


FORM OF ORDER SHEET

Court of _____

Appeal No. 1377/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20-Aug-24	<p>The appeal of Mr. SHAREEF KHAN presented today by Mr. KIFAYAT ULLAH SHAHABKHEL Advocate. It is fixed for preliminary hearing before Single Bench at D.I.Khan on 16-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE KYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Shafeef Khan vs ICP Etc

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 pagged?		
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
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 A.G.D.A.G?		
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 cuttings/overwriting?	✓	
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 Kyber 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: _____

Shafeef Khan

Signature: _____



Dated: _____

12-08-2021

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 1377/2024

Shareef Khan

VERSUS

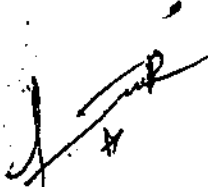
Inspector General of Police and others



SERVICE APPEAL

INDEX

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Date: 12/08/2024


Anwar Zaib Bhitani
Advocate High Court


Shareef Khan
Through Counsel,

Kifayat Ullah Kundi
Advocate

1

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No/ 1377 /2024

Shareef Khan son of Hawas Khan r/o Sheikh Mela, Landi Baloch, Tehsil Darazinda District Dera Ismail Khan. Ex-Constable No. 2258/K

..... Appellant

Versus

1. Provincial Police Officer (IGP), Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer (DIG Police) Dera Ismail Khan Region.
3. District Police Officer Dera Ismail Khan.

..... Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KPK
SERVICES TRIBUNAL ACT, 1974**

Respectfully Sheweth:

1. That the appellant is a permanent resident of District Dera Ismail Khan and was inducted into the Police Department, Dera Ismail Khan as a constable and served the department diligently and honestly for a period of 20 years.
2. That in February 2022, the appellant fell seriously ill and was unable to report for duty. Due to the severity of his illness, he was unable to formally apply for leave but informed his superiors telephonically about his condition. Copies of medical record is annexed as **Annexure-A**.
3. That despite the appellant's illness, the District Police Officer, Dera Ismail Khan, without affording any opportunity of hearing, issued the impugned order No. OB-2450 dated

10/10/2023 imposing the major penalty of removal from service. Copy of order dated 10/10/2023 is annexed as Annexure-B.

4. That the appellant challenged the said order through a departmental appeal to the Regional Police Officer, Dera Ismail Khan, which was also dismissed vide order No. 100/ES dated 04/01/2024. Copies of departmental appeal and order dated 04/01/2024 are annexed as Annexure-C&D.
5. That aggrieved by the aforementioned orders, the appellant filed a revision petition before the worthy Inspector General of Police, Khyber Pakhtunkhwa, on 30/04/2024, seeking reinstatement with back benefits. Copy of revision petition is annexed as Annexure-E.
6. That despite the lapse stipulated period i.e. 90 days, the revision petition is still pending adjudication.
7. That the actions of the respondents in terminating the appellant's services without following due process of law and without any justifiable reason constitute a gross violation of his constitutional rights and service rules.
8. That the appellant has been deprived of his livelihood and suffered immense mental and financial distress due to the illegal and arbitrary actions of the respondents, hence, the instant service appeal is being filed, inter alia, the following grounds.

Grounds for Appeal:

- a. The issuance of the impugned order of removal from service without providing an opportunity for a fair hearing, or serving a charge sheet, show cause notice, or final show cause notice, constitutes a gross violation of the principles of natural justice and procedural fairness.
- b. The orders in question failed to acknowledge the legitimate grounds of my absence, supported by medical evidence,

which should have been a mitigating factor in determining any disciplinary action.

- c. The major penalty of removal from service is excessively harsh and disproportionate to the circumstances of my absence, particularly given my impeccable service record over the past 20 years.
- d. The undue delay in deciding my revision petition reflects a lack of responsiveness on the part of the authorities and further exacerbates my financial and emotional hardships.
- e. The appellant was not afforded a fair opportunity to defend himself against the allegations, if any, as no charge sheet, show cause notice, or final show cause notice was issued. This is a clear violation of the principles of natural justice, which require that a person be given a fair hearing before any adverse action is taken against them.
- f. The appellant's abrupt removal from service without any justifiable reason has resulted in the denial of his right to livelihood. This constitutes a severe violation of his fundamental rights as enshrined in the Constitution of Pakistan.
- g. The impugned orders were issued arbitrarily and without any regard to the appellant's long and meritorious service. The respondents have acted in a mala fide manner and abused their powers by imposing an unduly harsh penalty.
- h. The respondents have failed to comply with the prescribed service rules and regulations in terminating the appellant's services. The summary dismissal of the appellant without following the due process of law is contrary to the established norms of service jurisprudence.
- i. There is no evidence whatsoever to substantiate the allegations against the appellant, if any. The respondents have failed to produce any proof to justify the imposition of the major penalty of removal from service.

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- j. Even if the appellant had committed any misconduct, the penalty of removal from service is disproportionate and excessive in the circumstances of the case. The appellant has served the department faithfully for 20 years, and there is no justification for such a harsh punishment.
- k. The appellant has suffered immense mental agony and financial hardship due to the illegal and unjustified termination of his services. The respondents' actions have caused irreparable damage to the appellant's career and reputation.
- l. That the counsel for appellant may kindly be allowed to raise additional grounds at the time of arguments.

Prayers:

In view of the foregoing, I respectfully pray for the following reliefs:

- a. **The impugned order (OB No. 2450 dated 10/10/2023) and the dismissal order (Order No. 100/ES dated 04/01/2024) be set aside as unjust and contrary to the principles of natural justice.**
- b. **Reinstatement of my service with all back benefits, including salary, allowances, and seniority, as a Constable in the Police Department, Dera Ismail Khan, with immediate effect.**
- c. **Any other relief deemed just and appropriate in the circumstances of the case, in the interest of justice.**

Date: 12/08/2024

Anwar Zaib Bhitani
Advocate High Court

Yours Humble Appellant

Shareef Khan
Through Counsel,

Kifayat Ullah Kundi
Advocate

(5)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. _____/2024

Shareef Khan

VERSUS

Inspector General of Police and others

SERVICE APPEAL

AFFIDAVIT

Handwritten signature and date: 12/8/2024

I, **Shareef Khan** son of Hawas Khan r/o Sheikh Mela, Landi Baloch, Tehsil Darazinda District Dera Ismail Khan, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

Date: 12/08/2024



DEPONENT

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CATEGORY-D HOSPITAL
DARAZINDA, D.I.KHAN

(A PROJECT OF TRANS-CONTINENTAL PHARMA (PVT) LTD.)
Hospital Management & Health Care Service Company

Ant A (6)



OUTDOOR PATIENT

MR No _____ Age _____ Sex Male
 Patient Name Shamir Ullah Khan Date 10/11/23
 Father Name _____ Department MEDICAL
 Provisional Diagnosis _____

Clinical Record

fever,
Pain
Abdomin
Cough

Ad
M/S
Typhoid

X-ray

Rx - iv. line - 20g - (1)
 - inj. provas iv stat.
 - inj. R/L - 5ccml (1)
 - inj. Chloroquine - (2)
 - inj. Decadron - (1)
 - inj. Multibianta - (1)
 Life Sale - 2
 - Tab. Gen. M 80/480
 - Tab. Domestel - (1)
 - Cap. Carnicef - 400 (1)

Complete bed rest for 21 days

[Signature]



sherani medical lab

DR. HUNAR DAR KHAN (Darazinda)

Mob# 0333-9924222

Patient's ID No: 9638

Patient's Name: SHARIF ULLAH

Age: ?Y/Sex: M.

Referred by: TYPE D HOSPITAL DARAZINDA

Date: 10/01/2023

Test Required: TYPHI DOT Test/MP.

TYPHI DOT TEST

7

TYPHI DOT IgM:..... Non-Reactive (-ve)

(By immunochromatic Method)

TYPHI DOT IgG:..... Non-Reactive (-ve)

(by immunochromatic method)

MP: Positive (P.Vivax Trophozoites & Gametocytes are Seen)

Remarks:

Dr. Hunar Dar Khan Sherani

MBBS (Sindh), R.M.P.

Riaz M

Riaz Mahsud

Lab. Technologist

Facilities available for T3, T4, TSH & HbsAg Anti HCV ELISA



CATEGORY-D HOSPITAL
DARAZINDA, D.I.KHAN

(A PROJECT OF TRANS-CONTINENTAL PHARMA (PVT) LTD.)
 Hospital Management & Health Care Service Company

8



OUTDOOR PATIENT

MR No

Patient Name

Sharif ulah Khan

Age

Sex

Male

Father Name

Date

1/2/23

Provisional Diagnosis

Department MEDICAL

Clinical Record

Fever -
 Pain in
 Abdomen

At
 MA
 Typhoid
 H.

- R_x - iv Zone - 20G - (1)
- inj - Tramadol in Stat. (1)
- inj - provera iv Stat
- inj - Decadron. ml (1)
- inj - Oxidil - (14)
- 1-1 19m
- SyR Gaviseon - (1)
- 2-12
- SyR - Motilium - (1)
- Tab Nims - (1)
- 1-4 10mg
- SyR Lysovert (1)
- 2-12 2-12

Complete bed rest for
 21 days

[Handwritten signature]

Sherani medical lab

FR D.I.Khan (Darazinda)

Mob# 0333-9924222

Patient's ID No: 1021

Patient's Name: SHARIF ULLAH

Age: ?Y/Sex: M

Referred by: TYPE D HOSPITAL DARAZINDA

Date: 01/02/2023

Test Required: TYPHI DOT Test/MP

TYPHI DOT TEST

TYPHI DOT IgM:..... Reactive (+ve)

(By immunochromatic Method)

TYPHI DOT IgG:..... Reactive (+ve)

(by immunochromatic method)

MP: NO MP seen in the thick & thin smear examined

Remarks:

Dr. Hunar Dar Khan Sherani
MBBS (Sindh), R.M.P

Riaz M
Riaz Mahsud
Lab. Technologist

Facilities available for T3, T4, TSH & HbsAg. Anti-HCV ELISA



Ant (B)
10

OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

2x

Phone: (091) 2250067 Fax: (091) 2250293

No 1713 /IC

Dated: 06/10/2023

ORDER

This order is aimed to dispose off the departmental proceedings conducted against Constable Sharif Ullah No.2258/K of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014) vide this office C/S No 163 & 196/2023 on the following allegations.

Charge Sheet No.163/2023

He while posted in Police Lines Dikhan, MHR has reported that he remained absent from lawful duties w.e. from 25.02.2023 to till date without any leave/permission. Above commission/omission falls in the purview of gross misconduct and renders him liable to be punished under Khyber Pakhtunkhwa Police Rules 1975 amended 2014.

Superintendent of Police Investigation Unit Dikhan was appointed as Enquiry officer with the directions to conduct proper Departmental Enquiry against him and submit finding report in which he stated that the said Constable was informed many times to appear before the enquiry officer in connection with departmental proceeding but he did not appeared intentionally. Enquiry Officer recommended for further proceedings against him.

Charge Sheet No.196/2023

He while posted in Police Lines Dikhan, DSP HQR Dikhan has been reported vide his office letter No 122/HQ dated 27.01.2023 that you remained absent from lawful duties w.e. from 12.01.2023 to 22.02.2023 i.e. 41 days without any leave/permission. Above commission/omission falls in the purview of gross misconduct and renders you liable to be punished under Khyber Pakhtunkhwa Police Rules 1975 amended 2014.

Superintendent of Police Investigation Unit Dikhan was appointed as Enquiry Officer with the directions to conduct proper Departmental Enquiry against him and submit finding report in which he stated that the said Constable was absent w.e. from 12.01.2023 to 22.02.2023 i.e. 41-days & w.e. from 25.02.2023 to till date, this shows that he is not willing to continue his job. Enquiry Officer recommended for suitable punishment.

Keeping in view of finding reports of the Enquiry Officers and conduct of the delinquent Constable, the undersigned came to the conclusion that the charges leveled against him have been proved beyond any shadow of doubt.

Therefore, in exercise of powers vested in me as undersigned, I, Abdul Rauf Babar District Police Officer Dikhan, hereby awarded him Major Punishment of "Dismissal from Service" and his absence period w.e. from 12.01.2023 to 22.02.2023 i.e. 41 days and from 25.02.2023 to till the date of passing order is treated as leave without pay with immediate effect.

Order Announced

OIS No. 24501

Dated: 10/10/2023

ABDUL RAUF BABAR' PSP
District Police Officer
Dera Ismail Khan



X

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Main body of handwritten text, appearing to be a list or series of notes, written in Urdu script.

Handwritten notes or calculations, including the number '1713' and other illegible characters.

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Handwritten text at the top of the page, possibly a title or header.

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Handwritten text, possibly a list or table of contents, with a horizontal line separating it from the text below.

(a) Name of the appellant
 (b) Name of the respondent
 (c) Name of the District Police Officer
 (d) Name of the Regional Police Officer
 (e) Name of the District Police Officer
 (f) Name of the Regional Police Officer
 (g) Name of the District Police Officer
 (h) Name of the Regional Police Officer
 (i) Name of the District Police Officer
 (j) Name of the Regional Police Officer
 (k) Name of the District Police Officer
 (l) Name of the Regional Police Officer
 (m) Name of the District Police Officer
 (n) Name of the Regional Police Officer
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 (p) Name of the Regional Police Officer
 (q) Name of the District Police Officer
 (r) Name of the Regional Police Officer
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 (t) Name of the Regional Police Officer
 (u) Name of the District Police Officer
 (v) Name of the Regional Police Officer
 (w) Name of the District Police Officer
 (x) Name of the Regional Police Officer
 (y) Name of the District Police Officer
 (z) Name of the Regional Police Officer

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 [Fingerprint]

DT 17-01-24
 117
 (NASIR MIHMOOD SATTAR)
 Regional Police Officer
 Dera Ismail Khan

EC/05
 for [unclear]

1. This order disposes off departmental appeal filed by Ex-Constable Sharif Ullah No. 225/MK of District Police Dera Ismail Khan, against the order of Major Punishment of (Dismissal from Service), passed by the DPO D.J. Khan, vide his office OH No. 2450 dated 10.10.2023 on the following allegations:

2. "He was absent from his lawful work, 25.02.2023 to till date without any prior permission from the high ups".

3. "The while posted in police line D.J. Khan 1st HQs D.J. Khan - has reported vide his office letter No. 127/110 dated 27.03.2023, that he was absent from lawful duty on 25.02.2023 to 27.02.2023, 13.03.2023 to 14.03.2023 and 15.03.2023 to 16.03.2023 without any leave or permission".

4. DPO D.J. Khan has awarded him Major Punishment of "Dismissal from Service" vide his office OH No. 2450 dated 10.10.2023.

5. "He was absent from his lawful work, 25.02.2023 to till date without any prior permission from the high ups".

6. "The while posted in police line D.J. Khan 1st HQs D.J. Khan - has reported vide his office letter No. 127/110 dated 27.03.2023, that he was absent from lawful duty on 25.02.2023 to 27.02.2023, 13.03.2023 to 14.03.2023 and 15.03.2023 to 16.03.2023 without any leave or permission".

7. "The while posted in police line D.J. Khan 1st HQs D.J. Khan - has reported vide his office letter No. 127/110 dated 27.03.2023, that he was absent from lawful duty on 25.02.2023 to 27.02.2023, 13.03.2023 to 14.03.2023 and 15.03.2023 to 16.03.2023 without any leave or permission".

8. "The while posted in police line D.J. Khan 1st HQs D.J. Khan - has reported vide his office letter No. 127/110 dated 27.03.2023, that he was absent from lawful duty on 25.02.2023 to 27.02.2023, 13.03.2023 to 14.03.2023 and 15.03.2023 to 16.03.2023 without any leave or permission".

9. "The while posted in police line D.J. Khan 1st HQs D.J. Khan - has reported vide his office letter No. 127/110 dated 27.03.2023, that he was absent from lawful duty on 25.02.2023 to 27.02.2023, 13.03.2023 to 14.03.2023 and 15.03.2023 to 16.03.2023 without any leave or permission".

10. "The while posted in police line D.J. Khan 1st HQs D.J. Khan - has reported vide his office letter No. 127/110 dated 27.03.2023, that he was absent from lawful duty on 25.02.2023 to 27.02.2023, 13.03.2023 to 14.03.2023 and 15.03.2023 to 16.03.2023 without any leave or permission".

(13)
 Amt - D

No. 100 / 2023
 ORDER
 dated D.J. Khan vide
 0966-9280291 Fax # 9280290
 REGIONAL POLICE OFFICER
 DERA ISMAIL KHAN
 OFFICE OF THE

Ann - E (14)

To

The Inspector General Of Police,
Khyber Pakhtunkhwa, Peshawar.

Through Proper Channel:

REVISION PETITION AGAINST THE IMPUGNED OFFICER
ORDER NO. 2450 DATED 10/10/2023 VIDE WHICH THE
PETITIONER WAS AWARDED WITH MAJOR PUNISHMENT OF
DISMISSAL FROM SERVICE AND FINALLY AGAINST THE
OFFICE ORDER NO 100/ES DATED 04/01/2024 VIDE WHICH
THE DEPARTMENTAL APPEAL OF THE PETITIONER HAS BEEN
REJECTED

PRAYER

On acceptance of this revision petition, the
impugned office order OB No. 2450 dated
10/10/2023 of District Police Officer, DI Khan may
kindly be set-aside and the Petitioner may graciously
be re-instated into services/department.

Respected Sir;

Petitioner humbly submitted as under:-

1. That appellant is a permanent resident of District Dera Ismail Khan. Copies of CNIC of appellant is annexed.
2. That the Petitioner was appointed as constable in the police department, the appellant had served the department more than 20 years. Appellant has invested the youngest age of his life and has not left any stone unturned in obeying his legitimate duties.



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3. That in the month of February 2022 the petitioner got seriously ill and was unable to attend his legitimate duties. In this regard the petitioner verbally and telephonically informed his high ups regarding his severe condition. Similarly the petitioner was unable to come and submit his application regarding the same, as at that time the appellant was performing his duties in Police Lines DIKhan. Copy of medical receipt and record is annexed.
4. That unfortunately the petitioner was removed from the service vide officer OB No. 2450 dated 10/10/2023 of District Police Officer, DIKhan, without informing the petitioner. The petitioner did not receive any charge sheet and no opportunity of personal hearing has been given to the petitioner, as the absence from the duty of the petitioner was not intentional. Copy of impugned order is annexed.
5. That the Petitioner feeling aggrieved from the said order, preferred a departmental appeal to the Worthy RPO DIKhan annexing all the medical record with his departmental appeal but the same was rejected by the RPO DIKhan without probing into the matter and without providing any opportunity of hearing to the petitioner. Copy of the departmental appeal and order No. 100/ES dated 04/01/2024 is annexed.



6. That the absence of petitioner from his legitimate duties was not deliberate but it was because of his severe illness, hence he is liable to be re-instated into the services.
7. That it is pertinent to mention here that the petitioner is an aged person, aging 56 years and in such kind of conditions it was hard for him to travel and attend the duties.
8. That the petitioner was totally unaware of the fact that the petitioner has been dismissed from his services, it came into the knowledge of the petitioner about his dismissal when after recovering from his illness he joined his duties and due to the blockage of his salary.
9. That the Petitioner is a very poor person who during the is suffering a lot, due to un-employment and had no other source of income.

In wake of the submissions made above, it is respectfully prayed that the impugned office order OB No. 2450 dated 10/10/2023 of District Police Officer, DIKhan may kindly be set-aside and the Petitioner may graciously be re-instated into services/department

Dated :30/04/2022

Your humble Petitioner,



Shareef Khan

Son of HawasKhn r/o p/o
ShiekhMelaLandiBaloch Khan
tehsildrazinda district DIKhan
Ex Constable No. 2258/K
DIKhan
Mob# 0342-9041851
CNIC No. 22301- 6993160-5



No. 1444

RGL124503436

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acknowledgement is due.

17

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M. S. K. S. Date-Stamp

Initials of Receiving Office Write here "letter", "postcard", "packet" or "parcel"
Insured for Rs. (in figures) with the word "insured" before the amount (in words)

If insured

Insured fee Rs. *1.00*

Weight *1* Kilo
(in words) Grams

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address
of sender

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at is

ANWAR ZAIB

Advocate

bc-21-3733

Date of Issue: June 2022

Valid upto: June 2025



وکالت

کورٹ فیس

ایک روپیہ

Before the honorable Kpk Service Tribunal camp court Dik

بعدالت جناب

Shabeef Khan iam IGP etc

Service Appeal

دعوی یا جرم

تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پرووی و جوا پر ہی برائے پیشی یا تفسیر مقدمہ بمقام Dik

Anwar Zaib Advocate

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص روز و عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت کار سے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہر دی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل ہر دی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ نیز کوکل ساختہ پر داخلہ صاحب موصوف عمل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرض دعویٰ، یا جواب، دعویٰ یا درخواست اجراء کے ذمہ نظر ثانی اہل گمانی و ہر قسم درخواست پر دخل و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ذمہ داری کے ادا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر چالشی یا راضی نامہ و فیصلہ بر حالف کرنے، و اقبال و دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ دن از پکھری صدر ہر دی مقدمہ مذکورہ نظر ثانی و اہل گمانی و برآمدگی مقدمہ یا منسوقی ذمہ داری یا طرف یا درخواست حکم انتہائی یا قرتی یا گرفتاری قس از فیصلہ اجراء کے ذمہ بھی صاحب موصوف کو بشرط ادا جنگی طبعہ و محتاج ہر دی کا اختیار ہوگا اور تمام ساختہ پر وادعت صاحب موصوف عمل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اہل گمانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ہیر مشرک اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشرکوں کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جاتہ التواء ہوگا وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو ہر دی ایسے تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو چورا اختیار ہوگا کہ وہ مقدمہ کی ہر دی نہ کریں اور ایسی صورت میں ہر کوئی مطالبہ کسی حکم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے

مورخہ 12 مارچ 2024

مضمون وکالت نامہ کن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by: Sharpeef Khan





KHYBER PAKHTUNKHWA BAR COUNCIL

ADVOCATE

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bc-22-4776

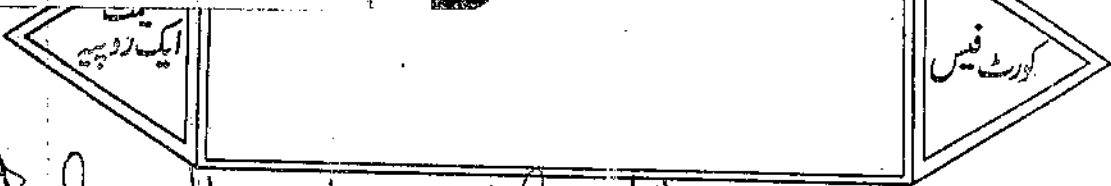
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Secretary KP Bar Council

وکالت



Before the Honorable Kph Service Tribunal Camp Court Dik

Shareef Khan Nam ICJP etc Service Appeal

دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرون و جوابدہی برائے پیشی یا تصفیہ مقدمہ مقام Dik کیلئے
Kifayat Ullah Khweli Advocate

کوسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود بذریعہ اختیار خاص روز و عدالت حاضر ہونا ہوں گا۔ اور ہر وقت کارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح اذیت دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بچہری کے علاوہ کسی جگہ یا بچہری کے اوقات سے پہلے یا بچہری یا ہمدردی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بچہری کے علاوہ کسی جگہ یا بچہری کے اوقات سے پہلے یا بچہری یا ہمدردی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر مقام بچہری کے علاوہ اور جگہ سماعت ہونے یا ہمدردی یا تفتیل یا بچہری کے اوقات کے آگے بچہری پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عین واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ بجز کھل سائنس پر داخلہ صاحب موصوف مل کر وہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل گھرائی و ہرجم درخواست پر دخل و تصرف نہ کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہرجم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر حاشی یا رضی نامہ و فیصلے بر طرف کرنے و اقبال و موٹی کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بچہری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اپیل گھرائی و ہرجم کی مقدمہ یا منسوخی ڈگری کی طرف یا درخواست حکم انتہائی یا قرنی یا گرفتاری لٹل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا لٹل گھرائی و رضی نامہ و فیصلہ ہونا اور تمام سائنس پر داخلہ صاحب موصوف مل کر وہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گھرائی یا دیگر مسائل مقدمہ مذکورہ کسی دوسرے وکیل یا ہرجم کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التواہ پڑے گا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی حکم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

مقدمہ 12 دسمبر 2022ء

مضمون وکالت نامہ من لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by = Shareef Khan