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Case Title: Ahmad Ullah VS DEO, Orakzai

14.10.21

Presence as before
IM counsel for 1st
plaintiff also argued
IM application. File is
to come up for
order on 29/10/2021.


Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mela)

Or.....13
29.10.2021

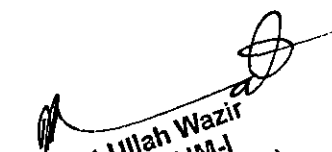
Presence as before.

Through my this single order, indent to dispose off an application for the grant of temporary injunction, filed by the plaintiff against the defendant.

This application was strongly contested by the other party by filing replication and forwarding arguments thereto.

Brief facts of the case are that the plaintiff filed the instant suit for declaration-cum-perpetual and mandatory injunction to the effect that the grandfather of the plaintiff and 04 other persons gave property for the construction of the GHS, Chappar Mishti, Orakzai. That the grandfather of the plaintiff namely Lalbat Khan was appointed as sweeper in the said school, who served for 36 years and on 03.04.2020, he got retirement but even then, he is serving in the said school. That the plaintiff is entitled to be recruited on the

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Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mela)

Or.....13
Continued
29.10.2021

seat of his grandfather in son quota. That the defendant is going to appoint some other person on the said seat, which is illegal, ineffective upon the rights of the plaintiff and the defendant be restrained from appointing some other person with directions to appoint the plaintiff on the said seat as the plaintiff have applied for the said seat and have submitted all the required documents in the office of the defendant.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that the crux of the instant suit is the provision of land by the grandfather of the plaintiff for the construction of the said school and the appointment/service of the grandfather of the plaintiff and then retirement and now appointment of plaintiff on son quota. But as per the notification Dated: 22.03.2007, produced by the defendant and placed on file, issued by the Provincial Government, it is a son of a retired/disabled Class-IV employee who has been given 25% quota in the fresh recruitments and not a grandson, while admittedly, the plaintiff is the grandson of the one Lalbat Khan, who has retired as a sweeper from the suit school.

Thus, in the light of the aforesaid findings, while deciding the application for temporary injunction, the plaint of the plaintiff is rejected being not maintainable in the eyes of law with costs.

File be consigned to the record room after its necessary completion and compilation.

Announced
29.10.2021



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