## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL, (Camp Court, D.I.Khan)

Appeal No. 1019/2018

Date of Institution ... 08.08.2018

Date of Decision ... 23.01.2019

Haji Sanaullah Khan son of Haji Amanullah R/O Mohallah Qazafi, D.I.Khan. (Appellant)

### **VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Health Peshawar and three others. ... (Respondents)

Present.

MR. MANSOOR ABBASI, Advocate.

For appellant

MR. HAMID FAROOQ DURRANI,

CHAIRMAN

## **JUDGMENT**

### **HAMID FAROOQ DURRANI, CHAIRMAN:-**

It is the case of appellant that he was born on 21.08.1959 and the said date was noted in his CNIC as well as matriculation certificate in the relevant columns. He was appointed as Medical Technician in the office of respondent No. 4 while in his service book, the date of birth of appellant was inadvertently noted as 20.08.1958. On 02.04.2018, the appellant applied to respondent No. 4 for making the requisite

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alteration/correction in the service book, however, his application was not

responded to.

2. I have heard learned counsel for the appellant and perused the

available record.

The record is suggestive of the fact that the service book of

appellant was prepared on 04.03.1986, wherein, his date of birth was

recorded as 21.08.1958. The appellant remained in slumbers for about 32

long years and then turned up in the year 2018 with an application

requiring alteration in the service book. It, prima-facie, appears to be an

effort to gain one more year of service by the appellant at the fag end of

his career. Such practice has been discouraged and relief refused to civil

servants through a plethora of judgments of the Apex Court including

2014-SCMR-1723. The only reason for such delay was stated to be the

ignorance of appellant regarding impugned entry in the service book

which is not at all convincing for the fact that his thumb impressions are

available immediately beneath the impugned entry.

The appeal in hand is, therefore, without any merit requiring its

admission to regular hearing. The same is dismissed in limine.

File be consigned to the record room.

(HAMID FAROÒQ DURRANI)

CHAIRMAN

(Camp Court, D.I.Khan)

ANNOUNCED 23.01.2019

## Form- A FORM OF ORDER SHEET

Court of	·	
Case No	1019 <b>/2018</b>	

	Case No	1019 <b>/2018</b>
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/08/2018	The appeal of Haji Sanaullah received today by post through Mr. Mansoor Abbas Advocate may be entered in the Institution
		Register and put up to the Worthy Chairman for proper order please.  REGISTRAR
2-		This case is entrusted to touring S. Bench at D.I.Khan for
28.1	2.2018	preliminary hearing to be put up there on 28.12-2018  CHAIRMAN  Neither appellant nor his counsel present therefore, notice
,	1	be issued to appellant and his counsel for attendance and
		preliminary hearing for 23.01.2019 before S.B at Camp Court
		D.I.Khan.
		(Muhammad Amin Khan Kundi) Member Camp Court D.I. Khan
,		

The appeal of Haji Sanaullah Khan son of Haji Amanullah Caste Diyal r/o Mohallah Qazafi D.I.Khan received today i.e. on 07.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- The law under which appeal is filed is not mentioned.
- 3- Copy of appointment order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 1562 /S.T.

Dt. 08 8 /2018.

REGISTRAR 8(%) NO SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr.Mansoor Abbas Adv. D.I.Khan.

Lesulmined after needful correction

13/8/18

S.T.A	No	101	9	_ of 2018
		1 1	•	

Haji Sanaullah Khan

Versus

Govt of KPK etc

Appellant

Respondents

## **INDEX**

S No	Description Of Documents	Annexure	Page
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3	Stay Application		7-8
4	Copy of CNIC	A	9
<u>5</u>	Copy of Matriculation Certificate	B	10
<u>6</u>	Copy of Service Book along with shippoint-	С	11-31
7	Copy of application submitted by the appellant	D	32
8	Vakalatnama	• <del></del>	-33

Petitioner

Through counsel,

Date:

**₹-08-2018** 

Advocate High Court D.I.Khan



Service Tribunal Appeal No 10 9

Pakhtukh

Haji Sanaullah Khan S/O Haji Amanullah Caste Diyal R/O Mohallah Qazafi, DIKhan.

Appellant

### **Versus**

- Govt of KPK through Secretary Health KPK Peshawar
- 2 Secretary Health KPK Peshawar
- 3 Director General Health KPK Peshawar
- District Health Officer DIKhan 4

Respondents

Service PAppeal U/S 4 of the Service Subject:-Act 197 for directing the respondents to correct the date of birth of the appellant which was inadvertently mentioned in his service record as 21-08-1958 while the correct date of birth of the appellant is 21-08-1959.

edto-day

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## Respectfully Sheweth:-

That the appellant had born on 21-08-1959 & the said date was correctly mentioned in his CNIC as well as in his Matriculation Certificate. The copies whereof are enclosed as submitted to -day annexures A & B.

That the appellant was appointed as M/technician in the office of the District Health Officer DIKhan & the clerical staff of the office of the DHO DIKhan while preparing the service book of the appellant inadvertently entered the date of birth of the

application is enclosed as annexure D.

appellant as 20/21-08-1958. The copy of the service book of the appellant is enclosed as annexure C.

That the appellant in this way was going to be retired from his service on 21-08-2018 & therefore, the office of the DHO DIKhan directed the appellant to apply for grant of L.P.R. At this stage the appellant noticed about the incorrect entry of his date of birth in his service record. The appellant therefore, submitted an application to the DHO DIKhan for correction of his date o birth in his service record & to enter his date of birth as 21-08-1959 instead of 21-08-1958 & to correct the omission. The copy of the

That the respondents paid no heed to the humble request of the appellant & therefore, the appellant is left with no other adequate remedy but to approach this Honorable Service Tribunal by way of instant appeal requesting to direct the respondents to correct the service record of the appellant & to enter the actual date of birth of the appellant as 21-08-1959 instead of 21-08-1958 which was inadvertently wrongly entered in his service record by the officials of the office of DHO DIKhan & not retire the appellant at this pre-mature stage & to avoid irreparable loss to the appellant on inter alia the following grounds:-

#### **GROUNDS:-**

- I. It is an admitted fact that the appellant had born on 21-08-1959 & the said date was entered in his school record.
- II. That it is also an admitted fact that the appellant had passed his Matriculation examination from the Government High

School Paharpur District DIKhan during the annual session of year 1976 & consequently the board on Intermediate & Secondary Education Peshawar had issued a certificate wherein the date of birth of the appellant is entered as 21-08-1959.

III.

That although the appellant while granting appointment in the office of the DHO DIKhan had provided his matriculation certificate but the official staff of the said office failed to notice the correct date of birth of the appellant & inadvertently entered his incorrect date of birth as 21-08-1958 in his service record. Therefore the appellant cannot be blamed for such omission.

IV.

That the appellant has rendered valuable services to his department for a considerable long period & if he is retired from his service pre-mature he will suffer irreparable loss due to the inadvertent act of the officials of the office of the DHO DIKhan.

In view of the submissions made above it is respectfully prayed that on acceptance of this appeal the respondents may graciously be directed to enter the correct date of birth of the appellant as 21-08-1959 as per entries of his Matriculation Certificate as well as CNIC & to delete the incorrect entry of the date of birth of the appellant as 21-08-1958 & made in the service record of the appellant inadvertently.

Your Humble Appellant Sanu neer Haji Sanaullah Khan

Through Counsel

Mansoor Abbas

**Advocate High Court DIKhan** 

Date: (7) 8 18

# (5)

## **AFFIDAVIT**

I, Haji Sanaullah Khan S/O Haji Amanullah Caste Diyal resident of Mohallah Qazafi DIKhan, appellant do hereby solemnly affirm and declare on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this August Court.

Identified by

Deponent

Mansoor Abbas Advocate High Court DIKhan

DATE: 0 3-08-2018

S.T.A No	of 2018.	
Haji Sanaullah Khan	Versus	Govt of KPK etc
Appellant		Respondents

## **Memo Of Address**

Haji Sanaullah Khan S/O Amanullah Caste Diyal R/O Mohallah Qazafi DIKhan

**Appellant** 

### **VERSUS**

- 1 Govt of KPK through Secretary Health KPK Peshawar
- 2 Secretary Health KPK Peshawar
- 3 Director General Health KPK Peshawar
- 4 District Health Officer DIKhan

Date:

Respondents

**Your Humble Appellant** 

(Haji Sanaullah Khan)

**Through Counsel** 

**∂** - 08-2018 Advocate High Court DIKhan



<u>C.M.No.</u> of 2018.

S.T.A No. of 2018.

Haji Sanaullah Khan

<u>VERSUS</u>

Govt of KPK etc

**Appellant** 

Respondents

Subject:-

Application for Urgent Interim Relief.

## Respectfully Sheweth:-

Date: 08-2018

1 That the appellant has filed the above titled appeal in this Honorable Tribunal Today.

- That prima facie the appellant has got a very good case in his favour & is quite sanguine for the success of his appeal whereas the balance of convenience is also in favour of the appellant.
- 3 That in case the proceedings initiated by the respondents for retirement of the appellant from his service are not stopped & status quo is not maintained ,the appellant will suffer irreparable loss & his appeal will become infructuous.

It is therefore requested that on acceptance of this application, the respondents may graciously be directed not to pass any orders for the retirement of the appellant at this stage & to stop any such proceedings initiated for the retirement of the appellant from his service & to ensure status quo till the final decision of the above titled appeal filed by the appellant in this Honorable Tribunal.

Your Humble Petitioner

Haji Sanaullah Khan

Through Counsel,

Mansoor Abbas

Advocate High Court DIKhan



### AFFIDAVIT'

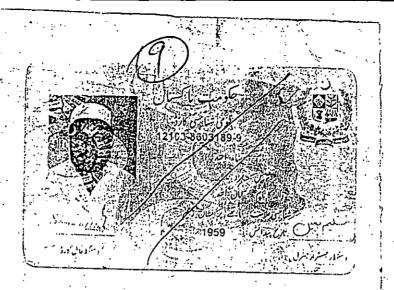
I, Haji Sanaullah Khan S/O Haji Amanullah Caste Diyal resident of Mohallah Qazafi DIKhan, appellant do hereby solemnly affirm and declare on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this August Court.

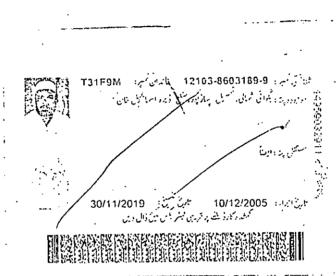
Identified by

Deponent

Mansoor Abbas Advocate High Court DIKhan

DATE: 0**3**-08-2018





Attender (10)

Nº 218985

Roll No. 35327

# Board of Intermediate and Secondary Education PESHAWAR, N.W.F.P. (PAKISTAN)



## Secondary School Certificate Examination session 1976 (ANNUAL)

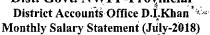
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## Dist. Govt. NWFP-Provincial





#### Personal Information of Mr SANAULLAH d/w/s of MALIKIAMANULLAH

Personnel Number: 00184172

Date of Birth: 20.08.1958

CNIC: 1210386031899

Entry into Govt, Service: 01.01.1999

Length of Service: 19 Years 07 Months 001 Days

**Employment Category: Active Temporary** 

Designation: PHC TECHNICIAN (MULTI PUR

▶ 80711147-DISTRICT GOVERNMENT KHYBE

NTN:

DDO Code: DI6318-BHU Jhok Kanera

Payroll Section: 001

GPF Section: 005

Interest Applied: Yes

Cash Center:

225,215.00

GPF A/C No: JMDK0001985

Vendor Number: -Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

GPF Balance:

**BPS: 14** 

Pay Stage: 21

Wage type		Amount	Amount Wage type		
0001	Basic Pay	39,750.00	1000	House Rent Allowance	2,214.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1548	Rural Compensatory Allowa	50.00	1985	Health Professional Allow	10,000.00
2148	15% Adhoc Relief All-2013	875.00	2199	Adhoc Relief Allow @10%	634.00
2211	Adhoc Relief All 2016 10%	3,232.00	2224	Adhoc Relief All 2017 10%	3,975.00
2247	Adhoc Relief All 2018 10%	3,975.00			0.00

#### **Deductions - General**

Wage type		Amount Wage type		Wage type	Amount :
3014	GPF Subscription - Rs2620	-2,620.00	3501	Benevolent Fund	-600.00
3609	Income Tax	-167.00	4004	R. Benefits & Death Comp:	-1,052.00

#### Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable:

2,000.00

Recovered till July-2018:

167.00

Exempted: 0.37-

Recoverable:

1,833.37

Gross Pay (Rs.):

69.061.00

Deductions: (Rs.):

-4.439.00

Net Pay: (Rs.):

64,622.00

Payee Name: SANAULLAH Account Number: PLS 2627-5

Bank Details: NATIONAL BANK OF PAKISTAN, 231429 SHEIKH YOUSAF D.I.KHAN SHEIKH YOUSAF D.I.KHAN,

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address: DIKHAN

City: D.I.KHAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: sanaullah4073@gmail.com

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August 1958

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PRESSIONS . 4/3/1956.

Medical Superintendent District Headquarter Hospita Dora Ismail Khan

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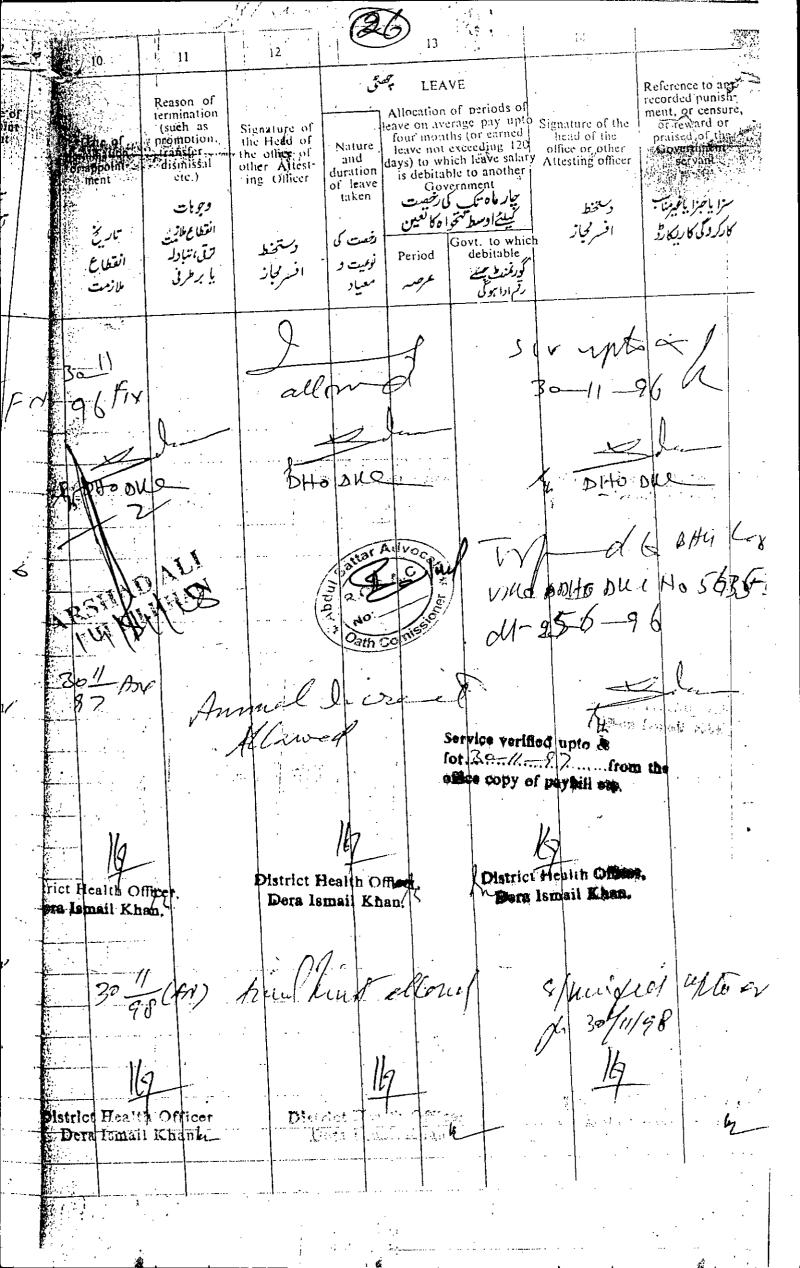
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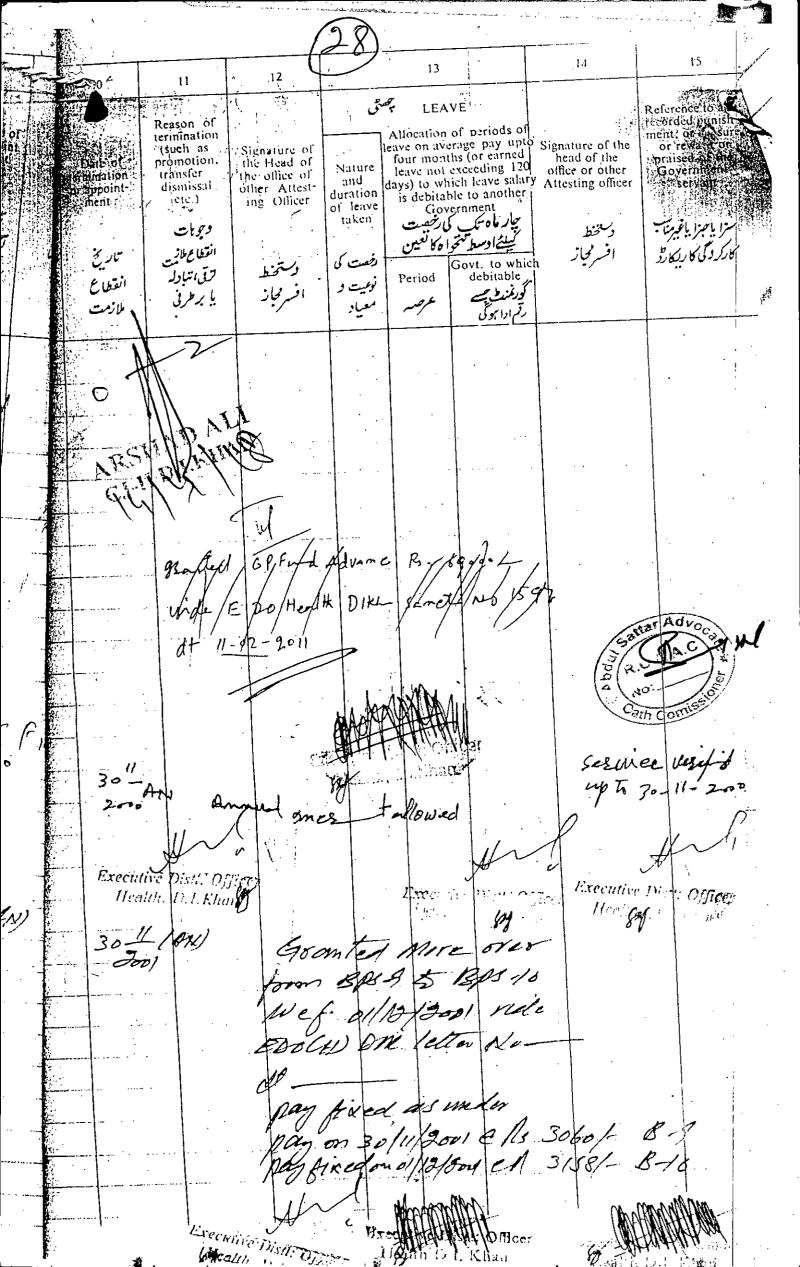
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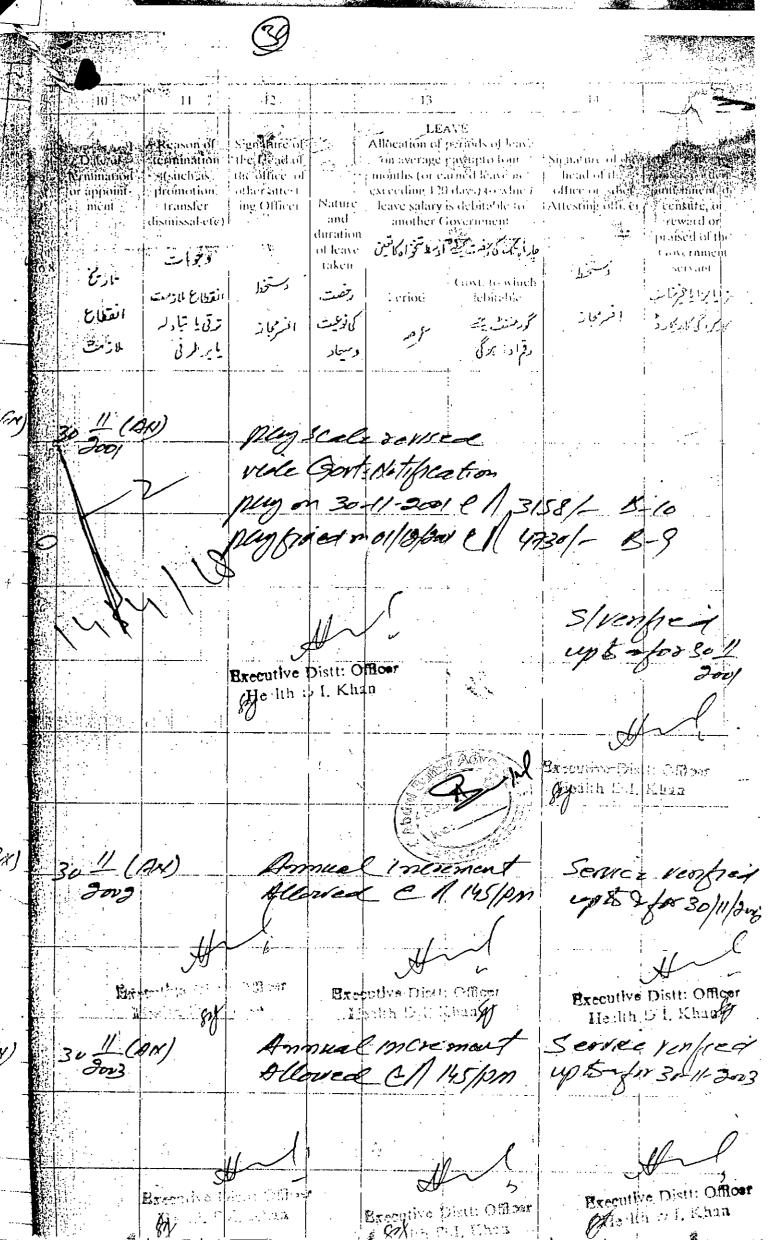
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02/04/18

ADVOCATE'S IDENTITY CARD POWAR P. DAY GOURGE 3440 Name RANA MANSOOR ABBAS MUHAMMAD ABBAS Date of Birth 15-04-1961 LOWER COURS Date 22-02-1990 High Court Date 24-08-1993 N.W.F.P. BAR COUNCIL Number of Roll \_ 33-Karachi Market Address NORTH GIRCULAR
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E-24, D. I. KHAN Sockarno Square, Pethawar العدالت جناب سعسماء ع ١٩ ١٨ God of expecti Sevuice appeal. باعث تحريرا نكه مقدمه مندرجه بالاعنوان مين الني طرف واسطه بيروى وجوابدى برائية ثيثى يا تصفيه مقدمه به نفاص مسه ملاسع والمسيان ulmor Allen admonte High com اور ب ویل شوا کار برایل مقرر کیا کینی به خوش به خود بذرید مختیار خاص دو برو مدالت ماضر دو تا ردون مح سادر جروفت نیار سه جائے مقدمه اکیل ملاحب موصوف کواطان ونکر حاضر عدالت کرون کا داکر فاق م مالمر حاضر نه زوار اور تقدمه نیری فیرحاضری می دید کشتی طوری میرسد و بر خلاف و کیلید فوصلا مسا و معافرت ا نظائي الرن و مدوار ند وول ك و نيز ولل مناوب وسوف مدر مقام كين ك ساوه وكن جَد الي كيار ك كالقامة الناسخ يليك ويجيه ويقعمل من وكاكر في ك ة مدوار نه دول ملك إليز وكل مناوب ومود من منام ين كل مناه و ال يكو كل ك الألت من مبليا يا ينجم إن وز تعطيل ي وكل كريت المناورة ہوں گے۔ اور قدمہ صدر کچبری کے علاوہ اور جگہ اواعت ہوئے یا پروز تعطیل یا تنجیری کے اوقات کے آگے چیچے چیش ہونے مرمظ پر کوئی نقصان کیانیاتو اس کے ذمہ واد یا اس کند واست کی مواوندات آوا کردید با میزاد واپس کردنے سے بی موسوف و مدوار ندیوں سے یہ پیرکوکل میا بند کرواندی صاحب موسوف مثل کرواو ة البينة ومنكوره قبول وه كالدار رضاوب مصوف توحل وي ويووب وه كاليؤورخواست البرائ في ترك وأظر ثانى فتل محمر وني والبرات مي و تتخط وتقهد مي كورت كا جي افقتار دوگار اورسي هم يا وگرين تروي اور ده هم هاره وييد امول در سداور در در داخل از داخل از در جاخل از در اخل اور در اخل از در از د علف کرنے راقبال دمی و جی انتہار و کا راور اصورے مقرر و نے تاریخ فرقی مقدر ما فوروج ان از کہوری مدری وی مقدمہ ذکورونی اول محرانی و ورقام کی عقده والمنسل واري يكفرك بالرخواسك أتماهم في ياقرتي بالرقاري أن الإفاهدا الدائب وأكرى أمي مناهب مؤموف كواثر والأنظر مها ومقاعدي والأوارا أم ودرقهام مهافته برداخة صاحب موصوفت كرده ذات خودمنظور وقبول ووكل اوربهموت خرورت صاحب كوميمي القتيار وومج أندمقد مه ندكوره يالشيفيكي جزو لى فاروائي بالسورية استة أخر فاني الألي وكراني بالكرم خامله تقدمه لاكوره كي ومريب وكل باين شرك السية بمراء تشررك ين ماره لينه شيرتا فوالي كو مبني برامر ميں وال اور وينه اختيارات حاص جو ل سے ، جيسے صاحب موسوف كو حاصل جيء اور دوران مقدمه بنن جو كچي جرية له اخوار مايكا ، او صاحب موصوب کا جن ہوگا ۔ تعرصا حب وصوف کو ہو ری فیس تاریخ جنگ سے پہلے اوا شکروں گا۔ تو صاحب سوصوف کو بوراا نشیار ہوگا کہ وہ اقد مدکی جاری ندکریں اور ایک . سورت بین میرا کوئی و طالبه کمی تشم کا ساحب به مصوف یک برخانف تین و دکار البذاد كالت تاميلهمد بأين به تاكيسندرين مضمون وكالهة بنامة منابيات ساورانهمي طرت مجهوا ياسه اورمنالور العد