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**IN THE COURT OF REHMAT ULLAH WAZIR,**  
CIVIL JUDGE-I, ORAKZAI AT BABER MELA

Civil Suit No. 60/1 of 2021  
Date of Institution: 27.03.2021  
Date of Decision: 21.09.2021

**1. Naqeeb Ullah s/o Ashraf Khan and one other**  
Residents of Bezot, Tehsil & District Orakzai.

(Plaintiffs)

VERSUS

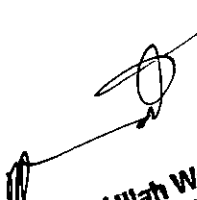
**1. Ayub Khan s/o Miandad Khan and 02 others**  
Residents of Bezot, Tehsil & District Orakzai.

(Defendants)

**SUIT FOR DECLARATION CUM PERPETUAL AND  
MANDATORY INJUNCTION**


**SUMMARY JUDGEMENT:**  
**21.09.2021**

1. Brief facts of the case in hand are that plaintiffs filed the instant suit for declaration cum perpetual and mandatory injunction to the effect that the plaintiffs and the defendants no. 01 & 02 jointly gave the property for the construction of the GPS, Daan Khwla and GPS, Bezot without receiving any price of the same but it was promised that the Class-IV jobs in the said schools would be given jointly to both the parties. Accordingly, the defendant no. 03 is bound to give the Class-IV jobs in the now upgraded schools to the plaintiffs along with defendants no. 01 & 02. The defendant no. 03 has got no right to give the Class-IV jobs in the aforesaid upgraded schools only to the persons of the defendants no. 01 & 02.

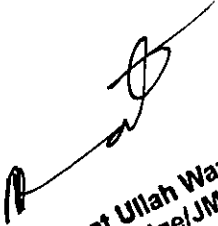
  
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2. That the defendants were asked not to do the aforesaid acts, but they refused, hence, the present suit.
3. Defendants were summoned, in whom the defendant no. 03 contested the suit by filing his written statement while the defendants no. 01 & 02 sought repeated adjournments through their counsel for filing written statement. In the meanwhile, when the court thoroughly perused the case file, it was revealed that the instant suit can be disposed off through summary judgment. Accordingly, notice for summary disposal of the instant case was given to both the parties on the previous date.
4. During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in the instant case is very petty in nature, which can be decided through summary judgement as per relevant record. To this effect notice was given to the parties that why not the case in hand be decided on the basis of available record without recording lengthy evidence, as the primary aim and objective of Amended Management Rules in CPC is, "*to enable the court to-*
  - a. *Deal with the cases justly and fairly;*
  - b. *Encourage parties to alternate dispute resolution procedure if it considers appropriate;*
  - c. *Save expense and time both of courts and litigants; and*
  - d. *Enforce compliance with provisions of this Code."*

  
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5. Learned counsel for the parties heard and record gone through.
6. The written statement submitted by the defendant no. 03, wherein the grounds of rejection of plaint/ dismissal of the suit on the principle of the suit agreement being void ab-initio in the light of the judgments of the Supreme Court have been taken.
7. 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 verbal promise between the parties through which the Class-IV jobs in the said schools were to be 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 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, the suit of the plaintiffs


  
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is dismissed summarily being not maintainable in the eyes of law with costs.

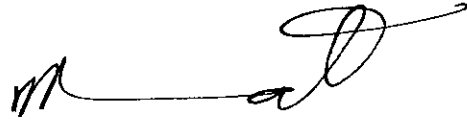
8. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
21.09.2021

  
(Rehmat Ullah Wazir)  
Civil Judge-I,  
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**CERTIFICATE**

Certified that this judgment of mine consists of **04** (Four) pages, each has been checked, corrected where necessary and signed by me.

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