


# FORM OF ORDER SHEET

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

**Appeal No.** 1902/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/10/2024	<p>The appeal of Mst. Nazia Bibi presented today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 14.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

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KPST Peshawar

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

Service Appeal No 1902 /2024

Mst Nazia Bibi                      VERSUS      Director E&SE & others

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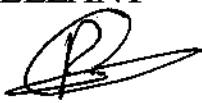
**APPLICATION FOR FIXATION THE INSTANT  
APPEAL BEFORE THE PRINCIPAL SEAT  
PESHAWAR INSTEAD OF CAMP COURT  
ABBOTTABAD.**

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**Respectfully Sheweth:**

1. That the applicant is going to file the above titled service appeal before this Hon' able Service Tribunal Khyber Pakhtunkhwa Peshawar in which no date has yet been fixed.
2. That the respondent No 1 as well as counsel for the appellant belongs to district Peshawar.
3. That there is no legal bar for acceptance of the instant application.

It is therefore most humbly prayed that on acceptance of this application, the above titled service appeal may kindly be fixed before the principal seat Peshawar instead of Camp court Abbottabad.

  
APPELLANT  
Through   
Roeeda Khan  
Advocate High Court Peshawar

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

Appeal No. 1902 of 2024

Mst. Nazia Bibi

VERSUS

Director E&SE & others

**INDEX**

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KFST, Peshawar

S.No.	Description of documents	Annexure	Pages
1.	Memo of Appeal		1-4
2.	Application for Suspension application		5-6
3.	Affidavit		7
4.	Addresses of the parties		8
5.	Copy of impugned order dated 29.06.2024 and ban notification	A&B	9-12
6.	Copy of Departmental appeal	C	13
7.	Copy of transfer order and cancellation order	D&E	14-15
8.	Wakalat Nama		16

Through

Appellant

Kabir Ullah Khattak

&

Roeeda Khan

Advocates, High Court,  
Peshawar

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

(1)

Appeal No. 1902 of 2024

Mst. Nazia Bibi SPET (BSP-16), posted at Government Girl High School No 2 Abbottabad

..... Appellant

**VERSUS**

1. Director Elementary and Secondary Education Peshawar.
2. District education Officer (F) Abbottabad.
3. Zahida SPET BPS-16 posted at Government Girl High School Kunj Abbottabad.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED POLITICAL MOTIVATED TRANSFER ORDER NO. 4645-48/EB-VI DATED 29/06/2024 ISSUED BY THE RESPONDENT NO. 2 WHEREBY THE APPELLANT WAS TRANSFERRED FROM GGHS NO 2 ABBOTTABAD TO GGHS KUNJ ABBOTTABAD, AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 09/07/2024 WHICH WAS NOT DECIDED WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

On acceptance of the instant Service Appeal the impugned political motivated transfer order dated 29/06/2024 may kindly be set aside being passed in ban period on all kinds of transfer and posting and the appellant may kindly be retained as SPET BPS-16 at Government Girl High School No. 2 Abbottabad.

Respectfully Sheweth:

2

FACTS

The appellant respectfully submits as under:

- 1) That the appellant was initially appointed as PET at Government Girl Middle School lower Malkot Abbottabad on 06.11.1994.
- 2) That after appointment the appellant performed her duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.
- 3) That due to unblemished record the appellant was promoted to the post of SPET (BPS-16) vide order dated on 21/02/2013 by the respondent department.
- 4) That while performing her official duty with respondent Department the appellant was transferred from Government Girl Middle School Kunj Abbottabad at the year of 2011 and she remain till 2018 at the said school.
- 5) That on 29.03.2018 the appellant was transferred from GGHS Kunj Abbottabad to GGHS No 2 Abbottabad.
- 6) That on 29.06.2024 the impugned political motivated transfer order was issued against the appellant whereby the appellant was transferred from GGHS No. 2 Abbottabad to GGHS Kunj Abbottabad. It is pertain to mention here the Government of KPK E&SE department Civil secretariat Peshawar issued a notification on 29.06.2024 "whereby the competent

authority as please to impose complete ban on all kinds of posting / transfer of Teaching and supporting staff and E&SE department in large interest of the students” while the respondent department issued the impugned transfer order in Ban duration which is illegal and having no legal effect. (Copy of impugned order dated 29.06.2024 and ban notification are attached as Annexure-A & B).

- 7) That the appellant submitted Departmental appeal on 09/07/2024 to respondent No. 1 against the political motivated transfer order dated 29.06.2024 which is still pending without any disposal. (Copy of Departmental appeal is attached as Annexure-C).
- 8) That discrimination was committed by the respondent department as such one of other colleague namely Mst Sajeela was transferred on 29.06.2024 but the said transfer order was cancelled on 04.07.2024 by the respondent No 2 due to passed in ban duration on all kinds of transfer and posting. (Copy of transfer order and cancellation order are attached as Annexure- D & E).
- 9) That feeling aggrieved the appellant prepares the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

**GROUNDS**

A). That the impugned orders dated 29/06/2024, is void and illegal because it has been passed against the law and rules.

- 4.
- B). That there is no illegality on part of the appellant.
  - C). That the impugned transfer was not passed according to law and rules as such the impugned transfer order was issued on 29.06.2024 while it was signed by the competent authority on 20.06.2024 which has no legal value.
  - D). That discrimination was committed by the respondent department.
  - E). That any other grounds will be raised at the time of arguments with prior permission of this Hon' able Tribunal.

It is therefore most humbly prayed On acceptance of the instant Service Appeal the impugned political motivated transfer order dated 29/06/2024 may kindly be set aside being passed in ban period on all kinds of transfer and posting and the appellant may kindly be retained as SPAT BPS-16 at Government Girl High School No. 2 Abbottabad.

Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.

Dated 10.10.2024

Through

Appellant 

Kabir Ullah Khattak

& 

Roeda Khan

Advocates, High Court,  
Peshawar.

(5)

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

Appeal No. \_\_\_\_\_ of 2024

Mst. Nazia Bibi SPET (BSP-16), posted at Government Girl High School No 2 Abbottabad

..... Appellant

**VERSUS**

1. Director Elementary and Secondary Education Peshawar.
2. District education Officer (F) Abbottabad.
3. Zahida SPET BPS-16 posted at Government Girl High School Kunj Abbottabad.

..... Respondents

**APPLICATION FOR SUSPENSION OF THE**  
**IMPUGNED POLITICAL MOTIVATED**  
**TRANSFER ORDER DATED 29/06/2024**  
**WHEREBY THE APPELLANT WAS**  
**TRANSFERRED FROM GGHS NO. 2**  
**ABBOTTABAD TO GGHS KUNJ**  
**ABBOTTABAD.**

**Respectfully Sheweth:**

- 1) That the petitioner is failing the accompanying appeal, the contents of which may graciously considered as integral part and parcel of the instant petition.
- 2) That prima facie case exist in favor of the Petitioner.
- 3) That if the impugned notification as mention above as not suspended the Petitioner will suffer irreparable loss.
- 4) That the balance of convenience is also lies in favor of the Petitioner and her quite sanguine of his success.




5) That in the given circumstances the suspension of operation of the impugned notifications are indispension. (6)

It is therefore to most humbly prayed that on acceptance of the instant petition the operation of the impugned notification for, as mention above may kindly be suspended till the final disposal of the accompanying appeal.


Any other relief not specifically asked for may also graciously be extended in favor of the Petitioner in the circumstances of the case.

*A*  
Petitioner /Appellant

Through

  
Kabir Ullah Khattak

&

  
Rooeda Khan  
Advocate, High Court  
Peshawar

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

7

Appeal No. \_\_\_\_\_ of 2024

Mst. Nazia Bibi

(Appellant)

**VERSUS**

Director E&SE Peshawar & others

(Respondents)

**AFFIDAVIT**

I, Mst. Nazia Bibi SPET (BSP-16), posted at Government Girl High School No 2 Abbottabad do hereby solemnly affirm and declare on oath that the content of the above application are true and correct to the best of my knowledge and belief and nothing has been kept secret and concealed from this Hon'ble Tribunal.

  
DEPONENT

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

8

Appeal No. \_\_\_\_\_ of 2024

Mst. Nazia Bibi

(Appellant)

**VERSUS**

Director E&SE Peshawar & others

(Respondents)

**ADDRESSES OF THE PARTIES**

Mst. Nazia Bibi SPET (BSP-16), posted at Government Girl High School No 2 Abbottabad

**Petitioner**

1. Director Elementary and Secondary Education Peshawar.
2. District education Officer (F) Abbottabad.
3. Zahida SPET BPS-16 posted at Government Girl High School Kunj Abbottabad.


**Respondents**

  
Appellant

Through

  
Kabir Ullah Khattak

&

  
Roeda Khan  
Advocate, High Court,  
Peshawar.

Annexure A

9



**OFFICE OF THE DISTRICT EDUCATION  
OFFICER (FEMALE) ABBOTTABAD**

PH: NO. 0992-342533 FAX: 0992-342314

**TRANSFER ORDER**

As per approval of worthy Director, Elementary & Secondary Education KPK  
the following officials are hereby transfer/adjusted in their own pay & grade in the interest  
of public service with immediate effect

Sl#	Name & Designation	From	To	Remarks
1	Mst Zahida SPE I	GGHS Kur	GGHS No. 2 Atli	Vice S No 2
2	Mst Nazia SPE I	GGHS No. 2 Atli	GGHS Kur	Vice S No 1

**Note:**

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned

-Sd-  
DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD

Encls: No 4645-48/EB-VI

Dated 29/06/2024.

Copy to:

1. District Accounts Officer Abbottabad.
2. District Monitoring Officer Abbottabad.
3. AD IT MIS Local branch.
4. Principal concerned
5. Official concerned.
6. Office file

DISTRICT EDUCATION OFFICER  
(FEMALE) ABBOTTABAD.

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(10)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (F) ABBOTTABAD**

Phone No. 0992-342533, Fax No 0992-342314

**Transfer order**

As per approval of the worthy Director E&SE KPK Peshawar the following official is hereby transferred / adjusted in their own pay and grade in the interest of public service with immediate effect.

S#	Name and designation	From	To	Remarks
1.	Mst Zahida SPET	GGPS Kunj	GGHS No 2. Abbottabad	Vice S No. 2
2.	Mst Nazia SPET	GGHS No 2 Abbottabad	GGHS Kunj	Vice S No. 1

Note:

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

Sd

District Education Officer  
Female Abbottabad

Endst No 4645-48/EB-VI

Dated 29.06.2024

1. District Education Officer Abbottabad.
2. District Monitoring Officer Abbottabad.
3. ADIT EMIS Local Branch.
4. Principal concerned.
5. Official concerned.
6. Office file.

20.06.2024

District Education Officer  
Female Abbottabad

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DEPUTY SECRETARY (ESTABLISHMENT)  
(NAVAID ULAH SHAH)

29/06/2024

- 1. PS to Minister for E&S, Department
- 2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3. The Director, E&S, Khyber Pakhtunkhwa, Peshawar.
- 4. The Director, BMIS, E&S, Department.
- 5. All District Education Officers (Male/Female) Khyber Pakhtunkhwa.
- 6. District Accounts Officer Khyber Pakhtunkhwa.
- 7. PS to Secretary, E&S, Department.
- 8. PS to Special Secretaries (Estab/Develop) E&S, Department.
- 9. PA to Additional Secretaries (Gen/Estab) E&S, Department.
- 10. PA to Deputy Secretary (Estab) E&S, Department.
- 11. PA to Deputy Secretary (Adm) E&S, Department.
- 12. Master File.

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Order: of even No. & Date


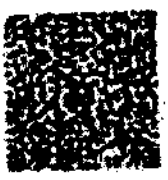
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&S DEPARTMENT.

- 1. Management Cadre
- 2. Appointment through Public Service Commission
- 3. Promotion through PSB or DPCs
- 4. Mutual transfer.
- 5. Court Cases.

NO. SO/S/M/E&S/Dep/Gen/Dir/1-174:- Consequent upon the commencement of Academic Session, the Competent Authority is pleased to impose complete ban on all kinds of posting/transfers of Teaching and supporting staff in Elementary & Secondary Education Department in large interest of the students with immediate effect and till further order, except the posting/adjustment orders to be made in connection with:-

NOTIFICATION

Dated Peshawar the 29<sup>th</sup> June, 2024

	<p><b>GOVERNMENT OF KHYBER PAKHTUNKHWA</b> <b>ELEMENTARY &amp; SECONDARY EDUCATION</b> <b>DEPARTMENT</b> Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar No. 091-9223533 Email: <a href="mailto:esect@kpk.gov.pk">esect@kpk.gov.pk</a></p>	
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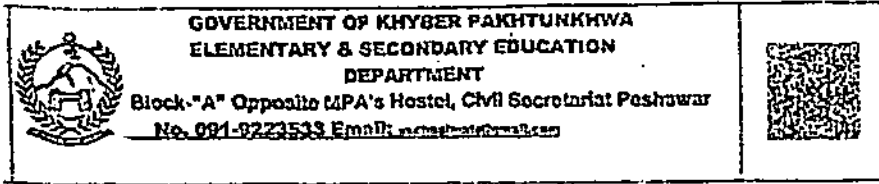
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لیٹ آباد میں خواتین مہجرز کے بلا جواز تبادلوں پر ایم پی اے مشتاق غنی کا سیکرٹری  
ایجوکیشن سے رابطہ - محکمہ تعلیم میں ہر قسم کے تبادلوں پر پابندی عائد کر دی گئی۔

Dated Peshawar the 29<sup>th</sup> June, 2024**NOTIFICATION**

**NO.SOC/DP/ASED/Gen/Misc/11-1/24:** Consistent upon the commencement of Academic Session, the Competent Authority is pleased to impose complete ban on all kinds of posting/transfers of Teaching and supporting staff in Elementary & Secondary Education Department in large interest of the students with immediate effect and all further orders, except the posting/adjustment orders to be made in connection with:-

1. Management Cadre.
2. Appointment through Public Service Commission.
3. Promotion through PSB or DPCs.
4. Mutual transfer.
5. Court Cases.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
E&S DEPARTMENT.

Encls: of encs No. &amp; Date

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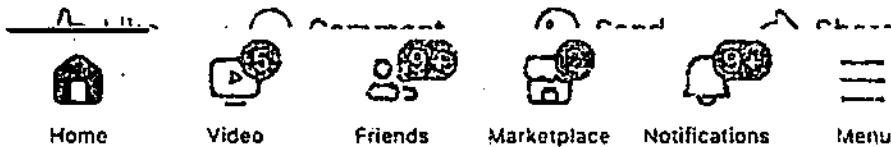
1. PS to Minister for E&S Department.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director, E&S Khyber Pakhtunkhwa, Peshawar.
4. The Director, EMIS E&S Department.
5. All District Education Officers (Male/Female) Khyber Pakhtunkhwa.
6. District Account Officer Khyber Pakhtunkhwa.
7. PS to Secretary E&S Department.
8. PS to Special Secretaries (Estab/Develop) E&S Department.
9. PA to Additional Secretaries (G-2/Estab) E&S Department.
10. PA to Deputy Secretary (Estab) E&S Department.
11. PA to Deputy Secretary (Admin) E&S Department.
12. Master File.



(NAVEED ULJAU SHAH)  
DEPUTY SECRETARY (ESTABLISHMENT)

👍👍 36

7 comments 3 shares



تمام ایجوکیشن پر پابندی عائد کر دی گئی 29/6/24

بخلمت جناب ڈائریکٹر صاحبہ المینٹری اینڈ سکینڈری ایجوکیشن خیبر پختونخواہ پشاور

Department Appeal under Section -3 of Right to Appeal Rules 1986 civil  
 Servent Govt of Khyber Pakhtuntekwha Peshawer issued by Deo (F)  
 Abbottabad

تاریخ: 03/07/2024

- (1) یہ کہ ایجنٹ کیلئے SPET گریڈ 10-15 میں GGHS نمبر 2 ایجنٹ کا جواز ہے اور اس کے لئے GGHS کے تحت ہے۔
- (2) یہ کہ سرور 20-08-2024 کو آرڈر نمبر 4046-40 کے تحت ایجنٹ GGHS کے تحت ایجنٹ GGHS کے تحت ہے۔
- (3) یہ کہ GGHS نمبر 2 ایجنٹ آہد میں ایجنٹ انجمنی فوش اسلوبی کے ساتھ اس کے لئے ایجنٹ GGHS کے تحت ہے۔
- (4) یہ کہ ایجنٹ نے GGHS نمبر 2 ایجنٹ آہد سے ہار کے لئے درخواست دی ہے اور اس کے لئے ایجنٹ کے لئے ایجنٹ ہے۔
- (5) یہ کہ گورنمنٹ آف خیبر پختونخواہ کی پالیسی کے مطابق کسی ایجنٹ کے لئے ایجنٹ کے لئے ایجنٹ ہے۔
- (6) یہ کہ ایجنٹ کا جواز پوسٹنگ ٹرانسفر پالیسی 2009ء کے مطابق خلاف ہے اور اس کے لئے ایجنٹ ہے۔
- (7) یہ کہ ایجنٹ کا جواز پاکستان 1973ء کی سیکشن 35 کے مطابق خلاف ہے اور اس کے لئے ایجنٹ ہے۔
- (8) یہ کہ ایجنٹ کا جواز سول سروس ایکٹ 1973ء کی سیکشن 10 کے مطابق خلاف ہے اگر GGHS کے تحت ایجنٹ کے SPET کے خلاف کوئی شکایت موجود ہے تو اس کے لئے ایجنٹ کے لئے ایجنٹ کے لئے ایجنٹ ہے۔
- (9) یہ کہ ایجنٹ کا جواز سے پہلے کوئی فوش جاری کیا گیا اور اس کے لئے ایجنٹ سے اس کے لئے ایجنٹ کے لئے ایجنٹ ہے۔

—

لہذا استدعا ہے کہ ایجنٹ کی اپیل کو منظور کرتے ہوئے ٹرانسفر آرڈر نمبر 48-4645 کو منسوخ فرمایا جائے اور جس وقت تک اپیل مذاکا  
 فصل نہیں ہو گا اس وقت تک کہ وہ ٹرانسفر آرڈر کو منسوخ فرمایا جائے اور ایجنٹ کو GGHS نمبر 2 ایجنٹ آہد میں اسے ٹرانسفر جاری  
 رکھنے کا حکم صادر فرمایا جائے۔

تاریخ: 03/07/2024  
 گورنمنٹ گریڈ ایجنٹ  
 0313-5049323

9/7/24



Annexure D

(14)



**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD**

PH# No. 0992-342533 FAX: 0992-342314



**TRANSFER ORDER**

As per approval of worthy Director Elementary & Secondary Education KPK Peshawar the following official is hereby transfer/adjusted in their own pay & grade in the interest of public service with immediate effect

S#	Name & Designation	From	To	Remarks
1.	Mst Sajeela Nazeeq Qaria	GGHS Mallach	GGHS Jhangl	Vice S.No 7
2.	Mst Uzma Shazia Qaria	GGHS Jhangl	GGHS Mallach	Vice S.No 1

**Note**

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned

-Sd-  
**DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD**

Endst: No.4643-44 /EB-VI  
Copy to the.

Dated 29/06/2024.

1. District Accounts Officer Abbottabad.
2. District Monitoring Officer Abbottabad.
3. AD IT FMIS Local branch.
4. Principal concerned
5. Official concerned.
6. Office file

*[Signature]*  
**DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD**

Handwritten notes at the top of the page, possibly a reference number or date: 4776-82

DY District Education Officer (Female) Abbottabad

Handwritten signature and date: 04/07/2024

- 1. District Accounts Officer Abbottabad
- 2. District Monitoring Officer Abbottabad
- 3. Budget & Accounts Officer Local Office
- 4. Principal GHS Jhangl Abbottabad
- 5. Headmistress GHS Malloch Abbottabad
- 6. Official Concerned.
- 7. Office file.

Copy For Information to the:

District Education Officer (Female) Abbottabad  
Dated 4/07/2024

Endst. No. 4776-82 / EB-VI

Transfer order issued by this office under Endst. No.4641-44/EB-VI dated 29.06.2024 is hereby withdrawn with immediate effect in the best interest of public service.

WITHDRAWAL ORDER







OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

No. \_\_\_\_\_  
Dated \_\_\_\_\_/2024  
0992-342533, 0992-342314  
deofemale.abbottabad@gmail.com

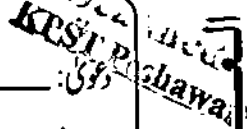
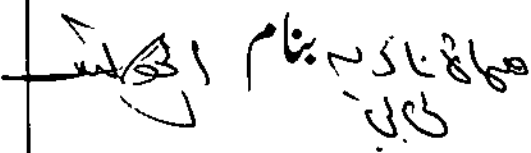
Amendment E

15

16

52106	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: 	  
بار کونسل ایسوسی ایشن نمبر: رابطہ نمبر: 03330000000	

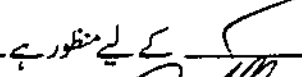
بعدالت جناب: 

منجانب: اطلاع نام	دوئی: 
مہلت نامہ بنام 	مکت نمبر:
	مورخہ:
	جرم:
	تھانہ:

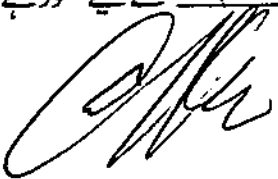

### بابت تحریر آتھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام کلید کے لئے عدالت محکمہ کو ارسال مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کالہ اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر نمائش و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا تاڈگری یا کسی طرفہ یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظارتی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی اور اپنے ہمراہ یا اپنے ہی نام سے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ ساتھ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوا لے مقدمہ کے سب سے ہوگا کاروائی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں۔ بالذات وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم ہد 20 / ما / 10

المواہ شد العبد  مقام

کے لیے منظور ہے۔

 Accepting 

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔