
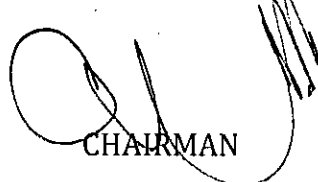



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 628/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/04/2013	<p>The appeal of Mr. Khial Zamir resubmitted today by Mr. M.Saeed Khattak 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	16-4-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>28-5-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3.	28.5.13	<p>Appellant Present in person. In pursuance of promulgation of the KPK Service Tribunals (Amendment) Ordinance 2013, (KPK order No. II of 2013), the Case is adjourned on note Reader for proceedings as before on 8-7-2013.</p> <p style="text-align: right;"> Reader.</p>


08.07.2013

Clerk of counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 27.08.2013.


Reader


27.08.2013

Junior to counsel for the appellant (Mr. Fawad Ahmad Advocate) present and requested for adjournment due to his Senior counsel was busy in Banuu Bench. To come up for preliminary hearing on 09.10.2013.


Member

09.10.2013

Appellant with counsel present. Mr. Ashraf Ali Khattak, Advocate filed Wakalat Nama on behalf of the appellant and requested for adjournment. To come up for preliminary hearing on 05.11.2013.


Member

05.11.2013

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 25.11.2013.

Member

25.11.2013

Appellant with counsel present and submitted amended memo of appeal with spare sets. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The impugned appellate order dated 30.07.2012 received by the appellant in pursuance of order of the Tribunal in Execution Petition No. 86/12 in Service Appeal No. 637/10 on 08.03.2013, hence the instant appeal on 22.03.2013. He further contended that the appellate authority has not given due consideration to the appeal under Rule-5 of the Civil Servants (Appeal) Rules 1986 as well as Para-6 of this Tribunal judgment date 11.01.2012 in Service Appeal No. 637/10. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply on 08.01.2014.

*Appellant deposited Security
& process fee Rs 150/- Bank
receipt is attached with
file*

[Signature]

Member

[Signature]
Member

25.11.2013

This case be put before the Final Bench P for further proceedings.

[Signature]
Chairman

9.1.14

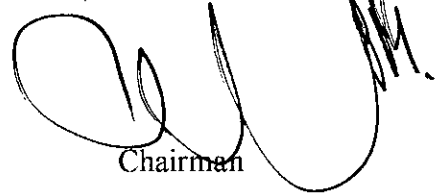
Re Husb's death is on POC, Refu

as is agreed @ 28.2.14

Reed

28.2.2014

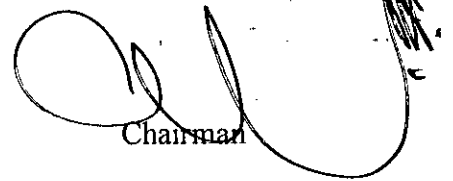
Appellant in person and Mr. Falak Nawaz, DSP (Legal) on behalf of respondent No. 1 with AAG for the respondents present. Written reply has not been received. To come up for written reply/comments on 12.5.2014.



Chairman

12.5.2014

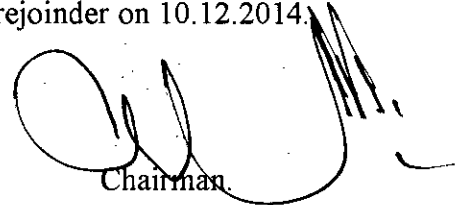
Appellant with counsel and AAG for the respondents present. Written reply has not been received. Another chance is given for written reply/comments, positively, on 11.8.2014.



Chairman

11.08.2014

Appellant with counsel and Mr. Muhammad Tariq, ASI on behalf of respondents with AAG present. Written reply received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 10.12.2014.



Chairman

10.12.2014

Appellant with counsel ^{Mr. Muhammad Tariq AG with} and Mr. Muhammad Adeel Butt, AAO for the respondents present. The Tribunal is incomplete. To come up for rejoinder on 25.03.2015.


Reader

25.03.2015

Appellant in person and Addl: A.G for respondents present. Rejoinder submitted. The appeal is assigned to D.B for rejoinder and final hearing for 09.06.2015.


Chairman

9.06.2015

Counsel for the appellant and Mr. Ziaullah, GP with Muhammad Tariq, SI (Legal) for the respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 27.08.2015.


MEMBER


MEMBER


28.10.2015


Appellant in person and Mr. Baseer. ASI alongwith Addl: AG for respondents present. Arguments could not be heard due to learned Member (Judicial) is on leave. To come up for arguments on 30-10-2015.


Member

appellant was underage and ^{at} get recruitment he relied on the medical certificate to be 20 years of age. If the execution petition of the appellant was also filed, the appellant should have challenged that order in CPLA. Without challenging the same, this appeal is also barred under rule 23 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974. For the reasons stated above this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record.

Announced
30.10.2015


Member


Member

30.106.2015

Appellant with counsel and Mr. Habibullah, ASI alongwith Mr. Muhammad Jan, GP for respondents present.

The appellant was appointed as Constable vide order dated 05.03.1970 in the KPK, Police. The date of birth at the time of joining service of the appellant was recorded as 21.01.1950. The appellant claims that per his metric certificate his date of birth is 02.02.1954. In this scenario he instituted service appeal No. 637/2010 which was decided by this Tribunal on 11.01.2012. The said judgment shows that without setting aside the impugned order dated 21.01.2010, the case was remanded/sent back to the PPO to reconsider appeal of the appellant. It was stated that pursuant to this judgment, the appellant also filed execution petition which also could not bring any fruit to him. In the meanwhile, the respondent-department also did not agree with contention of the appellant and refused to grant him relief as prayed for vide order dated 30.07.2012, hence this appeal.

2. Arguments heard and record perused.

3. The order dated 30.07.2012 was perused in which cogent and valid grounds have been given as to why date of birth of the appellant recorded at the time of joining service could not be replaced now. Further this order, on the basis of Police Rule 9.7 and General Administration Department (Regulation Wing) letter No. SOR-II(S&GAS)5(40)/87 dated 15.02.1989 has refused to alter his date of birth as he failed to bring the matter to the notice of Department within two years as required and concealed his metric certificate at the time of his recruitment. It seems that the

IN THE PESHAWAR HIGH COURT, PESHAWAR

Amended appeal
In
Service Appeal No.628/2013

Khail ZamirPetitioner
VERSUS
Inspector General of Police & othersRespondent

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-5
2.	Copy of Certificate	"A"	6
3.	Copy of service book	"B"	7-17
4.	Copy of Matriculation Certificate	"C"	18-20
5.	Copy of CNIC	"D"	21
6.	Copy of order dated 21.01.2010	"E"	22
7.	Copy of Departmental Appeal dated 17.02.2010	"F"	23
8.	Copy of Service Appeal No.637/2010	"G"	24-25
9.	Copy of order dated 25.01.2010	"H"	26
10.	Copy of amended appeal	"I"	27
11.	Copy of reply	"J"	28-31
12.	Copy of judgment	"K"	31-36
13.	Copy of Executive Petition	"L"	37-38
14.	Copy of Office memo	"M"	39
15.	Copy of reply to Memo	"N"	40-41
16.	Copy of order dated 08.03.2013	"O"	42
17.	Copy of		—
18.	Court Fee		—
19.	Wakalatnama		—

Appellant
Through

Muhammad Saeed Khattak
Advocate, Peshawar

Date: ___/___/2013

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Amended Appeal
IN
Service Appeal No 628/2013

Khail Zamir S/O Gul Amir Ex-Sub Inspector, police of CRO District
Karak Permanent R/O village Saikot, Tehsil Takhti Nasrati District
Karak.....Appellant

VERSUS

- 1) Inspector General of Police KPK, Peshawar
- 2) Deputy Inspector General of police, Kohat
- 3) District Police Officer,
Karak.....Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ENTRY IN THE
SERVICE BOOK/RECORD OF THE
APPELLANT.REGARDING WHICH INITIALLY
THE DEPARTMENTAL APPEAL OF THE
APPELLANT WAS TURNED DOWN, THEN HIS
SERVICE APPEAL NO 637/2010 WHICH WAS
TREATED AS DEPARTMENTAL
REPRESENTATION BY THIS HONABLE
TRIBUNAL AND WAS REMANDED/SENT BACK
TO RESPONDENT NO.1 WAS ALSO TURNED
DOWN.**

PRAYER IN APPEAL

**ON ACCEPTANC OF THE INSTANT SERVICE
APPEAL THE RESPONDENTS CONCERNED MAY
VERY GRACIOUSLY BE DIRECTED TO
CORRECT THE IMPUGNED ENTRY IN THE
SERVICE BOOK/RECORD OF THE APPELLANT
IN ACCORDANCE WITH THE DATE OF BIRTH
OF THE APPELLANT AS MENTIONED IN HIS
S.S.C & C.N.I.C.**

Respectfully sheweth,

- 1) That the appellant joined the police service as constable on 21st January 1970, served in the respondents department for about 40 years having a clean & unblemished service career. He lost his left leg in an encounter with absconders where FIR No 35 dated 16-03-1994 U/SS 325-353/34 PPC was lodged in the police station Shakardara.
- 2) That the appellant was promoted to the rank of ASI and then to the post of officiating SI.
- 3) That the impugned entry regarding DOB of the appellant was made on his induction into the service as 21-01-1950 on the basis of medical officer estimate without taking the opinion of the radiologist. (Copy of the same is attached as Annex A).
- 4) That on 05-03-1970 the appellant submitted the authorities his matriculation certificate and entry to that effect was also carried out in his service book. (Extract from service book is attached as Annex. B). In matriculation certificate issued by BISE Peshawar as well as in CNIC the DOB of the appellant is 02-02-1954. (Copies attached as annexes C & D). Moreover the appellant has also been granted an advance increment on the basis of his matriculation certificate.
- 5) That in March 2009, the appellant was transferred and posted at the office of CRO District Karak where he smacked the melody of his superannuation on the basis of his date of birth in service book/record.
- 6) That thereafter the appellant preferred a departmental appeal through proper channel which was duly processed and the case of appellant was forwarded to respondent No 2 who on 07-01-2010 summoned the appellant but the resp No2 instead of

disposing his representation forwarded it to resp No1 who filed the same on 21-01-2010. (Copy of order of filing the same dated 21-01-2010 is attached as annex E).

- 7) That being aggrieved of the same the appellant proffered a departmental appeal on 17-02-2010 (Annex F), thereafter service appeal No 637/2010 (Annex G). During pendency of the service appeal the appellant through his own efforts succeeded in getting the of order dated 25-01-2010, vide which his departmental appeal was filed (Annex H), the same was brought on case file through amended appeal (Annex I).
- 8) That the respondents filed their joint reply (Annex J) thereafter vide order/judgment dated 11-01-2012 this Hon'ble Tribunal partially accepted the appeal of the appellant and remanded/sent back the same to respondent No1 for consideration of the appeal/application of the appellant for correction of his DOB in accordance with his SSC and to pass an appropriate order in the light of observations recorded in the judgment whereby the appellant was permitted to recourse to the remedy available to him under the law in case he still felt aggrieved. (Copy of the judgment is attached as annex K).
- 9) That when the respondents did not responded the same, then an execution petition was filed (annex L) then the respondents submitted an office memo No.2346/legal dated Peshawar the 30-07-2012 {annex M}, which was replied (annex N) thereafter the execution petition No.637/2012 was disposed of vide order dated 08-03-2013 {annex O}.
- 10) That the grievance of the appellant has not been removed, therefore prefers the instant service appeal, inter alia on the following amongst others,

GROUND:

A. That the act/ omission of the respondents is in violation of the precedent established by the Hon'ble Supreme Court of Pakistan in a case law cited as 2008 SCMR 255, where the Hon'ble apex court is of the view that it is not an absolute rule that entry once made/recorded in service book of civil servant could not be altered or challenged.

B. That the respondents have not treated the appellant in accordance with law, policy and rules on the subject matter and acted in violation of Art 4 of the constitution, the appellant duly submitted his matriculation certificate immediately after his appointment and was awarded increment on its base, but the respondents did not correct his DOB according to his SSC, where his DOB is/was 02/02/1954. The respondent department was duty bound to have corrected the DOB accordingly. The act/omission lies on the part of the respondent department for which the appellant could not be penalized. The same correct DOB has also been recorded in CNIC of the appellant.

C. That this Hon'ble Tribunal in number of identical cases has directed the respondents to take exercise and correct the DOB according to the date mentioned in the matriculation certificate which has established legal weight and to written off the date made on the presumptions of the medical officers estimate without taking the opinion of radiologist. The Supreme Court has also upheld the same.

D. That the principle of fair play, equity and justice demands that since employees in their earlier appeals have been granted relief by this Hon'ble forum, the case of the appellant being on same

footing with them therefore the same relief should also be granted to him.

E. That the departmental representation of the appellant was rejected without the application of independent mind and reason.

F. That any other ground can also be taken during the arguments with permission of this Hon able Tribunal.

It is therefore most humbly prayed that on acceptance of the instant service appeal, the respondents concerned may very graciously be directed to take exercise and correct the impugned entry in the service book/record of the appellant in accordance with the date of birth mentioned in the matriculation certificate and CNIC

Any other relief, which has not been specifically asked for and deem fit in the circumstances of the case may also be granted to the appellant.

Appellant

Through

Muhammad Saeed Khattak

Advocate Peshawar.

Note = Main Service Appeal No 628/2013 is fixed for 25/11/2013, the same may kindly be fixed with it for the date fixed i.e. 25/11/2013.

Annexure A

No. 49

Form No. 10.64

Rohat DISTRICT

6

POLICE DEPARTMENT.

CERTIFICATE.

I do hereby certify that I have examined Khal Zamir to Gul Amir
Saukat P. Khan, a candidate for employment in the Police
Department, and cannot discover that he has any disease constitutional affection,
or bodily infirmity, except None.

I do not consider this a disqualification for employment in the Office of

His age is according to his own statement 19 years and by
appearance about 20 years.

21/1/70

Alfred W. ...
M.D.S., W.P.S. & D.
Medical Superintendent
Distt. H/Qrs Hospitals Rohat

Sh. ...

8.6.71
EB
C. ...

[Note—When an officer is transferred from one office to another, the duties of which are different in
nature, a Commissioned Medical Officer or Medical Officer-in-charge of a Civil Station should specify whether
or not, if one exists, will materially interfere with the discharge of his new duties by the officer.
(Prescribed by Rule 3.1, P. F. H. B., No. 2, Vol. II).

I declare that I have never been pronounced unfit for Government employment
by a Medical Board or any other duly constituted medical authority.

Khal Zamir

T. ...
of Police
Rohat

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of ASI on list
E

Annexure B
7 6 R 8

OFF

OFF

21-1-2002
21-1-195-

-59

حسب

SUBJECT Service Roll NO 19/15

REF. NO. 96 ASI NO 52/1A

DATE Khair Zamir

میان سونز

یک سیکرز، سٹیشنرز، اینڈ جنرل مرچنٹس

MIAN SONS

256
31

BOOK SELLERS, STATIONERS & GENERAL MERCHANTS

MAIN BAZAR KOHAT. ☎ 516244

8

9

10

Police No. 20

(No. 12'23)

District *Del*

CHARACTER AND OR

Khail Zamir

~~*Khail Zamir No 88*~~

CONTENTS

	PAGE
1. General particulars	
2. Appointments, promotions, discharges, etc.	
3. Transfers beyond the district	
4. Relatives in Government employ	
5. Particulars of heirs	
6. Educational qualifications	
7. Professional attainments	
8. Medals and Decorations	
9. Miscellaneous particulars	
10. Commendatory entries	
11. Censures and punishments	
12. Leave, Absence and Breaks in Service	
13. Records of postings of Inspectors, Sub-Inspectors, Assistant Inspectors	
14. Statement of land held by Subordinates, Rule 14-20 (1)	
15. Progress reports of Probationary Inspectors, Sub-Inspectors and Assistant Sub-Inspectors	
16. Medical history sheet	
17. Leave account of Constables and Head Constables	
18. Marking Sheet in connection with promotion to the selection grade of	

CHARACTER ROLL OF

1 Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died.	2 To what grade and pay appointed, promoted or reduced.	3 Date	4 No. of District order	5 Full signal
Appointed as Constable TS.	at Rs. 75/-	2-1-70	96	11/11/70
Absent in R/P on 3 yrs - pro-mis.	at Rs. 75/-	24-2-71	248	11/11/71
P.O. TS. Chs	76/-	1-6-71	241/71	11/11/71
Pay provisionally fixed in the National Pay Scales (P.R. 118/11/4)	at Rs. 118/-	1-3-1972	763	11/11/72
Pay fixed in the National Scale of Pay of Rs. 118/- P.M. w.e.f. 1.3.1972 with next increment on 1.12.1972.	at Rs. 152/-	1-12-72	763	11/11/72
P.O. TS. @ 24/13	113/-	1-12-72	763	11/11/72
P.O. F.O. T.S. @ 11/11-11/11	113/-	1-12-72	763	11/11/72
T. 823 : Drawn Rs. 116/-	113/-	1-12-72	763	11/11/72
Rest & Rec: All. for 72-TS	113/-	1-12-72	763	11/11/72
Date: 24-2-71	75/-	24-2-71	248	11/11/71
Date: 24-2-71	75/-	24-2-71	248	11/11/71
Date: 24-2-71	75/-	24-2-71	248	11/11/71
Date: 24-2-71	75/-	24-2-71	248	11/11/71
Date: 24-2-71	75/-	24-2-71	248	11/11/71

Signature: [Signature]
 Asst: Accounts Officer.
 B.W.P. PESHAWAR

① Certified that the services rendered by the above mentioned person have been verified with the accounts of the Government of Punjab.

Date: 24-2-71
 Authority: [Signature]

PAY FIXED IN THE REVISED NATIONAL SCALES OF PAY (RULES, 1977) OF Rs. 260/- w.e.f. 1.5.1977 with next increment on 1.12.1977

23

10

M

instale: Khial Zamani

No 33)

DISTRICT
DISTRICT
DISTRICT



Khial Zamani	Civil Amine	Khatal	Sai = Kat	lty	Khial Zamani	Khial	W. Pakistan	21.1.50	5-8-1	33x24-1/2	21.1.70	20 years			
					Village or town.	Post and Telegraph Office	Police Station.	District.	Province.	Date of birth.	Height.	Chest measurement.	Date of enrolment.	Age on enrolment.	Distinctive marks.

roll No. dated received back and attached to the fauji misal.

service prior to present employment, which is approved, for pension service.

Part.	Rank or grade.	Date of last appointment.	From		Period.		
			To	Years.	Months.	Days.	
Character of discharge or service.				Reference to orders approving above service for pension service in the Police Department			

I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that provision of the Act and of the rules issued under it and now in force, by which my discipline and conduct are explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey, although by my superior officers, and I undertake not to resign my appointment within three years from the date of my receipt of a certificate of appointment issued under section 8 of the Police Act (V of 1861).

Impressions of fingers and thumb of left hand.

Left ring.	Left middle.	Left index.	Left thumb.
------------	--------------	-------------	-------------

Signature

~~Annex B~~ (11) (10) (11)
GOVT: HIGH SCHOOL, LAND KAMAR (DISTT: KOHAT)

Provisional Certificate.

Roll No. 14940

Certified that Khial Zameer S/O Gul Amir appeared in the S.S.C. (Annual) Exam: from this school in the Board of Intermediate and Secondary Education Peshawar in 1969. According to the Gazette he passed in the following elective Subjects:-

His date of Birth in figures and words: 2.2.1954
Second February, N.H. & fifty four.

Elective Subjects:-

- | | |
|-----------|-----------|
| 1. S.S. ✓ | 2. G.S. ✓ |
| 3. G.M. ✓ | 4. Ar. ✓ |
| 5. nil. | |

Marks obtained. 506
Division. Second.
Conduct. Good.
Date. 19.9.1969.

Prepared by :- Hakim Khan, SET.

Sd/- xxxxxxxxx
Headmaster,
Govt: High School, Land Kamar.
(Distt: Kohat)

ATTESTED TO BE TRUE COPY.

[Handwritten signature]

Headmaster,
GOVT. HIGH SCHOOL,
LAND KAMAR (KOHAT)

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Handwritten date: 2/11/83

Handwritten numbers: 1-7-83, 1-11-83, 6341 = 3 (400-14-760)

Handwritten date: 6/11/83

Stamp: RECEIVED

Handwritten notes: "Handwritten scribbles and possibly 'Handwritten' written upside down."

Handwritten date: 1-10-83

Handwritten list of numbers: 5.14, 5.24, 1.6, 5.08, 4.8, 4.87, 1.50, 3.10

Stamp: Received by Mr. [Name] on [Date]

Handwritten notes: 6407, 12 x 14 = 168, 156, 4.90

Handwritten text: Ps-3127-

Handwritten text: 4.80-14-7.10

Handwritten text: 0.70-7-396/8

Handwritten text: Defect Police

Handwritten text: H.C. Khalil 2013 9/18

Handwritten signature or initials

Stamp: THE REGISTER AND...

Handwritten circled numbers: 18, 19

(13)

Returned that the confirmation as
constable of any way be
recorded in the S. book

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Nov 25 1885

Land Ass't A/er - 6/10

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of the Assistant General
N.W.P., ...
Pay fixed in the Revised ... Pay Scales 1927
of ... (or B-)
P.L.S. c. 1. 1-7-1927
WMA Next Increment, ca. 1-13-1927

Accounts Office
1927

14

10

100

Post held
By
Existing
Scale No. 3
Scale

Khajalgarh No. 11
Police

270-7-326/2-390

480-14-760

305/-

5

480/-

1425=70/-

550/-

305/-

150/-

455/-

56/-

501/-

550/-

1425=70/-

620/-

1-12-1983

Being placed under...
and pay fixed on the B.P.S. 1983 No. 3 on 12/83.
(C) Date of Next Increment

Officer

Head of Office

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...ON OF F.C.

S.No. Name

Constabulary

of enlistment.

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11.4.78

16

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Handwritten initials.

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Handwritten mark in a circle.

Handwritten mark.

FORM OF STATEMENT OF PAY UNDER THE

Post held on 31.6.1983
Drawing Office National Grid
Scale No. 3
Corresponding basic pay scale
1983, Scale No. 3

17

Rs. 248
Rs. 248
Rs. 248
Rs. 248
Rs. 248

STATEMENT UNDER THE
STAGES

to pay to the revised National
Pay scale on 30.6.1983.

Rs. 312

(i) No. of years (as on 30.6.1983)

7

(ii) No. of years (as on 30.6.1983)

Rs. 418

(iii) No. of years (as on 30.6.1983)

Rs. 418

(iv) No. of years (as on 30.6.1983)

Rs. 542

(v) No. of years (as on 30.6.1983)

Rs. 312

(vi) No. of years (as on 30.6.1983)

Rs. 150

(vii) No. of years (as on 30.6.1983)

Rs. 467

(viii) No. of years (as on 30.6.1983)

Rs. 46

(ix) No. of years (as on 30.6.1983)

Rs. 503

(x) No. of years (as on 30.6.1983)

Rs. 16

(xi) No. of years (as on 30.6.1983)

Rs. 524

(xii) No. of years (as on 30.6.1983)

Rs. 70

(xiii) No. of years (as on 30.6.1983)

Rs. 594

(xiv) No. of years (as on 30.6.1983)

1.12.83

of 1/12/83

Signature

Signature

Handwritten mark



Annex - C (18) Annexure - C (18)

BOARD OF INTERMEDIATE & SECONDARY EDUCATION PESHAWAR.

No. 2008 /Cert / SSC / BISE, Pesh:
Form:

Date 27.1.2010

The Secretary
Board of Intermediate & Secondary
Education, Peshawar (NWFP)

To The Dy. Inspector General
of Police Kohat Region Kohat
Sub

Subject:- VERIFICATION OF MATRICULATION (S.S.C) CERTIFICATE

Memo:

Reference your No.) 301 dated 8-1-10

Enclosed please find 1 photostat copy / copies of Original/
provisional certificate (s) of S.S.c Examination in respect of the candidates,
mentioned in your letter with the remarks noted against each:-

Roll No. & Session	Name & Parentage	Remarks
14960 A/1969 -	Khial Zameer S/O Coul Amir	Verified

27/1/2010
Asstt Secretary Certificate (SSC)
Board of Inter & Secondary
Education Peshawar
Asstt Secretary (Certificate)
Board of Intermediate & Secondary
Education, Peshawar.

[Handwritten signature]

19

~~19~~

P/H

Phone No: 9260112
Fax No: 9260114

From: The Dy. Inspector General of Police,
Kohat Region, Kohat.

To: The Secretary,
Board of Intermediate & Secondary Education,
Peshawar.

No. 391 /EC, Dated Kohat the 8/11 2010.

Subject- VERIFICATION

MEMORANDUM

A photocopy of Secondary School Certificate of Offg. SI, Khali Zameer Khan of this Region is sent herewith for verification and returned to this office for further necessary action.

SRE

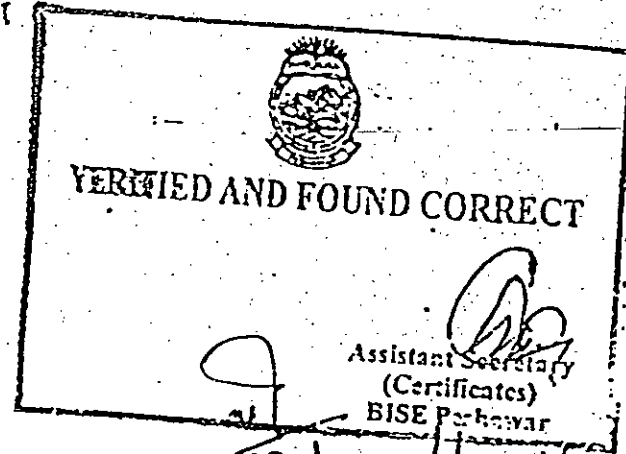
(Signature)
(ABDULLAH KHAN) P.S.F
Dy. Inspector General of Police,
Kohat Region, Kohat.

(Signature)

S. No. 084144

Roll No. 14940

Board of Intermediate & Secondary Education
PESHAWAR (PAKISTAN)



20

SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION 1969
ANNUAL

This is to certify that Khial Zamerr Ameer
son of Gul Amir
and a student of Government High School Land Kamar, (Kohat)
passed the SECONDARY SCHOOL CERTIFICATE EXAMINATION of the Board of Intermediate and Secondary
Education, Peshawar held in June, 1969 in the Second Division.

The candidate passed in the following subjects :-

- | | | |
|--------------|------------------------|-----------|
| 1. English | 4. Social Studies | 7. Arabic |
| 2. Urdu | 5. General Science | |
| 3. Islamiyat | 6. General Mathematics | |

Date of Birth Second February One thousand
nine hundred and Fifty-four (2.2.1954)

Handwritten signature/initials

Handwritten signature of the Secretary

SECRETARY

31st December, 1969

21

8

Annexure-D



حکومت پاکستان
قومی شناختی کارڈ
14203-2045604-9
محمد علی احمد
1455-4157803
02/02/1954

Annex-D, P-13

S4053Y
14203-2045604-9
1455-4157803
30/11/2014
27/12/2003

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22

Annexure E

ORDER

The application of Offg: SI Khail Zameer of this district Police requesting therein for alteration of in his date of birth in service record according to school leaving certificate of Matric, when he was appointed as constable in Police department in the year 1970 on the basis of medical certificate has been submitted to Provincial Police Officer, NWFP Peshawar through Dy: Inspector General of Police, Kohat Region, Kohat vide his office Memo: No. 400/EC, dated 13.01.2010 and also his educational documents were sent to Secretary Board of Intermediat and Secondary Education Peshawar vide Dy: Inspector General of Police, Kohat Region, Kohat office Memo: No. 301/EC, dated 08.01.2010, where from no positive response has been received so far.

Therefore, the above named Sub Inspector is superannuated out from service on 21.01.2010 as he attained 60 year age on 21.01.2010.

OB. No. 85
Dated: 21-01-2010

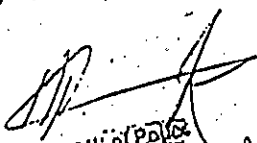
District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK
No. 339 /EC, Dated Karak 21-01 2010

Copy of above is submitted to the Dy: Inspector General of Police, Peshawar Region, Kohat w/r to his office Establishment Asstt: telephonic message dated 21.01.2010 for favour of information please.

Sin,
Attest to d

District Police Officer, Karak


R. I. Khan
offg. 28.1.2010



Annex - G

بسم اللہ الرحمن الرحیم

خیاب عالی

دو ماہ گذشتہ ہے کہ سائل نے ٹی بار سیک بھی ایک باہت در فرسٹ دیئے تھے۔ م سائل کا صحیح تاریخ پیدائش در فروری ۱۹۵۶ء ہے۔ مگر سائل نے سرسوں در ان میں غلطی سے تاریخ پیدائش الین جنوری ۱۹۵۰ء-۰۱-۰۱ در درجہ کیا ہے۔ میں غلط اندازہ تاریخ پیدائش سائل کے علم زندگی پر برسی ہے۔ اثر انداز ہے۔

سائل مقدم علت کے درجہ ۳۳۹/۳۵۳ سے عام در دیت تمام شکورہ میں خردوان کے ساتھ مقابلہ میں زخمی ہوا ہے۔ جن کے جسم سے بدقسمت سے سائل کا با با یا ان یادوں خالص ہو گیا ہے۔ سائل کے جوئے جوئے بال بچے پڑا کفر گرائے کہ شامل نئے ہے۔ جوڑ تلبیم ہے۔ جس کا اصل در رسم معاشرہ خیرجے و خوراک اور بیماری وغیرہ اخراجاتی زندگی کا سارا جوڑ سائل کے کندھوں پر ہے۔ سائل کا صرف اور صرف ماسوائے اس تنخواہ کے علاوہ اور کوئی ذریعہ آمدنی نہیں ہے۔ انتہائی غریب ہے۔

اب سائل کو حاجی جسٹس پولیس آفیسر صاحب نے عدالت نے عدالت میں نمبری ۳۳۹ آرڈر بل نمبری ۸۵ کے تحت نوٹس کیا ہے۔ سائل کو حکم پولیس ضلعی کٹ سے علیحدہ کیا ہے۔ نوٹس کیا ہے نمبری ۳۳۹ آرڈر بل نمبری ۸۵ کے تحت سائل کو نوٹس کیا ہے کہ عدالت نے سائل کے سرٹیفیکٹ جاری کردہ بورڈ آف انٹرمیڈیٹ انڈسٹری ایگریکیشن لیتا در و جائی سرسوں رول نمبری ۳۳۹ کے تحت جاری کردہ سیکول سرسوں صاحب کو لکھنے کن درخواست بنی ہیں۔

اس سے رہا ہے کہ مہر حاجی دالیشان مہر بالی نے ماسائل کے نالغتمہ ہم مالہ حالت (سرپرستانہ) رسم اور سائل نے جوئے جوئے بال بچوں پر جوڑ تلبیم ہے۔ پر رسم یا ماسائل کا صحیح تاریخ پیدائش در فروری ۱۹۵۶ء-۰۱-۰۱ سرسوں رول میں درج کرنے اور حکم پولیس ضلعی کٹ میں سرسوں پر سائل کے حکم صادر فرما دیں۔

نکہ حاجی دالیشان کے احوال کا مزید دلالت دعا گو اور شکورہ سرسوں ہونا۔
میں گزارش ہوگی۔

بمصر لکھنے
اصحان من خیال شہر سب ان کے درجہ دل دلتہ آفیسر (مفوم) کا رول در احوال سائل کو لکھنے
تعمیر کت کوئی ضلعی کٹ تلبیم نوڈ۔

کج

(24)

Annexure 9

Before the NWFP Service Tribunal Peshawar
Service Appeal No. 437/2010

Khial Zamir s/o Gul Amir Sub Inspector of the office of CRO District Karak
VS

1. Inspector General of Police NWFP Peshawar
 2. Deputy Inspector General Police Kohat
 3. District Police Officer Karak
- SSG
20/2/10

Appeal under Section-4 of the NWFP Service Tribunal Act 1974 against the order of respondent No.1 dated 21.01.2010, whereby representation of the appellat for the correction of Date of Birth in his service record was rejected.

Respectfully Sheweth

1. That the appellat joint Police Service as a Constable on 21st January 1970. He has got about 40-years long standing service with unblemished and clean conduct sheet record and has been honored with rewards and cash prizes. The appellat has lost his left leg completely in encounter with absconders / fugitive from law during his posting at Police Station Shakardara vide FIR No. 35 dated 16.03.1994 under section 324-353/34, thus sacrificed his life for the sake of nation and for the honor in respect of the Police Force.
2. That the appellat served the Police Force for long standing years and was promoted to the rank of ASI and then to the post of officiating SI but has been treated unitarily without considering his past valuable services and sacrifice.
3. That the entry regarding the date of birth of the appellat was made on his induction into service as 21.01.1950 on the basis of medical officer estimate of his age without taking the opinion of the radiologist (Annex-A). However, soon after on 05.03.1970 i.e after about one month the appellat submitted to the authorities his matriculation certificate and endorsement/entry to that effect was also carried out (extract from service book is attach as Annex-B). In the matriculation certificate, the date of birth of the appellat was shown as 2nd February 1954 (Metric Certificate dully verified by BISE Peshawar is attached as Annex-C). Similarly the date of birth in the appellat's NIC is also the same i.e 2nd February 1954 (NIC is attached as Annex-D). Moreover, the appellat has also been granted advance increment on the basis of his Metric Certificate. Metric
4. That in March 2009, the appellat was transferred and posted at the office of CRO District Karak where he smacked the melody of his superannuation on the basis of his date of birth in service record.
5. That on 30.09.2009, the appellat preferred departmental representation through proper channel which was duly processed and the case of the appellat was forwarded to responding No.2 who on 07.01.2010 summoned the appellat and the appellat appeared as per his direction but responding No.2 instead of disposing the representation forwarded the same before responding No.1 who vide order dated 21.01.2010 filed the same but the copy of the order has not been communicated to the appellat till date. The appellat has been informed verbally by the subordinate staff of responding No.1 on his visit to the office of responding No.1 in connection/pursuance of the fate of his departmental representation. Metric
6. That the appellat requested for an attested copy of the order ibid but the office of responding No.1 denied to handover the same to him on flimsy pretext that they are not authorized to communicate / handover the impugn order. (Affidavit is attached to that effect as Annex-E)
7. That it is pertinent to mention that respondent No.3 vide order dated 21.01.2010 (Annex-F) has declared the appellat as retired on superannuation. The appellat is also aggrieved of the order of his premature retirement and his also filed departmental representation to that effect (Annex-G).
8. That being aggrieved from the order dated 21.01.2010 of the respondent No.1, the appellat prefers this service appeal enter alia on the following ground.

Filed to-day

Notarized

4
GROUNDS

A. That the respondent has not treated the appellant in accordance with law, policy and rules on the subject and acted in violation of article 4 of the Constitution of Pakistan, 1973. the appellant had duly submitted his matriculation certificate immediately after his appointment, wherein his date of birth was duly mentioned as 02-02-1954 and not 21-01-1950. the same was duly endorsed in his service record but failed to bring correction to that effect in the initial column of his service book. The respondent department was duty bound to have corrected the date of birth accordingly. The omission lies on the part of respondent department for which the appellant could not be penalized. Therefore this tribunal has jurisdiction to interfere and direct the respondent to correct the date of birth of the appellant in accordance with the matriculation certificate and NIC.

B. That the date of birth of the appellant in his national identity card is also the same as it is mentioned in his matriculation certificate. i.e 02-02-1954, the same also lie in his service record. moreover the appellant has been granted advance increments and other benefits on the basis of his matriculation certificate. The impugned entry seemed to be default of clerical staff of the respondent department dealing with the service record of the employees of the police force for which appellant could not be penalized.

C. That this tribunal in numbers of identical cases (anxture-H) has directed the respondents to take exercise and correct the date of birth according to the date mentioned in the matriculation certificate which has established legal weight and to written off the date made on the presumptions of medical officer's estimate without taking the opinion of Radiologist. The same has also been upheld by the supreme court of Pakistan (anxtur-I)

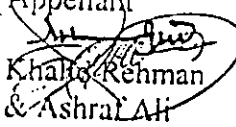
D. That the principle of fair play, equity and justice demands the same employees in earlier appeals has been granted relief by service tribunal, the case of the present appellant being on the same footing, therefore the same relief should not be denied to him.

E. That departmental representation of the appellant has been rejected without the application of independent mind and reason and without communicating the same to the appellant so as to deprive him from seeking further legal remedy as per law. This is an established malafide on the part respondent department which is not only illegal but also vary unethical, undesirable and unwarranted.

For the aforesaid reasons it is therefore humbly prayed that on acceptance of the instant service appeal, this honorable tribunal may graciously be pleased to direct the respondents to take exercise and correct the ~~impugned entry in service record of the appellant in accordance with the date of birth as mentioned in the matriculation certificate and NIC accordingly.~~

Any other relief deemed appropriate under the circumstances may also be granted.

Through

Appellant

Khalid Rehman
& Ashraf Ali
Advocates, Peshawar

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Annexure

From The Provincial Police Officer,
NWFP, Peshawar.

To The Deputy Inspector General of Police,
Kohat Region.

No. 2378 / 1-11 dated Peshawar the 25/10/2010

Subject APPLICATION

Memo.

638
29/11/2010

Please refer to your office Memo No. 300/EC dated: 15.01.2010.

Application of Offg. SI Khial Zameer of Karak district for alteration in his date of birth in service record has been examined and filed.

His service record received vide your above quoted reference are returned herewith for record in your office.

*M/S S.R.H.
S. B. B. B.*

[Signature]
(MUMTAZ AHMAD)
A.S.G. Legal
For Provincial Police Officer,
NWFP, Peshawar.

No. 527 / 1 EC
2 30 / 11
copy of above in S/Record
is forwarded to D/Inspector
and necessary action
may be
taken accordingly.

[Signature]
DIG
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[Signature]

Amended/ Revised Service Appeal

In

Service Appeal No. _____ 2010.

Annexure

Khayal Zamir S/o Gul Amir SI-RCO, Karak. Versus IGP NWFP, Peshawar and other.

Respectfully Sheweth,

1. That the above titled Service Appeal is pending adjunction before this Honorable Tribunal and this day i.e 13-04-2010 has been fixed for further legal proceedings.

2. That the appellant has not annexed the impugned order dated 25-01-2010, which was denied to him by the office bearer of respondent No. 1 and for which the appellant has submitted an affidavit along with his Memo of Appeal.

3. That the appellant has now through his own efforts acquired the impugned order dated 25.01.2010 and therefore under legal obligation wants to place the same on file.

4. That the fact and grounds explained/stated in the Memo of Appeal cited above may graciously be considered as part and parcel of this revised service Appeal.

It is therefore very humbly prayed that on accepting of this revised service Appeal this honorable Tribunal may graciously be pleased to set aside the impugned order dated 25-01-2010 and reinstate the appellant as per/terms of pray explained in the Memo of Appeal cited above.

Dated:- 13-04-2010.

Appellant
Through

Ashraf Ali Khattak

Ashraf Ali Khattak

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Annexure J.

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BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTOONKHAWA, PESHAWAR

Service Appeal No. 637/2010

Khial Zamir (Appellant)

Versus.

1. Inspector General of Police, Khyber Pakhtoonkhawa, Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat
3. District Police Officer, Karak (Respondents)

Subject: - REPLY ON BEHALF OF
RESPONDENTS

Preliminary objections

1. The appeal is wrong and based on no facts.
2. The appellant has got no cause of action to file the present appeal.
3. The appeal is not maintainable in the present form.
4. The appeal is time barred.
5. The appeal is bad for mis-joinder and non-joinder of necessary parties.

FACTS

1. Correct to the extent that appellant was enlisted in Police department as foot constable on 21.01.1970. Appellant did not produce his school-leaving certificate on the occasion of his enlistment. Therefore his age was confirmed through authorized medical officer. He contended before the medical officer that he was 19 years of age but the medical officer declared him 20 years of age by appearance as evident from annexure-A enclosed with the original appeal. Furthermore, he lost one leg in line of duty in the year 1994.

745
547
27-5-10

Govt. Pleader
Khyber Pakhtoon Khwa
Svc: Tribunal Peshawar

43

Though he was quite unfit for Police service yet in view of his performance, he was retained in service till attaining the age of superannuation i.e. 21.01.2010.

2. Incorrect, appellant was promoted to the rank of Sub-Inspector despite the fact he was unfit for Police service. He was also retained in service of Police with one leg. Therefore appellant was never discriminated and treated unilaterally.
3. Incorrect, appellant did not produce School-leaving certificate on the occasion of his enlistment. The medical officer declared him 20 years of age by appearance and he contended before medical officer that he was 19 years of age at the time of his enlistment on 21.01.1970. In case he had produced the alleged school-leaving certificate wherein his date of birth was recorded as 02.02.1954 then he was of 15 years, 10 months and 19 days of age at the time of enlistment. Thus he was under age by about two years and there was no chance of his enlistment. The appellant entered Police on the basis of medical certificate and desire exit on the basis of school-leaving certificate. Furthermore under the law & rules civil servant is duty bound to apply for correctness of the age within two years of joining the service. The appellant made prayer for the alleged correctness in date of birth at very belated stage.
4. Incorrect, appellant was very much in picture about the entry made regarding his date of birth in service record right from the date of enlistment i.e. 21.01.1970. He deliberately did not produce school-leaving certificate because if he produces it

Dum?

CF

then he was not eligible for enlistment in Police department due to under age.

5. The departmental appeal of appellant was not entertain-able and sustainable.
6. Needs no comments.
7. The appellant was correctly retired from service on attaining the age of superannuation by the respondent No. 3.
8. Needs no comment.

GROUNDS

- a. Incorrect, appellant was enlisted in Police department as foot constable on 21.01.1970.. Appellant did not produce his school-leaving certificate on the occasion of his enlistment. Therefore his age was confirmed through authorized medical officer. He contended before the medical officer that he was 19 years of age but the medical officer declared him 20 years of age by appearance as evident from annexure-A enclosed with the original appeal. Appellant did not produce School-leaving certificate on the occasion of his enlistment. In case he had produced the alleged school-leaving certificate wherein his date of birth was recorded as 02.02.1954 then he was of 15 years, 10 months and 19 days of age. Thus he was under age by about two years and there was no chance of his enlistment in Police service. The appellant entered Police on the basis of medical certificate and desire exit on the basis of school-leaving certificate. Furthermore under the law & rules civil servant is required to apply for correctness of the age within two years of joining the service. The appellant

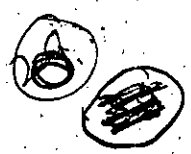
Addl. Govt. Pleader
Khyber Pakhtoon Khwa
Svc. Tribunal Peshawar

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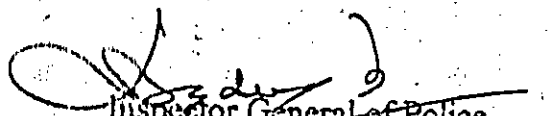
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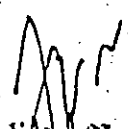
made prayer for the alleged correctness in date of birth in service record at very belated stage.

- b. Incorrect, the date of birth of appellant was recorded in the accordance with the medical certificate because he deliberately did not produce school leaving certificate on the occasion of his recruitment so as to conceal his tender age. However, advance increments on the basis of qualifying SSC examination were allowed to him in the year - 1983. The entry regarding the date of birth of appellant in the service record was not a clerical mistake but it was made in accordance with his own statement and medical report.
- c. Incorrect, every case is decided in accordance with facts on record.
- d. Needs no comment.
- e. Incorrect, the departmental appeal of appellant was without substance and footing.

In view of the above it is requested that the appeal of appellant may please be dismissed with cost.


 Inspector General of Police
 Khyber Pakhtoonkhawa, Peshawar
 Resdt: No. 1


 Deputy Inspector General of Police
 Kohat Region Kohat
 Respdt: No. 2


 District Police Officer Karak
 Respdt: No. 3

Vetted Subject
to attach all relevant
documents

... G.O. Header
- K PWA

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 637/2010

Date of institution ... 20.2.2010

Date of judgment ... 11.1.2012



Khial Zamir S/o Gul Amir,
Sub Inspector of the office of CRO,
District Karak.

(Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Kohat.
3. District Police Officer, Karak.

(Respondents)

APPEAL UNDER SECTION-4 OF THE NWFP (KHYBER PAKHTUNKHWA) SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO.1 DATED 21.01.2010, WHEREBY REPRESENTATION OF THE APPELLANT FOR THE CORRECTION OF DATE OF BIRTH IN HIS SERVICE RECORD WAS REJECTED.

Mr. Ashraf Ali Khattak, Advocate

For appellant.

Mr. Sherafgan Khattak,
Addl. Advocate General.

For respondents.

Mr. Qalandar Ali Khan
Mr. Khalid Hussain

Chairman
Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:- This appeal by Khial Zamir, appellant, is directed against the order of IGP NWFP (Khyber Pakhtunkhwa) Peshawar, (respondent No. 1) dated 21.1.2010 (memo. dated 25.1.2010), whereby his representation for correction of date of birth in his service record was filed/rejected.

2. In his appeal, the appellant averred that having joined Police service as constable on 21st January 1970, he rose to the rank of officiating Sub Inspector owing to his valuable services rendered during his 40 years of service and also sacrifices made by him during his long stint in service. The appellant alleged that at the time of entry into service his date of birth was incorrectly recorded as 21.1.1950 on the basis of clinical observation of the Medical Officer without having any basis such as opinion of the Radiologist. He further alleged that soon after induction into service, on 5.3.1970 i.e after about one month, he submitted his Matriculation certificate, showing his date of birth as 2nd February 1954, which is also in accordance with his date of birth recorded in his National Identity Card. He maintained that he was also

granted advance increments on the basis of the same Secondary School Certificate (SSC); and that he also preferred representation for correction of his date of birth in the service record on 30.9.2009, but the same was filed on 21.01.2010 without communicating order of respondent No.1 to him in writing. He was also retired from service on the ground of attaining the age of superannuation vide order dated 21.01.2010. The appellant also preferred a departmental appeal against his pre-mature retirement; and being aggrieved of the order of respondent No.1 dated 21.01.2010 (in fact 25.01.2010), the appellant lodged the present appeal, inter-alia, on the grounds that he has not been treated in accordance with law, policy and rules on the subject as he had intimated his actual date of birth immediately after his induction into service through production of matriculation certificate wherein his date of birth was recorded as 2.2.1954; but the respondent-department wrongly relied upon the observation of the Medical Officer and treated his date of birth as 21.01.1950. The appellant further contended that his date of birth recorded in the matriculation certificate should have been made basis for consideration of his date of birth instead of the opinion of Medical Officer which was not based on any established medical opinion like that of Radiologist.

3. The respondents resisted the appeal on the grounds that had the appellant disclosed his date of birth recorded in his matriculation certificate at the time of entry into service, he would not have been recruited as constable in the Police Department for being under age as according to his date of birth recorded in the SSC was 2.2.1954 and he would have been of 15 years, 10 months and 19 days of age or in other words below the required age of 18 years at the time of enlistment. The respondents also contended that the appellant lost one leg in the year 1994 but even then he was retained in service till the age of superannuation; but they had to admit that the appellant lost one leg in line of duty and he was retained in service in view of his performance. The respondents denied this allegation of the appellant that the matriculation certificate was produced well within time and immediately after his induction into service; and urged that due to non-production of SSC at the time of induction into service and also due to concealment of his actual date of birth, the department rightly relied upon the opinion of Medical Officer in whose estimation the appellant was 20 years of age, whereas the appellant had himself shown his age as 19 years at that time. The respondents claimed that no application for correction of age of the appellant was moved within two years of joining the service and that prayer for such correction was made at a very belated stage. As such, according to the respondents, the appellant was rightly retired from service on attaining the age of superannuation.

EX-100
Khyber Pakhtunkhwa
Services Tribunal
ISLAMABAD

4. The appellant also filed rejoinder to the written reply/comments of the respondents, wherein, he rebutted the allegations contained in the written reply/comments of the respondents and reiterated his claim, where-after, arguments of the learned counsel for the appellant and AAG heard, and record perused.

5. The learned counsel for the appellant, while relying on the judgment of the august Supreme Court of Pakistan reported as 2008 SCMR 255 (Supreme Court of Pakistan), another judgment of the august Supreme Court in C.P No. 196-P of 1988 titled as IGP and another-Vs-Muhammiad Alam Khan and another dated 25.3.1989 and also in C.P No. 98-P of 1996 titled as Province of NWFP through Secretary Home and Tribal Affairs Department and two others-Vs-Haq Nawaz retired Police Inspector dated 26.5.1997, as well as judgments of this Tribunal in appeal No. 106/1991 titled Mr. Abdul Ghaffar Inspector Police-Vs-IGP NWFP, Peshawar and two other dated 22.12.1991 and appeal No. 529/2002 |||e| Asa Khan Inspector of Police-Vs-Secretary to Government of NWFP, Home and Tribal Affairs Department Peshawar and two others dated 10.5.2003, argued that this Tribunal as well as the august Supreme Court of Pakistan have held in unequivocal terms that even if a Government servant is found guilty of concealment of his actual date of birth at the time of induction into service in order to escape disqualification for being under age, even then the department has no other option but to correct his date of birth on the basis of school record which is, indeed, the only authentic record for determination of the age of a government employee. The learned counsel further contended that dates of birth of a number of government employees, fifteen in number, of the same district Police Karak were corrected on the basis of their school record by the Superintendent of Police, Karak vide his order dated 23.9.1992, while relying on the letter of the AG NWFP, Peshawar dated 16.6.1991. The learned counsel also argued that the Secondary School Certificate of the appellant was sent by the department to the Board of Intermediate and Secondary Education, Peshawar, for verification but without waiting for receipt of the verification, the departmental appeal of the appellant was filed/rejected and he was retired from service on the ground of attaining the age of superannuation on 21.1.2010. He maintained that even after receipt of verification from the BISE, Peshawar, the order of DIG of Police, Kohat Region, Kohat (respondent No. 2) dated 5.11.2011 was without any legal justification and not sustainable.

Be that as it may, the fact remains that the provisional certificate of SSC (Annual Examination) of the appellant, showing his date of birth as 2.2.1954, is available on the service record of the appellant, which fact was further confirmed after checking the original service record of the appellant produced by the representative of

ATTESTED

13/11/2011

the respondents; and the appellant was also granted advance increments on the basis of the same SSC. Therefore, there was no justification for the appellate authority to file/reject appeal/application of the appellant for correction of his date of birth without furnishing any reason, let alone any justifiable reason, in support of his order in accordance with the provision of Section 24-A(2) of the General Clauses Act, 1897; and also there was no basis, whatsoever, or justification for the DPO Karak (Respondent No.3) to issue order dated 21.01.2010, regarding retirement of the appellant on attaining the age of superannuation without waiting for verification of the SSC of the appellant sent to the BISE, Peshawar by the department itself. The respondent-department alleged that the plea for correction of his date of birth was raised by the appellant at a very belated stage, while, on the other hand, the appellant alleged that immediately after about one month of joining service, he submitted his matriculation certificate to the department which was placed on his service record and is still available on his service roll, and also that the respondent-department granted him advance increments on the basis of the same SSC. The appellant also furnished an affidavit in support of these contentions, and there is no specific denial on the part of the respondents. The SSC has been verified by the BISE, Peshawar on the request of the department, which would obviously place case of the appellant on a better footing than those though found guilty of concealment of their actual date of birth at the time of induction into service but nevertheless granted the relief of correction of their date of birth on the basis of school record by this Tribunal as well as by the august Supreme Court of Pakistan. In such a situation, instead of relying on the opinion of the Medical Officer which was based on the statement of the appellant and his own clinical observation, without any support from the Radiologist, the authority i.e DPO Karak and the appellate authority i.e IGP should have taken into consideration date of birth of the appellant recorded in his school record, as they have done in case of other similarly placed Police officers, or in case there was any doubt in their mind that the school certificate was placed on service record at a very belated stage, they should have first probed into the matter and then should have determined the question of actual date of birth of the appellant on the basis of sound reasons, and not in unreasonable haste without even waiting for verification of the SSC sought by the department itself. The impugned orders of DPO Karak dated 21.1.2010 and that of the IGP/PPO NWFP (Khyber Pakhtunkhwa) contained in memo dated 25.1.2010 are, therefore, not sustainable in law.

7. Consequently, on the partial acceptance of the appeal, the case is remanded/sent back to the PPO, Khyber Pakhtunkhwa, Peshawar (respondent No. 1) for reconsideration of the appeal/application of the appellant for correction of his date of

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal

birth in accordance with his SSC, and an appropriate order in the light of the observations recorded above in this judgment; where-after, if the appellant still feels aggrieved, he may have recourse to the remedy available to him under the law. There shall, however, be no order as to costs.

ANNOUNCED
11.01.2012

[Signature]
(KHALID HUSSAIN)
MEMBER

[Signature]
(QALANDAR ALI KHAN)
CHAIRMAN

Certified to be true copy
[Signature]
Service Tribunal
Peshawar

Date of Presentation of Application 17-1-2012
Number of Pages 2000
Copy 12
Urgent ✓
Total 12
Name of Applicant *[Signature]*
Date of Completion 20-1-2012
Date of Delivery of Copy 20-1-2012

[Handwritten mark]

Annexure L

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. _____/2012
IN
Service Appeal No. 637/2010

56
37

Khail Zamir S/o Gul Amir, Ex-Sub Inspector of the Office of RCO, District Karak Applicant/Petitioner.

Versus

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District, Police Officer, Karak.
..... Respondents.

Application under Execution/Implementation of the Judgment of this Honourable Tribunal passed in the titled Service Appeal No. 637/2010 decided on 11.01-2012.

Respectfully Sheweth,

1. That the applicant had filed Service Appeal No. 637/2010 in the august Tribunal which was disposed of vide order dated 11.01-2012 (*Annex:- A*). The operative part of the order is reproduced as below:-

"Consequently, on partial acceptance of the appeal, the case is remanded/sent to the PPO, Khyber Pakhtunkhwa, Peshawar (respondent No.1) for reconsideration of the appeal/application of the appellant for correction of his date of birth in accordance with his SSC, and an appropriate order in the light of the observations recorded above in this Judgment; whereafter, if the appellant still feels aggrieved, he may have recourse to the remedy

available to him under the law. There shall, however,
be no order as to costs"

2. That after obtaining the attested copy of the order, applicant moved an application alongwith copy of the order to the respondents for the needful but he not only failed to comply with the same within the time given by the august Court but rather on the request of the applicant to the decide the appeal as directed by this Hon'ble Tribunal, the respondents ridiculed the order.

It is therefore, humbly prayed that on acceptance of this application, the Honourable Tribunal may graciously be pleased to direct the respondent to implement the Judgment dated 11.01-2012 in Service Appeal No. 637/2010 in its true spirit forthwith.


Applicant/Petitioner

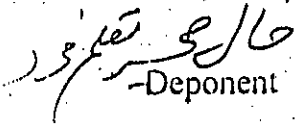
Through


Ashraf Ali Khattak
Advocate, Peshwar.

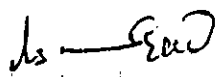
Dated: _____ / 03/ 2012

Affidavit

I, Khail Zamir S/o Gul Amir, Ex-Sub Inspector, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.


-Deponent

Identified by


Ashraf Ali Khattak,
Advocate, Peshwar

Annexure. 11

39

3:54
5/15/2012

Handwritten initials and marks in circles.

From: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

To: - The District Police Officer,
Karak.

No. 2366 Legal Dated Peshawar the 3rd 7/2012.

Subject:- APPEAL NO. 637/2010 KHIAL ZAMIR VS IGP AND OTHERS.

Memo:-

Please refer to your office letter No. 596/LB dated 27.01.2012 and No. 9827/LB dated 18.07.2012 on the case noted above in the subject.

1. In compliance with judgment of honorable Service Tribunal Khyber Pakhtunkhwa Peshawar dated 11.01.2012, case of appellant Khial Zamir was examined by the competent authority and filed on the grounds that his date of birth was correctly record as 21.01.1950 in his service book at the time of his recruitment because the Medical Superintendent at that time reported him to be of 20 years age.

Handwritten notes: "with legal", "Police", "15/8/2012"

2. As per Police Rule 9.7 and Rule 12.A Civil Servants, (Appointment, Promotion and Transfer) Rule 1973, (Essa Code) as well as services and General Administration Department (Regulation Wing) letter No. SOR-II (S&GAS) 5(40)/87 dated 15.02.1989, correction in age can only be made in respect of a Government Servant within two years after his entry into service Rule 12.A referred to above says that the date of birth once recorded at the time of joining Government Service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible.

3. From the perusal of record it revealed that he passed Matric in the year 1969 but he did not produce his Matric certificate at the time of his recruitment without any reason and concealed the same.

4. He was required to have applied within 02 years regarding correction in his date of birth but he failed to do so and also concealed his Matric certificate at the time of his recruitment.

Handwritten signature of M. Hamid Fayaz Khan.

(M. HAMID FAYAZ KHAN)
AIG/LEGAL,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. /Legal Dated Peshawar the /2012.

Copy of the above is forwarded to Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar w/r to his office letter No. 0778/T dated 17.01.2012.

Attested and handed over to Khial Zamir in person today at 03-09-2012.

(M. HAMID FAYAZ KHAN)
AIG/LEGAL,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Inspector legal
Karak

~~11~~
~~12~~

11
12

- B. That the respondent concerned has categorically mentioned in the para 2 and 4 of the above mentioned memo that correction in age can only be made in respect of government servant within two years after his entry into service but he failed to do so and also concealed his metric certificate at the time of his recruitment.
- 3. That the respondents have turned down the applicant's request and this Hon'ble Tribunal was pleased while passing the order/judgment dated 11.01.2012 it was mentioned that if the appellant (applicant) still feels aggrieved he may have recourse to the remedy available to him under the law.

Therefore it is most humbly prayed that on acceptance of the instant reply the applicant may kindly be allowed to file fresh appeal for redressal of his grievance.

Applicant
Khail Zamir
Through

[Signature]

Muhammad Saeed Khattak
Advocate
High Court, Peshawar

[Signature]

Dated 8/3/2013

VERIFICATION:-

Verified on oath that contents of the instant reply are true and correct to the best of my knowledge and nothing has been concealed or kept secret from this Hon'ble forum intentionally or deliberately

Attested
★ FIDA MOHAMMAD BANGASH ★
Advocate
Notary Public
Date 5-3-13
Distt. Court Peshawar

DEPONENT

42

Annexure. 0.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Execution Petition No. 86 /2012

IN

Service Appeal No. 637/2010

Khail Zamir S/o Gul Amir, Ex-Sub Inspector of the Office of RCO, District Karak Applicant/Petitioner.

Stamp: Khyber Pakhtunkhwa Service Tribunal, Peshawar. Date: 22/3/12

Versus

- 1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer, Kohat Region, Kohat.
- 3. The District, Police Officer, Karak.
..... Respondents.

Application under Execution/Implementation of the Judgment of this Honourable Tribunal passed in the titled Service Appeal No. 637/2010 decided on 11.01-2012.

08.3.2013 Petitioner in person and AAG for the respondents present. Petitioner filed reply to the memo dated 30.7.2012 wherein he mentioned the fact that he is going to file fresh appeal for redressal of his grievance. He may do so in accordance with law. The petition is disposed of accordingly. File be consigned to the record.

Sd/- Chairman

ANNOUNCED
08.03.2013

Certified to be a true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 11/3/13
 Number of Words 400
 Copy Fee 4-00
 Stamp 2-00
 Total 6-00 12
 Date of Completion of Copy 11-3-13
 Date of Receipt of Copy 11-3-13

The appeal of Mr. Khial Zamir son of Gul Amir received today i.e. on 22/03/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Affidavit mentioned in para-6 of the memo of appeal (annexure-A) is not attached with the appeal which may be placed on it.
- 3- Annexures B & C of the appeal are illegible which may be replaced by legible one.

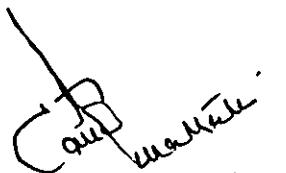
No. 676 /S.T,

Dt. 25/03 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. M. SAEED KHATTAK ADV. PESH.

R/sic,
The documents regarding which objections have been raised, are already discussed in previous appeal No 637/2010 & then in execution petition 86/2012, regarding the same subject matter. In the instant appeal only legal aspect of the case is to be examined, therefore kindly the same be placed before the Hon'ble Bench.


Muhammad Saeed Khattak
Advocate Peshawar

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 628/2013

Khial ZamirAppellant

V E R S U S

Inspector General of Police,
Khyber Pakhtunkhwa, & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-9
2.	Affidavit		10
3.	Addresses of parties		11
4.	Copy of medical officer estimate certificate	"A"	12
5.	Copy of extract form service book	"B"	13- 23
6.	Copy of Matric Certificate dully verified by BISE Peshawar	"C"	24- 26
7.	Copy of CNIC	"D"	27-
8.	Copy of Affidavit	"E"	28
9.	Copy of vide order dated 21.01.2010	"F"	29-
10.	Copy of departmental representation	"G"	30
11.	Copies of appeal No.637/2010	"H"	31-32
12.	Copies of the amended appeal and impugned order 25.01.2010	"I" & "I/1"	33-34
13.	Copy of the reply	"J"	35-38
14.	Copy of the judgment dated 11.01.2012	"K"	39-43
15.	Copies of Execution Petition	"L"	44-45
16.	Copies of the office memo and its reply	"M" & "N"	46-48
17.	Copy of the order dated 08.03.2013	"O"	49
18.	Court Fee	NIL	-
19.	Wakalatnama		50

Appellant
Through


Muhammad Saeed Khattak

Advocate, Peshawar

Cell No.0345-8383641

Dated 19.03.2013

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 628 /2013

Ch. W. J. P. P. P.
Service Tribunal
Case No. 571
Dated 22/3/13

Khial Zamir S/o Gul Amir
Ex-Sub Inspector of the Police of CRO, District Karak,
Permanently resident of Village Saikot,
Tehsil Takhti Nasrati, District Karak.....**Appellant**

V E R S U S

1. Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Kohat
3. District Police Officer, Karak.....**Respondents**

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974, AGAINST THE IMPUGNED
ORDER DATED 21.01.2010^{25.01.2010} PASSED BY
RESPONDENT NO.1 UPON THE
DEPARTMENTAL REPRESENTATIONS OF
THE APPELLANT AND IMPUGNED
OFFICE MEMO NO.2346 LEGAL DATED
THE PESHAWAR 03.07.2012 FORM
RESPONDENT NO.1 TO RESPONDENT
NO.3 VIDE WHICH SERVICE APPEAL
No.637/2010 OF THE APPELLANT
WHICH WAS TREATED AS
DEPARTMENTAL REPRESENTATION BY**

~~Handwritten signature~~
22/3/13

re-submitted to
and filed.

~~Handwritten signature~~
10/4/2013

**THIS HON'BLE TRIBUNAL AND WAS
REMANDED /SENT BACK TO
RESPONDENT NO.1 WAS TURNED
DOWN.**

PRAYER-IN-APPEAL

**On acceptance of the instant appeal
the impugned orders dated 21.01.2010,
25.01.2010 and 03.07.2012 may very
graciously be set aside and the
respondents may be directed to correct
the impugned entry in service record of
the appellant in accordance with the
date of birth as mentioned in
matriculation certificate as well as in
his CNIC.**

Respectfully Sheweth

1. That the appellant joint police service as Constable on 21st January 1970. He has got about 40 years long standing service with unblemished and clean conduct sheeted record and has been honored with rewards and cash prizes. The appellant has lost his left leg completely in encounter with absconders/fugitive from law during his posting at police station Shakardara vided FIR No.35 dated 16.03.1994 under section 325-353/34.

2. That the appellant served the Police Force for long standing years and was promoted to the rank of ASI and then to the post of officiating SI but has been treated unitarily without considering his past valuable service and sacrifice.
3. That the entry regarding the date of birth of the appellant was made on his induction into service as 21.01.1950 on the basis of medical officer estimate of his age without taking the opinion of the radiologist (Annex-A). However , soon after on 05.03.1970 i.e. after about one month the appellant submitted to authorities his matriculation certificate and endorsement/ entry to that effect was also carried out (extract form service book is attach as Annex-B). In the matriculation certificate, the date of birth of the appellant was shown as 2nd February 1954 (Matric Certificate dully verified by BISE Peshawar is attached as Annex-C). Similarly the date of birth in the appellant's NIC is also the same i.e. 2nd February 1954 (CNIC is attached as Annex-D). Moreover, the appellant has also been granted advance increment on the basis of his Matric certificate.
4. That in March 2009, the appellant was transferred and posted at the office of CRO District Karak where he smacked the melody of his superannuation on the basis of his date of birth in service record.

5. That on 30.09.2009, the appellant preferred departmental representation through proper channel which was duly processed and the case of the appellant was forwarded to responding No.2 who on 07.01.2010 summoned the appellant and the appellant appeared as per his direction but respondent NO.2 instead of disposing the representation forwarded the same before respondent No.1 who vide order dated 21.01.2010 filed the same but the copy of the order was not been communicated to the appellant till date. The appellant was informed verbally by the subordinate staff of respondent No.1 on his visit to the office of respondent No.1 in connection/pursuance of the fate of his departmental representation.
6. That the appellant requested for an attested copy of the order *ibid* but the office of respondent No.1 denied to handover the same to him on flimsy pretext that they are not authorized to communicate /handover the impugned order (Affidavit is attached to that effect as Annex-E).
7. That it is pertinent to mention that respondent No.3 vide order dated 21.01.2010 (Annex-F) has declare the appellant as retired on superannuation. The appellant is also aggrieved to the order of his premature retirement and his also filed departmental representation to that effect (Annex-G).

8. That being aggrieved from the order dated 21.01.2010, the appellant preferred an appeal before this Hon'ble Tribunal which was numbered as 637 of 2010. (Copies of appeal No.637 are attached as annexure "H").
9. That during pendency of his previous appeal the appellant through his own efforts acquired the copy of impugned order dated 25.01.2010 and then placed the same on file through amended/revised service appeal (Copies of the amended appeal and impugned order 25.01.2010 are attached as annexure "I" & "I/1" respectively).
10. That the respondents were summoned who appeared and contested the titled appeal by filing their joint reply. (Copy of the reply is attached as annexure "J").
11. That this Hon'ble tribunal vide judgment dated 11.01.2012 partially accepted the appeal of the appellant and remanded /sent back the same to respondent No.1 for consideration of the appeal /application of the appellant for correction of his date of birth in accordance with his SSC and to pass an appropriate order in the light of observations recorded in the judgment whereby the appellant was permitted to recourse to the remedy available to him under the law in case he still felt aggrieved. (Copy of the judgment dated 11.01.2012 is attached as annexure "K").

12. That the appellant waited for long about the fate of his appeal but respondent No.1 did not pass any order regarding the same then the appellant was having no option before him except to file an execution petition. (Copies of execution petition are attached as annexure "L").
13. That respondents, then submitted its office memo No.2346 /legal dated Peshawar the 30.07.2012 from respondent No.1 to respondent No.3 the appellant submitted its reply on 08.03.2013. (Copies of the office memo and its reply are attached as annexure "M" & "N" respectively).
14. That the execution petition No.86/2012 in service appeal No.637/2010 was disposed of vide order dated 08.03.2013. (Copy of the order dated 08.03.2013 is attached as annexure "O").
15. That the appellant still feeling aggrieved preffers the instant service appeal, inter alia, on the following amongst others.

G R O U N D S :-

- A. That Hon'ble Supreme Court of Pakistan in its case law cited as 2008 SCMR 255 is of the view that it is not an absolute rule that such entry once made/recorded in service book of civil servant could not be altered or challenged.

- B. That the respondent has not treated the appellant in accordance with law, policy and rules on the subject and acted in violation of article 4 of the constitution of Pakistan, 1973 the appellant had duly submitted his matriculation certificate immediately after his appointment, wherein his date of birth was duly mentioned as 02.02.1954 and not 21.01.1950 the same was duly endorsed in his service record but failed to bring correction to the effect in the initial column of his service book. The respondent department was duty bound to have corrected the date of birth accordingly. The omission lies on the part of respondent department for which the appellant could not be panelized. Therefore this tribunal has jurisdiction to interfere and direct the respondent to correct the date of birth of the appellant in accordance with the matriculation certificate and CNIC.
- C. That the date of birth of the appellant in his national identity card is also the same as it is mentioned in his matriculation certificate i.e. 02.02.1954 the same also lie in his service record moreover the appellant has been granted advance increments and other benefits on the basis of this matriculation certificate. The impugned entry seemed to be default of clerical staff of the respondent department dealing with the service record

of the employees of the police force for which appellant could not be penalized.

- D. That this tribunal in numbers of identical cases has directed the respondents to take exercise and correct the date of birth according to the date mentioned in the matriculation certificate which has established legal weight and to written off the date made on the presumptions of medical officer's estimate without taking the opinion of Radiologist. The same has also been upheld by the Supreme Court of Pakistan.
- E. That the principle of fair play, equity and justice demands that since employees in earlier appeals have been granted relief by service tribunal, the case of the present appellant being on the same footing therefore the same relief should not be denied to him.
- F. That departmental representation of the appellant was been rejected without the application of independent mind and reason.
- G. That any other ground can also be taken during the arguments with permission of this Hon'ble Court.

For the aforesaid reason it is therefore humbly prayed that on acceptance of the instant service appeal, this honourable tribunal may graciously be pleased to

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2013

Khial Zamir **Appellant**

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, & others..... **Respondents**

AFFIDAVIT

I, Khial Zamir S/o Gul Amir Ex-Sub Inspector of the Police of CRO, District Karak, Permanently resident of Village Saikot, Tehsil Takhti Nasrati, District Karak, 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 nothing has been concealed from this Hon'ble Court.

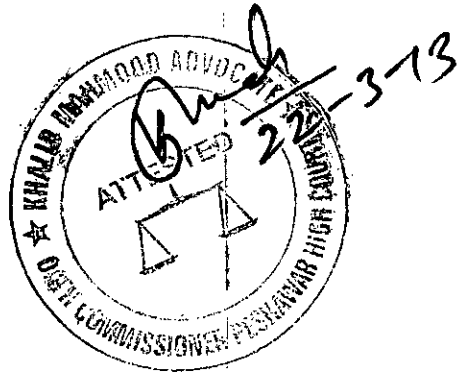
Identified by:

[Handwritten signature]

Muhammad Saeed Khattak
Advocate, Peshawar

[Handwritten signature]

DEPONENT



IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2013

Khial Zamir **Appellant**

V E R S U S

Inspector General of Police,
Khyber Pakhtunkhwa, & others..... **Respondents**

ADDRESSES OF PARTIES

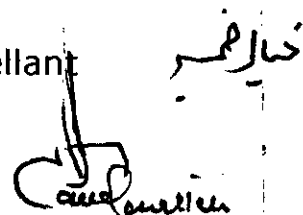
P E T I T I O N E R

Khial Zamir S/o Gul Amir
Ex-Sub Inspector of the Police of CRO, District Karak,
Permanently resident of Village Saikot,
Tehsil Takhti Nasrati, District Karak

R E S P O N D E N T S

1. Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Kohat
3. District Police Officer, Karak

Appellant
Through


Muhammad Saeed Khattak
Advocate, Peshawar

Dated 19.03.2013

Form No. 10.64

DISTRICT.

POLICE DEPARTMENT.

CERTIFICATE.

I do hereby certify that I have examined Khalid Zaman a candidate for employment in the Police Department, and cannot discover that he has any (chronic constitutional affection, bodily infirmity, except Nil.

I do not consider this a disqualification for employment in the Office of

His age is according to his own statement 19 years and by appearance about 20 years.

21/1/70

Medue Wiley
MBBS, WRBS (D)
Civil Surgeon.
Dist: H/Qrs Hospitals R. S. S. D.

[Note— When an officer is transferred from one office to another, the duties of which are different in character, a Commissioned Medical Officer or Medical Officer-in-charge of a Civil Station should reply whether or not, if one exists, will materially interfere with the discharge of his new duties by the officer concerned.]

(Prescribed by Rule 3.1, P. F. H. B., No. 2, Vol. II).

I declare that I have never been pronounced unfit for Government employment by a Medical Board or any other duly constituted medical authority.

Khalid Zaman

100/1000
3/2
2/1/70
18.6.71
EB
Cited
M
CSP/K
Commission
Tusa
of Polico
250/100

etc. dh

Vision Rt Eye $\frac{6}{6}$
 " Lt Eye $\frac{6}{6}$
 Heart — Normal
 Lungs — Normal
 Spleen — Normal
 Liver — Normal
 Hernia — No
 Varicocoele — No
 Varicocele vein — No
 Prostate Gland — No
 Hemorrhoids — Normal Post. Em.

Examination of
 Chest
 2/1/70
 Urine for Sugar
 All

2/1/70

Mr Med Us
 No. 11
 F

Mr. ...
 ...

03. 1. 70

Service Roll
of ASI on list
E

Annexure B

(13)

~~Rz~~

OFF

OFF

21. 2. 2009.
21. 1. 1955 -

- 59

صیا

SUBJECT Service Roll

NO 19/15

REF. NO. 96 ASI

NO 52/19

DATE Khair Zamir

میان سونز

یک سیلرز، سٹیشنرز، اینڈ جنرل مرچنٹس

OTC
A

MIAN SONS

BOOK SELLERS, STATIONERS & GENERAL MERCHANTS

MAIN BAZAR KOHAT. T 516244

258
31

886

(No. 122)

District Del

CHARACTER AND OF

Khul Zamir

Khul Zamir No 88

CONTENTS

	PAGE
1. General particulars	1
2. Appointments, promotions, reductions, discharges, etc.	2
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4. Relatives in Government employ	4
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etc.

CHARACTER ROLL OF

1	2	3	4	5
Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died.	To what grade and pay appointed, promoted or reduced.	Date	No. of District order.	Full signature

Appointed as Constable / TS at Rs. 75/- 21-1-70 96
 Absent in R/P as 3 yrs promotion at Rs. 75/- 24-2-71 248
 P.O. P.C. Chs 76/- 1-6-71 763
 Pay provisionally fixed in the National Pay Scales (P.S. 118)-P.M. 1-3-1972

Pay fixed in the National Scale of Pay of Rs. 118/- 3-152/4-160..... at Rs. 118/- P.M. w.e.f. 1.3.1972 with next increment on 1.12.1972.

Jahansar Shah
 Asstt. Accounts Officer,
 B.M.W.P.P. PESHAWAR

① Certified that the above mentioned officers have been verified with the I. & A. Department.

P.O. P.C. Chs. @ Rs. 118/- P.M. 1-12-72
 P.O. P.C. T.S. @ Rs. 116/- P.M. 1-12-72
 T. 823 : Drawn Rs. 116/- as per charges beyond the District.
 Rest & Rec: All for 72-75

Date: 24-2-71
 Authority: [Signature]

24-2-71 TS held. Pay fixed in the Revised National Scales of Pay (Rules, 1977) of Rs. 260/- 6-302/7-365 at Rs. 260/- w.e.f. 1.5.1977 with next increment on 12-1977

CTE

(8)

15

Postale: Khial Zamini

DISTRICT
DISTRICT
DISTRICT

No 887



FA
6
MC

Khial Zamini	Civil Amir	Khatal	Sai - Kat	Ity	Leimbar	Kohat	W.P. Pakistan	21.1.50	5-8-1	33x34-1	21.1.70	20 yrs	
Village or town.	Post and Telegraph Office	Police Station.	District.	Province.	Date of birth.	Height.	Chest measurement.	Date of enrolment.	Age on enrolment.	Distinctive marks.			

Roll No. dated received back and attached to the fauji misal.

Service prior to present employment, which is approved, for pension service.

Part.	Rank or grade.	Pay of last appointment.	From		PERIOD.		
			To	Years.	Months.	Days.	
of character and discharge for service.	Reference to orders approving above service for pension service in the Police Department						

I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purpose of that provision of the Act and of the rules issued under it and now in force; by which my discipline and conduct are explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders by my superior officers, and I undertake not to resign my appointment within three years from the date of my receipt of a certificate of appointment issued under section 8 of the Police Act (V of 1861).

Impressions of fingers and thumb of left hand.

Signature

Left ring.	Left middle.	Left index.	Left thumb.
------------	--------------	-------------	-------------

STC
CF

~~Annex B~~

17

GOVT: HIGH SCHOOL, LAND KAMAR (DISTT: KOHAT)

Provisional Certificate.

Roll No. 14940

Certified that Khial Zameer S/O Gul Amir appeared in the S.S.C. (Annual) Exam: from this school in the Board of Intermediate and Secondary Education Peshawar in 1969. According to the Gazette he passed in the following elective Subjects:-

His date of Birth in figures and words. 2.2.1954
Second February, N.H. & fifty four.

Elective Subjects:-

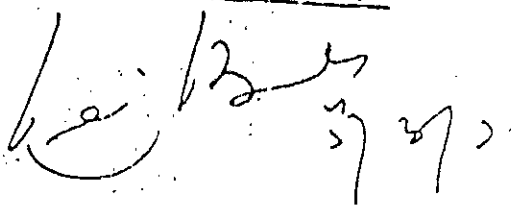
- 1. S.S. ✓
- 2. G.S. ✓
- 3. U.M. ✓
- 4. Ar. ✓
- 5. nil.

Marks obtained. 506
 Division. Second.
 Conduct. Good.
 Date. 19.9.1969.

Prepared by :- Hakim Khan, SET.

Sd/- xxxxxxxxx
 Headmaster,
 Govt: High School, Land Kamar.
 (Distt: Kohat)

ATTESTED TO BE TRUE COPY.



Headmaster,
 GOVT. HIGH SCHOOL,
 Land Kamar (Kohat)

CTC



20

~~24~~

Post held
Department
Existing
Scale No. 3
Scale
3

Mr. Khigulzamiy No 11
Head Constable
Police
270-7-326/6-390
480-14-760

which may do the...
by scale on...
Scale 983 on 1.1.1983
of the corresponding
to the given in the
Scale 983 on 1.1.1983

Rs. 305/-
5/-
480/-
1425=70/-
Rs. 550/- P.T.

Rs. 305/-
150/-
455/-
46/-
50/-

Being...
and pay fixed in the B.P.S. 1983 No. 3 on 12.8.83.
(C) Date of Next Increment

Rs. 550/-
Rs. 1425=70/-
Rs. 620/- P.T.
1.12.1983

Officer
at

Head of Office

c7c

Handwritten signature or initials

REVISION OF PAY UNDER THE PAY SCHEDULE 1983

Mr. Chiraj Kumar No-11
Deputy Constable
Police

270-7-326/8-390

480-14-760 260-6-32/7-365

Revised National Pay Scale
Basic Pay
Grade
Scale
Date

Basic Pay in the revised National Pay scale on 30.6.1983
of stages as per the revised National Pay scale upto 30.6.1983
of the corresponding scale upto 30.6.1983

(iv) Basic pay as given in the scale 983 on 1.1.1983
Rate of Increment
Basic pay scale
Column iii x iv

PAY INCREASE THE 10%

Basic Pay on 30.6.1983

10% Increase on 30.6.1983

U.S.A. of (ii)
Column iii x iv

1983

Being pay scale allowed's Adv. from 1.12.1983
and pay revised in B.P.S. 1983 on 1.12.1983

(c) Date of next increment

[Signature]
Officer

[Signature]
Head of Office

CTC

Rs. 305/- ✓
5
Rs. 480/-
14 x 10 = 140
480 + 140 = 620
Rs. 550/- PM 620 ✓
Rs. 305/- ✓ 305
Rs. 150/- = 150
Rs. 555/- = 15
Rs. 461 - 470
Rs. 17
Rs. 501/- = 17
Rs. 550/- - 522 + 70 = 598 ✓
14 x 5 = 70
Rs. 620/- PM
1.12.1983

FORM OF P.C.

S.No. Name

Constabulary Rank of enlistment

Verlatiom
Translation
of the report
in his character
and antecedents
vide Para 18 PR

Charactor
vien by
commanding
officer
i/c from
entires.
Bad entries

Detail
during
probation
good

Education
if any.
order of the
Supdt: of police
Kohat.

Chail 20000

21-1-78

10th

106

11-4-78

Inc. 31-3-75

12-1-78

OTC

sent 10/1/78

P.H.B

22

1/78



Annex - C

Annexure.C. (24)

149

BOARD OF INTERMEDIATE & SECONDARY EDUCATION PESHAWAR.

No. 2008 /Cert / SSC / BISE, Pesh:

Date 27.1.2010

Form:

The Secretary
Board of Intermediate & Secondary
Education, Peshawar (NWFP)

To The Dy. Inspector General
of Police Kohat Region - Kohat
Subj.

Subject:- VERIFICATION OF MATRICULATION (S.S.C) CERTIFICATE

Memo:

Reference your No.) 301 dated 8-1-10

Enclosed please find ① photostat copy / copies of Original/
provisional certificate (s) of S.S.c Examination in respect of the candidates
mentioned in you letter with the remarks noted against each:-

Roll No. & Session	Name & Parentage	Remarks
14960 A/1969 -	Khial Zameer S/O Coal Amir	Verified etc

27/1/2010

Asstt Secretary Certificate (SSC)
Board of Inter & Secondary
Education Peshawar
Asstt Secretary (Certificate)
Board of Intermediate & Secondary
Education, Peshawar.

[Handwritten signature]

25

P-116

Phone No: 9250112
Fax No: 9250114

From:- The Dy. Inspector General of Police,
Kohat Region, Kohat.

To:- The Secretary,
Board of Intermediate & Secondary Education
Peshawar.

No. 301 /EC, Dated Kohat the 21 / 10 2010.

Subject- VERIFICATION

MEMORANDUM

A photocopy of Secondary School Certificate of Offg. St. Khali Zameer Khan of this Region is sent herewith for verification and returned to this office for further necessary action.

(ABDULLAH KHAN) P.S.F
Dy. Inspector General of Police,
Kohat Region, Kohat.

SRE

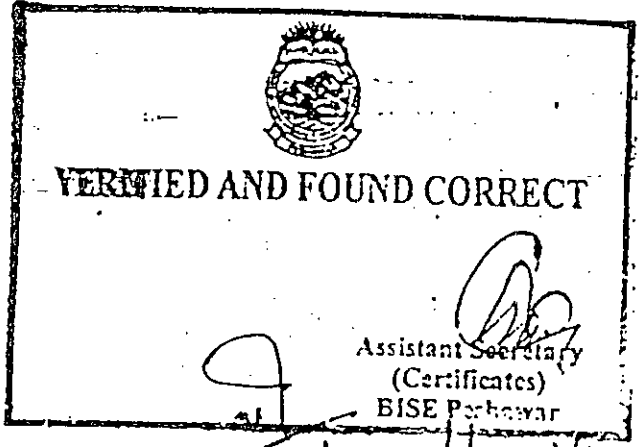
CTC

CTC

S. No 084144

Roll No. 14940

Board of Intermediate & Secondary Education
PESHAWAR (PAKISTAN)



SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION 1969
ANNUAL

This is to certify that Khial Zameer Zameer
Gul Amir

son of Government High School Land Kamar, (Kohat)
and a student of Government High School Land Kamar, (Kohat)
passed the SECONDARY SCHOOL CERTIFICATE EXAMINATION of the Board of Intermediate and Secondary
Education, Peshawar held in June, 1969 in the Second Division.

The candidate passed in the following subjects :

- 1. English
- 2. Urdu
- 3. Islamiyat
- 4. Social Studies
- 5. General Science
- 6. General Mathematics
- 7. Arabic.

Date of Birth Second February One thousand
nine hundred and 22.1954

[Handwritten Signature]

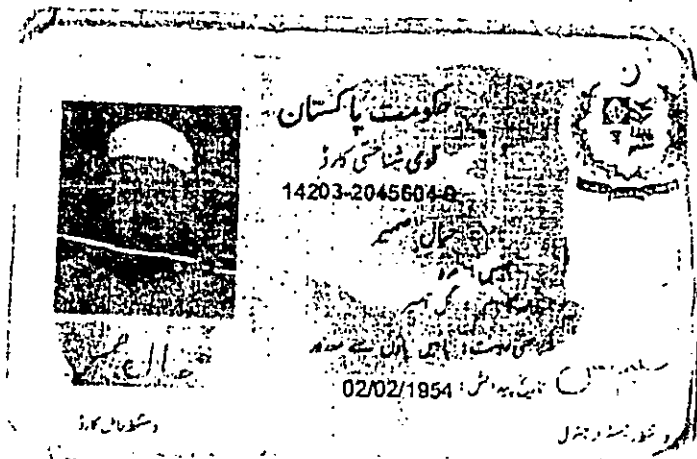
SECRETARY

31st December, 1969

26

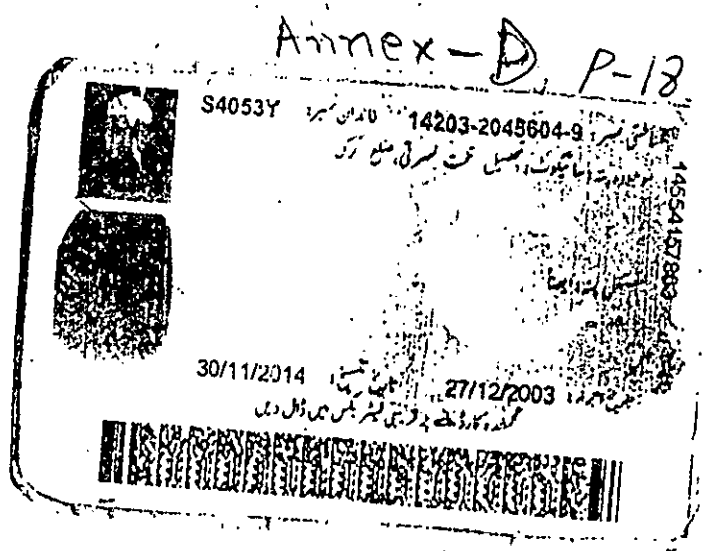
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Annexure-D

27



etc

Amir Annexure. E

28

P-19

To

The Worthy Inspector General of Police,
NWFP, Peshawar.

Subject: Application for providing copy of the order
dated 21.01.2010.

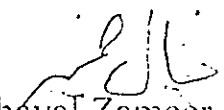
Respected Sir,

With due respect and honour it is very humbly submitted that the applicant had filed a representation for correction of his date of birth on 30.09.2009, which was duly processed and resultantly was submitted before your good office but has been rejected/filed on 21.01.2010.

The order has not been communicated to the applicant till date.

It is therefore, very humbly requested before your honour to direct the concerned official to hand over an attested copy of the subject order and obliged.

Yours faithfully,


Khayat Zameer,
Sub Inspector S/o Gul Amir,
Village and PO Saikot,
Tehsil Takht-e-Nasrati,
District Karak.

Dated: 19/02/2010

97c

ORDER

Annex - F Annexure F

29

~~P-20~~

The application of Offg: SI Khail Zameer of this district Police requesting therein for alteration of in his date of birth in service record according to school leaving certificate of Matric, when he was appointed as constable in Police department in the year 1970 on the basis of medical certificate has been submitted to Provincial Police Officer, NWFP Peshawar through Dy: Inspector General of Police, Kohat Region, Kohat vide his office Memo: No. 400/EC, dated 13.01.2010 and also his educational documents were sent to Secretary Board of Intermediat and Secondary Education Peshawar vide Dy: Inspector General of Police, Kohat Region, Kohat office Memo: No. 301/EC, dated 08.01.2010, where from no positive response has been received so far.


Therefore, the above named Sub Inspector is superannuated out from service on 21.01.2010 as he attained 60 year age on 21.01.2010.

OB. No. 85
Dated: 21-01-2010

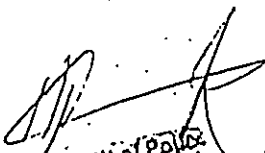

District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK
No. 339 IEC, Dated Karak On 21-01 2010

Copy of above is submitted to the Dy: Inspector General of Police, Kohat Region, Kohat w/r to his office Establishment Asstt: telephonic message dated 21.01.2010 for favour of information please.

Sin,
Attested 


District Police Officer, Karak


Sub Inspector
Dated 28.1.2010

CTE



Before the NWFP Service Tribunal Peshawar

Service Appeal No. ----/2010

Gul Amir Sub Inspector of the office of CRO District Karak
VS

Inspector General of Police NWFP Peshawar
Deputy Inspector General Police Kohat
District Police Officer Karak

559
20/2/2010

Section-4 of the NWFP Service Tribunal Act 1974 against the order of
1 dated 21.01.2010, whereby representation of the appellant for the
date of Birth in his service record was rejected.

Sheweth

Appellant joined Police Service as a Constable on 21st January 1970. He
has about 40-years long standing service with unblemished and clean conduct
service record and has been honored with rewards and cash prizes. The appellant
has lost his left leg completely in encounter with absconders / fugitive from law
during his posting at Police Station Shakardara vide FIR No. 35 dated 16.03.1994
under section 324-353/34, thus sacrificed his life for the sake of nation and for the
honor in respect of the Police Force.

2. That the appellant served the Police Force for long standing years and was promoted to the rank of ASI and then to the post of officiating SI but has been treated unitarily without considering his past valuable services and sacrifice.
3. That the entry regarding the date of birth of the appellant was made on his induction into service as 21.01.1950 on the basis of medical officer estimate of his age without taking the opinion of the radiologist (Annex-A). However, soon after on 05.03.1970 i.e after about one month the appellant submitted to the authorities his matriculation certificate and endorsement/entry to that effect was also carried out (extract from service book is attach as Annex-B). In the matriculation certificate, the date of birth of the appellant was shown as 2nd February 1954 (Metric Certificate dully verified by BISE Peshawar is attached as Annex-C). Similarly the date of birth in the appellant's NIC is also the same i.e 2nd February 1954 (NIC is attached as Annex-D). Moreover, the appellant has also been granted advance increment on the basis of his Metric Certificate.
4. That in March 2009, the appellant was transferred and posted at the office of CRO District Karak where he smacked the melody of his superannuation on the basis of his date of birth in service record.
5. That on 30.09.2009, the appellant preferred departmental representation through proper channel which was duly processed and the case of the appellant was forwarded to responding No.2 who on 07.01.2010 summoned the appellant and the appellant appeared as per his direction but responding No.2 instead of disposing the representation forwarded the same before responding No.1 who vide order dated 21.01.2010 filed the same but the copy of the order has not been communicated to the appellant till date. The appellant has been informed verbally by the subordinate staff of responding No.1 on his visit to the office of responding No.1 in connection/pursuance of the fate of his departmental representation.
6. That the appellant requested for an attested copy of the order ibid but the office of responding No.1 denied to handover the same to him on flimsy pretext that they are not authorized to communicate / handover the impugned order. (Affidavit is attached to that effect as Annex-E)
7. That it is pertinent to mention that respondent No.3 vide order dated 21.01.2010 (Annex-F) has declared the appellant as retired on superannuation. The appellant is also aggrieved of the order of his premature retirement and his also filed departmental representation to that effect (Annex-G).
8. That being aggrieved from the order dated 21.01.2010 of the respondent No.1, the appellant prefers this service appeal enter alia on the following ground.

Filed to-day

Registered

metric

CJC

Handwritten signature/initials


GROUNDS

- A. That the respondent has not treated the appellant in accordance with law, policy and rules on the subject and acted in violation of article 4 of the Constitution of Pakistan, 1973. the appellant had duly submitted his matriculation certificate immediately after his appointment, wherein his date of birth was duly mentioned as 02-02-1954 and not 21-01-1950. the same was duly endorsed in his service record but failed to bring correction to that effect in the initial column of his service book. The respondent department was duty bound to have corrected the date of birth accordingly. The omission lies on the part of respondent department for which the appellant could not be penalized. Therefore this tribunal has jurisdiction to interfere and direct the respondent to correct the date of birth of the appellant in accordance with the matriculation certificate and NIC.
- B. That the date of birth of the appellant in his national identity card is also the same as it is mentioned in his matriculation certificate. i.e 02-02-1954, the same also lie in his service record. moreover the appellant has been granted advance increments and other benefits on the basis of his matriculation certificate. The impugned entry seemed to be default of clerical staff of the respondent department dealing with the service record of the employees of the police force for which appellant could not be penalized.
- C. That this tribunal in numbers of identical cases (anxture-H) has directed the respondents to take exercise and correct the date of birth according to the date mentioned in the matriculation certificate which has established legal weight and to written off the date made on the presumptions of medical officer's estimate without taking the opinion of Radiologist. The same has also been upheld by the supreme court of Pakistan (anextur-I)
- D. That the principle of fair play, equity and justice demands the sense employees in earlier appeals has been granted relief by service tribunal, the case of the present appellant being on the same footing, therefore the same relief should not be denied to him.
- E. That departmental representation of the appellant has been rejected without the application of independent mind and reason and without communicating the same to the appellant so as to deprive him from seeking further legal remedy as per law. This is an established malafide on the part respondent department which is not only illegal but also vary unethical, undesirable and unwarranted.

For the aforesaid reasons it is therefore humbly prayed that on acceptance of the instant service appeal, this honorable tribunal may graciously be pleased to direct the respondents to take exercise and correct the impugned entry in service record of the appellant in accordance with the date of birth as mentioned in the matriculation certificate and N.I.C accordingly.

Any other relief deemed appropriate under the circumstances may also be granted.

Through

Appellant

 Khalid Rehman
 & Ashraf Ali

Advocates, Peshawar

C/E


BEFORE THE NWFP, SERVICE TRIBUNAL PESHAWAR.

Amended/ Revised Service Appeal

In

Service Appeal No. _____ 2010:

Annexure. J
33

Khayal Zamir S/o Gul Amir SI-RCO, Karak. Versus IGP NWFP, Peshawar and other.

Respectfully Sheweth,

1. That the above titled Service Appeal is pending adjunction before this Honorable Tribunal and this day i.e 13-04-2010 has been fixed for further legal proceedings.
2. That the appellant has not annexed the impugned order dated 25-01-2010. which was denied to him by the office bearer of respondent No. 1 and for which the appellant has submitted an affidavit along with his Memo of Appeal.
3. That the appellant has now through his own efforts acquired the impugned order dated 25.01.2010 and therefore under legal obligation wants to place the same on file.
4. That the fact and grounds explained/stated in the Memo of Appeal cited above may graciously be considered as part and parcel of this revised service Appeal.

It is therefore very humbly prayed that on accepting of this revised service Appeal this honorable Tribunal may graciously be pleased to set aside the impugned order dated 25-01-2010 and reinstate the appellant as per/terms of pray explained in the Memo of Appeal cited above.

Dated:- 13-04-2010.

Appellant
Through

Ashraf Ali Khattak

Ashraf Ali Khattak

CFE
[Signature]

Annexure. 5/1 (34)

From : The Provincial Police Officer,
NWFP, Peshawar.
To : The Deputy Inspector General of Police,
Kohat Region.
No. 2398 /B-II dated Peshawar the 25/10/2010.
Subject : APPLICATION

698
29/11/2010
P. O. A. S.

Memo.

Please refer to your office Memo No. 400/EC dated: 13.01.2010.

Application of Offg: SI Khial Zameer of Karak district for alteration in his date of birth in service record has been examined and filed.

His service record received vide your above quoted reference are returned herewith for record in your office.

(MUMTAZ AHMAD)

AIG/Legal

For Provincial Police Officer,
NWFP, Peshawar.

M/S Roll
S/Book

No. 927 / EC
2 30/1/10

copy of advice with S/Record
is forwarded to D/S/Kohat
In my and necessary action
the application may be
informal accordingly.

DIG Peshawar

c/c

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTOONKHAWA, PESHAWAR

Service Appeal No. 637/2010

Khial Zamir (Appellant)

Versus.

1. Inspector General of Police, Khyber Pakhtoonkhawa, Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat
3. District Police Officer, Karak (Respondents)

Subject: - REPLY ON BEHALF OF
RESPONDENTS

Preliminary objections

1. The appeal is wrong and based on no facts.
2. The appellant has got no cause of action to file the present appeal.
3. The appeal is not maintainable in the present form.
4. The appeal is time barred.
5. The appeal is bad for mis-joinder and non-joinder of necessary parties.

FACTS

1. Correct to the extent that appellant was enlisted in Police department as foot constable on 21.01.1970. Appellant did not produce his school-leaving certificate on the occasion of his enlistment. Therefore his age was confirmed through authorized medical officer. He contended before the medical officer that he was 19 years of age but the medical officer declared him 20 years of age by appearance as evident from annexure-A enclosed with the original appeal. Furthermore, he lost one leg in line of duty in the year 1994.

705
27-5-10

Govt. Pleader
Khyber Pakhtoon Khwa
Svc. Tribunal Peshawar

CTC
CTC

Though he was quite unfit for Police service yet in view of his performance, he was retained in service till attaining the age of superannuation i.e. 21.01.2010.

2. Incorrect, appellant was promoted to the rank of Sub-Inspector despite the fact he was unfit for Police service. He was also retained in service of Police with one leg. Therefore appellant was never discriminated and treated unilaterally.
3. Incorrect, appellant did not produce School-leaving certificate on the occasion of his enlistment. The medical officer declared him 20 years of age by appearance and he contended before medical officer that he was 19 years of age at the time of his enlistment on 21.01.1970. In case he had produced the alleged school-leaving certificate wherein his date of birth was recorded as 02.02.1954 then he was of 15 years, 10 months and 19 days of age at the time of enlistment. Thus he was under age by about two years and there was no chance of his enlistment. The appellant entered Police on the basis of medical certificate and desire exit on the basis of school-leaving certificate. Furthermore under the law & rules civil servant is duty bound to apply for correctness of the age within two years of joining the service. The appellant made prayer for the alleged correctness in date of birth at very belated stage.
4. Incorrect, appellant was very much in picture about the entry made regarding his date of birth in service record right from the date of enlistment i.e. 21.01.1970. He deliberately did not produce school-leaving certificate because if he produces it

Dim 2-?

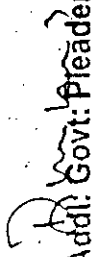
CTC
CAT


then he was not eligible for enlistment in Police department due to under age.

- 5. The departmental appeal of appellant was not entertain-able and sustainable.
- 6. Needs no comments.
- 7. The appellant was correctly retired from service on attaining the age of superannuation by the respondent No. 3.
- 8. Needs no comment.

GROUNDS

a. Incorrect, appellant was enlisted in Police department as foot constable on 21.01.1970.. Appellant did not produce his school-leaving certificate on the occasion of his enlistment. Therefore his age was confirmed through authorized medical officer. He contended before the medical officer that he was 19 years of age but the medical officer declared him 20 years of age by appearance as evident from annexure-A enclosed with the original appeal. Appellant did not produce School-leaving certificate on the occasion of his enlistment. In case he had produced the alleged school-leaving certificate wherein his date of birth was recorded as 02.02.1954 then he was of 15 years, 10 months and 19 days of age. Thus he was under age by about two years and there was no chance of his enlistment in Police service. The appellant entered Police on the basis of medical certificate and desire exit on the basis of school-leaving certificate. Furthermore under the law & rules civil servant is required to apply for correctness of the age within two years of joining the service. The appellant



 Addl. Govt. Pleader
 Khyber Pakhtoon Khwa
 Svc. Tribunal Peshawar

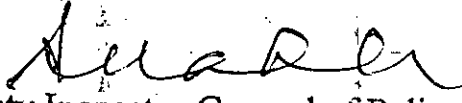
CTC


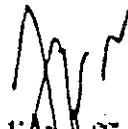
made prayer for the alleged correctness in date of birth in service record at very belated stage.

- b. Incorrect, the date of birth of appellant was recorded in the accordance with the medical certificate because he deliberately did not produce school leaving certificate on the occasion of his recruitment so as to conceal his tender age. However, advance increments on the basis of qualifying SSC examination were allowed to him in the year - 1983. The entry regarding the date of birth of appellant in the service record was not a clerical mistake but it was made in accordance with his own statement and medical report.
- c. Incorrect, every case is decided in accordance with facts on record.
- d. Needs no comment.
- e. Incorrect, the departmental appeal of appellant was without substance and footing.

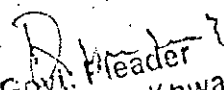
In view of the above it is requested that the appeal of appellant may please be dismissed with cost.



Inspector General of Police
Khyber Pakhtoonkhawa, Peshawar
Resdt: No. 1


Deputy Inspector General of Police
Kohat Region Kohat
Respdt: No. 2

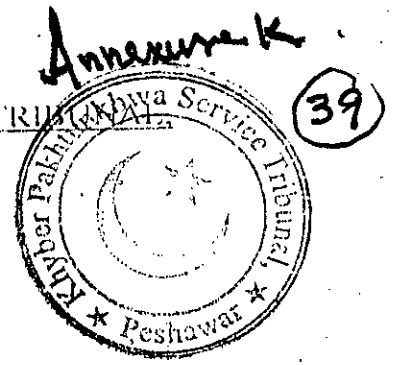

District Police Officer Karak
Respdt: No. 3

vetted Subject
to attach all relevant
documents


Govt. Pleader
Khwā

etc


BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



SERVICE APPEAL NO. 637/2010

Date of institution ... 20.2.2010
Date of judgment ... 11.1.2012

Khial Zamir S/o Gul Amir,
Sub Inspector of the office of CRO,
District Karak

(Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Kohat.
3. District Police Officer, Karak.

(Respondents)

APPEAL UNDER SECTION-4 OF THE NWFP (KHYBER PAKHTUNKHWA) SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO.1 DATED 21.01.2010, WHEREBY REPRESENTATION OF THE APPELLANT FOR THE CORRECTION OF DATE OF BIRTH IN HIS SERVICE RECORD WAS REJECTED.

Mr. Ashraf Ali Khattak, Advocate

For appellant.

Mr. Sherafgan Khattak,
Addl. Advocate General.

For respondents.

Mr. Qalandar Ali Khan
Mr. Khalid Hussain

Chairman
Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:- This appeal by Khial Zamir, appellant, is directed against the order of IGP NWFP.(Khyber Pakhtunkhwa) Peshawar, (respondent No. 1) dated 21.1.2010 (memo. dated 25.1.2010), whereby his representation for correction of date of birth in his service record was filed/rejected.

2. In his appeal, the appellant averred that having joined Police service as constable on 21st January 1970, he rose to the rank of officiating Sub Inspector owing to his valuable services rendered during his 40 years of service and also sacrifices made by him during his long stint in service. The appellant alleged that at the time of entry into service his date of birth was incorrectly recorded as 21.1.1950 on the basis of clinical observation of the Medical Officer without having any basis such as opinion of the Radiologist. He further alleged that soon after induction into service, on 5.3.1970 i.e after about one month, he submitted his Matriculation certificate, showing his date of birth as 2nd February 1954, which is also in accordance with his date of birth recorded in his National Identity Card. He maintained that he was also

granted advance increments on the basis of the same Secondary School Certificate (SSC); and that he also preferred representation for correction of his date of birth in the service record on 30.9.2009, but the same was filed on 21.01.2010 without communicating order of respondent No.1 to him in writing. He was also retired from service on the ground of attaining the age of superannuation vide order dated 21.01.2010. The appellant also preferred a departmental appeal against his pre-mature retirement; and being aggrieved of the order of respondent No.1 dated 21.01.2010 (in fact 25.01.2010), the appellant lodged the present appeal, inter-alia, on the grounds that he has not been treated in accordance with law, policy and rules on the subject as he had intimated his actual date of birth immediately after his induction into service through production of matriculation certificate wherein his date of birth was recorded as 2.2.1954; but the respondent-department wrongly relied upon the observation of the Medical Officer and treated his date of birth as 21.01.1950. The appellant further contended that his date of birth recorded in the matriculation certificate should have been made basis for consideration of his date of birth instead of the opinion of Medical Officer which was not based on any established medical opinion like that of Radiologist.

3. The respondents resisted the appeal on the grounds that had the appellant disclosed his date of birth recorded in his matriculation certificate at the time of entry into service, he would not have been recruited as constable in the Police Department for being under age as according to his date of birth recorded in the SSC was 2.2.1954 and he would have been of 15 years, 10 months and 19 days of age or in other words below the required age of 18 years at the time of enlistment. The respondents also contended that the appellant lost one leg in the year 1994 but even then he was retained in service till the age of superannuation; but they had to admit that the appellant lost one leg in line of-duty and he was retained in service in view of his performance. The respondents denied this allegation of the appellant that the matriculation certificate was produced well within time and immediately after his induction into service; and urged that due to non-production of SSC at the time of induction into service and also due to concealment of his actual date of birth, the department rightly relied upon the opinion of Medical Officer in whose estimation the appellant was 20 years of age, whereas the appellant had himself shown his age as 19 years at that time. The respondents claimed that no application for correction of age of the appellant was moved within two years of joining the service and that prayer for such correction was made at a very belated stage. As such, according to the respondents, the appellant was rightly retired from service on attaining the age of superannuation.

4. The appellant also filed rejoinder to the written reply/comments of the respondents, wherein, he rebutted the allegations contained in the written reply/comments of the respondents and reiterated his claim, where-after, arguments of the learned counsel for the appellant and AAG heard, and record perused.

5. The learned counsel for the appellant, while relying on the judgment of the august Supreme Court of Pakistan reported as 2008 SCMR 255 (Supreme Court of Pakistan), another judgment of the august Supreme Court in C.P No. 196-P of 1988 titled as IGP and another-Vs-Muhammad Alam Khan and another dated 25.3.1989 and also in C.P No. 98-P of 1996 titled as Province of NWFP through Secretary Home and Tribal Affairs Department and two others-Vs-Haq Nawaz retired Police Inspector dated 26.5.1997, as well as judgments of this Tribunal in appeal No. 106/1991 titled Mr. Abdul Ghaffar Inspector Police-Vs-IGP NWFP, Peshawar and two other dated 22.12.1991 and appeal No. 529/2002 titled Asal Khan Inspector of Police-Vs-Secretary to Government of NWFP, Home and Tribal Affairs Department Peshawar and two others dated 10.5.2003, argued that this Tribunal as well as the august Supreme Court of Pakistan have held in unequivocal terms that even if a Government servant is found guilty of concealment of his actual date of birth at the time of induction into service in order to escape disqualification for being under age, even then the department has no other option but to correct his date of birth on the basis of school record which is, indeed, the only authentic record for determination of the age of a government employee. The learned counsel further contended that dates of birth of a number of government employees, fifteen in number, of the same district Police Karak were corrected on the basis of their school record by the Superintendent of Police, Karak vide his order dated 23.9.1992, while relying on the letter of the AG NWFP, Peshawar dated 16.6.1991. The learned counsel also argued that the Secondary School Certificate of the appellant was sent by the department to the Board of Intermediate and Secondary Education, Peshawar, for verification but without waiting for receipt of the verification, the departmental appeal of the appellant was filed/rejected and he was retired from service on the ground of attaining the age of superannuation on 21.1.2010.

He maintained that even after receipt of verification from the BISE, Peshawar, the order of DIG of Police, Kohat Region, Kohat (respondent No. 2) dated 5.11.2011 was without any legal justification and not sustainable.

Be that as it may, the fact remains that the provisional certificate of SSC (Annual Examination) of the appellant, showing his date of birth as 2.2.1954, is available on the service record of the appellant, which fact was further confirmed after checking the original service record of the appellant produced by the representative of

CAC

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ATTESTED
 KYBER PAKHTUNKHWA
 DISTRICT POLICE
 KARAK

the respondents; and the appellant was also granted advance increments on the basis of the same SSC. Therefore, there was no justification for the appellate authority to file/reject appeal/application of the appellant for correction of his date of birth without furnishing any reason, let alone any justifiable reason, in support of his order in accordance with the provision of Section 24-A(2) of the General Clauses Act, 1897; and also there was no basis, whatsoever, or justification for the DPO Karak (Respondent No.3) to issue order dated 21.01.2010, regarding retirement of the appellant on attaining the age of superannuation without waiting for verification of the SSC of the appellant sent to the BISE, Peshawar by the department itself. The respondent-department alleged that the plea for correction of his date of birth was raised by the appellant at a very belated stage, while, on the other hand, the appellant alleged that immediately after about one month of joining service, he submitted his matriculation certificate to the department which was placed on his service record and is still available on his service roll, and also that the respondent-department granted him advance increments on the basis of the same SSC. The appellant also furnished an affidavit in support of these contentions; and there is no specific denial on the part of the respondents. The SSC has been verified by the BISE, Peshawar on the request of the department, which would obviously place case of the appellant on a better footing than those though found guilty of concealment of their actual date of birth at the time of induction into service but nevertheless granted the relief of correction of their date of birth on the basis of school record by this Tribunal as well as by the august Supreme Court of Pakistan. In such a situation, instead of relying on the opinion of the Medical Officer which was based on the statement of the appellant and his own clinical observation, without any support from the Radiologist, the authority i.e DPO Karak and the appellate authority i.e IGP should have taken into consideration date of birth of the appellant recorded in his school record, as they have done in case of other similarly placed Police officers, or in case there was any doubt in their mind that the school certificate was placed on service record at a very belated stage, they should have first probed into the matter and then should have determined the question of actual date of birth of the appellant on the basis of sound reasons, and not in unreasonable haste without even waiting for verification of the SSC sought by the department itself. The impugned orders of DPO Karak dated 21.1.2010 and that of the IGP/PPO NWFP (Khyber Pakhtunkhwa) contained in memo dated 25.1.2010 are, therefore, not sustainable in law.


7. Consequently, on the partial acceptance of the appeal, the case is remanded/sent back to the PPO, Khyber Pakhtunkhwa, Peshawar (respondent No. 1) for reconsideration of the appeal/application of the appellant for correction of his date of

CTC [Signature]

ATTESTED
 Khyber Pakhtunkhwa
 Peshawar

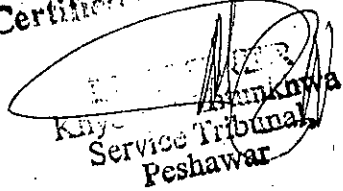
birth in accordance with his SSC, and an appropriate order in the light of the observations recorded above in this judgment; where-after, if the appellant still feels aggrieved, he may have recourse to the remedy available to him under the law. There shall, however, be no order as to costs.

ANNOUNCED
11.01.2012


(KHALID HUSSAIN)
MEMBER


(QALANDAR ALI KHAN)
CHAIRMAN

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 17-1-2012
Number of Pages 2000
Copies 12
Urgent +
Total 12
Name of Copy [Signature]
Date of Completion of Copy 20-1-2012
Date of Delivery of Copy 20-1-2012

CTC



Annexure. L

44

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Execution Petition No. 86 /2012

IN

Service Appeal. No. 637/2010

Khail Zamir S/o Gul Amir, Ex-Sub Inspector of the
Office of RCO, District Karak Applicant/Petitioner.

Versus

1. The Inspector General of Police, Khyber
Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region,
Kohat.
3. The District, Police Officer, Karak.
..... Respondents.

Application under Execution/Implementation of the
Judgment of this Honourable Tribunal passed in the
titled Service Appeal No. 637/2010 decided on 11.01-
2012.

Respectfully Sheweth,

1. That the applicant had filed Service Appeal No.
637/2010 in the august Tribunal which was
disposed of vide order dated 11.01-2012 (*Annex:-
A*). The operative part of the order is reproduced as
below:-

*"Consequently, on partial acceptance of the appeal,
the case is remanded/sent to the PPO, Khyber
Pakhtunkhwa, Peshawar (respondent No.1) for
reconsideration of the appeal/application of the
appellant for correction of his date of birth in
accordance with his SSC, and an appropriate order in
the light of the observations recorded above in this
Judgment; whereafter, if the appellant stil feels
aggrieved, he may have recourse to the remedy*

CTK

available to him under the law. There shall, however, be no order as to costs."

2. That after obtaining the attested copy of the order, applicant moved an application alongwith copy of the order to the respondents for the needful but he not only failed to comply with the same within the time given by the august Court but rather on the request of the applicant to the decide the appeal as directed by this Hon'ble Tribunal, the respondents ridiculed the order.

It is therefore, humbly prayed that on acceptance of this application, the Honourable Tribunal may graciously be pleased to direct the respondent to implement the Judgment dated 11.01-2012 in Service Appeal No. 637/2010 in its true spirit forthwith.

Through


Applicant/Petitioner



Ashraf Ali Khattak
Advocate, Peshawar.

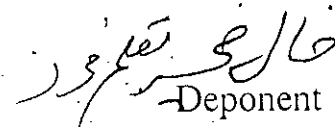
Dated: _____ / 03/ 2012


Affidavit

I, Khail Zamir S/o Gul Amir, Ex-Sub Inspector, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

Identified by


Ashraf Ali Khattak,
Advocate, Peshawar


Deponent

ETC


Annexure. 11

146

From: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

To: - The District Police Officer,
Karak.

2354
6/8/2012

No. 2346 Legal Dated Peshawar the 30-7/2012.

Subject:- APPEAL NO. 637/2010 KHIAL ZAMIR VS IGP AND OTHERS.

Memo:-

Please refer to your office letter No. 596/LB dated 27.01.2012 and No. 9827/LB dated 18.07.2012 on the case noted above in the subject.

1. In compliance with judgment of honorable Service Tribunal Khyber Pakhtunkhwa Peshawar dated 11.01.2012, case of appellant Khial Zamir was examined by the competent authority and filed on the grounds that his date of birth was correctly record as 21.01.1950 in his service book at the time of his recruitment because the Medical Superintendent at that time reported him to be of 20 years age.

2. As per Police Rule 9.7 and Rule 12.A Civil Servants, (Appointment, Promotion and Transfer) Rule 1973, (Estia Code) as well as services and General Administration Department (Regulation Wing) letter No. SOR-II (S&GAS) 5(40)/87 dated 15.02.1939, correction in age can only be made in respect of a Government Servant within two years after his entry into service Rule 12.A referred to above says that the date of birth once recorded at the time of joining Government Service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible.

3. From the perusal of record it revealed that he passed Matric in the year 1969 but he did not produce his Matric certificate at the time of his recruitment without any reason and concealed the same.

4. He was required to have applied within 02 years regarding correction in his dated of birth but he failed to do so and also concealed his Matric certificate at the time of his recruitment.

(MOHAMMAD FAYAZ KHAN,
AIG/LEGAL,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. / Legal Dated Peshawar the, /2012.

Copy of the above is forwarded to Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar w/r to his office letter No. 67/ST dated 17.01.2012.

Attested and handed over to Khial Zamir in person today on 03-09-2012.

(MOHAMMAD FAYAZ KHAN)
AIG/LEGAL,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Inspector legal
Karak

27/8/12

Annexum. N

47

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

Execution petition No. 86 /2012

In

Service Appeal No.637/2010

Ex-Sub Inspector Khail Zamir.....: Applicant

V E R S U S

The Provincial Police Officer & others..... Respondents

**REPLY TO A MEMO NO.2346 LEGAL DATED
PESHAWAR THE 30.07.2012 OF RESPONDENT
NO.1 TO RESPONDENT NO.3, SUBMITTED
BEFORE, THIS HON'BLE TRIBUNAL.**

Respectfully Sheweth:

1. That the titled execution petition is pending adjudication before this Hon'ble Tribunal and is fixed for 08.03.2013.
2. That on the previous date of hearing i.e. on 14.12.12 the applicant was advised to file a reply of the memo No.2346 legal dated Peshawar the 30.07.2012, which is an under
 - A. That the applicant's/appellant's service appeal No.637/2010 for correction of his date of birth was partially allowed vide order dated 11.01.2012, where the case of the applicant was remanded/ sent back to the respondent No.1 for consideration of the appeal/application of the applicant for correction of his DOB in accordance with the SSC and an appropriate order in the light of the observations recorded in the judgment.

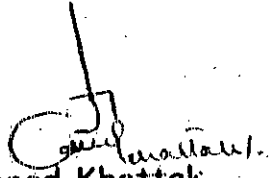
CTC
CTC

B. That the respondent concerned has categorically mentioned in the para 2 and 4 of the above mentioned memo that correction in age can only be made in respect of government servant within two years after his entry into service but he failed to do so and also concealed his metric certificate at the time of his recruitment.

3. That the respondents have turned down the applicant's request and this Hon'ble Tribunal was pleased while passing the order/judgment dated 11.01.2012 it was mentioned that if the appellant (applicant) still feels aggrieved he may have recourse to the remedy available to him under the law.

Therefore it is most humbly prayed that on acceptance of the instant reply the applicant may kindly be allowed to file fresh appeal for redressal of his grievance.

Applicant
Khail Zamir
Through

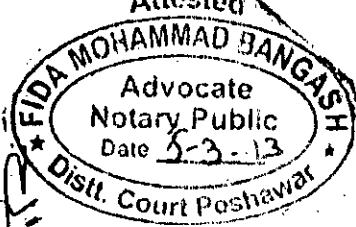

Muhammad Saeed Khattak
Advocate
High Court, Peshawar



Dated 8/3/2013

VERIFICATION:-

Verified on oath that contents of the instant reply are true and correct to the best of my knowledge and nothing has been concealed or kept secret from this Hon'ble forum intentionally or deliberately

Attested

FIDA MOHAMMAD BANGASH
Advocate
Notary Public
Date 5-3-13
Distt. Court Peshawar

DEPONENT

Annexure. 0

50

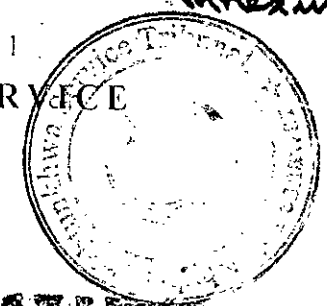
BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Execution Petition No. 86 /2012

IN

Service Appeal. No. 637/2010



266
22/3/12

Khail Zamir S/o Gul Amir, Ex-Sub Inspector of the Office of RCO, District Karak Applicant/Petitioner.

Versus

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District, Police Officer, Karak.
..... Respondents.

Application under Execution/Implementation of the Judgment of this Honourable Tribunal passed in the titled Service Appeal No. 637/2010 decided on 11.01-2012.

08.3.2013 Petitioner in person and AAG for the respondents present. Petitioner filed reply to the memo dated 30.7.2012 wherein he mentioned the fact that he is going to file fresh appeal for redressal of his grievance. He may do so in accordance with law. The petition is disposed of accordingly. File be consigned to the record.

Sd/- Chairman

ANNOUNCED
08.03.2013

Certified to be a true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Execution of Judgment 11/3/13
 Number of Words 400
 Copy to 4-00
2-00
6-00 12
 Date of Execution of Order 11-3-13
11-3-13

WAKALATNAMA

IN The KPK Service Tribunal Peshawar

Khail Zameer
(Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

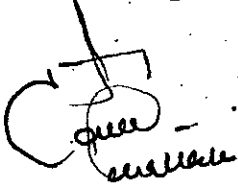
VERSUS

IGP & others
(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

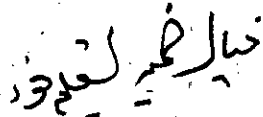
Case Service Appeal No — 12013

I/We, Khail Zameer (Appellant) do hereby appoint and constitute Muhammad Saeed Khattak Advocate High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted



CLIENT/S



Muhammad Saeed Khattak
Advocates, C-10, Haroon Mansion,
Khyber Bazar, PESHAWAR
Cell#. 03458383641
0333.6272753

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 628/2013 titled

Khial Zamir s/o Gul Amir Ex: Sub Inspector, Police of CRO District Karak permanent r/o village Saikot, Tehsil Takht-e-Nasrati District Karak.....(Appellant)

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar
2. Deputy Inspector General of Police, Kohat Region Kohat
3. District Police Officer, Karak..... (Respondents)

Subject: REPLY ON BEHALF OF RESPONDENTS

Preliminary objections

1. The appellant has got no cause of action to file the present appeal.
2. The appellant has not come to this Tribunal with clean hands.
3. The appeal is not maintainable in its present form.
4. The appeal is time barred.
5. The appeal is bad for mis-joinder and non-joinder of necessary parties.

FACTS

1. Correct to the extent that appellant was enlisted in Police department as foot constable on 21.01.1970. Furthermore, he lost one leg in line of duty in the year 1994. Although he was quite unfit for Police service, yet in view of his performance, he was retained in service till attaining the age of superannuation i.e. 21.01.2010.
2. Incorrect, appellant was promoted to the rank of Sub-Inspector despite the fact he was unfit for Police service. He was also retained in service of Police with one leg. Therefore appellant was never discriminated and treated unilaterally.
3. Incorrect, appellant did not produce school leaving certificate on the occasion of his enlistment. The medical officer declared him 20 years of age by appearance and he contended before medical officer that he was 19 years of

age at the time of his enlistment on 21.01.1970. In case he had produced the alleged school-leaving certificate wherein his date of birth was recorded as 02.02.1954 then he was of 15 years, 10 months and 19 days of age at the time of enlistment. Thus he was under age by about two years and there was no chance of his enlistment. Furthermore under the law & rules, civil servant is duty bound to apply for correctness of the age within two years of joining the service. The appellant made prayer for the alleged correctness in date of birth at very belated stage.

4. Incorrect, appellant was very much in picture about the entry made regarding his date of birth in service record right from the date of his enlistment i.e. 21.01.1970. He deliberately did not produce school-leaving certificate because if he would have produced it then he was not eligible for enlistment in Police department due to under age.
5. Correct, according to record, need no comments.
6. Incorrect, the departmental appeal of appellant was not entertainable, hence rejected.
7. Pertains to record, needs no comments.
8. Admitted correct to the extent of the judgment of this Honourable Tribunal.
9. Correct, according to record. However, the Tribunal judgment was executed.
10. That the appellant is not entitled at this stage for correction of his date of birth.

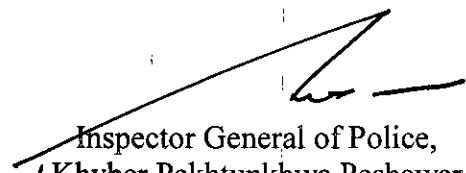
GROUND


- A. Incorrect. Furthermore, under the law & rules, civil servant is required to apply for correctness of the age within two years of joining the service. The appellant made prayer for the alleged correctness in date of birth in service record at very belated stage.
- B. Incorrect, the date of birth of appellant was recorded in the accordance with the medical certificate because he


deliberately did not produce school-leaving certificate on the occasion of his recruitment so as to conceal his tender age. However, advance increments on the basis of qualifying SSC examination were allowed to him in the year-1983. The entry regarding the date of birth of appellant in the service record was not a clerical mistake but it was made in accordance with his own statement and medical report.

- C. Incorrect, every case is decided in accordance with facts on the record.
- D. Incorrect, already explained in the above paras.
- E. Incorrect, already explained in the above paras.
- F. The respondents may also seek permission of Honorable Tribunal to agitate additional ground during argument stage.

It is, therefore, submitted that service appeal filed by the appellant may be dismissed being time barred and based on flimsy ground.


Inspector General of Police,
Khyber Pakhtunkhwa Peshawar
Respondent: No. 01


Deputy Inspector General of Police
Kohat Region Kohat
Respondent: No.02
Regional Police Officer
Kohat Region Kohat


District Police Officer Karak
Respondent: No. 03

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 628/2013 titled

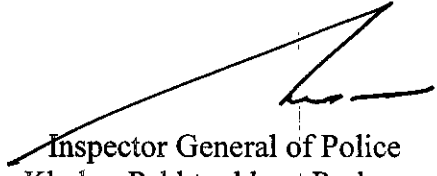
Khial Zamir s/o Gul Amir Ex: Sub Inspector, Police of CRO
District Karak permanent r/o village Saikot, Tehsil Takht-e-
Nasrati District Karak.....(Appellant)


Versus

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar
2. Deputy Inspector General of Police, Kohat Region Kohat
3. District Police Officer, Karak..... (Respondents)

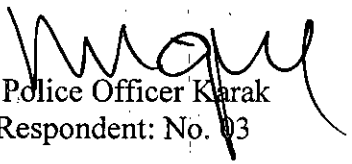
Subject: **AUTHORITY LETTER**

We the respondents No. 01 to 03 do hereby authorize Mr. Ghulam Hussain Inspector Legal District Karak to represent us in the above cited service appeal. He is also authorized to submit reply etc on our behalf before Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar and to assist Govt: Pleader/ Addl: Govt: Pleader attached to Service Tribunal till the decision of appeal.


Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent: No. 01
1/19/12


Deputy Inspector General of Police
Kohat Region Kohat
Respondent: No.02

Regional Police Officer
Kohat Region Kohat


District Police Officer Karak
Respondent: No. 03
✓

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 628/2013 titled

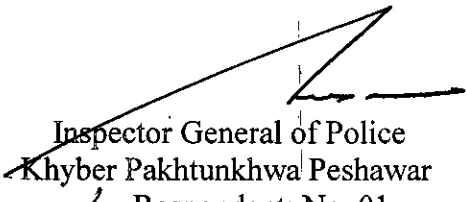
Khial Zamir s/o Gul Amir Ex: Sub Inspector, Police of CRO
District Karak permanent r/o village Saikot, Tehsil Takht-e-
Nasrati District Karak.....(Appellant)

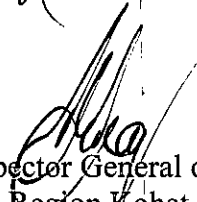
Versus

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar
2. Deputy Inspector General of Police, Kohat Region Kohat
3. District Police Officer, Karak..... (Respondents

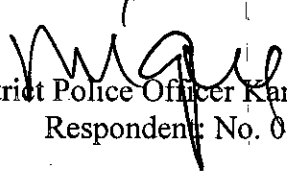
Subject: AFFIDAVIT

We the respondents No. 01 to 03 do hereby solemnly affirm and declare that the contents of reply to appeal are true and correct to the best of our knowledge and belief. Nothing has been concealed from this honourable tribunal.


Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent: No. 01
Abulhasan


Deputy Inspector General of Police
Kohat Region Kohat
Respondent: No.02

Regional Police Officer
Kohat Region Kohat


District Police Officer Karak
Respondent: No. 03
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