

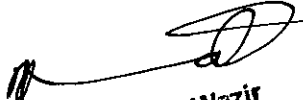
Or.....11
15.09.2021

Presence as before.

Through my this single order, I intend to dispose off an application u/o 07-R-11 CPC for rejection of plaint filed by the defendant no. 01 against the plaintiffs.

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

Brief facts of the case are that the plaintiffs filed the instant suit for declaration-cum-perpetual and mandatory injunction to the effect that the property given to the GMS Pat Tangi, Orakzai was the joint property of the parties and as per the agreement deed dated: 13.08.2015, between the plaintiffs and defendants no. 01 to 03, the defendants are bound to give 01 Class-IV job in the GMS Pat Tangi, Orakzai to the plaintiffs. That this agreement was between the parents of the plaintiffs and the defendants. That now the defendant no. 04 is collusively about to appoint the defendants no. 01 to 03, which is illegal, ineffective upon the rights of the plaintiffs and they be bound down to act upon the agreement deed and give 01 Class-IV job to the plaintiffs.


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

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 so called jirga decision Dated: 13.08.2015 between the parties through which the Class-IV jobs in the said school were distributed and the plaintiffs pray for its specific performance. The suit vacancies are public offices as per the law and the same are required to be filled through public competition which is to be open for the whole public of District Orakzai for participation. This is against law and public policy to purchase a

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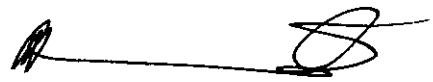
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public office through any consideration that may be the transfer of land etc. Thus, the alleged agreement between the parties is clearly illegal and against the public policy, thus, hit by sec. 23 of the Contract Act, 1872, the specific performance whereof could not be granted. Guidance in this respect is derived from SCMR 1997, page 855. 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.

In the present circumstances, the application for setting aside ex-parte proceedings filed by the defendant no. 04 becomes automatically infructuous and disposed off accordingly.

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

Announced
15.09.2021


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