

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, SWAT.

Service Appeal No.4974/2021

Date of Institution ... 28.04.2021
Date of Decision ... 07.07.2022

Sher Ali Khan (Ex-Inspector) son of Hussain Khan resident of Kityari
Tehsil Adenzai District Dir Lower.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Home
and Tribal Affairs Government of Khyber Pakhtunkhwa at Peshawar
and five others.

... (Respondents)

Fayyaz Muhammad Qazi,
Advocate

... For appellant.

Noor Zaman Khattak,
District Attorney

... For respondents.

Rozina Rehman
Fareeha Paul

... Member (J)
... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer
as copied below:

**"On acceptance of this appeal, the impugned
retirement order dated 05.01.2021 may graciously be
declared null and void and therefore the same may be set
aside and the respondents may graciously be directed to
retire the appellant with effect from 31.01.2021 instead
of 03.10.2019".**



2. Brief facts of the case are that appellant was appointed as Constable on 06.10.1977 and was promoted to the rank of Inspector. His date of birth was recorded as 04.10.1959, whereas, it had been recorded as 01.02.1961 in the School record and it was rightly recorded in the Secondary School Certificate. He informed the Department and it was accordingly corrected in the service record. That after rectification of entry in respect of date of birth in the service record, the appellant appeared to be less than eighteen years at the time of appointment, therefore, Government granted relaxation in lower age limit to the appellant alongwith 57 other constables vide Notification dated 25.08.1986. When the appellant was near to retirement on superannuation, the District Police Officer Swat sought guidance from respondent No.2 regarding the date of retirement of appellant which was replied and it was suggested that the date of retirement of appellant would be 31.03.2020. Lastly, appellant was retired on superannuation w.e.f 03.10.2019 according to the date of birth initially recorded as 04.10.1959 which had already been rectified in the service record as 01.02.1961. He preferred departmental appeal which was not responded to, hence, the present service appeal.


3. We have heard Fayaz Muhammad Qazi, Advocate learned counsel for the appellant and Noor Zaman Khattak, learned District Attorney for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Fayaz Muhammad Qazi Advocate, learned counsel for the appellant argued inter alia that impugned order dated 05.01.2021 is

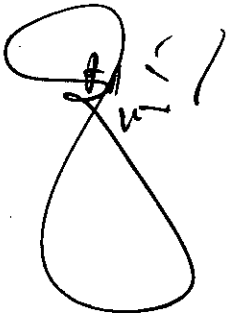
against law, arbitrary and without lawful authority because the date of birth was properly recorded in the service record as 01.02.1961 and as per that date of birth, the date of retirement on superannuation was 31.01.2021 but he was retired earlier instead. It was further submitted that the date of birth entered and recorded as 01.02.1961 was maintained by the Department as well as by the Education Department and NADRA. Pay slip also favors the stance of appellant but he was unlawfully retired on 03.10.2019 instead of 31.01.2021. The appellant performed his duties up to January, 2021 which is evident from the pay slip, therefore, a request was made for acceptance of the instant service appeal.

5. Conversely, learned District Attorney submitted that the date of birth of appellant was recorded correctly in his service book as provided by him at the time of his enlistment as 04.10.1959 and that the date of birth once entered in service book, could only be rectified within two years of enlistment, however, the appellant neither informed the Department regarding correction nor any proof is available on record in this regard. He further submitted that no correction had been made in his service record and that the correction showed in the service book is self-corrected and there is no proof in respect of correction of his date of birth by the Department. Lastly, he submitted that he was retired from service on attaining the age of superannuation according to law.

6. From the record it is evident that the appellant was enlisted as Constable on 06.10.1977 which is very much evident from his service book. His date of birth was entered and recorded as



04.10.1959, however, it was later on rectified as 01.02.1961 according to Secondary School Certificate. Provisional Certificate is also available on file which clearly shows his date of birth as 01.02.1961. A proper order dated 25.08.1986 was also produced and is placed on file vide which ex post facto sanction of the Government of NWFP was accorded to the grant of relaxation in minimum age limit of 58 Police officials enabling the Police Department to regularize their appointment, wherein the present appellant Sher Ali Khan finds mention at Serial No.45. Now as per his Secondary School Certificate and rectification in the service book, the District Police Officer sought guidance from the Regional Police Officer Malakand in respect of the present appellant as to whether the appellant be allowed to proceed on superannuation pension i.e. 60 years from the first entry of service in service roll i.e. 04.10.1959 or 01.02.1961. The Regional Police Officer then sought guidance through letter dated 16.04.2020 from Inspector General of Police in respect of the superannuation pension of the appellant and vide letter dated 14.07.2020 appellant was stated to be eligible for retirement w.e.f 31.03.2020. thereafter, once again, DPO Dir Upper vide his application dated 27.07.2020 sought guidance from RPO Malakand. Lastly it was on 05.01.2021 when Notification was issued in respect of the retirement of the appellant and the appellant stood retired from Government service on 03.10.2019 on attaining the age of superannuation in view of his date of birth as 04.10.1959. It is astonishing that he was retired from service on 03.10.2019 while notification of his retirement was issued on 05.01.2021 which means



that he continued his service till 05.01.2021 and as per his date of birth i.e. 01.02.1961 his date of retirement was 31.01.2021. Nothing was produced by the respondents that the entry in the service book was fraudulently made by the appellant. Nothing is available in order to show that Provisional Certificate of the appellant is fake. The entire correspondence in between the Police officers would reveal that on one stage, it had been decided that the appellant is eligible for retirement w.e.f 31.03.2020. His pay roll is also available on file which shows that he was paid salary till September, 2020. In the absence of any cogent and reliable evidence, his correct date of birth i.e. 01.02.1961 was not taken into consideration whereas, he continued his service till January, 2021.

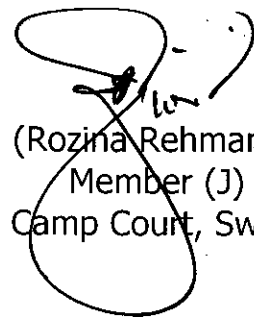
7. Keeping in view the above discussion, instant service appeal is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

07.07.2022



(Fareeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for arguments on 07.07.2022 before D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Kalim Arshad Khan)
Chairman
Camp Court Swat

ORDER

07.07.2022

Appellant present through counsel.

Noor Zaman Khan Khattak, learned District Attorney for respondents present. Arguments heard and record perused.

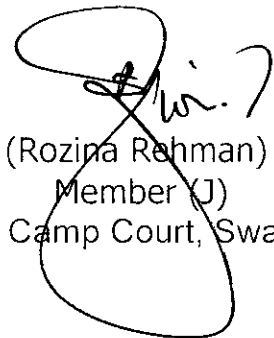
Vide our judgment of today of this Tribunal placed on file, instant service appeal is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

07.07.2022



(Fareeha Paul)
Member (E)
Camp Court, Swat




(Rozina Rehman)
Member (J)
Camp Court, Swat

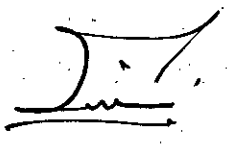
08.02.2022 Tour is hereby canceled .Therefore, the case is adjourned to 05.04.2022 for the same as before at Camp Court Swat.


Reader

05.04.2022 Clerk of learned counsel for the appellant present. Mr. Zewar Khan, Inspector (Legal) alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

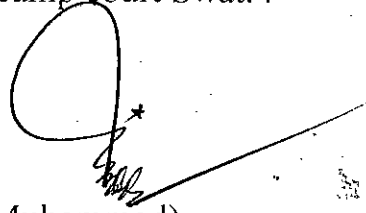
Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is out of station today. Adjourned. To come up for rejoinder, if any, as well as arguments on 06.06.2022 before the D.B at Camp Court Swat.

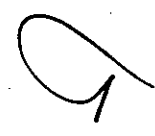

(Rozina Rehman)
Member (J)
Camp Court Swat


(Salah-ud-Din)
Member (J)
Camp Court Swat

06.06.2022 Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Zewar Khan, Inspector for respondents present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for arguments on 09.06.2022 before the D.B at camp court Swat. .


(Mian Muhammad)
Member(E)


(Kalim Arshad Khan)
Chairman
Camp Court Swat

A. No. 4974/21
Sheer Ali Khan vs Govt

07.12.2021

Junior to counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney alongwith Mr. Zarshad S.I (Legal) for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 04.01.2022 before S.B at Camp Court Swat.



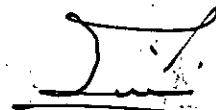
(Atiq Ur Rehman Wazir)
Member (E)
Camp Court, Swat

04.01.2022

Nemo for the appellant. Mr. Hikmat Khan, Head Constable and Mr. Zewar Khan, Inspector (Legal) on behalf of respondents No. 2 to 6 alongwith Mr. Muhammad Adeel Butt, Additional Advocate General present.

Para-wise reply on behalf of respondents No. 2 to 6 submitted, which is placed on file. Written reply on behalf of respondent No. 1 not submitted despite last opportunity, hence he is proceeded ex-parte. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 08.02.2022 at Camp Court Swat.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel for the date fixed.



(Salah-Ud-Din)
Member (J)
Camp Court Swat

26.07.2021

Appellant present in person. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 04.10.2021 before the D.B at camp court, Swat.

Appellant Deposited
Security & Process Fee

27/7/21
1st/10/21
[Signature]

[Signature]
Chairman

04.10.2021

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney alongwith Zewar Khan S.I (Legal) for respondents present.

Reply on behalf of respondents is still awaited. Representative of respondents requested for time to furnish reply/comments; granted with direction to furnish the same within 10 days positively in office. To come up for arguments on 07.12.2021 before D.B at Camp Court, Swat.

[Signature]
(Atiq ur Rehman Wazir)
Member(E)
Camp Court, Swat



[Signature]
(Rozina Rehman)
Member(J)
Camp Court, Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 4974/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/04/2021	<p>The appeal of Mr. Sher Ali Khan presented today by Mr. Fayaz Mohammad Qazi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	21/06/21	<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing on <u>27/07/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No..... of 2021

Sher Ali Khan.....Petitioner

VERSUS

Government of Khyber Pakhtoonkhwa and others

.....Respondents

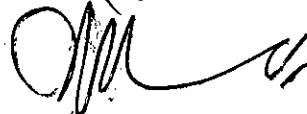
INDEX:

S.No.	Description of documents	Annexure	Pages
1	Memo of petition		1-3
2	Certificate		4
3	Affidavit		5
4	Address of parties		6
5	Copy of SSC certificate and service record	A and B	7-8
6	Copy order dated 25.08.1986	C	9
7	Copy of letter dated 08.04.2020 and 16.04.2020	D	10-11
8	Copy of letter dated 14.07.2020	E	12
9	Copy of letters dated 27.07.2020, 11.10.2020 and 17.11.2020	F, G and H	13-15
10	Copy of letter dated 22.10.2020	I	16
11	Copy order dated 05.01.2021	J	17
12	Copy of departmental appeal	K	18
13	Wakalatnama		19

Dated. 27.04.2021

Through

Appellant



Fayaz Muhammad Qazi
Advocate.

Office. D-20-21 3rd Floor Continental Plaza

Makanbagh Mingora Swat.

Cell. 0345-9135909

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4974 of 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5047

Dated 28-4-2021

Sher Ali Khan (Ex Inspector) son of Hussain Khan resident of Kityari Tehsil
Adenzai District Dir Lower.

.....Petitioner

VERSUS

1. The Government Khyber Pakhtoonkhwa through secretary Home and Tribal Affairs Government Khyber Pakhtoonkhwa at Peshawar.
2. Provincial Police Officer Khyber Pakhtoonkhwa at Peshawar.
3. Assistant Inspector General of Police Khyber Pakhtoonkhwa at Peshawar.
4. Regional police Officer Malakand at Saidu Sharif Swat.
5. District Police Officer Swat.
6. District Police Officer Dir Upper.

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOONKHWA
SERVICE TRIBUNALS ACT, 1973.**

Respectfully submitted

1. That petitioner was posted as constable 06.10.1977 and thereafter was promoted to the rank of Inspector.
2. That initially the date of birth of the petitioner was recorded as 04.10.1959 but in school record it was recorded as 01.02.1961 and soon after it appeared in the SSC certificate, the petitioner informed the department and it was corrected in the service record. Copy of certificate and service record is annexure A and B.
3. That after the date of birth of the petitioner was corrected in the service record, at the date of appointment the age of petitioner appeared to be less than eighteen years hence the government granted relaxation in lower age limit to petitioner along with 57 other constables vide notification dated 25.08.1986 copy is annexure C.
4. That when the petitioner was nearly to retire on superannuation, the respondent no.5 sought guidance from respondent no.2 vide letter dated 08.04.2020 regarding the date of retirement of the petitioner and

Filed to-day

Registrar

28/4/2021

(2)

respondent no.4 also sought guidance regarding the same matter from respondent no.2 vide letter dated 16.04.2020. copy of letters are annexure D.

5. That in reply to the same, the respondent no.2 replied to respondent no.4 vide letter dated 14.07.2020 and suggested the date of retirement of petitioner as 31.03.2020. copy is letter is annexure E.
6. That thereafter respondent no.6 sought guidance from the office of respondent no.4 on the said issue vide letter dated 27.07.2020, 17.11.2020 and 22.10.2020 and also from respondent no.3 vide letter dated 10.11.2020. Copy are annexure as F,G, H and I.
7. That after all this the respondents retired the petitioner on superannuation with effect from 03.10.2019 according to the date of birth previously recorded as 04.10.1959 which was already then corrected in the service record as 01.02.1961, vide order dated 05.01.2021. Copy is annexure J.
8. That the petitioner preferred a departmental appeal before the respondent no.2 on 06.01.2021 against the order dated 05.01.2021 but no order has yet been passed so far. Copy is annexure K.
9. That now the appellant has been constraint to approach this Honorable Tribunal on the following grounds inter alia;

GROUND:

- A. That the impugned orders dated 05.01.2021 is against law, arbitrary, discrimination and without lawful authority and void ab initio.
- B. That the date of birth corrected and recorded as 01.02.1961 was properly recorded and there after it remained through out the whole service of the appellant and according to that the date of retirement of superannuation becomes 31.01.2021 but instead he was retired earlier.
- C. That the date of birth entered as 01.02.1961 was maintained by the department and has also been remained through out the educational and NADRA record and during the service of appellant and when the age of the petitioner was found less than 18 years at the time of appointment, the department granted lower age relaxation to appellant for 01 years, 03 months and 25 days exactly according to the date of birth entered as 01.02.1961. Copy as already attached.
- D. That even on the pay slip issued to the appellant, the date of birth of the appellant has been mentioned as 01-02-1961 but the respondents have

wrongly and unlawfully retired the appellant on 03-10-2019 instead of 31-01-2021.

- E. That the appellant has performed duties up to January 2021 which is also evident from the pay slip up to the September 2020.
- F. That respondents have themselves given totally different and confusing findings and respondent no. 2 has mentioned the retirement date of the appellant as 31-03-2020 in a letter dated 14-07-2020 and was then retired on 03-10-2019.
- G. That other grounds shall be advanced at the time of arguments with the permission of this honorable court.

It is therefore most humbly prayed that on acceptance of this appeal, the impugned retirement order dated 15-01-2021 may graciously be declared null and void and therefore the same may be set aside and the respondents may graciously be directed to retire the appellant with effect from 31-01-2021 instead of 03-10-2019.


Appellant

Through

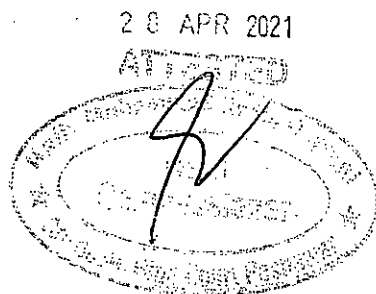


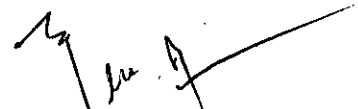
Fayaz Muhammad Qazi
Advocate.

Dated. 27.04.2021

VERIFICATION:

It is verified on oath that all the contents of the present petition are correct to the best of my knowledge and nothing has been concealed from this honorable court.




Sher Ali Khan

Ex-Inspector Petitioner

4

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No..... of 2021

Sher Ali Khan.....Petitioner

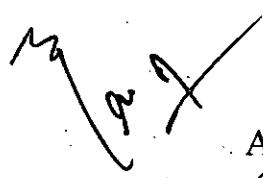
VERSUS

Government of Khyber Pakhtoonkhwa and others

.....Respondents

CERTIFICATE:

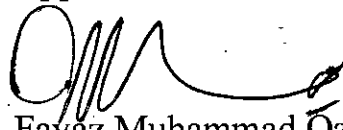
It is certified that no such like other appeal has earlier been filed before this Honorable Tribunal or before any other Court.



Through

Dated. 27.04.2021

Appellant



Fayaz Muhammad Qazi
Advocate.

5

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No..... of 2021

Sher Ali Khan.....Petitioner

VERSUS

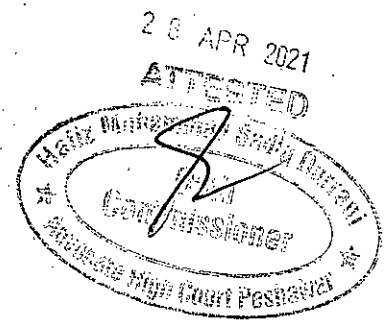
Government of Khyber Pakhtoonkhwa and others

.....Respondents

AFFIDAVIT:

I, Sher Ali Khan son of Hussain Khan resident of Kityari Tehsil Adenzai District Dir Lower, do hereby affirm and declare on oath, that the contents of the accompanying appeal, are true and correct to the best of the knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

DEPONENT



cb

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No.....of 2021

Sher Ali Khan (Ex Inspector) son of Hussain Khan resident of Kityari Tehsil
Adenzai District Dir Lower.Petitioner

VERSUS

Government of Khyber Pakhtoonkhwa and others.....Respondents

ADDRESS OF PARTIES:

Appellant:

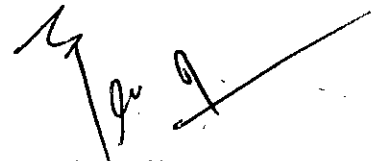
Sher Ali Khan (Ex Inspector) son of Hussain Khan resident of Kityari Tehsil
Adenzai District Dir Lower.

CNIC No. 15307-0182762-3

Cell No. 0344-9758213

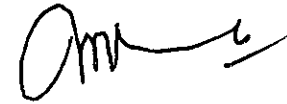
Respondents:

1. The Government Khyber Pakhtoonkhwa through secretary Home and Tribal Affairs Government Khyber Pakhtoonkhwa at Peshawar.
2. Provincial Police Officer Khyber Pakhtoonkhwa at Peshawar.
3. Assistant Inspector General of Police Khyber Pakhtoonkhwa at Peshawar.
4. Regional police Officer Malakand at Saidu Sharif Swat.
5. District Police Officer Swat.
6. District Police Officer Dir Upper.


Appellant

Through

Dated. 27.04.2021


Fayaz Muhammad Qazi
Advocate.

(7)

(30)

PROVISIONAL CERTIFICATE

Govt. High School KHANPUR DIST (Dir)

C.T.C

This is to Certify that Mr. Sher Ali Khan Hussain Khan
Who appeared in the Secondary School Certificate Examination in the year 1977
under Roll No. 27301 has been declared successful according to the "failure
statement" supplied to me by the Secretary Federal/Board of Intermediate and Secondary
Education Peshawar/Islam Abad.

Roll No 27301 Marks obtained 466

Division 2nd (C)

HE PASSED IN THE FOLLOWING SUBJECTS.

PE. 2nd (C)

- 1. Eng. 2. Urdu 3. Islamic P.S. 5. F. Math 6. Science
- 7. - Phy/Hygiene

His date of birth according to the School record is in figure 01-02-1961

(in words) 1st Feb N/HSixty one only

HEAD MASTER, B.A.U
Govt. High School

ATTESTED

9

4

4347
28.8.86

GOVT. NWFP SERVICES AND GENL. ADMIN.
DEPT. (SERVICES WING)

ORDER.
NO. SOSIII(S&GAD)2-14/76. Ex-post facto sanction of the Govt; of NWFP is hereby accorded to the grant of relaxation in minimum age limit of the following police officials for the period noted against each enabling the police deptt; to regularize their appointments:

Name Rank and NO.

Under age period relaxed.

	Under age period relaxed.		
	Years.	Months	Days
1. Sardar Ali SI NO.94/M			
2. Abdul Karim ASI NO.82		5	10
3. Said Zarin HC NO.75	1	1	25
4. Iltaf Ahmad Constable NO.334		10	25
5. Bashir Khan HC NO.544		5	23
6. Pervez Khan HC NO.555	1	1	14
7. Hayat Khan Constable NO.626	1	3	-
8. Siraj Mohammad Constable NO.709		3	2
9. Mohammad Zaman Constable NO.821	2	2	12
10. Amir Zada Constable NO.1214		1	20
11. Mohammad Saeed HC NO.1271		11	23
12. Hamid Gul Constable NO.1299	1	2	26
13. Mohammad Siraj Constable NO.1309		4	19
14. Bakht Rawan Const: NO.1338		8	29
15. Masit Khan HC NO.117		2	28
16. Aziz ul Wahab Constable NO.410		6	20
17. Ajmal Hussain Const:NO.427		3	18
18. Mohammad Khan HC NO.452		5	19
19. Khan Zada HC NO.480	1	5	8
20. Nisarullah Const:NO.574		6	26
21. Alif ur Rehman const:NO.592		10	-
22. Mohammad Yaqoob HC NO.1171		7	16
23. Rahat Khan Const:NO.1464		-	10
24. Lal Rehman HC NO.242	1	-	11
25. Musammar Khan HC NO.1341		-	18
26. Sher Gul Const: NO.1408		2	16
27. Chinar Gul const:NO.1529		6	23
28. Behramand HC NO.676	2	3	-
29. Alam zaib HC NO.1319		5	6
30. Zaifur Rehman Const:NO.912		11	23
31. Asil Zada const:NO.162		2	26
32. Khaista Khan const:NO.1406	2	2	4
33. Rasheed Const:NO.1326	1	10	16
34. Abdur Rabbaq HC NO.926		-	2
35. Mohammad Parooq Const:NO.1312		8	17
36. Hakimul Haq Const:NO.1378	2	2	5
37. Mohammad Hayat Const:1016	2	2	10
38. Ali Akbar const:NO.691	1	2	26
39. Aman Sher HC NO.953	1	5	5
40. Gul Mohammad HC NO.380		5	24
41. Mohammad Issa HC NO.594		9	10
42. Nowsherawan HC NO.968		9	20
43. Fatah Rahman Const:NO.1004	2	3	12
44. Munawar Khan Const:NO.1533	1	2	5
45. Sher Ali Const:NO.684	2	2	15
46. Said Rehman Const:NO.1237	1	3	25
47. Sher Qayum Const:NO.946	1	5	11
48. Pir Ahmad Const:NO.922	3	3	13

ATTESTED
C.T.C
[Signature]

(2)
Name Rank and NO.

Under
relaxa
Years

57. Niaz Wali NO. 4446
58. Saced Gul NO. 1823

0

2

Chief Secretary
Govt; of NWFP.

Dated Peshawar the
5th August, 1986.

Dated 9th Aug

Endst: NO. SO SIII (S&GAD) 2-14/76

Copies to

1. The Secretary to Govt; of NWFP Home and TAS

His letter NO. SO (P.I) HD/3-50/76-II

1985 refers. The cases of officials
to 58 were received earlier vide N
3-50/76-II/3255 dated 16.6.1985.

2. The Inspector General of Police, NWFP Peshawar

His letters NO. 10544/E-II dated
21821/E-II dt: 21.11.1985 rerer.

sd/- S. Chirag
Section Off
S&GAD.

OFFICE OF THE INSPECTOR GENERAL OF POLICE, NWFP

NO. 21821-24/E-I dated Peshawar, the 25

Copy of above forwarded for
and necessary action to the:-

1. Dy: Inspector General of Police, Peshawar
2. Dy: Inspector General of Police, Malakand
3. Sr: Supdt: of Police, Peshawar.
4. Supdt: of Police Dir. The service document
lower subordinates received with his memo;
18.6.86 are returned herewith which may pl
acknowledged. Copy of this order be placed
record of each individual.

Encl. 50. 5 Rolls.

SYED AHMAD
REGISTRAR.
FOR INSPECTOR GENERAL
NWFP PESHAWAR.

OB / EC / RK.
/ /

24/8

10

417/E,
09/09/2020

3

C.T.C
M

From: The District Police Officer Swat
To: The Regional Police Officer Malakand at Saidu Sharif, Swat
No. 7446 /E, dated Saidu Sharif the 09-9-2020.

Subject: SUPERANNUATION/CORRECTION IN DATE OF BIRTH.

Memorandum: The subject noted above.
It is submitted for kind perusal that the Government of Khyber Pakhtunkhwa, Peshawar vide Notification No. BA/Kayber Pakhtunkhwa/Bills-58/19/2340, dated 31-07-2019 of Provincial Assembly, Khyber Pakhtunkhwa regarding Khyber Pakhtunkhwa Civil Servant (Amendment) Act, 2019, whereby the age of superannuation has been increased as Sixty Three (63) instead of Sixty (60) years, but now Peshawar High Court in its Judgment dated 19-02-2020 passed in WP No. 5673-P/2019 and CPO /Peshawar vide letter No. 636/SE-1, dated 20-03-2020 withdraw the previous Notification of 63 years.

In this connection Inspector Sher Ali No.110/M of this District Police has attaining the age of Superannuation i.e 60 years according to Service Roll entry in the 1st page his date of birth recorded at the time of recruitment as Constable on 16-11-1977 as 04-10-1959 being under age at that time he was granted relaxation of 01 year 03 months and 03 days (copy of relaxation of age pasted in his S.Roll is also enclosed), later on his date of Birth was altered as 01-02-1961. It is also noted that may be added that the Inspector concerned has also served 41 years, 10 months and 17 days in Police Department upto 03-10-2019.

It is, therefore, requested that this office may kindly be guided as to whether the above named Inspector be allowed to proceed on superannuation pension i.e. 60 years from the 1st entry of his Service Roll i.e. 04-10-1959 or as 01-02-1961. His Service Roll, Service Book in original are submitted herewith for further necessary action, the same may kindly be returned to this office when no longer required please.

A

District Police Officer Swat

ATTESTED

17

BETTER COPY Page - 10

From; The District Police Officer Swat
To; The Regional Police Officer
Malakand at Saidu Sharif Swat

C.T.C.

No. 7446 /E dated saidu sharif the 08.04.2020

GM

Subject; SUPERANNUATION/CORRECTION IN DATE OF BIRTH.

Memorandum; Kindly refer the subject noted above

It is submitted for kind perusal that the Government Khyber Pakhtunkhwa Peshawar vide Notification No. PA/Khyber Pakhtunkhwa /Bills-58/2019/2340, dated 31.07.2019 of Provincial Assembly Khyber Pakhtunkhwa Regarding Khyber Pakhtunkhwa Civil servant (Amendment Act, 2019, Where by the age of superannuation has been increase as Sixty Three (63) instead of Sixty years, but now Peshawar High Court in its Judgment dated 19.02.2020 in WP No 573-P/2019 and CPO/Peshawar vide Letter No. 636/SE-1, DATED 20.03.2020 Withdraw the Previous Notification of 63 Years.

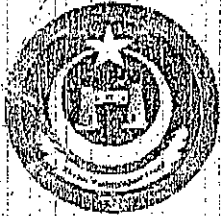
In this connection inspector Sher Ali No, 110/M of this District Police has Attaining the age of Superannuation i.e 60 years according to Service Rool entry in the first page his date of birth recorded at the time of recruitment as Constable on 06.10.1977 as 04.10.1959 being under age at that time he was Granted Relaxation of 01 year 05 months and 25 days. (copy of Relaxation pasted in his S.Rool is also enclosed) Latter on his date of birth was altered as 01.02.1961 according to his SLC. It May be added that the inspector concerned has also served 41 years 10 months and 17 days in Police Department up to 03.10.2019.

It is therefore requested that this office may kindly be guided as to whether the above name inspector be Allowed to proceed on Superannuation Pension i.e 60 years from the first entry of his Service Rool i.e 04.10.1959 or as 01.02.1961. His Service Rool, Service Book in Original are submitted herewith for further necessary action, the same may kindly be returned to this office when no longer required please.

District Police Officer

Sd
District Police Officer
Swat

ATTESTED



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF SWAT
Ph: 0946-9240388 & Fax No. 0946-9240390
Email: chmalakandregion@gmail.com

11

C.T.C
O.M.

No. 3694-95 /E, dated Saidu Sharif the 16 / 04 /2020

To: The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: SUPERANNUATION /CORRECTION IN DATE OF BIRTH.

Memorandum:

Kindly refer to CPO Peshawar vide Letter No. 636/SE-I, dated 20/03/2020.

The DPO, Swat has intimated vide his office Memo: No. 7446/E, dated 03/04/2020 (copy enclosed) that Inspector Sher Ali No. M/110 of Swat District has attaining the age of 60 years according to his service Roll entry in the 1st page his date of birth recorded at the time of recruitment as Constable on 16/11/1977 as 04/10/1959 being under age at that time he was granted relaxation of 01 year and 03 months and 25 days (copy of relaxation of age pasted in his Service Roll is also enclosed), later on his date of birth was altered as 01/02/1961 according to his S.L.C. It may be added that the Inspector concerned has also served 41 years, 10 months and 17 days in Police Department upto 03/10/2019.

Therefore, the District Police Officer, Swat has requested for necessary guidance to effect that the above named Inspector will be proceeded on superannuation pension i.e 60 years from the 1st entry of his date of birth in Service Roll i.e 04/10/1959 or as 01/02/1961.

His Service Roll, Service Book in original are enclosed herewith, the same may kindly be returned to this office if no longer required please.

Enter: No. & dated even

✓ Copy to DPO, Swat with reference to his office Memo: No. quoted above.

Regional Police Officer,
Malakand Region Swat

ATTESTED

(Handwritten mark)

(12)



OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.
PH: 091-9210239 Fax: 091-9210927

1/3
C.T.C
AM

No: CFO/E-II/275

dated Peshawar the, 11/07/2020.

To

The Regional Police Officer,
Malakand Region.

1568/E

17/7/2020

Subject:-

SUPERANNAUTION/CORRECTION IN DATE OF BIRTH.

Memo:-

Please refer to your office letter No 3694-95/E, dated 16.04.2020 on the subject captioned.

On the perusal of above quoted letter, the Competent Authority has recorded the following remarks:-

"According to rules, date of birth once recorded in service record can be changed/alter with two(02) years of enlistment, at this stage the D.O.B recorded in the service roll/record will be considered final, no alter and change is allowed."

Hence, in view of above Inspector Fisher Ali No.M/101 is eligible for retirement on superannuation i.e 60-years w.e.f 31.03.2020, therefore, his retirement case may kindly be sent to this office for issuance of his retirement notification, please.

Sir,
Pls check
17/7/2020

By PC/PO
For notification please

DDO/Dir

(KASHIF ZULFIQAR)PSP
AIC/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

OFFICE OF THE DPO
By: 3142
Date: 21-7-2020
UPPER DIR

No 5902-03 IE Dt. 20/11/2020

Copy of above admissibility

Copy of DPO Swat memo No 7446/2 dated 8-4-2020 and P.O. Office memo No 3694-95/E dt 16-4-2020 to be sent to DPO Div Upper for necessary action as directed. Enc.

2 DPO Swat for information PL.

Office Supdt:
For: Regional Police Officer,
Station at Saidu Sharif Swat

ATTESTED

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PH;091-9210239 FAX;091-9210927

C.T.C.
[Signature]

No CPO/E-11/ 275

Dated Peshawar 14/07/2020

To,

THE Regional Police Officer
Malakand Region,

SUBJECT; SUPERANNAUTION/CORRECTION IN DATE OF BIRTH

Memo; Please refer to your office Letter No3694-95/E dated 16.04.2020 on the subject captioned.
On the perusal of above quoted Letter, the Competent Authority has recorded the following Remarks.

According to rules date of birth once recorded in service record can be changed/alter with two(02) years of enlistment, at the stage D.O.B recorded in the Service Rool/record will be considered final, no alter and change is Allowed.

Hence in view of above Inspector Sher Ali No M/110 is eligible for retirement on superannuation I,e 60 years w.e.f 31.03.2020, therefore his retirement case may kindly be sent to this office for issuance of his retirement Notification, Please.

Sd

(KASHIF ZULFIQAR)PSP

A.I.G/Estiblishment

For Inspector General of Police
Khyber pakhtun khwa Peshawar

[Signature]
ATTESTED



13

OFFICE OF THE
DISTRICT POLICE OFFICER,
UPPER DIR.

Ph: 0944-880531 Fax: 0944-880192
Email: dpodirupper@gmail.com

No. 3397 /EB/Application,

Dated Dir Upper the 27 / 7 / 2020.

To The Regional Police Officer,
Malakand at Siadu Sharif, Swat

Subject: APPLICATION OF INSPECTOR SHER ALI NO.M/110 ASDPO
CIRCLE WARI

Memo:


Kindly refer to Region Office Swat Endst No.5902-03/E, dated 20-07-2020


Enclosed kindly find herewith an application with its enclosures in respect of

Inspector Sher Ali No M/110, for kind consideration and further orders

It is pertinent to mention here that his date of birth was recorded in his Service Roll as 04-10-1959 at the time of appointment (06-10-1977) s, later on his date of birth was rectified / modified in his service Roll as 01-02-1961 according to SLC (in the year 1977). Now CPO Peshawar has informed your good office vide his office Memo No.CPO/E-II/275, dated 14-07-2020 that Inspector Sher Ali No. M/110 is eligible for retirement on superannuation I,e 60-years w-e-f 31-03-2020.

This office may kindly be guided about his correct date of superannuation retirement, please


(MIAN NASIB JAN) PSP
District Police Officer,
Upper Dir
(S.Ab)

C.T.C



ATTESTED

Government of Khyber Pakhtunkhwa
District Accounts Office Dir Upper
Monthly Salary Statement (September-2020)

134



Personal Information of Mr SHER ALI KHAN d/w/s of HUSSAIN

Personnel Number: 00287965 CNIC: 1530701827623 NTN:
Date of Birth: 01.02.1961 Entry into Govt. Service: 20.08.1980 Length of Service: 40 Years 01 Months 012 Days

Employment Category: Active Permanent

Designation: INSPECTOR 80001855-GOVERNMENT OF KHYBER PAKH
DDO Code: DP4016-S P DIR UPPER(POLICE PROPER)
Payroll Section: 001 GPF Section: 009 Cash Center:
GPF A/C No: POL DIR 1050 Interest Applied: Yes GPF Balance: 732,096.00
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 21

C-T-C
[Signature]

Wage type		Amount	Wage type		Amount
0001	Basic Pay	50,830.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1646	Constabulary R Allowance	500.00
1889	Police Serv Uniform Allow	1,200.00	1901	Risk Allowance (Police)	6,060.00
1924	UAA-OTHER 20%(16 G/NG)	1,500.00	1933	Special Risk Allowance	5,000.00
1947	Medical Allow 15% (16-22)	1,818.00	2148	15% Adhoc Relief All-2013	1,101.00
2168	Fixed Daily Allowance	4,900.00	2199	Adhoc Relief Allow @10%	762.00
2211	Adhoc Relief All 2016 10%	3,892.00	2224	Adhoc Relief All 2017 10%	5,083.00
2247	Adhoc Relief All 2018 10%	5,083.00	2264	Adhoc Relief All 2019 10%	5,083.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3530	Police wel:Fud BS-1 to 18	-1,017.00
3534	R. Ben & Death Comp Fresh	-650.00	3609	Income Tax	-2,554.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 30,646.70 Recovered till SEP-2020: 7,662.00 Exempted: 0.13- Recoverable: 22,984.83

Gross Pay (Rs.): 100,539.00 Deductions: (Rs.): -7,561.00 Net Pay: (Rs.): 92,978.00

Payee Name: SHER ALI KHAN
Account Number: 100-1088
Bank Details: UNITED BANK LIMITED, 211786 UNIVERSITY CAMPUS U.B.L. KHITARI,

Leaves: Opening Balance: Aailed: Eamed: Balance:

Permanent Address:
City: NOWSHERA Domicile: - Housing Status: No Official
Temp. Address:
City: Email: munib287965@gmail.com

[Signature]
ATTESTED

14

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M



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PESHAWAR
PH: 091-9210239 FAX: 091-921027

No CPO/L-II/

The Regional Police Officer
Malakand Region

Subject - SUPERANNAUTION/CORRECTION IN DATE OF BIRTH

Memo-

Please refer to the subject captioned

On the perusal of above mentioned documents, it is observed that the subject is a minor and the matter to be taken up for consideration of the Inspector may be noted.

NO 10946/2
dt 13/11/2010

[Handwritten signature]

[Handwritten text]

Regional Police Officer
Malakand Region
Saidu Sharif

INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PESHAWAR

R/O
P/S

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ATTESTED

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Page

14

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PH;091-9210239 FAX;091-9210927

C.T.C



No CPO/E-11/ 428

Dated Peshawar 10/11/2020

To,

THE Regional Police Officer
Malakand Region,

SUBJECT; SUPERANNAUTION/CORRECTION IN DATE OF BIRTH

Memo;

Please refer to your office letter No 9443-14/E dated 07.10.2020 on the subject captioned.
On the perusal of above quoted letter the competent Authority has directed to probe in the matter to seek out that from which date the retirement notification of said inspector may be issued.

Sd

(SYED ANIS-UL HASAN)

Registrar

For inspector General Of Police
Khyber pakhtunkhwa Peshawar


ATTESTED

15



OFFICE OF THE
DISTRICT POLICE OFFICER,
UPPER DIR
Ph: 0911-850541 Fax: 0911-850192
E-mail: dpo@police.gov.pk

No. S-1/2020 LC Retirement, Dated Dir Upper the, 2020.

To: The Regional Police Officer,
Muzaffargarh District, Swat

C.T.C

Subject: SUPERANNUATION CORRECTION IN DATE OF BIRTH

M

31/2020

According to CPD Pension Memo No. CPDE-II/273, Dated 10/7/2020 received via Regional Police Officer No. S-1/2020, dated 2/07/2020. Officer's date of birth is 10/03/1950. His application No. M/101 was decided as 10/03/2020, while his application dated 10/10/2020 for retirement on superannuation pension 16 years with effect from 31/07/2021 has since been forwarded to Region Office. Swat vide this office Memo S-1/2020, dated 22/03/2020 please

[Signature]
District Police Officer
Dir Upper

[Signature]
ATTESTED

BETTER COPY

Page

15 A

OFFICE OF THE
DISTRICT POLICE OFFICER
UPPER DIR

No 5874/EC

Dated Dir Upper the 17.11.2020

C.T.C
M

To,

The Regional Police Officer
Malakand at saidu sharif swat

Subject, SUPERANNUATION/CORRECTION IN DATE OF BIRTH

Memorandum: Kindly refer to Region. Office swat Endst; No 10946/E dated 13.11.2020.

According to CPO Peshawar Memo No CPO/E-11/273 dated 14.07.2020 Received vide Region office Swat Endst No 5902-3/Edated 20.07.2020 eligibility date of retirement on superannuation i.e 60 years of inspector Sher Ali No M/110 was decided as 31.03.2020, while his Application dated 19.10.2020 for retirement of superannuation pension i.e 60 years with effect from 31.01.2021 has since been forwarded to Region office Swat vide this office Memo, 5156/PC dated 22.10.2020 please.

Sd
District Police Officer
Dir Upper

ATTESTED

(16)



OFFICE OF THE,
DISTRICT POLICE OFFICER,
UPPER DIR

Phone: 041-2011111 Fax: 041-2011112
E-mail: dpo@upperdir.gov.pk

No. 5156 PC, Dated Dir Upper the 27/10, 2020.

To: The Deputy Inspector General,
Malakand Division at Saidu Sharif Swat

C.T.C
[Signature]

Subject: SUPER ANNUATION / CORRECTION IN DATE OF BIRTH
Memorandum

Kindly refer to this office Memo No. 4835/PC, dated 01.10.2020, and Police Office No. 9445-44/E, dated 07.10.2020.

Application of Inspector Sher Ali No. 110/M of this district police requesting therein for retiring on superannuation pension is submitted herewith for necessary action, please

Encls: 1

[Signature]
District Police Officer,
Upper Dir

[Signature]
ATTESTED

17



OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

PH: 091-9210239 Fax: 091-9210927

Dated Peshawar 05.01.2021.

NOTIFICATION

No. 507 /CPO/E-II/retirement:- Without prejudice to the legal remedies available to Provincial Government and in pursuance of judgment of the Peshawar High Court Peshawar dated 19.02.2020 in WP No. 5673-P/2019 Inspector Sher Ali No.M/110 of Malakand region shall stand retired from Government service on 03.10.2019, on attaining the age of superannuation, as his date of birth is 04.10.1959 subject to CPLA/Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

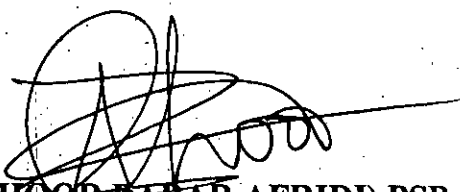
Sd/-

DR. ISHTIAQ AHMAD PSP/PPM
Addl: Inspector General of Police HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

1. Regional Police Officer Malakand w/r to his letter No.9443-44/E, dated 07.10.2020.
2. Office Supdt: Secret Branch, CPO Peshawar.
3. U.O.P File.


(ZAHOOR BABAR AFRIDI) PSP
Assistant Inspector General of Police
Establishment, Khyber Pakhtunkhwa.

41

C.T.C




ATTESTED

18

بھضور جناب پراونشل پولیس آفسر خیبر پختون خواہ پشاور

اپیل دربارہ درستگی ریکارڈ (تاریخ پیدائش)

بحوالہ چھٹی نمبر 507/CPO/E-11

جناب عالی

(1) گزارش ہے کہ سایل سال 06-10-1977 کو محکمہ پولیس میں بھرتی ہوتے وقت میری عمر 04-10-1959 تحریر کی گئی۔ چھ مہینے بعد سکول سرٹیفیکیٹ پیش کرنے پر میرے سروس بک میں تاریخ پیدائش کی درستگی کر کے 01-02-1961 تحریر کی گئی۔ (سروس ریکارڈ اور سرٹیفیکیٹ کی کاپی شامل ہے)

(2) محکمہ نے میرے سمیت 58 ملازمین کا کیس تیار کر کے صوبائی حکومت سے بحوالہ

چھٹی 21821-24/E-24 عمر میں Relaxation کی منظوری بھی لی۔ (نقل کاپی شامل ہے)

(3) محکمہ نے قبل ازیں بحوالہ لیٹر نمبر مجاریہ 14-07-2020 میری ریٹائرمنٹ کی منظوری مورخہ 31-03-2020 سے دی تھی جس کی کاپی شامل ہے۔

(4) پے سلپ شناختی کارڈ سکول سرٹیفیکیٹ اور سروس ریکارڈ میں درج تاریخ پیدائش کی رو سے میری ریٹائرمنٹ 60 سال مکمل ہونے پر مورخہ 31-01-2021 کو بنتی ہے۔

(5) حسب ہدایت اکاونٹ برانچ سوات سے مشورہ کر کے ان کے کہنے کے مطابق 60 سال سروس مکمل ہونے پر کمپیوٹر سے تنخواہ از خود بند ہو جاتی ہے جب کہ مجھے ماہ ستمبر سال 2020 تک باقاعدہ تنخواہ دی جاتی رہی ہے۔ (نقل پے سلپ شامل ہے)

(6) مورخہ 5 اکتوبر سال 2020 کو بغیر تحریری حکم کے مجھے ریٹائرڈ کر دیا گیا اور چار ماہ کوئی فیصلہ کئے بغیر کل مورخہ 05-01-2021 کو جاری کردہ نوٹیفیکیشن نمبر 507/CPO/E-11 میں میری ریٹائرمنٹ بغیر کوئی قانونی جواز کے مورخہ 03-10-2019 سے کی گئی ہے۔ (نقل کاپی شامل ہے)

استدعا کی جاتی ہے۔ کہ متذکرہ نوٹیفیکیشن پر نظر ثانی فرما کر مورخہ 03-10-2019 کی بجائے مورخہ 31-01-2021 سے (بمعہ بقایاجات) میری پنشن کا حکم جاری فرمائیں دعاگو رہونگا۔

العارض

انسپکٹر شیر علی خان نمبر 110/ایم ضلع دیر بالا




مورخہ 06-01-2021

رابطہ نمبر 03449758213

C-T-C

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ATTESTED

قیمت 50 روپے	83807			
ایڈوکیٹ: فیاض محمد صالحی		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر:				
رابطہ نمبر: 9135808-345				

بعدالت جناب: سید علی خان (سابقہ جج)

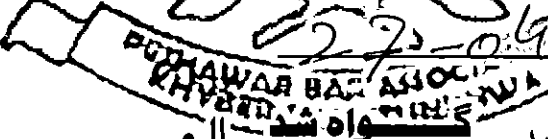
دعویٰ: <u>ایڈووکیٹ فیاض محمد صالحی</u>	منجانب: <u>سید علی خان (سابقہ جج)</u>
علت نمبر:	
مورخہ:	
جرم:	
تھانہ:	

حکومت پاکستان 12/04/2021

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام سید علی خان کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز ذیل صاحب کو راضی نامہ کر کے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل گرائی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ بلائے جائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المرقوم: 27/04/2021



مقام سید علی خان کے لیے منظور ہے۔

Attested & Accepted

نوٹ: اس وکالت نامہ کی فونڈ

Amir
27/04/2021

سید علی خان (petitioner)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 4974/2021

Sher Ali Khan (Ex-Inspector) S/O Hussain Khan resident of Kityari Tehsil
Adenzai District Dir Lower.

..... Appellant

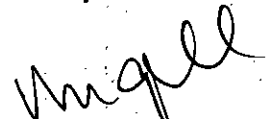
VERSUS

Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar & oterhs,

..... Respondents

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District Police Officer,
Dir Upper

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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..... Appellant

VERSUS

Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar & oterhs,

..... Respondents

PARAWISE REPLY BY RESPONDENTS

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no Cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.

FACTS:

1. Pertain to record, hence needs no comments.
2. Incorrect. That the date of birth of appellant was recorded correctly in his service book as provided by him at the time of enlistment i.e 04/10/1959. The date of birth once entered in service book could only be rectify within two years of enlistment, however the appellant neither informed the department regarding correction in his date of birth nor any proof is available on record in this regard.
3. Incorrect. No correction his been made in his service record by the department, The correction showed in service book is self corrected and there is no proof in respect of correction in his date of birth by this department. The

appellant was enlisted in Police department as per law/rules and the date of birth was correctly entered in his service book as provided by the appellant.

4. Pertain to record, hence needs no comments.
5. Pertain to record, hence needs no comments.
6. Pertain to record, hence needs no comments.
7. Incorrect. As stated above, the appellant was enlisted in Police department and at the time of enlistment his date of birth was entered as provided by the appellant i.e 04/10/1959 and on the basis of same date of birth he was retired from service on attaining the age of superannuation.
8. Pertain to record, however as stated above the date of birth once entered in service book could only be rectify within two years of enlistment.
9. That the appellant has wrongly invoked the jurisdiction of this honorable tribunal through unsound grounds.

GROUND:

- a. Incorrect. The orders of the respondents are lawful, legal and in accordance with law/rules.
- b. Incorrect. As stated above, the correction showed by the appellant in his service book was not made by the department; rather it is self made correction. The date of birth was rightly entered by the department as provided by him at the time of enlistment and on the basis of same date of birth, appellant was retired from service after attaining the age of superannuation.
- c. The appellant was required to apply for correction in his date of birth within first two year of enlistment, but he failed to do so, hence after the lapse of stipulated period of tow year, the date of birth is considered to be final.
- d. That the appellant has rightly been retired from service as per law/rules.
- e. Incorrect. The appellant has rightly been retired from service after attaining the age superannuation i.e 60 years on 03/10/2019.


f. Para explained above in detail.


g. That other grounds not specifically answered in the reply, will be agitated with the permission of honorable Tribunal at the time of arguments.

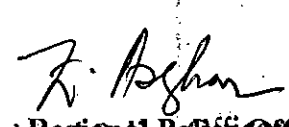
PRAYER:

Keeping in views the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force may kindly be dismissed with costs.

**Secretary Home & TAs
Government of KPK
(Respondent No. 1)**


**Provincial Police, Officer
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)**


**Assistant Inspector General
of Police Khyber Pukhtunkhwa
Peshawar
(Respondent No. 3)**


**Regional Police Officer,
Malakand Region
Swat
(Respondent No. 4)**


**District Police Officer Swat
(Respondent No. 5)**


**District Police Officer Dir Upper
(Respondent No. 6)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 4974/2021

Sher Ali Khan (Ex-Inspector) S/O Hussain Khan resident of Kityari Tehsil Adenzai District
Dir Lower.

..... Appellant

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Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar & oterhs,


..... Respondents

AFFIDAVIT

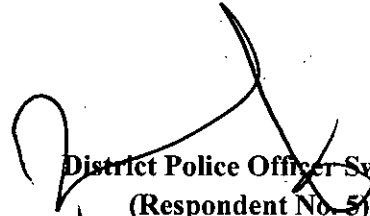
We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.

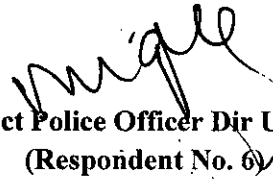
**Secretary Home & TAs
Government of KPK
(Respondent No. 1)**


**Provincial Police, Officer
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)**


**Assistant Inspector General
of Police Khyber
Pukhtunkhwa Peshawar
(Respondent No. 3)**


**Regional Police Officer,
Malakand Region
Saidu Sharif Swat
(Respondent No. 4)**


**District Police Officer Swat
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

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AUTHORITY LETTER

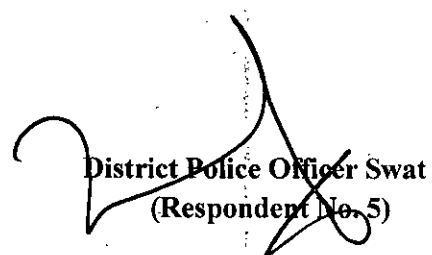
We, the above respondents do hereby authorized Mr. Zewar Khan SI/Legal Dir Upper to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.

Secretary Home & TAs
Government of KPK
(Respondent No. 1)


Provincial Police, Officer
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)

Assistant Inspector General
of Police Khyber
Pukhtunkhwa Peshawar
(Respondent No. 3)


Regional Police Officer,
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Saidu Sharif, Swat
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