

Or --- 13 :
22.01.2022

Parties along with Counsel present.

Arguments heard of both the
Counsel.

File is to come up for
order on 25.01.2022.

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

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Presence as before. Through my this single order, I intend to dispose off in application for declaring null and void the appointment of the defendant no.2, filed by the plaintiff against the defendants.

Brief facts of the case are that the plaintiff filed the instant suit for declaration cum perpetual and mandatory injunction and recovery to the effect that the plaintiff is the permanent resident of the Qoum Bar Muhammad Khel, Tappa Khwaidad Khel, District Orakzai. That the one GGMS has been constructed over the property of the plaintiff. That the plaintiff filed an application for appointment in the said school as water carrier before the education department, Orakzai but collusively the defendant no. 01 appointed the defendant no. 02 on the said vacancy, which is illegal. That the property upon which the suit school has been built up is not the ownership of the defendant no. 02, therefore, he is not entitled to the said job. That despite the aforesaid facts, the defendant no. 02 has been working in the said school for the last 20 years as Mali. That the defendant no. 01 was asked time and

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again to set aside the appointment of the defendant no. 02 being illegal but he refused, hence, the present suit.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that it is an admitted fact that the suit job has been given by the Defendant No. 01, the District Education Officer (DEO), Orakzai and the same not in any of his Private Enterprise rather in a Government Department, fueled by the Public Exchequer and the same through an Advertisement i.e through an open competition, which could be joined by all the Eligible candidates belonging to District Orakzai. The object of establishing a school anywhere by spending Public Money is very high and lofty, the educating of the generations. No one can be allowed to hinder that lofty object by acting in a stone age style like the present plaintiff who claims the job on the basis of landed property given by him for the construction of the suit school. This is misuse of the jurisdiction of a court and even wastage of the time of the court by filing such frivolous suit. Admittedly, the defendant no. 02 has been serving for the last 20 years and after the lapse of 20 years, the plaintiff is now making efforts to declare his appointment as null and void on the sole ground that he is the owner of the property where the suit school has been built up. Rather, he should have filed a suit for recovery of the cost of the land at most against the Education department. Thus, the bare reading of the plaint does not disclose any cause of action against the defendants rather the same is a frivolous and baseless suit, therefore, while deciding the application for declaring null and void the appointment of the defendant no. 02, the plaint of the plaintiff is hereby **Rejected U/O 7-R-11 CPC with costs.**

File be consigned to the Record Room after its necessary completion and compilation.

Announced
25.01.2022


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