


# FORM OF ORDER SHEET

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

Appeal No. 753/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/06/2024	<p>The appeal of Mr. Tanveer Ahmad presented today by Mr. Gohar Rehman Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 05.06.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

SCANNED  
KPST  
Peshawar

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO: \_\_\_\_\_/2024

Tanveer Ahmad S/o Aqil Khan *Patwari* MOUZA BANDA PEERAN District Mansehra

.....Appellant

V E R S U S

Director Land Records/Chief Settlement Officer, Khyber Pakhtunkhwa

Application for fixation of the above title appeal at Principal seat

Respectfully Sheweth:

1. That the appeal has been filed by the appellant which is yet to be fixed.
2. That the appeal is of urgent matter, hence requesting for fixation of the case at principal seat.
3. That, stay application has also been filed with the appeal hence liable to be fixed as early as possible.

It is therefore requested that the appeal title above may please be fixed at Peshawar for the sake of justice.

Applicant

Through

  
Muhammad Arif Farooq  
AHC

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Tunveer Ahmad

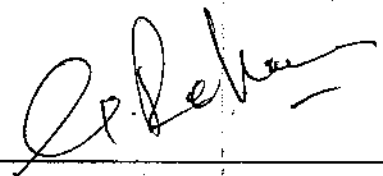
v/s

SMBR & others

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether Index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: \_\_\_\_\_



Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO: 753 /2024

SCANNED  
K.P.S.T.  
PESHAWAR

Tanveer Ahmad S/o Aqil Khan R/o Bara Khan, Khaki, Tehsil and District Mansehra

.....Appellant

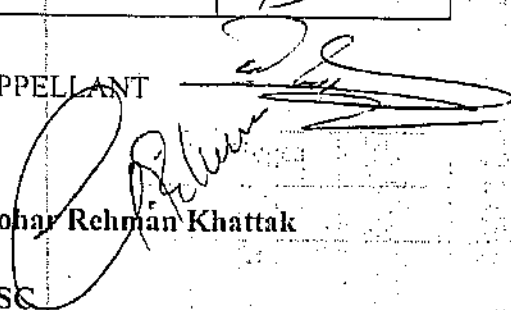
VERSUS

Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar and others

INDEX


S No	Description of Documents	Annexure	Pages
1	Grounds of Appeal		1-4
2	Transfer order dated 27-05-2024 and order 31-05-2024	A	5-6
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4	Departmental appeal	C	12
5	Wakalnama		13

APPELLANT

  
Gohar Rehman Khattak

ASC

&

  
Muhammad Arif Firdous  
Advocate, High Courts  
0334-9215356

Dated: 04-06-2024

(1)

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO: 753 /2024

Tanveer Ahmad S/o Aqil Khan <sup>Patwari</sup> MOUZA BANDA PEERAN District Mansehra

.....Appellant

VERSUS

1. Director Land Records/Chief Settlement Officer, Khyber Pakhtunkhwa
2. Settlement Officer, Mansehra
3. Zahid Khan Patwari, Settlement Office, Mansehra

.....Respondents

APPEAL

UNDER SECTION 4 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT AGAINST TRANSFER ORDERS DATED 27-05-2024, PASSED BY RESPONDENT NO. 2, WHEREBY THE APPELLANT WAS TRANSFERRED FROM MOUZA BANDA PEERAN TO SETTLEMENT OFFICE, MANSEHRA AND ORDER DATED 31-05-2024 PASSED BY THE RESPONDENT NO.1, WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED.

**Respectfully Sheweth:**

1. That through the instant appeal, the appellant humbly seeks indulgence of this Honourable Tribunal for setting aside transfer orders dated 27-05-2024, passed by respondent no. 2, whereby the appellant was the prematurely transferred from Mouza Banda Peeran to Settlement Office, Mansehra and order dated 31-05-2024 passed by the respondent no.1, whereby departmental appeal of the appellant was rejected without any reason. **(Copy of the transfer order dated 27-05-2024 and order dated 31-05-2024 are attached as annexure A)**
2. That succinctly stated facts giving rise to the filing of instant appeal are that the appellant was selected as Patwari on 1-12-2005 and after his appointed he was posted at different offices from time to time. The appellant served in Mouza Dhadiyal Argoshal till 01-12-2023 and thereafter, he was transferred to Mouza Banda Peeran vide order dated 01-12-2023. The appellant was again transferred to Mouza Dharyal vide order dated 25-04-2024 which was challenged by submitting departmental appeal but the same order was recalled and the appellant retained at Mouza Banda Peeran

2

vide order dated 07-05-2024. The appellant has an unblemished service record. Not even a single complaint from any quarter has ever been received by the superiors of the appellant against him. **(Copy of the appointment order, application and orders dated 25-04-2024 & 07-05-2024 are attached as annexure B)**

3. That the appellant was again transferred from Mouza Banda Peeran to Settlement Office Mansehra vide order dated 27-05-2024 which is illegal, unlawful against the posting and transfer policy. **(copy of the impugned order dated 27-05-2024 is attached as annexure A)**
4. That the appellant filed an appeal/application before the competent authority against the impugned order dated 25-05-2024 which was rejected vide order dated 31-05-2024. **(Copy of the departmental appeal and order dated 27-05-2024 are attached as annexure C)**
5. That Order dated 27-05-2024, whereby, the appellant was transferred from Mouza Banda Peeran to Settlement Office Mansehra and order dated 31-05-2024, are not sustainable in the eyes, suffer from surmises and conjectures, hence, liable to be set aside inter-alia on the following:

#### **GROUND S:**

- a. That the impugned transfer order has been passed in sheer violation of law laid down by Apex Court in transfer matters. At the time of transferring a Public Official, the superiors must follow guidelines and principles envisaged in the precedents. Although Transfer is prerogative of the employer, however, same is liable to be called for if exercised arbitrarily. In the matter in hand, transfer rules, regulations & precedents have been overlooked and the appellant has been transferred in disregard of the same.
- b. That the appellant has been frequently transferred by the authorities without any reason. His frequent transfers within a short span of six months amounts to penalize him. A perusal of transfer orders supra dated 01-12-2023, 25-04-2024, 7-05-2024 and 27-05-2024 (impugned order) reveals that the authorities have transferred the appellant 4 times in 6 months, meaning thereby, the appellant has not been allowed to continue his work at one place for more than 3 months. It has been held by Apex Court in various judgments that practice of frequent transfers in a short span of time adversely affects efficiency of civil servants, moreover, they also lose their confidence and faith. Reliance is placed upon: 1995 SCMR 1844.
- c. That the appellant has a clean, unblemished and an outstanding service career. While his posting at Banda Peeran (wherefrom he was transferred to Settlement office Mansehra vide impugned transfer order) just to adjust blue eyed.

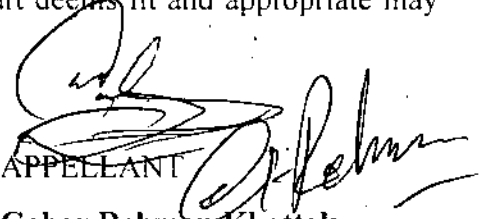
3

- d. That after the appellant submitted his representation before Respondent No. 1 for cancellation/withdrawal of his transfer order, Respondent No.1 without calling comments from Respondent No. 2, rejected the appeal without affording opportunity of hearing to the appellant through a non speaking order which is illegal, unlawful and against the natural justice and respondent No.2 has issued directions to the appellant for relinquishing charge.
- e. That the impugned order is based on malafide intention and political victimization.
- f. That the appellant humbly seeks permission of this Honourable Tribunal to raise additional grounds at the stage of arguments.

**P R A Y E R**

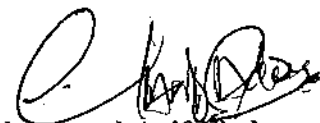
In aforementioned circumstances, it is humbly prayed that instant appeal may kindly be accepted and order dated 27-05-2024 passed by Respondent No.1, whereby, the appellant was transferred to Settlement office from Mouza Banda Peeran and order dated 31-05-2024 passed by the respondent No.1 may graciously be set aside and posting of the appellant may be restored at Mouza banda Peeran.

Any other relief which this Honourable Court deems fit and appropriate may kindly also be granted.

  
APPELLANT  
**Gohar Rehman Khattak**

ASC

&

  
**Muhammad Arif Firdous**

Advocate, High Courts

It is certified that no such like appeal against the impugned order has been filed by the appellant before this Honorable Tribunal.

(4)

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

SERVICE APPEAL NO: \_\_\_\_\_/2024

Tanveer Ahmad S/o Aqil Khan R/o Bara Khan, Khaki, Tehsil and District Mansehra

.....Appellant

**V E R S U S**

Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar

**Application for suspension of the impugned orders dated 27-05-2024 till final decision of the instant appeal.**


**Respectfully Sheweth:**

1. That the above mentioned appeal has been filed and is pending for adjudication before the Honorable Tribunal, in which no date of hearing is fixed for.
2. That the applicant has prime facie case and hopeful of its success.
3. That the applicant will suffer an irreparable loss if the relief as prayed for is not granted.
4. That the balance of inconvenience tilts in favor of the applicant.
5. That the applicant has strong arguable case, transfer orders are based on malafide and political approach.
6. That the contents of the appeal may be read as integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application the impugned transfer orders/impugned orders may be stayed/suspended till final disposal of this appeal in the interest of justice.

  
Appellant

Through

  
Gohar Rehman Khattak

Advocate, Supreme Court

I Tanveer Ahmad (Appellant) do hereby solemnly declare on oath that contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

  
Deponent





(5) Annex  
"A"

**OFFICE OF THE  
SETTLEMENT OFFICER  
MANSEHRA**

**OFFICE ORDER**

Competent Authority is pleased to issue the following transfer/posting orders in the best public interest with immediate effect.

S. No	Name of Patwari	From	To	Remarks
01	Mr. Zahid Khan	Settlement Office	Mouza Banda Peeran	
02	Mr. Tanveer Ahmed	Mouza Banda Peeran	Report to Settlement Office	

*Sher Khan*  
SETTLEMENT OFFICER  
MANSEHRA

Dated: 27-05-2024

No. 500-511 SO(M)  
Copy to:

1. The Director Land Records/Chief Settlement Officer, Khyber Pakhtunkhwa.
2. The Deputy Commissioner Mansehra.
3. Assistant Commissioner Mansehra.
4. Assistant Commissioner Baffa Pakhal.
5. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
6. PS to Commissioner Hazara Division, Abbottabad.
7. The concerned Tehsildar/Naib Tehsildar.
8. The concerned Field Kanungo.
9. Patwaris concerned.

*Sher Khan*  
SETTLEMENT OFFICER  
MANSEHRA



GOVERNMENT OF KHYBER PAKHTUNKHWA  
(DIRECTORATE OF LAND RECORDS)  
REVENUE AND ESTATE DEPARTMENT

6

- Mail: [landrecord.kpk@gmail.com](mailto:landrecord.kpk@gmail.com) Phone: 091-9210057

@LandrecordKP  
fb.com/landrecord.kpk

No.LR-V/SO/Manshera/Vol-III 5362-64

Peshawar dated the 31 /05/2024.

To

Mr. Tanveer Ahmad,  
Settlement Patwari, Manshra.

Subject: DEPARTMENTAL APPEAL.

I am directed to refer to your application dated 29-05-2024 on the above cited subject has been examined and filed by the competent authority.

*Mohsin Ali*

(MOHSIN ALI)  
Assistant Director Land Records  
Khyber Pakhtunkhwa

Endst. No. & date even.

Copy forwarded for information to the;

1. Senior PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. PA to Director Land Records, Khyber Pakhtunkhwa.

*Mohsin Ali*

Assistant Director Land Records  
Khyber Pakhtunkhwa

As recommended by the Departmental Selection Committee, the candidates are invited to attend the following on 30/11/2005 and 01/12/2005 at the office of the following candidates are hereby appointed as follows (M/S-5):

S.No.	Name of candidate appointed as P.Wari	Residence
1	Rahmanul Fatah Shah s/o Qaiser Shah	resident of Bela
2	Saeed Faisal Jaleel	District Manshera
3	Farooq Ahmad s/o Agha Khan	resident of Khaki Tehsil & District Manshera
4	Zaher Ahmad s/o Muid Nazeer	resident of Chini Gati Tehsil & District Manshera

then services will be governed in terms of Government of NWFP Establishment & Administration Department (Regulation wing) letter No. SO-VI (E&AD) 1/3/2005 dated 10.8.2005, subject to the following conditions:

1. They shall, for all intents & purposes, be Civil Servants except for the purpose of Pension & Gratuity.  
 2. They shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by them as well as contribution made by Govt. Government towards contributory Provident Fund @ 10% percent.

District Officer  
 Revenue & Estate, Manshera.

No. 5757 of 1110 (R) Manshera the 01-12-2005

(copy to :-

1. The Secretary, Board of Revenue, NWFP, Peshawar.
2. District Accounts Officer, Manshera.
3. Assistant Budget & Accounts Officer, Manshera.
4. Assistant Establishment Officer, Manshera.
5. Candidates concerned.

District Officer  
 Revenue & Estate, Manshera.

**ORDER**

As recommended by the Departmental Selection Committee vide minutes of meeting held on 30.11.2005 and circulated vide No. 5936-39/HCR, dated 30.11.2005, the following Candidates are hereby appointed as Patwari (BPS-5).

S. No.	Name of Candidate appointed as Patwari
1.	Mohammad Tufail Shah S/o Qaiser Shah resident of Bela Sacha Tehsil Balakot District Mansehra.
2.	Tanveer Ahmad s/o Aqil Khan resident of Khaki Tehsil & District Mansehra.
3.	Zaheer Ahmad s/o Muhd Nazeer resident of Chitti Gatti, Tehsil & District Mansehra.

Then services will be governed in terms of Government of NWFP, Establishment & Administration Department (Regulation wing) letter No. SO-VI (E&AD) I-13/2005 dated 10.8.2005, subject to the following conditions.

1. They shall, for all intents & purpose, be Civil Servants except for the purpose of Pension & Gratuity.
2. They shall in lieu of pension and Gratuity, be entitled to receive such amount contributed by them as well as contribution made by Provl; Government towards Contributory Provident Fund, @ 10% percent.

-sd-

District Officer  
Revenue & Estate, Mansehra.

No. 5950-56/HC(R), Mansehra the 01.12.2005.

Copy to:

1. The Secretary Board of Revenue, NWFP, Peshawar.
2. District Accounts Officer, Mansehra.
3. Assistant Budget & Accounts
4. Assistant Establishment
5. Candidate concerned.

-sd-

District Officer  
Revenue & Estate, Mansehra.



OFFICE OF THE  
SETTLEMENT OFFICER  
MANSEHRA

No: 737-40 SO(M)

Dated: 1/12/2023

OFFICE ORDER

The following posting/transfer of Patwaris is hereby made with immediate effect in the best public interest.

S. No	Name of Patwari	From	To
01	Mr. Adil Shahzad	Mouza Banda Peeran	Mouza Dhodial Argoshal
02	Mr. Talveer Ahmad	Mouza Dhodial Argoshal	Mouza Banda Peeran

Encls: No & Dist. Evs.

Copy to:

1. The Deputy Commissioner Manshera
2. The concerned Tehsildar/Field Tahsil Dar
3. The concerned Field Tahsil Dar
4. The officials concerned for compliance.

*Sahib Khan*  
SETTLEMENT OFFICER  
MANSEHRA

*Sahib Khan*  
SETTLEMENT OFFICER  
MANSEHRA



OFFICE OF THE  
SETTLEMENT OFFICER  
MANSEHRA

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OFFICE ORDER

Competent Authority is pleased to issue the following transfer/posting orders in the best public interest with immediate effect.

S. No	Name of Patward	From	To	Remarks
01	Mr. Zaheer Ahmad	Under transfer to Settlement Office	Retained at Mouza Ichrian	
02	Muhammad Adil	Under transfer to mouza Ichrian	Transfer to Mouza Banda Peeran	
03	Mr. Tanveer Ahmad	Mouza Banda Peeran	Mouza Dharyal	

*Zaheer Ahmad*  
SETTLEMENT OFFICER  
MANSEHRA

Dated: 25-04-2024

No. 266-76 SO(M)

Copy to:

1. The Director Land Records/Chief Settlement Officer, Khyber Pakhtunkhwa.
2. The Deputy Commissioner Mansehra.
3. Assistant Commissioner Mansehra.
4. Assistant Commissioner Baffa Pakhal.
5. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
6. PS to Commissioner Hazara Division, Abbottabad.
7. The concerned Tehsildar/Naib Tehsildar.
8. The concerned Field Kanungo.
9. Patwaris concerned.

*Zaheer Ahmad*  
SETTLEMENT OFFICER  
MANSEHRA

بخدمت جناب ڈائریکٹر لنگڈ ریگارد ڈیپارٹمنٹ (جنیف سلیٹسٹ انفرج) K.P. 14

(حکمانہ پیل) بر قلعہ آڈر نمبر 266-76 So.m 3

جناب عالی زرش جسٹس سائل منجہ مانسہ میں موضع بانڈہ پیران پر بطور سوار جس  
رہنے والی سہرا جام دے رہا ہے سائل موضع بانڈہ پیران کے پر قلعہ

23/2/11ء جو الہ حکم نمبر 40-1737 قضیات ہوا ہے سائل کا

موضع بانڈہ پیران پر الہی شہن ماہ پچیس دن گزارے چھس اور

سائل کو دوبارہ جو الہ حکم نمبر (37) 50-76-266 سفر کردیا گیا ہے

مردو آڈر کی کاپی لف چھس گزارش ہے سائل کا آڈر 266-76

سلیٹل نمبر 3 کو منسوف فرمایا جائے نہایت پیرانی ہوگی

الوفیہ  
نور احمد شوری حکم موضع بانڈہ پیران





OFFICE OF THE  
SETTLEMENT OFFICER  
MANSEHRA

(11)

OFFICE ORDER

Competent Authority is pleased to issue the following transfer/posting orders in the best public interest with immediate effect.

S. No	Name of Patwari	From	To	Remarks
01	Muhammad Adil	Under transfer to mouza Banda Peeran	Retained at Mouza Dhryal	
02	Mr. Tanveer Ahmad	Under transfer to Mouza Dhryal	Retained at Mouza Banda Peeran	

*S. Khan*  
SETTLEMENT OFFICER  
MANSEHRA

Dated: 07-05-2024.

No. 337-45 SO(M)

Copy to:

1. The Director Land Records/Chief Settlement Officer, Khyber Pakhtunkhwa.
2. The Deputy Commissioner Mansehra.
3. Assistant Commissioner Mansehra.
4. Assistant Commissioner Baffa Pakhal.
5. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa.
6. PS to Commissioner Hazara Division, Abbottabad.
7. The concerned Tehsildar/Naib Tehsildar.
8. The concerned Field Kanungo.
9. Patwaris concerned.

*S. Khan*  
SETTLEMENT OFFICER  
MANSEHRA



29/05/2024



Handwritten notes in Urdu, possibly a signature or title.

Main body of handwritten text in Urdu, containing several lines of notes and dates such as 27/05, 25/05, 07/05, and 20/05.

Handwritten text in Urdu, possibly a signature.

12

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IN THE HONORABLE Service Tribunal Peshawar

No. .... of 20  
Tanveer Ahmad ..... Petitioner(s)/ Appellant(s).

VERSUS  
SMBR & others ..... /Respondent(s)/



KNOW ALL TO WHOM THESE PRESENTS SHALL COME THAT  
I/We Tanveer Ahmad .....

....., the above named Appellant ..... do  
hereby appoint, Gohar Rehman Khattak ASC & Muhammad Arif Firdous, Advocate(s)

High Court. (here-in-after referred to as the Advocate(s), to be my/our Advocate(s) in the above note case. I/ We authorize him/ them: To act, appear and plead in the above-noted case in this Court or any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us. To sign, file, verify, and present pleading, appeal, cross-objection, or petitions for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary and proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage. To file and take back documents, to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To institute and/ or defend execution proceedings. To deposit, draw and receive, monthly Cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate(s) whenever he/ they may think fit to do so and to sign the power of attorney on our behalf. And I/We do hereby agree to ratify and confirm all acts done by the Advocate(s) or his substitute in the matter as my/our own acts, as if done by me/us on our own. And I/We undertake that I/We or my/our duly authorized agent/ representative (AR) would appear in the Court on all hearings and will inform the Advocate for appearance, as and when the case is called. And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment cost whenever ordered by the Court shall be of the Advocate, which he shall receive and retain for himself. And I/We do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate(s) remaining unpaid, he/ they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee is settled/ paid only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us. IN WITNESS WHERE OF I/We do hereunto set my /our hand to these presents the contents of which have been read over to me in vernacular language. I/ We have also gone through the contents of this Vakalatnama and have fully understood the contents thereof. Signed by me/us, the undersigned Clients, on this 4 day of June 2024 Accepted Subjected to the term of the fees. \_\_\_\_\_

Advocates (Enrmt/BC Nos. BC 18-1133  
Mob. No. 0334-9215356  
E-mail: [arifjanlaw90@gmail.com](mailto:arifjanlaw90@gmail.com)

Attested & Accepted by Advocate(s)

Client(s)

