favour of Ms. Asia Bibi for the post of Chowkidar was declared as null and void with further directions to the department to initiate appointment process through advertisement in the vernacular newspapers.

4. To start with, our attention was brought to the appointment letter of Ms. Asia Bibi (available at page 110 of the paper book) which demonstrates that she was appointed in view of the minutes of the District Selection Committee meeting wherein, besides her, seven other candidates were also considered and her name was mentioned at Sr. No.2 on merit-cum-fitness basis (10% quota). Whereas the learned High Court cancelled the

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

appointment letter merely on the basis that there was no policy, rules or regulations which may permit the appointment on the basis of donation of land and reliance was also made on the judgment of this Court (supra), but failed to advert to the minutes of meeting of the District Selection Committee wherein the appointment was not made in lieu of donation of land.

5. One application (CMA No.10260 of 2022) has also been moved for impleadment as proper and necessary party by Junaid Khan s/o Aslam Khan. According to this intervener, he has also been appointed on merits. The record also reflects that the petitioner Sarwar Khan (petitioner No.1) as well as Akbar Khan (respondent No.9) both have passed away and their legal heirs have been brought on the record of this case.

6. According to the petitioners, the appointment of Asia Bibi was made on merits and not on the basis of donation of plot whereas the counsel for the legal heirs of Akbar Khan argued that the learned High Court only focused on the question of appointment on the basis of donation of plot and failed to decide the other crucial issue raised in the memo of the Writ Petition with regard to the ownership of the alleged donated land. Whereas the intervener claims that, after the High Court order, he was appointed on merits in place of Asia Bibi which cannot be disturbed.

7. In order to provide an equal opportunity of hearing and to thrash out the bone of contention raised between the parties, the learned counsel appearing for the parties as well as the intervener agreed that the matter may be remanded to the learned High Court and we are also of the view that in the High Court the sole issue was not related to the right of appointment of nominee on the basis of donated land but some other issues were also cropped up vice versa, therefore, we feel it is

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Senior ~~Part~~ Associate  
Supreme Court of Pakistan  
Islamabad

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appropriate to remand the matter to the learned High Court to decide it afresh.

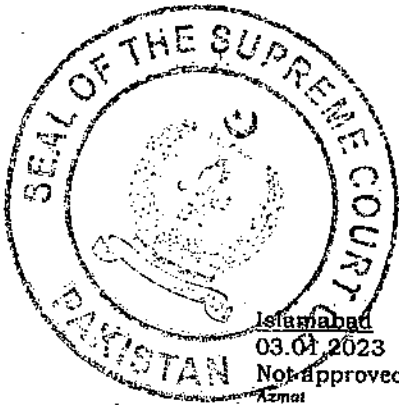
8. As a result of the above discussion, the Civil Petition is converted into appeal and allowed and the impugned judgment of the learned High Court is set aside with the direction to decide the *lis afresh* preferably within a period of four months. The legal heirs of Sarwar Khan and Akbar Khan may file the proper application for impleading them in the High Court to pursue the Writ Petition and the intervener Junaid Khan may also move an application in the High Court if he wants to join the proceedings. CMA 8621/2022 has been presented for bringing the legal heirs of Akbar Khan (Respondent No.9) on record, which is allowed and the amended title is already on record. C.M.A 10260/2022 is also disposed of in the above terms.

Sd/-J

Sd/-J

Certified to be True Copy

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad



Islamabad  
03.01.2023  
Not approved for reporting  
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Received by: [Signature]

Annex F

-1-

**BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH.**

W.P No. 152-B /2019

Akbar Khan son of Alam Dad resident of Tor Lawang Khel Distt:  
Lakki Marwat .....Petitioner

VERSUS

1. Govt. of KP through Secretary, Public Health Engineering Deptt: Peshawar,
2. Director, Public Health Engineering Deptt: Peshawar,
3. S.E, Public Health Engineering Deptt: Bannu,
4. XEN, Public Health Engineering Deptt: Lakki Marwat,
5. SDO, Public Health Engineering Deptt: Lakki Marwat,
6. Deputy Commissioner / Additional Assistant Commissioner / Collector, Lakki Marwat,
7. Tehsildar, Lakki Marwat,
8. Sarwar Khan s/o Alam Dad r/o Tor Lawang Takhti Khel, Distt: Lakki Marwat,
9. ADJ-III, Lakki Marwat,
10. CJ-II, Serai Naurang, Distt: Lakki Marwat

..... Respondents

**WRIT PETITION UNDER ARTICLE 199 (1)(a)(i) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 FOR:**

- a. To set aside the impugned judgment of the Revisional Court and the impugned order of the Trial Court of CJ-II, Lakki Marwat who dismissed the civil revision petition No.32 of 2018, date of institution 29-06-2018 Decided 09-01-2019 titled "Akbar Khan Vs Govt. of KP etc" by ADJ-III, Lakki Marwat by upholding the impugned order of the Trial Court CJ-II, Serai Naurang dated 11-09-2018, who decreed the suit No.22/1 of 2015 titled "Sarwar Khan Vs Govt. of KP & others" the petitioner challenged the validity of the aforesaid decree of the Trial Court by filing application U/S 12(2) CPC bearing No.2/12(2), who dismissed the same being devoid of merits and imposed a heavy special costs of Rs.15,000/- upon the petitioner, which is against the law, unlawful, un-constitutional and of no legal effect.
- b. On acceptance of the instant constitutional petition, may please set aside the impugned order, judgment & decree of the learned Fora below and accepted the application U/S 12(2) of CPC bearing No.2/12(2) and remand the case and direct the respondent No.10 (CJ-II, Serai Naurang Distt: Lakki Marwat) to decide the case of petitioner on merits after providing opportunity to the petitioner to procure his relevant evidence, with costs throughout.
- c. The Honorable High Court may further be pleased to restrained the respondents No.1 to 8 with immediate effect, from doing anything which they are not permitted by Law to do *execution may be suspended.*
- d. Any other relief, consider appropriate, may also be granted.

**Respectfully Sheweth:**

**Brief Facts**

1. That the petitioner filed an application U/S 12(2) CPC before the SCJ, Lakki Marwat, who entrusted the same to CJ-II, Lakki Marwat/respondent-10 for disposal on merit, on the ground that the suit No.22/1 decided on 31.01.2017 in the Court of CJ-II, Lakki Marwat, the petitioner further contended that the same was decreed on the basis of fraud, concealment of

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*[Signature]*  
EXAMINER  
Peshawar High Court  
Bannu Bench

Filed Today

31/02/2019

*[Signature]*  
Registrar

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requires the remanding of case to the Trial Court for disposal on merits in the light of material available on file and to be benefited with opportunities.

It is, therefore, humbly prayed that the instant Writ Petition may graciously be accepted and may be pleased set aside the impugned judgment, decree & order of both the learned Fora below and remand the case with directions to the respondent No.10 (CJ-II, Serai Naurang Distt: Lakki Marwat) to decide the case of petitioner on merits after providing opportunity to the petitioner to procure his relevant evidence, with costs throughout.

Dated: 24/01/2019

Petitioner

Akbar Khan,

Through Counsel

Asghar Ali Khan, Daim Khel, ASC

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Asghar Ali

Interim Relief:

*That the Honorable High Court may be pleased to remand the case and direct the respondent No.10 (CJ-II, Serai Naurang Distt: Lakki Marwat) to decide the case of petitioner on merits after providing opportunity to the petitioner to procure his relevant evidence, with costs throughout.*

Petitioner

Akbar Khan,

Filed Today  
31/01/2019  
Additional Registrar

ATTESTED

  
Additional Registrar  
Honoru Bench

**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
BANNU BENCH.**

(Judicial Department)

W.P No.152-B/2019

Akbar Khan  
Vs  
Provincial Government & others.

**JUDGMENT**

Date of hearing 06.12.2023.

For petitioner:- Mr. Asghar Ali Khan Daim Khel,  
Advocate.

For respondents:- Mr. Umer Qayum Khan, AAG for  
official respondents.

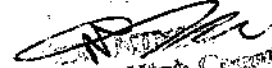
M/s Muhammad Tariq Qureshi and  
Aman Ullah Jan Khattak Advocates  
for respondents.

\*\*\*\*\*

**FAZAL SUBHAN, J.-** Instant writ petition is filed by the  
petitioner under Article 199 of the Constitution of Islamic  
Republic of Pakistan, 1973 (Constitution) and has prayed as  
following :-

"a. To set aside the impugned judgment  
of the Revisinal court and the impugned  
order of the Trial court of CJ-II, Lakki  
Marwat, who dismissed the civil revision  
petition No.32 of 2018, date of institution  
29.6.2018 decided 09.01.2019 titled "Akbar

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Peshawar High Court  
Bannu Bench

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Khan Vs Govt. of KP etc" by AD-III, Lakki Marwat by upholding the impugned order of the Trial Court CJ-II, Serai Naurang dated 11.09.2018, who decreed the suit No.22/1 of 2015 titled "Sarwar Khan Vs Govt. of KP & others" the petitioner challenged the validity of the aforesaid decree of the Trial Court by filing application U/S 12(2) CPC bearing No.2/12(2), who dismissed the same being devoid of merits and imposed a heavy special costs of Rs.15,000/- upon the petitioner, which is against the law, unlawful, unconstitutional and of no legal effect.

b. on acceptance of the instant constitutional petition, may please set aside the impugned order, judgment & Decree of the learned Fora below and accepted the application U/S 12(2) of CPC bearing No.2/12(2) and remand the case and direct the respondent No.10 (CJ-II, Serai Naurang District Lakki Marwat) to decide the case of petitioner on merits after providing opportunity to the petitioner to procure his relevant evidence, with costs throughout.

c. The Honourable High Court may further be pleased to restrained the respondents No.1 to 8 with immediate effect, from doing anything which they are not permitted by law to do



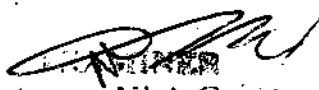


d. Any other relief, consider appropriate, may also be granted.”

2. Facts of the case, in brief are that Sardar Khan, now deed and succeeded by his legal heirs, instituted a suit No.22/1 of the year 2015, for declaration and perpetual injunction that he is owner of 1/234 shares in the landed property bearing Khata No.65 Min, Khasra No. 1296, Khata No.73 Min Khasra No.1297 to the extent of 19/212 shares, total 0.10 marlas of Mouza Tor Lawang Khel, District Lakki Marwat (suit property) and the Public Health Engineering has constructed a tube-well and water tank, but the defendants therein, has refused to transfer it in their names and in case of their refusal, they have to remove the entire structure of tube well and water tank and to restore the suit property to him.

3. This suit was resisted by the respondents and after framing of issues, both the parties produced their evidence and the learned trial court through its judgment dated 31.01.20174 decreed the suit in favour of respondent. Here, it is to be mentioned that on 18.5.2016, the present petitioner Akbar Khan filed an application for his impalement as necessary party to the suit, however, his

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Attorney at Law  
Sardar Khan  
Sardar Khan

application was dismissed on 12.11.2016 and appeal against the said order was dismissed on 16.11.2017 by the learned Additional District Judge-II, Lakki Marwat, on the ground of withdrawal. Record further reveals that in the interregnum 2 suit titled "Haji Akbar Khan -Vs- Government of Khyber Pakhtunkhwa and others" (No.220/1 of 2016) "Haji Akbar Khan-Vs-Government of Khyber Pakhtunkhwa and others" (222/1 of 2016) filed by the petitioner and suit titled "Raees Khan son of Akbar Khan -Vs-Government of Khyber Pakhtunkhwa and others" (297/1) in respect of the same subject matter were rejected by courts of Senior Civil Judge/Civil Judge-III, Lakki Marwat and appeal against the rejection orders were also dismissed.

4. The matter did not ended here and Haji Akbar Khan filed an application under section 12(2) of the Code of Civil Procure, 198, (Code) challenging the judgment and decree passed in suit No.22/1 dated 27.7.2017, on the ground of fraud, collusion and misrepresentation, contending that the suit property, whereupon a tube well is installed is his ownership, however, the impugned judgment and decree was obtained without arraying him as a party to the suit.

REGISTERED


High Court  
Khyber Pakhtunkhwa

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5. From the facts mentioned in preceding paras, it is clear that the petitioner Akbar Khan during his lifetime filed two separate suits in respect of the same subject matter, whereas his son Raees Khan through suit No.297/1 of 2017 challenged the appointment of defendant No.5 Mst Aasia, however, their suits were concurrently dismissed/rejected by the trial as well as appellate courts, hence they were unable to substantiate their claims in respect of their title over the suit property, whereas respondent through his suit had established his ownership on the basis of legal evidence, hence petitioner was unable to prove that decree in suit No.22/1 of 2015 was obtained by playing fraud, collusion or misrepresentation.

6. So far as question of appointments of Mst. Aasia to the post of operator cum chowkidar on water supply scheme Daulat Mir Lawang Khel and Tor Lawang Khel is concerned, it is to be mentioned that she was appointed to the said post vide order No.2702/E-16 dated 23.5.2017, however, subsequently, vide order No.1501/E-16 dated 20.02.2019, her brother Mr. Shahid Khan was appointed to the said post. Record further shows that through order No.I/E-16 dated 01.01.2020, his brother Junaid Khan son of Aslam Khan was appointed on the said

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post. All the three appointees are sons/daughter of Aslam Khan son of Sarwar Khan, and the said appointments were made on the recommendations of District Selection Committee, hence the appointment of last appointee Junaid Khan has no concern with the decree passed in favour of Sarwar Khan, nor the petitioner could challenged the same or lay claim to the said post on the ground of being land donor.

7. From the above discussed facts on record, it is held that petitioner was unable to prove that the respondents predecessor had obtained the impugned decree due to fraud, collusion or mis-representation, hence this writ petition being devoid of any merits, is dismissed.

**Announced.**  
**06.12.2023.**  
Ihsan.\*/-

(S.B)  
Hon'ble Mr. Justice Fazal Subhan.

9/12/23  
12/12/23  
SCANNED  
09 JAN 2024  
Junaid Khan

CERTIFIED TO BE TRUE COPY

Fazal Subhan  
Peshawar High Court Bench  
Appointed Under Article 87 of  
The Constitution of Pakistan Ordinance 1984

10/01/2024

CA

بخدمت جناب XEN صاحب پبلک ہیلتھ ضلع لکی مروت

39

عنوان :- درخواست بابت بحالی مسماہ آسیہ بی بی زوجہ اسلم خان بدمہ ایئر

جناب عالی!

- یہ کہ سائلہ کی تعیناتی مورخہ 23-05-2017 کو آرڈر ہوئے۔
  - یہ کہ مسی اکبر خان نے ایک عدالت پیشینہ 152 B/ 2019 دائر کیا تھا جس میں سائلہ بدمہ رہ سپانڈنٹ شامل تھی، یعنی فریق مقدمہ نہ تھی۔ (نقل لف ہے)
  - یہ کہ مورخہ 22-05-2019 کو عدالت عالیہ پشاور ہائی کورٹ بنوں بیچنے نے 152 B/ 2019 رٹ پیشینہ منظور کیا اور محکمہ نے اس فیصلہ کے تناظر میں سائلہ کو بر طرف کیا۔ (ہائی کورٹ آرڈر اور ایکس ٹریٹیشن آرڈر لف ہیں)
  - یہ کہ عدالت عالیہ کے فیصلے کے خلاف کیس سپریم کورٹ چلا گیا، سپریم کورٹ نے کیس منظور کرتے ہوئے پشاور ہائی کورٹ کا فیصلہ منسوخ کیا اور دوبارہ فیصلہ کرنے کے لیے ریمانڈ کیا (نقل فیصلہ سپریم کورٹ لف ہیں)۔
  - یہ کہ عدالت عالیہ پشاور ہائی کورٹ بنوں بیچنے نے 152 B/ 2019 رٹ پیشینہ کو مورخہ 06-12-2023 خارج کیا (نقل لف ہے)۔
  - یہ اب سائلہ حند کرہ بالا پوسٹ پر بحالی کی قانونی حقدار ہے۔
- لہذا اپ صاحبان سے التماس ہے کہ من سائلہ کو اپنی پوسٹ پر حقدار قرار دے کر دوبارہ تعیناتی کے احکامات صادر فرمائیں۔

مورخہ۔ 12 جنوری 2024

العارض

سائلہ بی بی آسیہ زوجہ اسلم خان ایئر کم چوکیدار سکیم دولت میر لوگ۔ طور لوگ خیال

Resub

Signature

12-1-2024

At

### بخدمت جناب SE صاحب پبلک ہیلتھ ضلع لکی مروت (بنوں)

عنوان: درخواست برائے شروع کرنے ساتھ حکم ایس پبلک ہیلتھ لکی مروت مورچہ 28 مئی 2019ء۔ درج ذیل ہائی کورٹ پریم کورٹ فیصلہ منسلک اپیل بابت بحالی سے  
آئی بی ڈی ڈی جی اسلم خان بعد از (پریسکریپشن) کی وجہ سے حکیم دولت برونگ۔ طور لوگ (نیل)

35

جناب عالی!

- یہ کہ سالہ کی تعیناتی مورچہ 23-05-2017 کو آرڈر ہوئے۔
  - یہ کہ سی آکبر خان نے ایک مدد و رٹ پیشین 152 B/ 2019 دائر کیا تھا جس میں سالہ بذمہ در سپانڈنٹ شامل نہ تھی، یعنی فریق مقدمہ نہ تھی۔ (نقل لف ہے)
  - یہ کہ مورچہ 22-05-2019 کو عدالت عالیہ پشاور ہائی کورٹ بنوں شیخ نے 152 B/ 2019 رٹ پیشین منظور کیا اور حکم نے اس فیصلہ کے تناظر میں سالہ کو برطرف کیا۔ (ہائی کورٹ ارڈر اور ایس ٹریٹیشن اور لف ہیں)
  - یہ کہ عدالت عالیہ کے فیصلے کے خلاف کس پریم کورٹ چلا گیا، پریم کورٹ نے کس منظور کرتے ہوئے پشاور ہائی کورٹ کا فیصلہ منسوخ کیا اور دوبارہ فیصلہ کرنے کے لیے ریٹائر کیا (نقل فیصلہ پریم کورٹ لف ہیں۔)
  - یہ کہ عدالت عالیہ پشاور ہائی کورٹ بنوں شیخ نے 152 B/ 2019 رٹ پیشین کو مورچہ 06-12-2023 کو خارج کیا (نقل لف ہے)۔ مذکورہ اپیل ہذا فیصلہ عدالت ہائی کورٹ مورچہ 06 دسمبر 2023 کے تحت اندر میعاد ہے اور معدوقہ نقل فیصلہ ہائی کورٹ سن سالہ کو مورچہ 11-01-2024 کو موصول ہوں
  - یہ کہ اب سالہ حذ کر بلا پوسٹ پڑھائی کی قانونی حقدار ہے۔
  - یہ کہ سالہ نے مورچہ 12-01-2024 کو XEN پبلک ہیلتھ لکی مروت کو اس بارے میں درخواست دی اور XEN پبلک ہیلتھ ضلع لکی مروت نے قانونی ارڈر دینے سے معذرت کی۔ مگر درخواست پر کوئی عمل نہ کیا۔ بدلی وجہ حکمانہ اپیل ہذا دائر کرنے کی ضرورت ہوئی
- لہذا اب صاحبان سے اہتمام ہے کہ سن سالہ کو اپنی پوسٹ پر حقدار قرار دے کر دوبارہ تعیناتی کے احکامات صادر فرمائیں۔ اور سن سالہ کی حکمانہ اپیل حذرا بطریق قانون منظور فرمائی جائے اور اس بابت ہدایت جاری فرمائی جائیں اور سابقہ منسوخی آرڈر سن سالہ پر روشنی فیصلہ پریم کورٹ ہائی کورٹ ختم کر کے سن سالہ کو دوبارہ بحال فرمایا جائے۔

مورچہ: 31 جنوری 2024

العارضہ

سالہ بی بی آسیہ زوجہ اسلم خان ایس ٹریٹ کریم دولت برونگ۔ طور لوگ نیل

Presented to Education Officer  
At the Law Office for membership assen

Superintending Engineer  
Public Health Engineering Circle  
Banita

31-1-2024

Added as True copy of copy

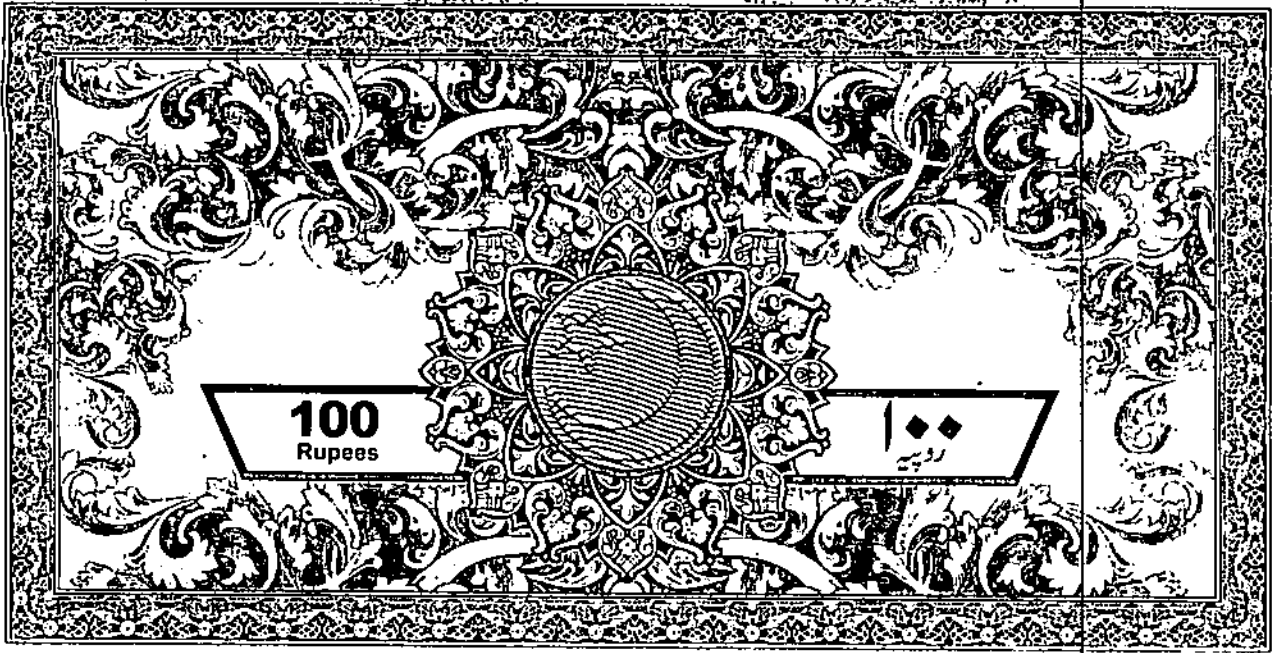
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اسلم خانك / منير خانك

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(الصبيك (اختيار وھندہ)

بھنگہ آسم

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(الصبيك (گواہ شك)

اشفاق خان ولد سیماس خان

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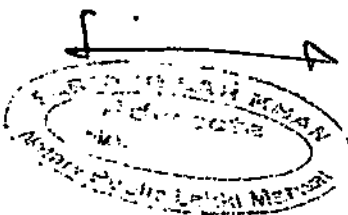
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شاہد خان ولد اسلم خانك

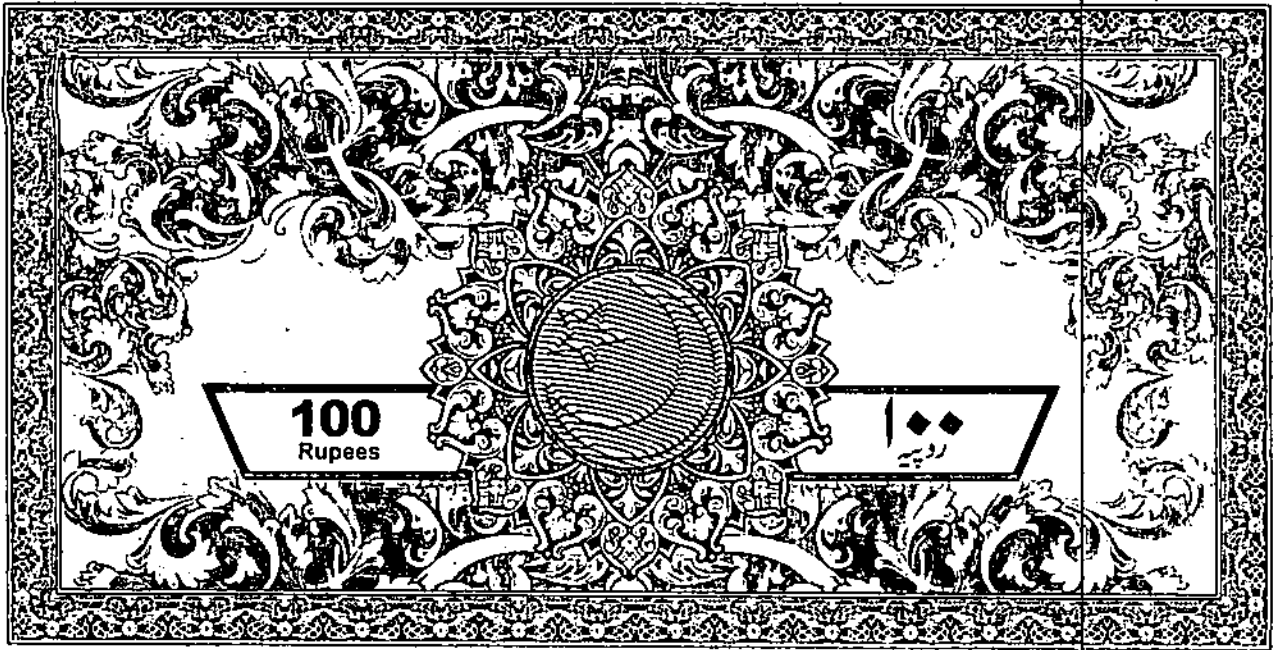




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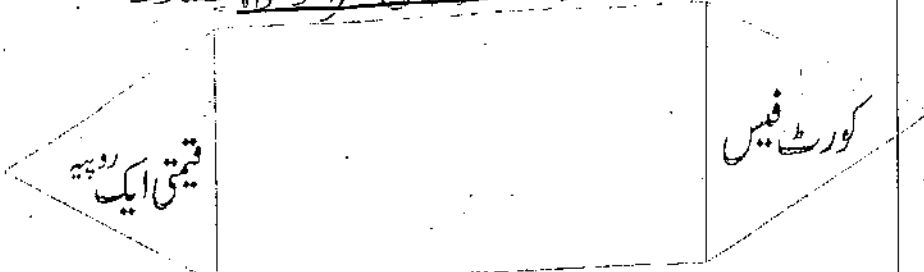


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# وکالت نامہ

بعدالت سے دس لاکھ روپے خیر بخشو ٹھکانہ پشاور



پیشتر 2024ء منجانب پیشتر  
بی بی آسیہ بنام حکومت خیر بخشو ٹھکانہ پشاور

موردہ 27 صی  
مقدمہ  
دعویٰ  
۴۲

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیرونی وجوہ دی وکل کاروائی متعلقہ آن  
 مقام پشاور کے لئے محمد طارق قریشی ایڈووکیٹ  
 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 تفرغ ثالث فیصلہ پر خلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت  
 ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر  
 اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم بیرونی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخ  
 دائر کرنے اپیل نگرانی و نظر ثانی و بیرونی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا اختیار قانونی گو ہمراہ اپنی بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پر ساختہ منظور قبول  
 ہوگا اور دوران مقدمہ میں جو خرچہ ہر جائز التوائے مقدمہ کے سب سے ہوگا۔ اس کے ستن وکیل صاحب  
 موصوف ہوں گے۔ نیز بقایا خرچہ کی وصولی کریں گے اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو  
 یا جگہ سے باہر ہو تو وکیل صاحب پابند ہوں گے کے بیرونی مقدمہ مذکور کریں لہذا وکالت  
 لکھد یا تاکہ سند ہے

Accepted

المقوم بی بی آسیہ بنام حکومت خیر بخشو ٹھکانہ پشاور 2024ء

جنیل خان

العبد العبد گواہ شد العبد

بمقام پشاور کے لئے منظور ہے



محمد طارق قریشی ایڈووکیٹ

سینئر ایم کورٹ آف پاکستان

موبائل: 0300-5768804

پانسر مروت پرنٹنگ پریس پشاور موبائل: 0333-9123075