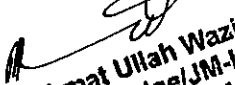


Or.....14
10.03.2021

Plaintiff along with counsel present. Through my this single order, I intend to dispose off the instant suit ex-parte.

Brief facts of the case are that the plaintiff filed the instant suit for declaration cum perpetual and mandatory injunction to the effect that he is the son of the one Naseeb Gul, who was serving as chowkidar in the GPS, Darra Hassan Zai, Mishti and got retirement on the age of superannuation. That the father of the plaintiff gave the property in the year 1978 for the construction of the School upon a condition that he will appointed as chowkidar in the same school and after his retirement, a male member of his family will be appointed on the same post. That there was an agreement between the government and the father of the plaintiff in this respect. That now the defendants are going to upgrade the said school and they are refusing to appoint the plaintiff as chowkidar rather they are about to appoint the defendant no. 04 on the post of chowkidar. That the aforesaid acts of the defendants are illegal and ineffective upon the rights of the plaintiff and they be directed not to upgrade the school in question and with further directions to appoint the plaintiff as chowkidar in the said school.


Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Bahar Mata)

The defendants were served through the process of the court, in whom the defendants no. 01 To 03 failed to appear before the court, hence, placed and proceeded ex-parte on 25.09.2020 while the defendant no. 04 once appeared but later on remained absent, hence, placed and proceeded ex-parte on 09.10.2020.

The plaintiff produced ex-parte evidence, in which the plaintiff himself appeared as PW-01, who produced some applications/inquiry etc, which are Ex.PW-1/1 and further narrated the same story as in his plaint. Further, Mr. Altaf Hussain appeared as PW-02 and supported the stance of the plaintiff. Further, Mr. Stori Gul appeared as PW-03, who supported the stance of the plaintiff by narrating almost the same story as in the plaint.

Continue.....

Rehmat Ullah VS DEO etc

Or.....14
continued
10.03.2021

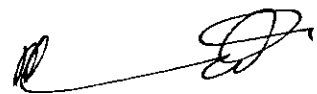
Also, a case file no. 2/1 titled as "Muneer Khan Vs Naseeb Gul" was requisitioned for perusal and arguments as per the application of the counsel for the plaintiff.

Ex-Parte arguments heard and record perused.

From the Ex-parte arguments and available record, I am of the opinion that as per the record, the defendant no. 04 has already been appointed as chowkidar on the relevant school, and he is the person who provided land for the school building and the same building is situated now on his land while the father of the plaintiff has only provided kacha rooms as stop gap arrangement for some time. The plaintiff failed to produce any such agreement whereby the government was bound down to keep appointing the male members of the family of the plaintiff for indefinite period. Further, a school carries a very sacred object of educating the kids by spending public money, thus, no one can be allowed to use the same as legacy inherited from his predecessor. Thus, in the light of the aforesaid findings, the plaintiff failed to establish his case through cogent and reliable evidence, hence, the suit of the plaintiff is hereby dismissed with costs.

File be consigned to the record after its necessary completion and compilation while the suit file no. 02/1, titled as "Muneer Khan Vs Naseeb Gul" requisitioned earlier be sent back to the concerned quarter.

Announced
10.03.2021



(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela