

(J)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M. No. _____/2018

In

Service Appeal No. 258 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 249

Date: 05/03/2018

Muhammad Raiz(Petitioner)

VERSUS

The Accountant General Khyber Pakhtunkhwa, Peshawar and
others.....(Respondents)

**APPLICATION FOR REFERRING THE
APPLICANT FOR MEDICAL EXAMINATION/
TESTS TO ANY MEDICAL OFFICER FOR
ASSESSMENT/ DECLARATION OF HIS REAL
AND CORRECT DATE OF BIRTH TO FULFILL
THE END OF JUSTICE.**

Respectfully Sheweth:

*Put up to the court will
relevant appeal.*

The petitioner very humbly submits as under:

*Handwritten signature
5/3/18*

Mr. Raiz

1. That the above titled Service Appeal has been submitted on dated 23/02/2018 which is fixed for preliminary hearing on 12/03/2018.

2. That the petitioner seeks declaration/ assessment of his real age/ date of birth through any kind of medical examination/ tests by any kind of medical officer from any of medical hospital in Pakistan as is deemed fit by this Hon'ble Tribunal.

3. That in the similar nature case, the Hon'ble Civil Judge-IX, Peshawar namely Asif Raza had given direction to the M.S of Police Service Hospital Peshawar to declare the real and correct date of birth of one "Salman Khan S/o Kamal Khan R/o Kurram Agency" on dated 07/02/2018, whereupon the M.S Concerned referred the above named Salman to the FSL Peshawar (KMC) on dated 16/02/2018 and the report of FSL declared his real and correct date of birth of the said Salman on dated 22/02/2018". (Copies of application, order dated 07/02/2018 referring letter and age assessment certificate are attached respectively).

4. That as per Article 19-A of the Constitution of Islamic Republic of Pakistan, 1973 and Article 164 of the Qanoon-e-Shahadat Order 1984, this is the Constitutional and statutory right of every citizen to

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get or give any kind of information including the getting of information with regard to his/her real and correct date of birth/ age by any kind of medical examination.

5. That similarly the instant appeal needs early and accelerated disposal before 20/11/2018 because the petitioner will be retired on dated 20/11/2018, if not decided within time then the instant appeal will become infructuous and of non.

6. That this Hon'ble Tribunal has ample jurisdiction to entertain the present petition and disposed it of according to the facts and circumstances as stated above for the ends of justice.

7. That other points will be agitated at the time of arguments with prior permission of this Hon'ble Tribunal though which are not specifically sought for in the present petition.

It is, therefore, very humbly prayed before this Hon'ble Tribunal that on acceptance of this application, the applicant may kindly be referred to

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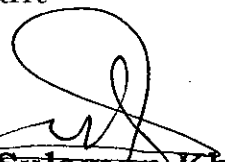
any medical officer for determination of his real and correct date of birth by any kind of medial test as is deemed fit by this Hon'ble Tribunal for the ends of justice and the present appeal along with the instant application needs early disposal as soon as possible because if the main appeal is not disposed of before 20/11/2018 otherwise it will become infractuous.

Any other relief may also be granted in favour of the applicant and against the respondents albeit not specifically sought for in the main appeal as well as in the instant petition.


Applicant

Through

Dated: 05/03/2018


Malik Sulaman Khan

& *us*
Zahid Rehman 
Advocates, Peshawar.
Cell No. 0345-9418320

5

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

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In

Service Appeal No. 258 /2018

Muhammad Raiz(Petitioner)

VERSUS

The Accountant General Khyber Pakhtunkhwa, Peshawar and others.....(Respondents)

AFFIDAVIT

I, Muhammad Raiz S/o Muhammad Umar R/o Mohallah Jan Khel, Shahdand P.O. Lund Khwar, Tehsil Takht Bhai, District Mardan, do hereby solemnly affirm and declare on oath, that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED
WAZIR AHMED
Notary Public
District Mardan
6-18

4

DEPONENT
CNIC: 16102-2254025-3

The honourable civil judge Peshawar (6)

Salman ----- v/s ----- Vice Chancellor and others

Application for referring the applicant for medical examination ^{to} for determination as real date of birth either by X-Ray or Ossification tests.

Respectfully sheweth::

The applicant submits as under -

1. That the above title case has been pending before this honorable court for adjudication for today is 04/01/18.

Prayer:-

It is requested that on the acceptance of this application, the applicant may kindly be referred for medical examination any medical officer to determine the real date of the applicant for the sake of justice and best convenience of the applicant.

ATTESTED

15 FEB 2018

(Examiner)
Civil Court Peshawar

Applicant by his
counsel

Rahman

Adv. Mr. Zahid-ur-Rahman

Dated
04/01/2018

ATTESTED

7

Order
07.02.2018

Plaintiff through counsel present.

None present on behalf of the contested defendants. Hence, proceeded ex parte.

1. Today, the case was fixed for the submission of the reply of the application for the determination of the real age of the plaintiff through medical examination/Board.
2. Ex parte arguments on the application heard.
3. The plaintiff namely Salman Khan S/O Kamal Khan R/O Alizai Maro Khel, Tehsil Lower Kurrum District Kurrum Agency, filed the instant suit for declaration to the effect that the correct date of birth of plaintiff is 01.01.1998 but it was incorrectly entered in the record of the defendants as 04.01.1995 which is liable to be corrected.
4. That his real age is needed to be determined by the ossification test/medical examination. Thus, with the acceptance of the application, the plaintiff be directed to appear before the medical board police services hospital Peshawar with his fresh two photographs passport size, academic certificates and any other documents relating to plaintiff. Copy of this order be sent to MS concerned for compliance. MS of the concerned hospital be directed to send the medical report on or before date fixed.
5. To come up for report on 28.02.2018.

ANNOUNCED
07.02.2018

CERTIFIED TO BE TRUE COPY

(Examined)
Copying Agency Civil Court
Peshawar

15/2/18

ATTESTED

ASIF Raza
Civil Judge-IX,
Peshawar

7.2.18



OFFICE OF THE
MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

Ref No. 926-07 /MS/Admn/KMC/Age/2017-18

Date: 16/02/2018

To

The Head Department
Forensic Medicine
Khyber Medical College Peshawar.

Subject :- AGE ASSESSMENT CERTIFICATE.

Memo:-

Mr. Salman Khan S/O Kamal Khan has refer by the honorable civil-IX Peshawar for correction in his age (date of Birth). He is hereby referred to your department for age assessment certificate with the request that certificate and report may please be submitted to undersigned immediately to proceed further.

Mark of Identification Nil

ATTESTED

Talib

Medical Superintendent
Services Hospital
Peshawar.

16/02/18

CC to :-

Civil Judge-IX Peshawar for information with reference to his dated 02.02.2018



**OFFICE OF THE
MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR**

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

(Spoke
copy)
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Ref No. 1027 / - /MS/age

Date: 22/02/2018

AGE ASSESSMENT CERTIFICATE.

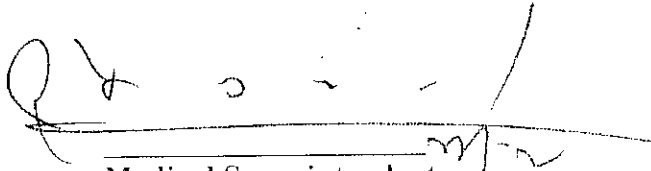
Certified that Mr. Salman Khan S/O Kamal Khan R/O Kurran Agency appeared before me for his age assessment.

He was referred to Forensic Department of Khyber Medical College Peshawar, for age assessment vide this office letter No.906-07/MS/Admn/KMC/FM/Age/2017-18, dated 21.02.2018.

According to the opinion of Forensic Department, Khyber Medical College, Peshawar his age is **Twenty One to Twenty Three (21.23)** as per Forensic Department Khyber Medical College Peshawar letter No. 217/FM/KMC/2018, dated 21.02.2018

This office agrees with the opinion given by the Forensic Department, Khyber Medical College Peshawar.

Mark of identification: Mole on the (Lt) side Face.


Medical Superintendent
Services Hospital
Peshawar.
Medical Superintendent
Services Hospital
Peshawar.

22/02/18

(J)

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TRIBUNAL, PESHAWAR.**

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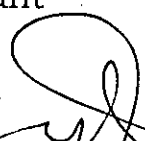
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Through

Dated: 05/03/2018


~~Malik Sulaman Khan~~

& *vs*
Zahid Rehman 
Advocates, Peshawar.
Cell No. 0345-9418320

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concealed from this Hon'ble Tribunal.

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DEPONENT
CNIC: 16102-2254025-3

Honorable civil judge Peshawar (6)

v/s Vice Chancellor and others

App. for referring the applicant for medical examination for determination as real date of birth with X-ray or Ossification tests.

Respectfully Submitted

applicant submits as under - 04/01/18

- 1. That the above case has been pending before this honorable court for adjudication for today i.e. 04/01/18.

Prayer:-

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15 FEB 2018

(Examiner)
Civil Court Peshawar

Applicant by his counsel

Adv. Mr. Zahid-ur-Rahman

Dated
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Order
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ANNOUNCED
07.02.2018

CERTIFIED TO BE TRUE COPY

(Examinee)
Copying Agency Civil Court
Peshawar
15/2/18

ASIF RAZA
Civil Judge-IX,
Peshawar
7.2.18



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SERVICES HOSPITAL, PESHAWAR**

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Nabaz

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Services Hospital
Peshawar.

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(Spoke copy)
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This office agrees with the opinion given by the Forensic Department, Khyber Medical College Peshawar.

Mark of identification: Mole on the (Lt) side Face.

[Handwritten signature]

Medical Superintendent
Services Hospital
Peshawar.

Mr. [Name]

[Handwritten signature]
22/02/18