

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT ABBOTTABAD

SERVICE APPEAL NO. 658/2013

Date of institution ... 11.04.2013

Date of judgment ... 20.02.2019

Fazal Raheem S/o Mohammad Farid

R/o Lahoor Tehsil & District Abbottabad.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education Peshawar.
2. District Education officer, Elementary & Secondary Education, Abbottabad.
3. Deputy District Officer Elementary & Secondary Education, Abbottabad.
4. Head Master Government High School Birote Tehsil & District Abbottabad.
5. Head Master Government Primary School Lahoor Tehsil & District Abbottabad.

... (Respondents)

APPEAL AGAINST THE ORDER DATED 15.11.2012 PASSED
BY THE RESPONDENT NO.3, WHEREBY RESPONDENT NO.
3 REFUSED TO CORRECT THE DATE OF BIRTH OF
APPELLANT AND WROTE ON THE APPLICATION OF
APPLICANT "COURT CASE" WHICH AMOUNTS TO
REJECTION OF APPLICATION.

Mr. Sajjad Ahmed Abbasi, Advocate.

.. For appellant.

Mr. Muhammad Bilal Khan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney

alongwith Mr. Sohail Ahmad Zeb, Assistant for the respondents present.

Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Education Department as Primary School Teacher. His date of birth was mentioned as 10.03.1975 incorrectly instead of 10.03.1977 therefore,

M. Amin
20.2.2019

the appellant filed an application to respondent No. 3 i.e Deputy District Officer Elementary & Secondary Education Abbottabad for correction of his date of birth but instead of passing speaking order, the respondent No. 3 on 15.11.2012 wrote on the application as "Court Case" which amount to rejection of application. The appellant filed departmental appeal (undated) which was not responded hence, the present service appeal.

3. Respondents were summoned who contest the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was got admitted in Primary School on 17.05.1982 and at the time of admission of appellant, the age of the appellant was five years but inadvertently the same was written as seven years i.e 10.03.1975. It was further contended that the date of birth of elder brother of appellant namely Fazal Kareem is 01.03.1975 and the difference between the age of the appellant and his brother is only 9 days which is not possible at all. It was further contended that date of birth of the appellant was mentioned in the Education Department as 10.03.1975 incorrectly therefore, prayed that the respondents may be directed to correct the date of birth of the appellant from 10.03.1975 to 10.03.1977.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was appointed as Primary School Teacher in the year 2000 while he has filed service appeal after lapse of 13 years therefore, present service appeal is badly time barred. It was further contended that under GFR-116 the appellant was required to file service appeal within two years from the date of appointment in service but he has filed the present service appeal in the year 2013 after 13 years of his appointment therefore, it was contended that the present service appeal is not maintainable and prayed for dismissal of appeal.

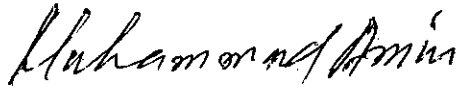
M. Amin
20.2.2019

6. Perusal of the record reveals that the appellant was appointed as Primary School Teacher in the year 2000 and his date of birth was mentioned in service record as 10.03.1975. The appellant was required to file service appeal within two years under GFR-116 of his appointment but he has filed the present service appeal in the year 2013 after 13 years therefore, the present service appeal is not maintainable. In this regard reference is also made to 2004 PLC (C.S) 1162 Supreme Court of Pakistan. As such, the present service appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.02.2019



(AHMAD HASSAN)
MEMBER
CAMP COURT ABBOTTABAD



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT ABBOTTABAD

Service Appeal No. 658/2013.

20.02.2019


Counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Sohail Ahmad Zeb, Assistant for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, the present service appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.02.2019



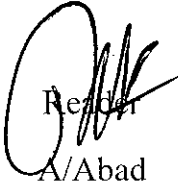
(AHMAD HASSAN)
MEMBER
CAMP COURT ABBOTTABAD



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT ABBOTTABAD

15.11.2018

Counsel for the appellant and Sohail Ahmad LO for the respondent present. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 14.01.2019 at camp court Abbottabad.


Reader
A/Abad

14.01.2019

Appellant in person and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Sohail Ahmad Zeb Litigation Assistant present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 20.02.2019 before D.B at Camp Court Abbottabad.


Member


Member

Camp Court Abbottabad

17.07.2018

Mr. Fazal Rahim in person alongwith his counsel Mr. Sajjad Ahmad Abbasi, Advocate present. Mr. Sohail Ahmad Zeb, Assistant on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney present.

During the course of arguments, two questions arose, first of limitation and the other that two other brothers of the appellant who are also serving as PTC in the Education Department, having similar date of birth. So the learned counsel for the appellant made a request for adjournment to assist the Tribunal on the question of limitation beside on merits. Granted.


Similarly, the above named representative is directed to produce service record of other two brothers of the appellant namely Fazal Karim and Abdul Karim. To come up for arguments on 20.09.2018 before the D.B at Camp Court, Abbottabad.


Member


Chairman
Camp Court, A/Abad

18.09.2018

Since 20th September, 2018 has been declared as public holiday on account of Moharram therefore, case is adjourned to 15.11.2018 for arguments before the D.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

23.05.2018

Neither appellant nor his counsel is present. However, Mr. Abid Ali, Advocate put appearance on behalf of learned counsel for the appellant. Mr. Sohail Ahmad Zeb, Assistant (Litigation) alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Requested for adjournment as senior counsel for the appellant named above has gone to village to attend funeral ceremony of his close relative.

Since it is an old case pertaining to the year 2013 needs expeditious disposal. Request is allowed but as a last chance. Case to come up for arguments on 26.06.2018 before the D.B. at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad

26.06.2018

Appellant Fazal Rahim alongwith his counsel. Abid Ali, Advocate present. Mr. Saqib Shehzad, Assistant (Lit) alongwith Mr. Ziullah, District Attorney for the respondents present. Learned counsel for the appellant made a request for adjournment that his senior counsel is on bed rest for a week. Granted. To come up for arguments on 17.07.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

16.01.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Khurram Haroon, Assistant for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.03.2018 before the D.B at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad.

20.03.2018

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Hajjaj, Litigation Officer for the respondents present. Learned counsel for the appellant was stated to be busy before the august High Court. To come up for arguments on 22.05.2018 before D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

22.05.2018

Appellant Fazal Rahim in person present. Mr. Sohail Ahmad Zaib, Litigation Assistant alongwith Mr. Muhammad Jan, District Attorney for the respondents present. Appellant requested for adjournment as his counsel is not present today. Since the case pertains to the year, 2013, as such adjourned to 23.05.2018 for arguments before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

21.12.2016

Appellant with counsel and Mr. Sohail Ahmad Zaib, Assistant alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Rejoinder submitted. Due to incomplete bench, arguments could not be heard. To come up for final hearing on 16.05.2017 before D.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad

25.05.2017

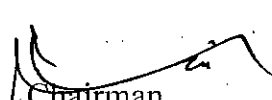
Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on 21.11.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly


Registrar

21.11.2017

Appellant in person and Addl. AG alongwith Sohail Ahmad Zaib Assistant and Niaz Ahmad, Principal, GHSS Birote, for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 16.1.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, Abbottabad.

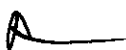
19.10.2015

Appellant in person and Mr.Sohail Ahmad, Assistant alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Written reply submitted by respondents No.1 to 3. The learned G:P relies on the same on behalf of respondents No.4 & 5. The appeal is assigned to D.B for rejoinder and final hearing for 15.2.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad.

15.02.2016


Appellant in person and Mr. Sohail Ahmad Zaib, Assistant alongwith Mr.Muhammad Saddique, Sr.G.P for respondents present. Counsel for the appellant is not in attendance as stated busy before the august Peshawar High Court, Abbottabad Bench. To come up for rejoinder and final hearing before D.B on 15.08.2016 at Camp Court A/Abad.



Member


Chairman
Camp Court A/Abad

15.08.2016

Appellant in person and Mr. Sohail Ahmad Zaib, Assistant alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Counsel for the appellant is not in attendance due to ailment of his mother. Adjourned for rejoinder and final hearing before the D.B on 21.12.2016 at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

9

21.05.2015

Appellant with counsel and Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Learned counsel for the appellant argued that the actual date of birth of the appellant is 10.3.1977 which was erroneously written as 10.3.1975 in the service record maintained by the department. That the date of birth of real brother of the appellant written as 1.3.1975. That the appellant preferred an application for correction of his date of birth on 15.11.2012 followed by departmental appeal dated 13.12.2012 which was not responded and hence the instant service appeal on 11.4.2013.

That the appellant is entitled to correct his date of birth as 10.3.1977 wrongly written as 10.3.1975.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 17.8.2015 before S.B at Camp Court Abbottabad.


Chairman

Camp Court Abbottabad

17.08.2015

Appellant in person and Mr. Jamshaid Awan, Assistant alongwith Mr. Muhammad Tahir Aurangzeb, GP for respondents present. Requested for adjournment. To come up for written reply/comments on 19.10.2015 before S.B at camp court A/Abad.


Chairman

Camp Court Abbottabad

Appellant Deposited
Security & Process Fee



6.

17.2.2015


Appellant in person and Mr. Zebair Ali, ADO(lit.) for respondents with Mr. Muhammad Tahir Aurangzeb, G.P. present. Photo copies of the record of service book of appellant produced. Appellant requested for adjournment. To come up for preliminary hearing on 18.3.2015 at camp court A/Abad.


Chairman
Camp Court A/Abad

7

18.3.2015

Appellant in person and Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Due to strike of the Bar requested for adjournment. To come up for preliminary hearing on 21.4.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad

8

21.4.2015

Appellant in person and Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Seeks adjournment. Adjourned for preliminary hearing to 21.5.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad


4- 14.4.2014

Appellant present in person, and requested for adjournment due to pre-occupation of his counsel in the Peshawar High Court Bench A/Abad. To come up for preliminary hearing at camp court A/Abad on 20.10.2014.


Chairman
Camp Court A/Abad

5- 20.10.2014


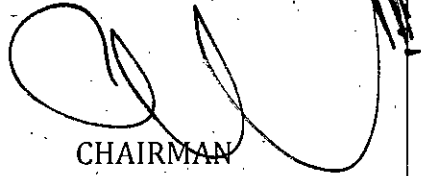

Appellant with counsel present and heard. In view of the fact that the appellant has moved application for correction of date of birth after 12 years of his joining service, a pre-admission notice be issued to the DEO(M) E&SE, A/Abad (Respondent No.2) for production of the service book/service record of the appellant for further preliminary hearing at camp court A/Abad on 17.2.2015.


Chairman
Camp Court A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 658/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/04/2013	<p>The appeal of Mr. Fazal Raheem presented today by Mr. Sajjad Ahmed Abbasi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-4-13	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>21-10-13</u></p> <p style="text-align: right;"> CHAIRMAN</p>
5.	21.10.2013	<p>Neither appellant nor his counsel present. To come up for preliminary hearing at camp court A/Abad on 14.4.2014.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 658 -A/2013

Fazal Raheem S/o Mohammad Farid R/o Lahoor Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Education Peshawar & others.

...RESPONDENTS

REGULAR FIRST APPEAL

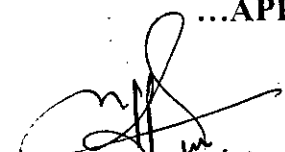
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4	Copy of representation	9	"B"
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Dated: 5-4- /2013

Through


...APPELLANT


(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad.

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 658 -A/2013

759
11-4-2013

Fazal Raheem S/o Mohammad Farid R/o Lahoor Tehsil & District Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Education Peshawar.
2. District Education Officer, Elementary & Secondary Education, Abbottabad.
3. Deputy District Officer Elementary & Secondary Education, Abbottabad.
4. Head Master Govt. High School Birote Tehsil & District Abbottabad.
5. Head Master Govt. Primary School Lahoor Tehsil & District Abbottabad.

...RESPONDENTS

APPEAL AGAINST THE ORDER DATED 15/11/2012
PASSED BY THE RESPONDENT NO. 3, WHEREBY
RESPONDENT NO. 3 REFUSED TO CORRECT THE
DATE OF BIRTH OF APPELLANT AND WROTE ON
THE APPLICATION OF APPELLANT "COURT

11/4/13

CASE" WHICH AMOUNTS TO REJECTION OF APPLICATION.

PRAYER: ON ACCEPTANCE OF THIS APPEAL THE DATE OF BIRTH OF APPELLANT BE CORRECTED FROM 10/03/1975 TO 10/03/1977 AND THE RESPONDENTS MAY BE DIRECTED TO CORRECT THE DATE OF BIRTH OF APPELLANT INSTEAD OF 10/03/1975 AND CORRECT THE SAME AS 10/03/1977 IN THEIR RECORD PERTAINING TO APPELLANT.

Respectfully Sheweth: -

1. That the correct date of birth of appellant is 10/03/1977.
2. That when in the year 1982 the appellant was got admitted in primary school by some of appellants relative the date of birth of appellant was mentioned as 10/03/1975.

3. That the date of birth of the elder brother of appellant Fazal Kareem is 01/03/1975, which is correct.
4. That the appellant who is a Govt. Servant and is working in Education Department, applied before respondent No. 3 through an application for correction of date of birth. Copy of application is annexed as Annexure "A".
5. That instead of passing a speaking order the respondent No. 3 simply on 15/11/2012 wrote on the application as "Court case" which amounts to rejection of application.
6. That the appellant on 13/12/2012 filed a representation before the respondent No. 2 against the rejection order. Copy of representation is annexed as Annexure "B".
7. That the respondent No. 2 had not decided the appeal/representation of the appellant, therefore the appellant is filing this appeal before this Honourable Court inter-alia on the following amongst other grounds:-

GROUND:-


- a. That the appellant was got admitted in primary school on 17/05/1982 and at the time of admission of appellant the age of appellant was 5 years but inadvertently the same was written as 7 years i.e. 10/03/1975.
- b. That the date of birth of elder brother of appellant namely Fazal Kareem is 01/03/1975 and the difference between the age of appellant and his brother is only 9 days which is not possible at all.
- c. That the date of birth initially written in the record of primary school is not correct and is based on mis-understanding.
- d. That in the event of correction of date of birth no body will suffer, nor the same will benefit the appellant.
- e. That this appeal is being filed in time and the appellant had no other remedy available.

It is, therefore, humbly prayed that on acceptance of this appeal the date of birth of appellant be corrected from 10/03/1975 to 10/03/1977 and the respondents may be directed to correct the date of birth of appellant instead of 10/03/1975 and correct the same as 10/03/1977 in their record pertaining to appellant.


...APPELLANT

Dated: 5-4- /2013

Through


(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad.

VERIFICATION: -

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


APPELLANT

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ -A/2013

Fazal Raheem S/o Mohammad Farid R/o Lahoor Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Education Peshawar & others.

...RESPONDENTS


REGULAR FIRST APPEAL

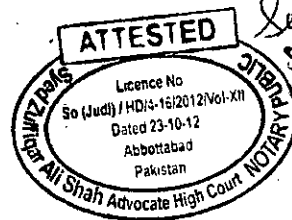
AFFIDAVIT

I, Fazal Raheem S/o Mohammad Farid R/o Lahoor Tehsil & District Abbottabad, do hereby affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


DEPONENT

Identified by:


(SAJJAD AHMAD ABBASI)
Advocate High Court, Abbottabad



BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ -A/2013

Fazal Raheem S/o Mohammad Farid R/o Lahoor Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Education Peshawar & others.

...RESPONDENTS

REGULAR FIRST APPEAL
ADDRESSES OF THE PARTIES

Respectfully Sheweth:-

Addresses of the parties are as under:-

Fazal Raheem S/o Mohammad Farid R/o Lahoor Tehsil & District Abbottabad.

...APPELLANT

VERSUS

6. Govt. of Khyber Pakhtunkhwa through Secretary Education Peshawar.
7. District Education Officer, Elementary & Secondary Education, Abbottabad.
8. Deputy District Officer Elementary & Secondary Education, Abbottabad.
9. Head Master Govt. High School Birote Tehsil & District Abbottabad.
10. Head Master Govt. Primary School Lahoor Tehsil & District Abbottabad.

...RESPONDENTS

Dated: 5-4- /2013

Through


...APPELLANT
(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad.

بصورت جواب ڈی او صاحب (ایگزیکٹو ایڈیٹر) ایجوکیشن سیکشن ضلع ایبٹ آباد

(8)

ANNEXURE "A" سے عنوان : درستگی تاریخ پیدائش (سائل)

جواب عالی

نوڈل آفیسر سے سائل کی اصل تاریخ پیدائش $10 \frac{3}{77}$ ہے جبکہ ریکارڈ میں

منطقی سے $10 \frac{3}{75}$ درج ہوگئی ہے۔ یہاں سے یہاں کی تاریخ پیدائش $01 \frac{3}{1975}$ ہے

جو ریکارڈ میں درست تحریر ہے اس طرح ہم دولاں معاہدوں کی غمروں میں

نزد (9) دن کا فرق بنا ہے جو کہ ممکن نہیں ہو سکتا اور غلط اندازہ تاریخ

پیدائش سائل کی منطقی کی وجہ سے ہوا ہے جو کہ کتابت کی منطقی سے سائل کے والد

پیدا آپ سے گزارش ہے کہ تاریخ پیدائش کی درستگی کے احکامات صادر فرمائیں اور

جہاں سے $10 \frac{3}{1975}$ کے $10 \frac{3}{77}$ کی درستگی کی جاوے اس لئے گزارش ہوگی

الغرض

فصل رقم 51، ٹیڈ فرم PS 2 ڈسٹریکٹ ایڈیٹر ایبٹ آباد

Count case

A.O.O
CP/15/11

No 11820
13-12-12

بخدمت جناب ایگزیکٹو ڈسٹرکٹ آفیسر صاحب سکینڈری اینڈ ایلمنٹری ایجوکیشن ایبٹ آباد

درخواست راپیل برائے درستگی تاریخ پیدائش سائل

عنوان:-

(9)

ANNEXURE B

جناب عالی

مودبانہ درخواست ذیل عرض ہے۔

گزارش ہے کہ سائل کی درست تاریخ پیدائش 10/03/1977 ہے سائل کے والد صاحب سائل کی پیدائش سے قبل فوت ہو گئے تھے۔

لہذا سائل کا داخلہ پرائمری سکول میں کسی رشتہ دار نے کروایا اور سائل کی تاریخ پیدائش 10/03/1975 درج ہو گئی ہے۔ سائل کے دوسرے بھائی مسی فضل کریم ولد محمد فرید کی تاریخ پیدائش 01/03/1975 ہے جو درست ہے وہ مجھ سے دو سال بڑا ہے جبکہ ہم دونوں کی تاریخ پیدائش میں محض 9 دن کا فرق دکھایا گیا ہے جو غلط ہے۔ اور سکول میں من سائل کو داخل کرواتے وقت غلط فہمی اور لاعلمی کا نتیجہ ہے۔

سائل نے اس سے قبل ڈپٹی ڈی او صاحب ایلمنٹری اینڈ سکینڈری ایجوکیشن کو درخواست دی تھی جنہوں نے 15/11/2012 کو درخواست پر محض یہ لکھ کر کہ Court Case درخواست مسترد کر دی اس کے بعد جناب سے گزارش ہے کہ منظوری اپیل / درخواست ہذا منظور فرما کر سائل کی تاریخ پیدائش بجائے 10/03/1975 کے 10/03/1977 کی درستگی کے احکامات صادر فرمائیں جائیں

العـــــــــــــــــــــــــــــــــارض

فضل رحیم ولد محمد فرید PST

گورنمنٹ پرائمری سکول لہور ضلع ایبٹ آباد P/O بہرہ ور

بعدالت سرورس سٹریٹ پیٹرنل KPK پشاور

عنوان: منضلعہ صہم بنام گورنمنٹ KPK منضلعہ

منجانب: ایپلنٹ

نوعیت مقدمہ:

ایپل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

ایپلٹ ہمارے کلمے سجاد احمد عباسی رولڈو کلمے کو

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصینہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 5-4-13

بمقام:

Accepted

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

To, No. 1629 /ST Dated 17/11 /2014

The DEO (M),
E&SE, Abbottabad

Subject:- APPEAL NO. 658/2013 FAZAL REHEEM VS SECRETARY
EDUCATION AND OTHERS.

I am directed to forward herewith the following order dated 20.10.2014 passed by this Tribunal on the above appeal for strict compliance:

“Appellant with counsel present and heard. In view of the fact that the appellant has moved application for correction of date of birth after 12 years of his joining service, a pre-admission notice be issued to the DEO (M) E&SE, A/Abad (respondent No. 2) for production of the service book/service record of the appellant for further preliminary hearing at camp court A/Abad on 17.2.2015.”

Chairman
Camp Court A/Abad

o/c

RA
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

(For use in Police Department only)

1. **Heir:—** ① Passed SSE from BISE Abbottabad under Roll No: 4316 (A) Session 1993 marks obtained 469/ and placed in Grade "C". Result declared on 21-08-93. ⁸⁵⁰

2. ② Passed DTC from the University of Allama Iqbal Open University Islamabad under Roll No: G-6028375, marks obtained 567/900 and placed in "B". Result declared on 20-10-98.

Verification Roll No. dated ^{MM/} received back.

3. ③ Passed FA from the Board of Intermediate and Secondary Education Karachi under Roll No: 61590, marks obtained 612/1100 and placed in Grade "C". Result declared on 20-10-95.

Left Thumb-Impression

④ Passed BA Examination from the University of Karachi under Roll No: 24634, marks obtained 55/100 and placed in IInd Division. Result declared on 21-5-1999.

Qualifications	Date	Qualifications
English		First Arts
Pushto		B.L. or B.A.
Urdu		Pleadership Examination
Plan-Drawing		Training School Final Examination
Finger Print		Other Qualifications:—
Drill Instructing		
Court Duties		
Reserve Duties		

N.B.— Line to be drawn under the qualification possessed.

G.P. Form A/C No 221980/2

3

Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Mr. FAZAL RAHEEM.

2. Race Awan

3. Residence Village Lakoor PO Birote P. Station Bakat.
TERSI & DISTRICT. ABBOTABAD.

4. Father's name and residence
Muhammad Fayed Village Lakoor PO Birote
TERSI & DISTRICT, ABBOTABAD.


5. Date of birth by Christian era as nearly as can be ascertained
(10-03-1925) tenth of March 1925 (H & Seventy five)


6. Exact height by measurement.
5-4


7. Personal marks for Identification
Two moles on left side of nose.

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.

Little Finger 

Ring Finger 

Middle Finger 

Fore Finger 

Thumb 

9. Signature of Government Servant
Fazal Raheem

10. Signature and Designation of the Head of the Office, or other Attesting Officer.

Prepared by: [Signature]

[Signature]
SIDE OFFICER

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
GPS Navi Hoter (Mach)	Subj/ /off;	BPS No: 9 (1605-97-3060) including 3 advt. increments of B.P.A.	Rs 1896/- PM			29-3 2m	[Signature]
do	do		Rs 1993/2			12 2000	[Signature]
do	do		Rs 1993/-			20-10 2001	[Signature]
do	do	Pay in EPS 12/2001 Revised BPS-9 (2410-145-6760/-) Pay Fixed in BPS-9	2090/- pm 3135/- pm			12 2001	[Signature]
do	do		Rs 3280/- PM			12 2002	[Signature]
do	do		Rs 3425/-			12 2002	[Signature]
do	do		Rs 3570/- PM	3425		12 2003	[Signature]
do	do		Rs 3715/- PM	3570		12 2004	[Signature]
Scale Revised BPS No. 9 Rs. (2770 - 165-7720) We. 7 01-07-05							
GPS Lahoor	do		Rs 4259/- pm			01-07 05	[Signature]

Needful done / L
[Signature]

24090

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure or reward or prize of the Government Servant.
					Period	Government to which debitable		
<i>[Signature]</i> S.D.E.O. (M) Abbottabad	30/11/2000	Three advance increments for passing B.A. Examination	<i>[Signature]</i> S.D.E.O. (M) Abbottabad			Appointed against P.T.C. post at G.P.S. Nani Hotey vide DEO (M) Primary Abbottabad office order No. 07, endst HC: 1114-1264 AE I Appth, P.T.C./Trained Dated 20-03-2000.		
<i>[Signature]</i> S.D.E.O. (M) Abbottabad	20/10/2001	Transfer B.A.	<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.					
<i>[Signature]</i> M. Asim Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.	30/11/2001	A/Inc	<i>[Signature]</i> M. Asim Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.					
<i>[Signature]</i> M. Asim Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.	30/11/2001	G/Revised	<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.					
<i>[Signature]</i> M. Asim Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.	30/11/2001	A/Inc	<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.					
2005								
OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR. PAY FIXED IN THE REVISED BASIS BY TA AL-3								
DEBS 2770-165-220 B9								
ATRS 4089-1-12-05								
With Next Nov 1-12-05								
<i>[Signature]</i>								
Pay Fixation Party								
<i>[Signature]</i>								
<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.	30/11/2003	A/Inc	<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.					
<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.	30/11/2003	A/Inc	<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.					
<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.	30/11/2004	A/Inc	<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.					
<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.	30/6/05	Scale Revised	<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.					
<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.	30/11/2005	A/Inc	<i>[Signature]</i> Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.					

Appointed against P.T.C. post at G.P.S. Nani Hotey vide DEO (M) Primary Abbottabad office order No. 07, endst HC: 1114-1264 AE I Appth, P.T.C./Trained Dated 20-03-2000.

T-2039
10/6/2000
4/2000 to 5/2000 amounting to Rs= 6260/32

T-365
2-9-2000
6/2000 to 7/2000 amounting to Rs= 6260/32

S-1
Pay Active e
1896/PM Wef 1-9-2000 and allowed Pay for 8/2000 amounting to Rs= 3130/65

Service verified wef 29-3-2000 to 30-11-2000 from office records.

Service verified from 12-2000 To 30-11-2001 from The Acq: Rolls & other office record.

Service verified from 12-2001 To 30-11-2002 from The Acq: Rolls & other office record.

[Signature]
S.D.E.O. (M)
Abbottabad

[Signature]
DAO

[Signature]
DAO

[Signature]
DAO

[Signature]
Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.

[Signature]
Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.

[Signature]
Dy. Distt. Officer Edu; (M) P.T.C. Abbottabad.

Charge Report

موجودہ آفس آرڈر ۵۲ کی پی سی اور ۲۵^{۰۳} ایف آباد
2000

آمدہ آرڈر ڈسٹرکٹ انجینئر آف سڑکیں Male ایف آباد

سٹی نیشنل روڈ ولڈ فریڈ سٹریٹ اور لوہین ٹرسٹ پیمینٹ ٹورڈ

۲۹^{۰۳} کوئٹل آرڈر ڈسٹرکٹ انجینئر آف سڑکیں
2000

سٹی نیشنل روڈ کی حالتی آسائی ہر کیفیت میں جاری ہے

لہذا آرڈر ارسال خدمت ہے

جان دیدہ * * * * * جان ٹریندہ

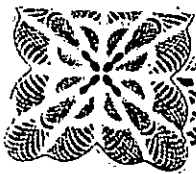
نقل روڈ

ڈسٹرکٹ انجینئر آف سڑکیں

Handwritten signature

Date: 29^{۰۳} / 2000

No 173



(This Certificate is issued without any alteration or erasing.)

SECRETARY

No. 6241 Dated 18.10.1999

COUNTERSIGNED

Muhammad Khan

District Magistrate Abbottabad

MAGISTRATE



DISTRICT MAG

OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY ABBOTTABAD.
 OFFICE ORDER NO. 02 /PTC
 DATED A.ABAD THE 20/3/2000

APPOINTMENT.

Consequent upon their approval by the Departmental Selection Committee and qualifying prescribed test/interview (25% Open Merit and 75% Union Council wise/Batch wise from union council ,Rural Area/ 50% Open Merit and 50% M.C/T.C/Cantonment Board ,Urban Area) purely on merit, the following PTC trained candidates are hereby appointed in BPS:7 (Rs.1480-81-2695) and in case of FA/PSC 2nd Division in BPS No.9 (Rs.1605-97-3060) plus usual allowances as admissible to them under the rules in the schools mentioned against each their names with effect from the date of their taking over charge in the interest of public service, subject to the following terms and conditions.

S.NO	NAME OF CANDIDATE/F.NAME WITH COLLEGE/YEAR OF PASSING PTC EXAM. & ADDRESS.	MARKS OF MERIT	SCHOOL WHERE APPOINTED	REMARKS
<u>UNION COUNCIL WISE MERIT</u>				
<u>M/C Abbottabad</u>				
1.	M.Irshad Qureshi s/o M.Ashraf Qureshi r/o L/Malik Pura(93/RDE)	44.51	GPS Kunj Qadeem	Against V.PTC Post
<u>U/C Dhamtour</u>				
1.	Abadil Khan s/o Walayat Khan r/o Dhamtour (96 RDE)	39.61	GPS Ochar	-do-
2.	Saqib Ali Khan s/o Abdul Qayyum Khan r/o Dhamtour (97 RDE)	36.41	GPS Ochar	-do-
<u>U/C Salhad</u>				
1.	Mazhar Hussain s/o Muhammad Safdar r/o Danna (97 RDE)	42.41	GPS Muslam Abad	-do-
<u>U/C Pattan Khurd</u>				
1.	Muhammad Saeed s/o Ahmad Jee r/o Maseena Kalan (96/AIOU)	30.93	GMPS Khui Bagla	-do-
2.	Maqbool ur Rehman s/o Abdur Rehman r/o Maseena Kalan (96 AIOU)	30.10	GPS Dawata	
<u>U/C Nambal</u>				
1.	Muhammad Nadeem s/o Mir Afsar r/o Bandi (96 AIOU)	29.67	GPS Kurli	-do-
	Saeed-Ur-Rehman s/o M.Ishaq r/o Majuan (98 AIOU)	31.69	GPS Jhullan	
3.	Muhammad Tufail s/o Sarfraz r/o Bandian (95 Other)	37.10	GPS Jhullan	
<u>U/C Molia</u>				
1	Tahir Hussain Abbasi s/o M.Younas r/o Sangal (99/AIOU)	36.60	GPS Kala Bhan	-do-
<u>U/C Chambiali</u>				
1.	Naheem Ahmad s/o Abdul Qader r/o Bandi (98/RDE)	39.78	GPS Bnadi Sarrara	-do-
2.	Tahir Naqash s/o Muhammad Ayub r/o Khokhriala (99 RDE)	38.25	GPS Sialkote	-do-

(2021/55) 1999 12 15 11:30 AM
 U/CZ 2021/55/1999 12 15 11:30 AM

U/C Birote Kalan

1. Muhammad Azkar s/o H. Ashraf r/o Birote (96/AIOU) 27.36
2. Rukhsar Ahmad s/o Para Khan r/o Khoosharki (96/Other) 24.50

U/C Pluck

1. Shoykat Mehmood s/o Karam Elahi r/o Pluck (95/AIOU) 40.97 GPS Arwar -do-

U/C Barote Khurd

1. Muhammad Arif s/o Gul Zaman r/o Lahoor Kass (97/RDE) 32.86 GPS Lahoor -do-
2. Saifur Rehman s/o H. Bashir r/o Khan (96/AIOU) 28.60 GPS Seer Goo -do-
3. Fazal Raheem s/o Muhammad Farzed r/o Lahoor Kass (98/AIOU) 48.94 GPS Nari Hoter -do-
4. Abdul Kareem s/o Muhammad Farzed s/o Lahoor (96/Other) 39.58 GPS Nakar Kurbal -do-

U/C Dalola

1. Muhammad Khursbid s/o H. Shafi r/o Daban (97/RDE) 32.38 GPS Siria -do-
2. Muhammad Nawaz Khan s/o H. Sabbir r/o Daban (97/RDE) 31.15 GPS Chapqali -do-

U/C Bati

1. Muhammad Farid s/o Other Dahan 31.23 GPS Chani -do-

U/C Bhat

1. Muhammad Khan s/o Muhammad Farid 31.11 GPS Bhat -do-

U/C Bhat

1. Muhammad Khan s/o Muhammad Farid 31.11 GPS Sarala -do-

U/C Bhat

1. Muhammad Khan s/o Muhammad Farid 31.11 GPS Olghan -do-

U/C Bhat

1. Muhammad Khan s/o Muhammad Farid 31.11 GPS Chaman -do-

U/C Bhat

1. Muhammad Khan s/o Muhammad Farid 31.11 GPS Battangi -do-

U/C Bhat

1. Muhammad Khan s/o Muhammad Farid 31.11 GPS Dahn Halotha -do-
2. Muhammad Khan s/o Muhammad Farid 31.11 GPS Sidhal -do-
3. Muhammad Khan s/o Muhammad Farid 31.11 Alroota -do-
4. Muhammad Khan s/o Muhammad Farid 31.11 GPS Sidhal -do-
5. Muhammad Khan s/o Muhammad Farid 31.11 Alroota -do-
6. Muhammad Khan s/o Muhammad Farid 31.11 GPS Kalst -do-

U/C Bhat

1. Muhammad Khan s/o Muhammad Farid 31.11 GPS Dilli -do-
2. Muhammad Sajid s/o Muhammad Farid 31.11 GPS Palasi -do-
3. Muhammad Rashid s/o Muhammad Farid 31.11 GPS Palasi -do-
4. Muhammad Farid s/o Muhammad Farid 31.11 GPS Palasi -do-

1. Mr. Khan
2. Mr. Khan
3. Mr. Khan
4. Mr. Khan
5. Mr. Khan
6. Mr. Khan
7. Mr. Khan
8. Mr. Khan
9. Mr. Khan
10. Mr. Khan
11. Mr. Khan
12. Mr. Khan

No. 5

Appointments are purely on temporarily basis and liable for termination at any time without notice or assigning any other post.

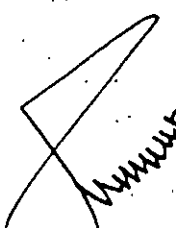
2. They will be governed by such rules and regulations enforce and as may be prescribed by the Govt. from time to time for the category of government servants to which they belong.
3. Charge reports should be submitted to all concerned and this office as well as immediately.
4. The SDEO(H) Abbottabad is responsible to get verify the certificates/ddegrees, etc. from the concerned university/BISSE and before the drawal of their pay and report of their studies or otherwise be submitted to this office.
5. Service Books of the teachers must be prepared/completed in all respect soon after taking over charge.
6. The declaration of assets should be obtained from them immediately and placed on record.
7. They are required to produce their Age & Health Certificates from Medical Supdt. OHQ Hospital Abbottabad before taking over charge.
8. Efforts for transfer before the completion of tenure will disqualify them from service. In union council tenure is 7 years.
9. The above appointments are subject to the production/verification of original Degree/Certificates by the SDEO (H) Abbottabad. Any candidate if fails to produce requisite documents should not be allowed to take over charge and report submitted to this office immediately.
10. In case any of the above candidate fails to assume the charge of his post within fifteen days of his appointment, candidature will be stand automatically cancelled.
11. They should not be allowed to take over charge if they are below 18 years and above 34 years.
12. No TA/DA etc. is allowed being first appointment.

Sd
(PROP: MUHAMMAD FARVAJZ KHAN)
DISTRICT EDUCATION OFFICER
(MALE) PRIMARY ABBOTTABAD.

Endst. No. 1113-1266 /AE-1 Appl: PTC/Trained/Dated. 20/01/2000.

Copy of the above is forwarded to the:-

1. P.S. to Minister for Education NWFP Peshawar.
2. P.S. to Secretary to Govt of NWFP Education Deptt. Peshawar.
3. Director Primary Education NWFP Peshawar.
4. I.A. to Director Primary Education NWFP Peshawar.
5. Sub Divisional Education Officer (H) Abbottabad for necessary action.
6. District Accounts Officer Abbottabad.
7. B.O. (Accounts) local office.
8. Head Teachers of school concerned.
9. All Candidates concerned.
10. Office order file.


DISTRICT EDUCATION OFFICER
(MALE) PRIMARY ABBOTTABAD.

Muhammad Saeed s/o Sajid Khan r/o Dhari Kehal (99/RDE)		39.72	GPS Muslim Abad (Rajoya)	Ag V/ Po
<u>U/C Nara</u>				
1.	Sabar Hussain s/o Ali Asghar r/o Mohra (97/RDE)	34.21	GPS Nari	-d
2.	Muhammad Irshad s/o M.Yaqub r/o Kalanda (97/RDE)	32.46	GPS Chattan Ahmad	-d
<u>U/C Najuhan</u>				
1.	Shabir Anwar s/o Abdul Waheed r/o Noja Bandi (97/RDE)	30.41	GPS Dakhan Najuhan	-d
2.	Sajid Mehmood s/o Saifur Khan r/o Hajia (97/RDE)	27.54	Hassa Saydan	-d
<u>H/C Havelian</u>				
1.	Javaid Khan s/o Dilawar Khan R/o Havelian (97/RDE)	40.46	GPS No.2 Havelian	-d
2.	Muhammad Sohail s/o M.Naseem r/o Havelian (97/RDE)	37.96	GPS No.3 Havelian	-d
<u>U/C Ghari Phulgran</u>				
1.	Amjad Khan s/o Yaqira Khan r/o Kiaia (97/RDE)	43.10	GPS Tarkhana Haira	-d
<u>U/C Jhangra</u>				
1.	Ashfaq Ahmad s/o Barkhordar r/o Kashka (97/RDE)	42.87	GPS Kashka	-d
2.	Muhammad Jameel s/o H.Sardar r/o Batolni (97/RDE)	42.67	GPS Mohra	-d
<u>U/C Phalla</u>				
1.	Kamran Khan s/o Sherstan Khan r/o Phalla (99/AIOU)	36.57	GPS Narian Ghar	-d
2.	Muhammad Yaseen s/o Abdullah Khan r/o Charbat (95/Other)	36.95	GPS Charbat	-d
<u>U/C Langrial</u>				
1.	Tariq Hussain Shah s/o Mubarak Shah r/o Langrial (99/AIOU)	31.42	GPS Dudran	-d
<u>U/C Havelian Dehi</u>				
1.	Muhammad Jameel s/o H.Aslam r/o Gujrat (96/RDE)	44.28	GPS Rajath	-d
<u>U/C Rahi</u>				
1.	Muhammad Ifthikar s/o Wazeer Muhammad r/o Rahi (99/RDE)	44.11	GPS Dherian	-d
2.	Ghulam Mustafa s/o Bahar Shah r/o Seri Setral (96/AIOU)	27.45	GPS Narhoter	-d
<u>U/C Lora</u>				
1.	Mehmood Ahmad s/o Munshi Khan r/o Haira Saydian (97/RDE)	31.61	GPS Tarkiala	-d
2.	Yasar Habib s/o Ghulam Habib r/o Suma Karaga (96 AIOU)	28.92	GPS Dannah	-d

U/C LAHORE

1. Amjad Ali Khan s/o Muhammad Shouab Khan
r/o Langra (96/RDE) 40.32

GPS

U/C CHANED

1. Shah Zaid s/o Fazal Dad
r/o Bazar (97/RDE) 34.38
2. Khalid Khan s/o Parvaiz Khan
r/o Tootal (98/RDE) 30.17
3. Muhammad Haqmad s/o Mir Afzal
r/o Baran Gali (99 RDE) 35.45
4. Muhammad Shamsul s/o Paraz Bito
r/o Chaud (99 RDE) 33.64

GPS Butiala -do-
GPS Butiala -do-
GPS Dhura -do-
GPS Dhura Khan -do-

U/C R/KZKHAN

1. Mansoor Ahmad s/o Mir Hussain
r/o Ghali (98 RDE) 40.22
2. Zia-ur-Rehman s/o Yida Muhammad
r/o Bakara (98 RDE) 33.78

GPS Sanda Gali -do-
GPS Badial -do-

U/C LAKHALA

1. Muhammad Hushtaq s/o Sulfiqar Khan
r/o Khatora Kala (98 RDE) 31.90

GPS Pohar -do-

U/C PANA

1. Muhammad Saleem Khan s/o N. Baidir
r/o Figha (98/RDE) 32.81
2. Ashiq Ali s/o Muhammad Runtas
r/o Dharta (99/RDE) 35.14

GPS Danna -do-
GPS Paswal -do-
GPS HAN -do-

U/C KOTHIALA

1. Muhammad Iqbal s/o Haider Zaman
r/o Panna (98/RDE) 40.33
2. Muhammad Razi s/o Muhammad Yousof
r/o Boga Kuthiala (98/RDE) 36.64

GPS Makdahi -do-
GPS Makdahi -do-

U/C JARAL

1. Zubair Khan s/o Muhammad Baseed
r/o Jehal (96 RDE) 39.93
2. Hazhar Hussain s/o Muhammad Sulaman
r/o Kuthiala (97 RDE) 35.33

GPS Jabari (Jaral) -do-
GPS Nafha Bayyan -do-

U/C CHAKALI

1. Wabeed Aslam s/o Muhammad Aslam
r/o Ranshera (97 RDE) 44.42

GPS Chakar Bayan Kala -do-

DISABLED

1. Ijaz ul Haq s/o Muhammad Sabir
r/o Barara (RDE)

GPS Lower Halkote -do-

DECEASED

1. Jussaid Ashraf s/o Muhammad Ashraf
Khan r/o Saibad (RDE)

GPS Upper Halkote -do-

MEDICAL CERTIFICATE

269

Name of Official: Fazal Rehman

Caste or race: -

Father's name: Muhammed Farid

Residence: valley Lahore Teh. 2 Distt
Abbottabad

Date of Birth: 10-3-1975

Exact height by measurement: 5-6"

Personal marks of identification: Two under left side nose

Signature of the Official: -Fazal

Signature of head of office: -

Seal of Office

I do hereby certify that I have examined Mr. Fazal Rehman candidate for employment in the Office of the Education Deptt and can not discover that he has any disease communicable or other constitutional affliction or bodily infirmity except none

I do not consider this as disqualification for employment in the office of the Education Deptt his age according to his own statement 25 year and by appearance about Twenty five years.

LEFT HAND THUMB AND FINGER IMPRESSIONS

31/3/75

Musawir
 Medical Superintendent
 D.H. Hospital Abbottabad

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

Appeal No.658/2013

FAZAL RAHEEM.....Appellant

VERSUS

GOVT: OF KPK & OTHERS.....Respondents

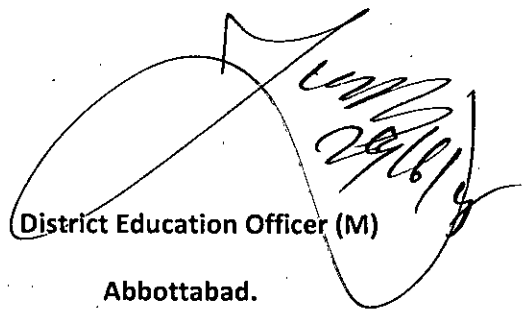
Comments on behalf of Respondents No. 1 to 3

SERVICE APPEAL

INDEX

Sr.No	Description	Page Nos	Annexures
1	Comments alongwith affidavit	1 to3	
2	Copy of service book.	4 to 7	"A"
3	Copy of Secondary School Certificate.	8	"B"

Dated /07/2015


District Education Officer (M)

Abbottabad.
(Respondent No.2)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Appeal No.658/2013

FAZAL RAHEEM.....Appellant

VERSUS

GOVT: OF KPK & OTHERS.....Respondents

Comments on behalf of Respondents No. 1 to 3

Respectfully Sheweth:-

Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action to file the instant appeal.
2. That the appellant has no locus standi.
3. That the appellant did not come to this Honorable Tribunal with clean hands.
4. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
5. That the present appeal has been filed just to pressurize and blackmail the respondents.
6. That the instant appeal is not maintainable in its present form as there is no final order in instant appeal.
7. That the instant appeal is hopelessly time barred.

Factual objections:-

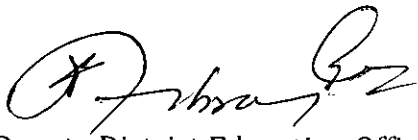
1. That para No. 1, of the instant appeal is subject cogent proof.
2. That para No. 2 of the appeal is subject to proof.
3. No comments.
4. In reply to para No. 4, of the instant appeal it is submitted that as per service/ academic record the correct date of birth of the appellant is 10-03-1975. Copy of the service book & Secondary School Certificate are annexed as annexure "A"& "B" respectively.
5. That para No.5, of the instant appeal is subject to proof as there is no diary No on the said application.
6. That para No.6, of the instant appeal is subject to proof as there is no diary No on the said application.
7. That para No. 7, of the instant appeal as composed is incorrect hence, denied as there is no final order in the instant appeal.

GROUNDS:-

- a. That ground a, as composed is Incorrect hence, denied. Appellant was appointed as PST in the year 2000 while he has filed service appeal after laps 13 years hence, instant appeal is hopelessly time barred.
- b. That complete reply has already been given in preceding paras.
- c. That ground c, as composed is Incorrect hence, denied.

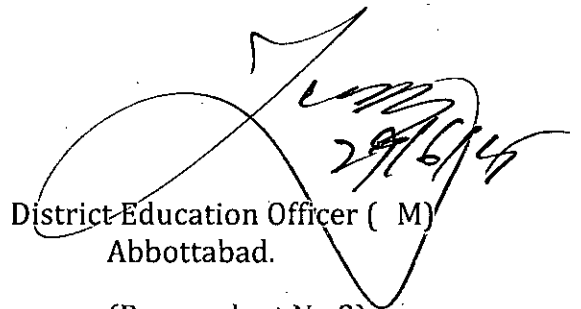
- d. Comprehensive reply has been given in above paras. Incorrect hence, denied. It is well settled principal of law that admitted facts not need to be proved.
- e. That ground e is in correct, hence denied. Appeal is not maintainable & hopelessly time barred.
- f. That respondents seeks permission of this Hon: tribunal to advance further grounds during arguments.

It is, therefore, very humbly prayed that in the light of forgoing comments the appeal in hand may graciously be dismissed with cost throughout.



Deputy District Education Officer (M)
Abbottabad.

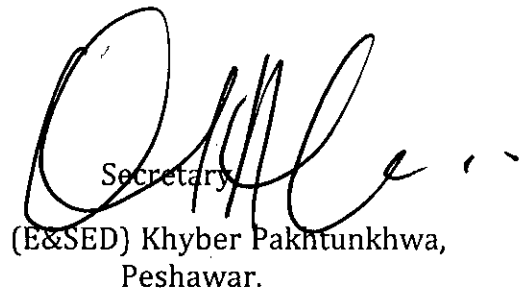
(Respondent No.3)



District Education Officer (M)
Abbottabad.

(Respondent No.2)

*Vetted
Subject to annexures
M. I. Qureshi
6/7/15*



Secretary
(E&SED) Khyber Pakhtunkhwa,
Peshawar.

(Respondent No.1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT ABBOTTABAD.

Appeal No.658/2013

FAZAL RAHEEM.....Appellant

VERSUS

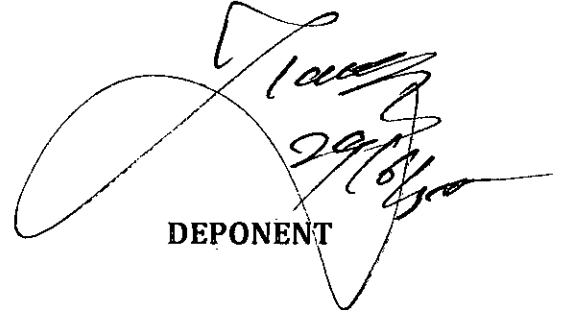
GOVT: OF KPK & OTHERS.....Respondents

Comments on behalf of Respondents No. 1 to 3

SERVICE APPEAL

AFFIDAVIT

I, Mr. Zia ud Din, District Education Officer (M) Abbottabad, declare on oath that the contents of forgoing Comments are correct and true according to the best of knowledge and belief and nothing has been suppressed from this Honorable Tribunal.


DEPONENT

(For use in Police Department only)

1. ~~Here:—~~ ① Passed SSc from BISE Abbottabad under Roll No: 4316 (A) Session 1993 marks obtained 464/ and placed in Grade "C". Result declared on 21-08-93.
 Muz
 ATP
 SDE (M)
 6010-11

2. ② Passed DTC from the University of Allama Iqbal Open University Islamabad under Roll No: G-6008375, marks obtained 567/900 and placed in "B". Result declared on 20-10-98.
 Muz
 ATP

Verification Roll No. dated *Muz* received back. *ATP*

3. ③ Passed FA from the Board of Intermediate and Secondary Education Karachi under Roll No: 61590, marks obtained 612/1100 and placed in Grade "C". Result declared on 20-10-95.
 Muz
 ATP
 SDE (M)
 6010-11

4. ④ Passed BA Examination from the University of Karachi under Roll No: 24634, marks obtained 55/1000 and placed in IInd Division. Result declared on 24-5-1999.
 Muz
 ATP
 SDE (M)
 6010-11

Qualifications	Date	Qualifications
English		First Arts
Pushto		B.L. or B.A.
Urdu		Pledership Examination
Plan-Drawing		Training School Final Examination
Finger Print		Other Qualifications:—
Drill Instructing		
Court Duties		
Reserve Duties		

N.B.— Line to be drawn under the qualification possessed.

G.P. Form A/C No 221980/2

(5)

Note:— The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Mr. FAZAL RAHEEM.

2. Race Awan.

3. Residence Village Lakoor PO Birote P. Station Bakat.
TERAIL & DISTRICT. ABBOTABAD.

4. Father's name and residence
Muhammad Fayed Village Lakoor PO Birote
TER; & DIST; ABBOTABAD.

5. Date of birth by Christian era as nearly as can be ascertained
(10-03-1925) tenth of March 1925 (H & Seventy five)


6. Exact height by measurement.
5-4

7. Personal marks for identification
Two moles on left side of nose.

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.

Little Finger 

Ring Finger 

Middle Finger 

Fore Finger 

Thumb 

9. Signature of Government Servant
Fazal Raheem

10. Signature and Designation of the Head of the Office, or other Attesting Officer.

Prepared by: [Signature]

[Signature]
SDEO (B) [Signature]

(6)

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
GPS Nayitotev (M.C.100)	Subj/ /off;	BPS No. 9 (1605-97-3060) including (3) adv. increments of 13th	Rs 1896/- PM			29-3-2000	[Signature]
do	do		Rs 1993/2			12-1-2000	[Signature]
do	do		Rs 1993/-			20-10-2001	[Signature]
do	do	Pay in EPS 1 st 2001 Revised BPS-9 (2410-145-6760/-) Pay Fixed in BPS-9	2090/- PM 3135/- PM			12-12-2007	[Signature]
<p>Office of the Accountant General 2410-456760 325 [Signature]</p>							
do	do		Rs 3280/- PM			12-1-2002	[Signature]
do	do		Rs 3425/-			12-1-2002	[Signature]
do	do		Rs 3570/- PM	3425		12-1-2003	[Signature]
do	do		Rs 3715/- PM	3570		12-1-2004	[Signature]
<p>Scale Revised BPS No. 9 Rs. (2770-165-7720) We. 7 01-07-05</p>							
GPS Lahoor	do		Rs 4255/- PM			01-07-05	[Signature]

Needful done / L
[Signature]
[Signature]

24090

(7)

9	10	11	12	Nature and duration of leave taken	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		14	Reference to any recorded punishment or censure or reward or praise of the Government Servant
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer		Period	Government to which debitable	Signature of the head of the office or other attesting officer	
SDEO (M) Abbottabad	30/11/2000	Three advance increments for passing B.A. examination	SDEO (M) Abbottabad			Appointed against P.T.C. post of G.P.S. Nari Hoteh vide DEO (M) Primary Abbottabad office order No. 01, endst HO: 1114-1264 AE 1 App'ts. P.T.C./Framed Dated 20-03-2000.		
M. Ashraf Dy. Distt. Officer Edu; (M) Prg Abbottabad	30/11/2001	Transfer to A/2nc G/Revised	M. Ashraf Dy. Distt. Officer Edu; (M) Prg Abbottabad	By D.O.			SDEO (M) Abbottabad	
M. Ashraf Dy. Distt. Officer Edu; (M) Prg Abbottabad	30/11/2001	Transfer to A/2nc	M. Ashraf Dy. Distt. Officer Edu; (M) Prg Abbottabad			T-2039 10/6/2000 to 4/2/2000	Drawn Pay for	amounting to Rs 6260/32
OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR.	2005	PAY FIXED IN THE REVISED BASIC PAY TABLE	DEBS			T-365 2-9-2000	Drawn Pay for	amounting to Rs 6260/32
ATRS 4099		1-2-2005	1-2-2005				DAO	
Pay Fixation Party						S-1	Pay Active	e
						1896/PM Wef 1-9-2000	and allowed Pay for	amounting to Rs 3130/65
Dy. Distt. Officer Edu; (M) Prg Abbottabad	30/11/2003	A/2nc	Dy. Distt. Officer Edu; (M) Prg Abbottabad				DAO	
Dy. Distt. Officer Edu; (M) Prg Abbottabad	30/11/2003	A/2nc	Dy. Distt. Officer Edu; (M) Prg Abbottabad			Service verified wef 29-3-2000	30/11/2000	from office records
Dy. Distt. Officer Edu; (M) Prg Abbottabad	30/11/2004	A/2nc	Dy. Distt. Officer Edu; (M) Prg Abbottabad			Service verified from 1-12-2000	To 30-11-2001	from The Acq: Rolls & other office record.
Dy. Distt. Officer Edu; (M) Prg Abbottabad	30/6/05	Scale Revised	Dy. Distt. Officer Edu; (M) Prg Abbottabad			Service verified from 1-12-2000	To 30-11-2002	from The Acq: Rolls & other office record.
Dy. Distt. Officer Edu; (M) Prg Abbottabad	30/11/05	A/2nc	Dy. Distt. Officer Edu; (M) Prg Abbottabad				Dy. Distt. Officer Edu; (M) Prg Abbottabad	

ADA No. 019243

Roll No. 5997

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

Ant B
(8)



Abbottabad N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION ANNUAL 1992

THIS IS TO CERTIFY THAT FAZAL KARIM

Son/Daughter of MUHAMMAD FARID

and a student of GOVT. HIGH SCHOOL BIROTE ABBOTTABAD

has passed the **Secondary School Certificate Examination**
of the Board of Intermediate and Secondary Education, Abbottabad held in March 1992

as a *Regular/Private candidate*. He/She obtained 591 Marks out of 850

and has been placed in Grade B Representing VERY GOOD

The Candidate passed in the following subjects:

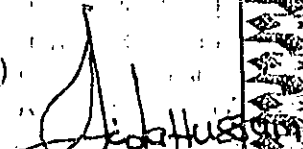
- | | | | |
|------------|---------------------|------------|-------------------|
| 1. English | 3. Islamiyat | 5. Physics | 7. Chemistry |
| 2. Urdu | 4. Pakistan Studies | 6. Biology | 8. Maths Elective |

He/She has been awarded Grade A on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is FIRST MARCH,
one thousand nine hundred and SEVENTY FIVE. (01-03-1975)


Asst. Secretary

This certificate is issued without alteration of crasure.


Secretary

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Fazal Reheem

VERSUS

Govt. of KPK and others.

REPLY TO THE COMMENTS FILED BY
RESPONDENTS NO. 1, 2 & 3

Respectfully Sheweth; -

That the reply to the comments filed by the respondents No. 1 to 3 are as under; -

REPLY TO THE PRELIMINARY OBJECTIONS;

1. That the appellant's date of birth is wrongly mentioned in the documents which are under the custody of respondents hence, appellant has got a cause of action to approach this Honourable Court for its correction.
2. Incorrect. Appellant has got locus standi to approach this court.
3. Incorrect. No malafide in filing the titled appeal has been pointed out by the respondents.

4. Incorrect. Nothing has been concealed from this Honourable Court.
5. Incorrect. The titled appeal has been filed for legal rights and no element of black mailing or pressurizing has been pointed out by the respondents.
6. Incorrect.
7. Incorrect.

REPLY TO THE FACTUAL OBJECTIONS:

1. In reply to para No. 1 it is submitted that in fact correct date of birth of appellant is 10/03/1977.
2. Para No. 2 of appeal is correct. Fazal Kareem is also employed in respondents department, whose date of birth is 01/03/1975.
4. In reply to para No. 4 it is submitted that although the appellant is an employee of Education Department but appellant's date of birth is wrongly mentioned in service record of appellant and for the correction of

said date of birth the appellant has approached this Honourable Court.

5. Para No. 5 of the appeal is correct.
6. Para No. 6 of the appeal is correct.
7. Para No. 7 of comments is misconceived. Para No. 7 of appeal is correct.

REPLY TO THE GROUNDS; -

- a) Para (a) of appeal is correct, whereas comments is misconceived. It is apparent from the appeal itself that the appellant is "Government Servant" and is working in Education Department. Appeal is within time.
- b) Needs no reply.
- c) Para (c) of appeal is correct.
- d) Para (d) of appeal is correct.
- e) Para (e) of comments is not correct. Appeal is maintainable and is within time.


f) Para (f) is misconceived.

It is therefore, humbly prayed that appeal be accepted as prayed for.


Fazal Raheem
...APPELLANT

Through;

Dated: 21-12-2016



(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad

AFFIDAVIT:

I, Fazal Raheem son of Muhammad Fareed, resident of Lahoor Tehsil & District Abbottabad, do hereby affirm and declare on oath that the contents of foregoing reply to the comments are true and correct to the best of my knowledge and belief and nothing has been suppressed therein from this Honourable Court.


DEPONENT

Identified by;


(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad



**BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

Fazal Reheem

VERSUS

Govt. of KPK and others.

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Identified by;


(SAJJAD AHMED ABBASI)
Advocate High Court, Abbottabad



21/12/2016