

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR CAMP COURT D.I.KHAN.**

**BEFORE:** KALIM ARSHAD KHAN --- CHAIRMAN  
SALAH UD DIN --- MEMBER(J)

*Service Appeal No.5699/2021*

**Muhammad Shafi S/O Lal Khan R/O Cheesan Kach Tehsil & District Tank.**

.....(*Appellant*)

Versus

1. **Government of Khyber Pakhtunkhwa**, through Secretary Health Civil Secretariat Peshawar.
2. **Director**, General Health Services Government of Khyber Pakhtunkhwa Peshawar.
3. **Accountant General**, Khyber Pakhtunkhwa Peshawar.
4. **District Accounts Officer** Tank.
5. **District Education Officer (M)**, Tank.
6. **District Health Officer**, Tank.

.....(*Respondents*)

Present:

Mr. Gul Tiaz Khan Marwat,  
Advocate.....For appellant.

Mr. Muhammad Adeel Butt,  
Additional Advocate General.....For respondents.

Date of Institution.....05.04.2021

Date of Hearing.....30.09.2022

Date of Decision.....30.09.2022

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR MAKING CHANGE IN THE SERVICE RECORD OF APPELLANT MAINTAINED BY THE OFFICES OF RESPONDENTS AND TO DECLARE THE NAME OF THE APPELLANT AS MUHAMMAD SHAFI S/O LAL KHAN INSTEAD OF MUHAMMAD SHAFIQ S/O HAJI ABDULLAH AS THE SAME HAVE WRONGLY BEEN RECORDED IN THE OFFICE RECORD OF RESPONDENTS.**



## **JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Facts surrounding the appeal are that the appellant was a bona fide resident of Cheesan Kach Tehsil & District, Tank and actual and real name of appellant is Muhammad Shafi while name of his father is Lal Khan but on the official record of the appellant, the respondents have wrongly mentioned name of the appellant as Muhammad Shafiq son of Haji Abdullah; that in CNIC of the appellant, NADRA were wrongly mentioned name of the appellant as Muhammiad Shafiq S/O Haji Abdullah; that the appellant was filed civil suit for correction of his name and father name which was decreed in his favour vide judgment dated 08.02.2017; that thereafter the appellant approached the departmental authority for correction but the departmental authority did not correct the same; that the appellant then filed civil suit in the Court of learned of Senior Civil Judge, Tank which was entrusted to the court of learned Civil Judge-II who ultimately returned the same on 27.01.2021 for want of jurisdiction; that the appellant then filed appeal in the court of Learned District & Sessions Judge, Tank but the same was also withdrawn for want of jurisdiction; that the appellant then filed this appeal for redressal of his grievance.

2. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.



3. Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned AAG controverted the same.

4. The appellant filed the instant appeal for correction of his name in the service record which is not a term and condition of service. In para-3 of the memo of appeal it is alleged that:

**"That the wrong name of appellant (Muhammad Shafiq S/O Haji Abdullah) were wrongly been recorded by the NADRA in the CNIC issued to the appellant on 30.08.2007 and on the basis of same CNIC, the appellant was appointed as Class-IV in the office of DHO Tank vide office order Endst: No. 4082-85/E-7 dated 10.12.2007"**.

5. It is in this respect observed that it is not in the domain of this Tribunal to make correction in the name of a person/Civil Servant in the record of NADRA. This appeal is, therefore, misconceived and is dismissed. Cost shall follow the event. Consign.

6. *Pronounced in open Court at Camp Court D.I.Khan and given under our hands and the seal of the Tribunal on this 30<sup>th</sup> day of September, 2022.*



**KALIM ARSHAD KHAN**  
Chairman  
Camp court D.I.Khan



**SALAH UD DIN**  
Member (Judicial)  
Camp court D.I.Khan

**ORDER**

30<sup>th</sup> Sept, 2022

1. Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Vide our detailed judgement of today placed on file (containing 03 pages), it is in this respect observed that it is not in the domain of this Tribunal to make correction in the name of a person/Civil Servant in the record of NADRA. This appeal is, therefore, misconceived and is dismissed. Costs shall follow the event. Consign.

4. *Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal on this 30<sup>th</sup> day of September, 2022.*



**(Kalim Arshad Khan)**  
**Chairman**  
**Camp Court D.I.Khan**



**(Salah Ud Din)**  
**Member(Judicial)**  
**Camp Court D.I.Khan**

15.12.2021

None present on behalf of the appellant. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Notice be issued to appellant and his counsel for the next date of hearing. Case to come up on 22.02.2022 before the D.B at camp court, D.I.Khan.

(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan

Chairman  
Camp Court, D.I.Khan

22/2/22

Due to retirement of the Honble  
Chairmen to come up for the same as  
before on 28/6/2022

28<sup>th</sup> June 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant sought adjournment. Adjourned but as a last chance. To come up for arguments on 29.07.2022 before D.B at camp court D.I.Khan.

(Mian Muhammad)  
Member(E)

(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

29/07/2022

Due to Summer  
vacation  
up? 30/08/2022

vacation leave

29.07.2021

Nemo on behalf of the appellant.

Instant appeal belongs to D.I.Khan Division. In the past cases belonging to D.I.Khan Division were heard in the Camp Court D.I.Khan. May be under impression that the matter shall be taken in the camp court, the appellant is not in attendance. However, I have gone through the memorandum of appeal which discloses arguable points. 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 26.10.2021 before the D.B at camp court, D.I.Khan.

Appellant Deposited  
Security & Process Fee


  
Chairman


26.10.2021

Appellant present in person.

Muhammad Rasheed learned D.D.A alongwith Dr. Muhammad Abdullah Litigation Officer for respondents present.


Reply on behalf of respondent was not submitted. Request for adjournment was made on behalf of respondents in order to submit reply/comments; granted with direction to furnish the same within 10 days in office, positively. To come up for arguments on 15.12.2021 before D.B at Camp Court, D.I.Khan.

  
(Atiq ur Rehman Wazir)  
Member(E)  
Camp Court, D.I.Khan

  
(Rozina Rehman)  
Member(J)  
Camp Court, D.I.Khan

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_  
Case No. 5699 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27/05/2021	<p>As per direction of the Worthy Chairman this case may be entered in the Institution Register and put to the S.Bench Peshawar for preliminary hearing on <u>29/07/21</u>. Notices be issued to the appellant/counsel for the date fixed.</p> <p style="text-align: right;"> REGISTRAR</p>

ORDER

27.05.2021

Keeping the objection of office intact for settlement at the time of preliminary hearing, this appeal be instituted.

  
Chairman

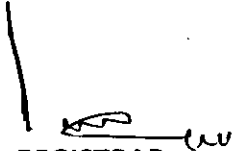


The appeal of Mr. Muhammad Shafi son of Lal Khan r/o Chessan Kach Tehsil and District Tank received today i.e. on 05/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 658 /S.T.

Dt. 06/04 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Gul Tiaz Khan Marwat Adv.  
High Court Dera Ismail Khan

Sir,

Resubmitted with the remarks that prior to the instant appeal, the Civil Suit was instituted in the Civil Court Tank wherein the defendants have submitted written statement vide which the respondents denied the claim of appellant, thus while placing reliance on the judgment of August Supreme Court of Pakistan reported as PLD-1991 SC-226 wherein it has been held that the departmental comments will serve the purpose of final order to move the appeal before the Service Tribunal.


  
GUL TIAZ KHAN MARWAT,  
Advocate High Court, D.I.Khan

19.4.2021

R/Sir,

The objection of this office and reply of counsel for the appellant is submitted for order please.

Habib Chohan

  
26/5/21

**BEFORE THE SERVICE TRIBUNAL KPK**

**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

Muhammad Shafi

.....Appellant

VERSUS

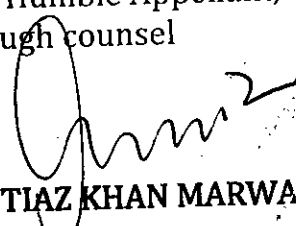
Government of KPK through Secretary Health Civil  
Secretariat Peshawar and others. ....Respondents

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Dated: 27/03/2021

Your Humble Appellant,  
Through counsel

  
GUL TIAZ KHAN MARWAT,  
Advocate D.I. Khan

I

**BEFORE THE SERVICE TRIBUNAL KPK**

**PESHAWAR**

Service Appeal No. 5699 /2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 4558

Dated 05/4/2021

Muhammad Shafi S/O Lal Khan R/O Cheesan Kach Tehsil  
& District Tank .....Appellant

VERSUS

1. Government of KPK through Secretary Health Civil Secretariat Peshawar.
2. The Director General Health Services Government of KPK Peshawar.
3. The Accountant General KPK Peshawar.
4. The District Accounts Officer Tank
5. The District Health Officer Tank .....Respondents

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974 FOR MAKING CHANGE IN THE SERVICE RECORD OF APPELLANT MAINTAINED BY THE OFFICES OF RESPONDENTS AND TO DECLARE THE NAME OF APPELLANT AS MUHAMMAD SHAFI S/O LAL KHAN INSTEAD OF MUHAMMAD SHAFIQ S/O HAJI ABDULLAH AS THE SAME HAVE WROGNGLY BEEN RECORDED IN THE OFFICE RECORD OF RESPONDENTS.**

**Respected Sir,**

**Filed to-day**

**Registrar**

5/4/2021

That the addresses of the parties given above are sufficient for the purpose of the service of the parties.

2. That the Appellant is a bona fide resident of Cheesan Kach Tehsil & District Tank and actual and real name of Appellant is Muhammad Shafi while name of father of

*Amir*

appellant is Lal Khan but in the record of offices of respondents both the names of appellant and his father have wrongly been entered and recorded as Muhammad Shafiq S/O Haji Abdullah.

3. That the wrong name of appellant (Muhammad Shafiq S/O Haji Abdullah) were wrongly been recorded by the NADRA in the CNIC issued to the appellant on 30.08.2007 and on the basis of same CNIC, the appellant was appointed as Class-IV in the office of DHO Tank vide office order Endst: No. 4082-85/E-7 dated 10.12.2007. Copies of CNIC and appointment order are enclosed as **Annexure-A&B** respectively.
4. That the factum of correct name of appellant as a Muhammad Shafi S/O Lal Khan is proved and evident from the school record of appellant, Bright Future School and College Tank as well as the DMC issued by the BISE, D.I.Khan vide Roll No. 53250 session Annual 2012. Copies of testimonials are enclosed as **Annexure - C, C-1 to C-2**.
5. That the appellant sought correction of the names of appellant and his father respectively in the record of NADRA by filing Suit for declaration which was decreed

*Jan*

vide judgment and decree dated 08.02.2017 passed by learned Civil Judge-III Tank. Copies of Judgment and decree are enclosed as **Annexure – D&E** respectively.

6. That after passing the judgment and decree by the learned Civil Court, the appellant approached the departmental authorities of Health for correction of name Muhammad Shafi instead of Muhammad Shafiq and name of father as Lal Khan instead of Haji Abdullah.
7. That the Appellant tried his best to get correct his name as Muhammad Shafi instead of Muhammad Shafiq while name of father Lal Khan instead of Haji Abdullah but fruitless.
8. That having no other way, the appellant was obliged to knock the door of the Civil Court for redressal of his grievances and accordingly filed a civil suit in the Court of learned Senior Civil Judge Tank which was entrusted to the court of learned Civil Judge-II for disposal. Copy of plaint is enclosed as **Annexure – F**.
9. That after filing of suit, Notices were issued to the respondents and respondent No. 5 filed written statement while rest of the respondents were placed Ex-parte and the learned Trial Court fixed the case for arguments on the point



4

maintainability. Copy of written statement is enclosed as **Annexure – G.**

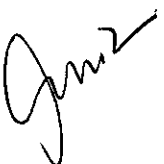
10. That after hearing arguments, the learned Trial Court passed the impugned order dated 27.01.2021 vide which the plaint has been returned to the Appellant for want of jurisdiction as in the opinion of the learned Trial Court, jurisdiction of the Civil Court is barred under Article-212 of the constitution. Copy of impugned order is enclosed as **Annexure – H.**

11. That the Appellant then filed an appeal in the Court of learned District Judge Tank but the learned Appellate Court was too of the view that the ordinary Courts have no jurisdiction in service matter, therefore the appellant withdraw the appeal vided order dated 23.02.2021 in order to approach proper forum. Copies of appeal and order are enclose as **Annexure – J&K** respectively.

12. That being aggrieved from the impugned order and having no other remedy, the Appellant is obliged to knock the door of this Learned Tribunal under its appellate jurisdiction inter alia of the following grounds.

**GROUND:-**

A. That the impugned orders of respondents not to change the name and parentage of appellant in the service record is against law and facts.



- 5
- B. That the impugned orders of official respondents are not tenable under the law as due to change of name and parentage of appellant, the terms & conditions of service will not be changed and further there will be caused no loss or harm to the respondents offices if the name of appellant and his father name is changed in the service record of appellant.
- C. That the appellant has made best honest efforts to seek the remedy from the offices of respondents for the change of his name and parentage but fruitless and thereafter the appellant knocked the door of civil Court where the concerned respondents have filed written statement on 13.10.2020 wherein they refused to redress the grievances.
- D. That similarly the learned Civil Court has returned the plaint to the appellant for presentation the same before the proper forum i.e. this learned Tribunal and the appellant then filed MCA in the Court of learned District Judge Tank within the period of limitation but the same too has been withdrawn by the appellant vide order dated 23.02.2021 in order to approach the proper forum i.e. this learned Tribunal, therefore the period spent in the civil Court / Appellate Court is to be condoned in the interest of justice
- E. That this Honorable Tribunal has vast Appellate powers and jurisdiction to redress the grievances of the appellant.
- F. That counsel for the appellant may please be allowed to raise any additional grounds during the course of arguments.

*Jun 2*

6

It is, therefore, humbly prayed that on acceptance appeal, this Honourable Tribunal may very graciously be pleased to pass an order directing the respondents to make entry in the service record of appellant and substitute correct name of appellant as Muhammad Shafi instead of Muhamamd Shafiq and father name as Lal Khan instead of Haji Abdullah.

Dated: 27/03/2021

Your Humble Appellant

*M. Shafi*

**Muhammad Shafi**

Through Counsel

*[Signature]*  
**Gul Tiaz Khan Marwat**  
**Advocate High Court**  
**Dera Ismail Khan**

**AFFIDAVIT**

I, Muhammad Shafi S/O Lal Khan R/O Cheesan Kach Tehsil & District Tank, the Appellant do hereby solemnly affirm and declare on Oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

*M. Shafi*

**DEPONENT**





7

**BEFORE THE SERVICE TRIBUNAL KPK**

**PESHAWAR**

Civil Misc. Application No. \_\_\_\_\_/2021

In

Service Appeal No \_\_\_\_\_/2021

Muhammad Shafi

.....Appellant

VERSUS

Government of KPK through Secretary Health Civil

Secretariat Peshawar and others.

.....Respondents

**PETITION U/S 5 OF LIMITATION ACT CONTAINING THE  
REQUEST FOR CONDONATION OF DELAY IN FILING OF  
APPEAL.**

Respected Sir,

1. That the accompanied Appeal is being filed before this learned Tribunal.
2. That prior to the instant appeal the petitioner sought the remedy from civil Court in respect of change of name of appellant and his father name in the service record maintained by the offices of respondents.
3. That the learned Trial Court passed the order dated 27.01.2021 vide which the plaint has been returned to the Appellant for want of jurisdiction as in the opinion of the learned Trial Court, jurisdiction of the Civil Court is barred under Article-212 of the constitution.
4. That similarly the petitioner filed appeal in the Court of District Judge Tank against the order of learned Trial Court which too was withdrawn vide order dated 23.02.2021 by the petitioner to approach the proper forum.



5. That keeping in view the circumstances explained above the period spent by the petitioner in the civil Courts is to be condoned as the petitioner action of seeking remedy in the civil Court is a bona fide mistake, therefore delay in filing of Appeal if any may please be condoned in the interest of justice.

It is, therefore, humbly prayed on acceptance this Petition, this Honorable Tribunal may very graciously be pleased to condon the delay if any in filing of appeal.

Your humble Petitioner,

*M. Shafi*

**Muhammad Shafi**  
Through Counsel

Dated: 27/03/2021

*[Signature]*  
**Gul Tiaz Khan Marwat**  
Advocate High Court  
DIKhan

**AFFIDAVIT**

I, Muhammad Shafi S/O Lal Khan Class-IV DHO Office Tank, the Appellant do hereby solemnly affirm and declare on Oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

*M. Shafi*

**DEPONENT**



OFFICE OF THE EXECUTIVE DISTRICT  
OFFICER (HEALTH) DISTRICT TANK

B

10

OFFICE ORDER

Consequent upon the recommendation of Departmental Selection Committee, Mr. Muhammad Shafiq S/o Abdullah R/o Village Chesan Kach District Tank, is hereby appointed against the Vacant Post of Clinician BPS-1 Fixed pay (4000 PM) at BHU Chesan Kach District Tank, on following term & condition with immediate effect in the interest of public services.

1. His service is purely on contract basis and will not be entitled for pension & other financial benefits.
2. He will not claim any increase of allowance / pay mentioned by the govt from time to time.
3. He should produce his health & age certificate from EDO (H) concerned

Executive District Officer (H),  
District Tank

Dated 10/12/2007

10/12/07-85/E-7

Copy to the

- District Accounts Officer Tank
- IC BHU Chesan Kach
- Dfr. Muhammad Shafiq S/o Abdullah r/o Chesan Kach District Tank.
- Computer Operator/ Account Clerk /H/C  
(for information please)

*Attested  
Gulsh  
DAN*

*[Signature]*  
Executive District Officer (H),  
District Tank

108639

S. No. DIKE

## BOARD OF INTERMEDIATE &amp; SECONDARY EDUCATION

DERA ISMAIL KHAN DISTRICT PAKISTUNKHWA (PAKISTAN)



C 110



Roll No: 53250  
Group: SCIENCE

DETAILED MARKS CERTIFICATE  
SECONDARY SCHOOL CERTIFICATE EXAMINATION  
SESSION ANNUAL-2012

Hafiz Aurangzeb Khan  
Civil Judge / Judicial Magistrate  
Tank

13-7-020

Muhammad Shaif Son/Daughter of Lal Khan

of BRIGHT FUTURE SCHOOL & COLLEGE TANK.

appeared as Ex-Student

Subjects	Marks	MARKS OBTAINED					
		9th		10th		Total	In Words
		Theory Paper A	Practical Paper B	Theory Paper A	Practical Paper B		
1. English	150	28		47	--	75	Seventy-Five
2. Urdu	150	49		47	--	96	Ninety-Six
3. Islamiyat (Comp)	75	35	--	--	--	35	Thirty-Five
4. Pakistan Studies	75	--		39	--	39	Thirty-Nine
5. Maths	150	32	--	36	--	68	Sixty-Eight
6. Physics	150	22	6	22	8	58	Fifty-Eight
7. Chemistry	150	22	6	22	7	57	Fifty-Seven
8. Biology	150	23	8	37	8	76	Seventy-Six

Total 1050

504-13

Five Hundred Four Only

Remarks / Optional Subject(s):

Date of Birth: 01st November, 1993Prepared by: A. F.Checked by: [Signature]Issue Date: 12-06-2012

Controller of Examinations

Note: Error(s) / Omission(s) excepted. Any mistake in above details must be intimated within 30 days of the issuance of this certificate  
Computer Cell, B.I.S.E., Dera Ismail Khan.

[Signature]  
[Signature]

D

8/2

S.No. 2510

Reg: No.02 B.F.H.S./TK

# BRIGHT FUTURE SCHOOL & COLLEGE



TANK

## CHARACTER CERTIFICATE

Hafiz ~~...~~  
Civil Judge / Judicial Magistrate  
Tank  
13-7-2020

Certified that Mr/Mrs. MUHAMMAD SHAFI

Son/Daughter of Mr. LAJ KHAN

Was a student of this School & College.

He passed his S.S.C/Intermediate Examination in 100% PASSED and during his school career, he was well behaved and regular student.

His teacher were please with him

He bore a good moral character.



*Handwritten signature*  
Juni  
SAW

# DOMICILE CERTIFICATE

**FR. TANK**

Hafiz / Shahid Khan  
Civil Judge / Judicial Magistrate  
Tank

Mr. / Miss / Mrs. / / MUHAMMAD SHAFFI 13-07-02  
 Son/Daughter/Wife of LAL KHAN declare that I was born at  
 Village SUR GHAR Sub-Village \* Tehsil JAN DOLA  
 Caste BAI TANI Sub-Caste TA TA of TANK  
 Frontier region of parents who are permanently Domiciled is the side special area.

Signature of the Applicant/  
Thumb Impression

I, Malik محمد علی Son of محمد علی  
 Caste BAI TANI Sub-Caste TA TA of Village FR TANK

of Tank Frontier Region hereby certify that Mr./Miss/Mrs. MUHAMMAD SHAFFI  
 Son/Daughter/Wife of LAL KHAN claiming membership of RECOGNISED  
 Tribe is bonafide member of the said tribe and that he/she is entitled to the tribe allowances and profits  
 due to his tribe all losses of his/her tribe and shares with them in the tribe and territorial responsibilities.

Signature of Malik محمد علی Signature of Shahid Khan  
 Date 01 / 02 / 2013 22601-1105216-3 Date 01 / 02 / 2013 22601-62541109-1

I have satisfied myself from personal knowledge / verification that above declaration is true and certify accordingly.  
 This \_\_\_\_\_ Day of FEBRUARY, 2013

Shahid Khan  
POLITICAL AGENT TEHSIL JAN DOLA

Shahid Khan  
ASSISTANT POLITICAL AGENT  
FR. TANK



Shahid Khan  
POLITICAL AGENT FR. TANK  
ASYNCRONOUS COORDINATION OFFICER  
DEPUTY COMMISSIONER TANK

597/PA Date 8/9/13

# تصدیق کے لئے مکان

مشرقی

ہم مکان اس کی تصدیق کرتے ہیں کہ سہی / سہی

محل افسان

ولدہ / دختر از وجہ

قوم پنجاب شاخ سرحد مکان سرحد محل سرحد کلاں

مستقل طور پر پیدائشی و سکونت ہے۔ غلط بیانی کی صورت میں ہم مکان اس کے ذمہ دار ہوں گے۔

دستخط ملک سرحد

نام ملک سرحد

پتہ سرحد

شناختی کارڈ نمبر 3-6-1-5-110-1-601-226

دستخط ملک سرحد

نام ملک سرحد

پتہ سرحد

شناختی کارڈ نمبر 3-6-1-5-110-6-2-601-226

VERIFIED

POLITICAL AGENT F.R. TANK

## دالت جناب سید نثر سول جج صاحب ضلع ٹانک

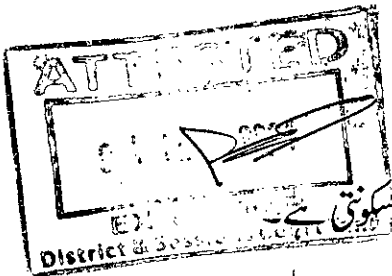
محمد شفیع ولد لعل خان قوم پیشی سنگھ چکھل کچھ تحصیل ضلع ٹانک تاریخ 16-3-11 28-1-11 02/7-2011 مدعی

D

اسٹنٹ پراجیکٹ نیجر سوئفٹ سنٹر نادرا تحصیل ضلع ٹانک ..... (مدعا علیہ)

Senior Civil Judge  
Judicial Magistrate  
Tank

دعویٰ استقراریت بدیں قرار داد کہ منمدعی کی صحیح و درست تاریخ پیدائش 01-11-1993 ہے۔ اور اسی طرح منمدعی کا صحیح اور درست نام محمد شفیع اور منمدعی کے والد کا درست اور مکمل نام لعل خان ہے۔ جو کہ منمدعی کی سکول سرٹیفیکیٹ / اور ڈیرہ بورڈ کی DMC میں صحیح اور درست طور پر درج و تصدیق ہے۔ جبکہ مدعا علیہ کے ریکارڈ / CNIC منمدعی کے قومی کمپیوٹرائزڈ شناختی کارڈ میں درج مدعی کی تاریخ پیدائش 1989ء اور منمدعی کا نام "محمد شفیع" و منمدعی کے والد کا نام "حاجی عبداللہ" سراسر غلط اور فرضی ہے۔ غلط و نامکمل طور پر درج ہے جو کہ قلمی غلطی / غلط فہمی کا نتیجہ ہے جس کی درستگی کرنے کا مدعا علیہ قانوناً پابند و ذمہ دار ہے۔ مع صدور حکم امتناعی دوامی و تاکیدی بنام مدعا علیہ کہ وہ ریکارڈ میں درستگی کرتے ہوئے منمدعی کی تاریخ پیدائش 01-11-1993 و منمدعی کا نام "محمد شفیع" اور منمدعی کے والد کا نام "لعل خان" کا اندراج کر کے منمدعی کو درست اور صحیح شدہ قومی کمپیوٹرائزڈ شناختی کارڈ / CNIC جاری کریں۔



جناب عالی: مدعی حسب ذیل عرض رساں ہے۔

- (1) یہ کہ منمدعی گاؤں چوسن کچھ تحصیل ضلع ٹانک کا آباؤ اجداد سے پیدائش، رہائش و سکونت ہے۔
- (2) یہ کہ مدعی کی صحیح و درست تاریخ پیدائش 01-11-1993 ہے۔ اور اسی طرح مدعی کا صحیح، درست اور مکمل نام "محمد شفیع" اور منمدعی کے والد کا نام "لعل خان" ہے۔ جو کہ مدعی کی سکول سرٹیفیکیٹ / BISE ڈیرہ بورڈ میں درست طور پر درج ہے۔ نقل سکول سرٹیفیکیٹ لف ہے۔ حاجی عبداللہ مدعی کے چچا کا نام ہے۔
- (3) یہ کہ مدعا علیہ کے ریکارڈ / CNIC میں درج ہندعی کی تاریخ پیدائش 1989ء اور منمدعی کا نام "محمد شفیع" و منمدعی کے



کام نام الحاجی عبداللہ غلط طور پر درج و تحریر ہے۔ جو کہ سراسر غلط، فرضی اور قلمی غلطی کا نتیجہ ہے۔ نقل قومی کمپیوٹرائزڈ شناختی کارڈ/CNIC لف ہے۔

(4)۔ یہ کہ مدعی کے لئے مذکورہ غلط اندراج مستقبل میں گوں ناگوں مسائل کا باعث ہے۔ قابل درستی ہے اور

مدعا علیہ درستی کرنے کا پابند و ذمہ دار ہے۔

3.16  
Senior Civil Judge  
Judicial Magistrate  
Tank

(5)۔ یہ کہ مدعا علیہ کو کہا اور کہلوا یا گیا کہ وہ ریکارڈ میں درستی کرتے ہوئے مدعی کو مطابق درست تاریخ پیدائش اور درست صحیح اور مکمل نام منمدعی و والد منمدعی جاری کریں۔ لیکن مدعا علیہ نے ٹال مٹول سے کام لیکر عرصہ ایک ہفتہ سے صاف انکار کر دیا ہے۔ بدیں وجہ ضرورت دعویٰ لاحق ہوئی ہے۔

(6)۔ یہ کہ بنائے دعویٰ از انکار مدعا علیہ ایک ہفتہ سے بمقام ٹانک پیدا ہوا جو کہ دعویٰ لہذا اندر معیار و اندر حدود اختیار سماعت عدالت آنجناب ہے۔

(7)۔ یہ کہ بروئے قانون مروجہ دعویٰ لہذا کورٹ فیس چسپان کرنے سے مستثنیٰ ہے۔

لہذا استدعا ہے کہ دعویٰ مدعی حسب صراحت عنوان و تشریح عرضید دعویٰ بحق مدعی بر خلاف مدعا علیہ ڈگری فرمایا جاوے۔

مورخہ 22/03/2016

رض  
[Handwritten Signature]

محمد شفیع..... (مدعی)۔ بذریعہ وکیل  
M. Jutt

ATTESTED  
[Stamp with Signature]  
EX. JUDGE  
District & Sessions Court Tank

تصدیق

بہ اقرار صالح تصدیق کی جاتی ہے کہ جملہ مراتب عرضید دعویٰ تاحد علم و یقین کے صحیح و درست ہیں۔ کوئی امر پوشیدہ نہیں رکھا گیا ہے۔

العبد

محمد شفیع..... مدعی  
M. Jutt

بیان طفی

حلفاً بیان کیا کہ قبل ازیں اس نوعیت کا دعویٰ دائر عدالت نہیں کیا ہے نہ ہی زیر تجویز ہے۔ کوئی دروغ گوئی بیان نہیں کی

العبد

[Handwritten Signature]  
Attested  
Muhammad Anwar Khan Advocate  
Notary Public Dist. Tank

محمد شفیع..... (مدعی)  
M. Jutt

~1~

18

IN THE COURT OF MRS. TANIA HASHMI  
CIVIL JUDGE -III, TANK.

D

Suit No 57/1

of 2016.

Muhammad Shafi s/o Lal Khan Caste Bittani R/O of Chesan Kauch Tehsil  
& District Tank.

(Plaintiff)

\*\*\*\*Versus\*\*\*\*

1. Assistant Project Manager NADRA Office Tank.

(Defendant)

Date of institution-----24.03.2016.

Date of decision -----18.02.2017.

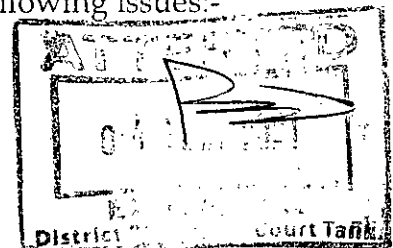
JUDGMENT:

Plaintiff has brought a suit for declaration & perpetual cum-mandatory injunction, wherein he seeks correction of his name, date of birth & also his father's name in the record of the defendant.

Briefly narrated facts of the case as revealed in plaint are that the plaintiff's actual and correct date of birth according to his school record is 01.11.1993, while his correct name is "Muhammad Shafi" and his father's actual name according to his father CNIC is "Lal Khan" which have wrongly been incorporated as "1989" Muhamad Shafiq & Haji Abdullah respectively in the record of defendant, which is the result of mistake and ineffective upon the rights of the plaintiff with further prayer that the defendant might be directed to enter correct date of birth i.e, 01.11.1993, instead of 1989, Muhammad Shafi instead of "Muhammad Shafiq" & correct father's name as Lal Khan instead of Haji Abdullah in their record.

Defendant was put on notice who on appearance contested the suit by filing written statement.

Pleadings of the parties were reduced into following issues:-



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ISSUES

- 1- Whether the plaintiff has got any cause of action?
- 2- Whether the plaintiff's actual date of birth is 01.11.1993 and same has been wrongly mentioned in the record of defendant as "1989"?
- 3- Whether the plaintiff's actual name is "Muhammad Shafi" and same has been wrongly mentioned as "Muhammad Shafiq in the record of defendant?
- 4- Whether the plaintiff's father's actual name is Lal Khan and same has been wrongly mentioned as "Haji Abdullah" in the record of defendant?
- 5- Relief.

Parties were directed to produce pro and contra evidence in support of their respective claims. Plaintiff produces three (03) PWs, while defendant produced only one (01) DW.

After conclusion of evidence, arguments heard. Record gone through.

In the light of issue-wise findings of this Court are as follows: -

Issue No.2, 3 & 4.

All these issues being interlinked, therefore taken together in order to avoid repetitions of facts while the onus to prove these issues was upon plaintiff.

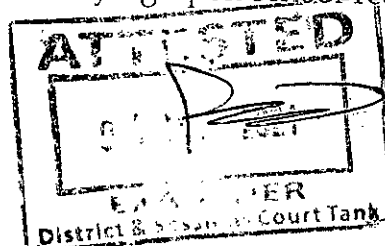
The plaintiff alleges that his correct name is "Muhammad Shafi" while his correct date of birth is 01.11.1993 and his father name is Lal Khan, which have been wrongly entered in the record of the defendant as Haji Abdullah.

The plaintiff produced oral as well documentary evidence in order to prove his case:

Plaintiff in support of his stance produced Matric D.M.C which is available on file as Ex: PW 1/1, which supports plaintiff's version and indicates his name as Muhammad Shafi his father name is "Lal Khan and date of birth to be 01.11.1993.

Furthermore in support of his claim plaintiff produce PW-2, who is the father of plaintiff who produced his original CNIC which is Ex:PW 2/1, perusal of which indicates that his actual name is Lal Khan.

These documents i.e., School certificate (D.M.C 10<sup>th</sup> Class) and CNIC supports plaintiff's version. Thus while relying upon school record & CNIC,



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~ 3 ~  
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which are an authentic document in this regard, this court holds that the plaintiff's actual name is **Muhammad Shafi** and his actual date of birth is **01.11.1993** and his correct father name is "Lal Khan".

In the light of the above discussion I am of the humble view that plaintiff has successfully proved these issues through cogent oral as well as documentary evidence, therefore these issues are decided in positive in favour of the plaintiff against the defendant.

**Issue No.1:**

The onus to prove this issue was also upon plaintiff.

Plaintiff is seeking correction of his name his father's name & date of birth in his CNIC. While discussing issue No.2 , 3 & 4, it has been observed that the plaintiff's name his father name & date of birth have been wrongly entered in the record of the defendant, therefore plaintiff has got valid cause of action hence the issue is decided in positive in favour of the plaintiff and against the defendant.

**RELIEF:**


Consequent upon the findings of this Court on issues discussed above, suit in hand stands decreed in favour of the plaintiff.

Parties are left to bear their own costs.

File be consigned to RR after its completion and compilation.

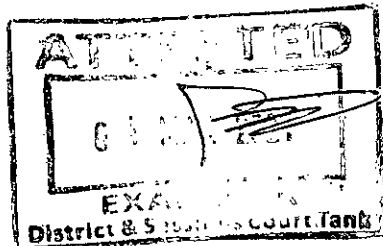
**ANNOUNCED.**


18.02.2017

  
**Mrs. Tania Hashmi**  
Civil Judge-III, Tank.

**CERTIFICATE**

My this judgment consists of 03 pages. Each page has been checked signed and corrected by me, wherever necessary.



  
**Mrs. Tania Hashmi**  
Civil Judge-III, Tank

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۱۹۸  
نمبر ۸

E

ڈگری بہ نالشات و خلیا بی وغیرہ

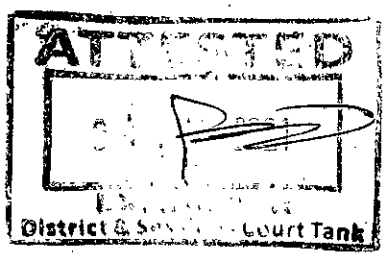
آرڈر نمبر ۲۱ قاعدہ نمبر ۷۔ ضابطہ دیوانی

تاریخ ہاشمی سول جج صاحبہ III صلح ٹانک

تقدیم نمبر: 57/1 016 رجوعہ 2016. 3. 24 فیصلہ 2017. 2. 18

محمد شفیع ولد لعل خان قوم  
بھٹی سکاٹلینڈ جسٹس کچھ تحصیل  
صلح ٹانک  
بنام اسٹٹ ہراجیٹ و سینٹر سولٹس سنٹر نادرا  
تحصیل و ضلع ٹانک۔  
(درعا علیہ)

دعویٰ استقراد حق بدین قرار داد کہ محمد علی کی صبح اور درست تاریخ پیدائش 01/11/93 ہے اور اس طرح محمد شفیع اور محمد علی کے والد کا درست اور مکمل نام لعل خان ہے جو کہ محمد علی کی سکول سرٹیفکیٹ / اور ٹی بیہ بورڈ کی DMC میں صبح اور درست طور پر درج و تقریق ہے۔ جبکہ درعا علیہ کے ریکارڈ / CNIC محمد علی کے قومی شناختی کارڈ میں درج و درج کی تاریخ پیدائش 1989 اور محمد علی کا نام "محمد شفیع" و محمد علی کے والد کا نام "حاجی عبداللہ" سر اسر غلط اور فرضی ہے۔ غلط و ناقص طور پر درج ہے جو کہ قلمی غلطی / غلط فہمی کا نتیجہ ہے۔ جسکی درستگی کرنے کا درعا علیہ کا فرنا یا بیزروزہ دار ہے مع صدور حکم افترا علی دعویٰ و تاخیری بنام درعا علیہ کہ وہ ریکارڈ میں محمد علی کی تاریخ پیدائش 1993. 11. 1 و محمد علی کا نام "محمد شفیع" اور محمد علی کے والد کا نام "لعل خان" کا اندراج کر کے محمد علی کو درست اور تصحیح شدہ قومی کمپیوٹرائزڈ شناختی کارڈ CNIC جاری کرے۔



پیش ہوا۔ 24. 3. 2016 عرضی دعویٰ بتاریخ

18. 2. 2017 واسطے تجویز آخر کے رو بروئے ہمارے یہ مقدمہ آج بتاریخ

محمد شہزاد بہرام اعوان اللہ وکیٹ منجانب مدعی

اور منجانب مدعا علیہ سماعت پذیر ہوا۔ پس یہ حکم دیا جاتا ہے

plaintiff, in person and defendant through representative person.

vide my detailed Judgment of today consisting of (03) pages duly checked and signed by me separately placed on file. Suit in hand stands decreed in favour of the plaintiff. parties are left to bear their own costs. File be consigned to RR after its completion and compilation.

Order Announced

18-2-2017

  
Civil Judge-III / J.N. Tank

## خرچہ نالیش

نمبر	پے	مدعا نامیہ	روپے	پے	مدعی
		۱۔ اثناپ وکالت نامہ			۱۔ اثناپ مرضی دعویٰ
		۲۔ اثناپ وجوہات و سوال			۲۔ اثناپ وکالت نامہ
		۳۔ عقائد وکیل بابت روپیہ			۳۔ اثناپ وجوہات
		۴۔ خوراک کراہان			۴۔ عقائد وکیل بابت روپیہ
		۵۔ فیس اہل کیشن			۵۔ خوراک کراہان
		۶۔ اجراء حکم نامہ			۶۔ فیس اہل کیشن
		۷۔ متفرق			۷۔ اجراء حکم نامہ
					۸۔ متفرق
		میزان ---			میزان ---

۱۷ ویں شبیت دستخط میرے اور میری عدالت کے جارج کی ہوا۔

آج تاریخ ۱۸ فروری



Civil Judge-III / J.N. Tank



(b) I 20

E

**IN THE COURT OF SENIOR CIVIL JUDGE TANK**

CIVIL SUIT NO \_\_\_\_\_/2020

Muhammad Shafi S/O Lal Khan R/O Cheesan Kach Tehsil &  
District Tank 03461577949 .....PLAINTIFF

VERSUS

- Exp 16-9-20
- Exp 16-9-20
- Exp 28-7-20
1. Government of KPK through Secretary Health Civil Secretariat Peshawar.
  2. The Director General Health Services Government of KPK Peshawar.
  3. The Accountant General KPK Peshawar.
  4. The District Accounts Officer Tank
  5. The District Health Officer Tank .....Defendants

13-7-20  
Senior Civil Judge / J.M.  
Tank

**SUIT FOR DECLARATION AND PERPETUAL INJUNCTION  
TO THE EFFECT TO DECLARE THE NAME OF PLAINTIFF  
AS MUHAMMAD SHAFI S/O LAL KHAN INSTEAD OF  
MUHAMMAD SHAFIQ S/O HAJI ABDULLAH AS THE SAME  
HAVE WRONGLY BEEN RECORDED IN THE OFFICE  
RECORD OF DEFENDANTS.**

*Respected Sir,*

1. That the addresses of the parties given above are sufficient for the purpose of the service of the parties.
2. That the Plaintiff is a bona fide resident of Cheesan Kach Tehsil & District Tank and actual and real name of Plaintiff is Muhammad Shafi while name of father of plaintiff is Lal Khan but in the record of offices of defendants both the names of plaintiff and his father have wrongly been entered and recorded as Muhammad Shafiq S/O Haji Abdullah.

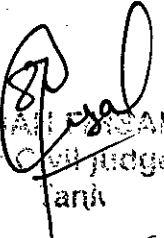
(7)

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3. That the wrong name of plaintiff (Muhammad Shafiq S/O Haji Abdullah) were wrongly been recorded by the NADRA in the CNIC issued to the plaintiff on 30.08.2007 and on the basis of same CNIC, the plaintiff was appointed as Class-IV in the office of DHO Tank vide office order Endst: No. 4082-85/E-7 dated 10.12.2007. Copies of CNIC and appointment order are enclosed herewith.
4. That the factum of correct name of plaintiff as a Muhammad Shafi S/O Lal Khan is proved and evident from the school record of plaintiff Bright Future School and College Tank as well as the DMC issued by the BISE, D.I.Khan vide Roll No. 53250 session Annual 2012. Copies are enclosed herewith.
5. That the plaintiff sought correction of the names of plaintiff and his father respectively in the record of NADRA by filing Suit for declaration which was decreed vide judgment and decree dated 08.02.2017 passed by learned Civil Judge-III Tank. Copies of Judgment and decree are enclosed herewith.
6. That after passing the judgment and decree by the learned Civil Court, the plaintiff approached the departmental authorities of Health for correction of name Muhammad Shafi instead of Muhammad Shafiq and name of father as Lal Khan instead of Haji Abdullah.
7. That the Plaintiff tried his best to get correct his name as Muhammad Shafi instead of Muhammad Shafiq while name of father Lal Khan instead of Haji Abdullah but fruitless.
8. That having no other way, the plaintiff is obliged to knock the door of this honourable court for redressal of his grievances, hence the instant suit.

0-1  
13.7.20

  
Senior Civil Judge (S.C.J.)  
Tank





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- 9. That the cause of action accrued to the Plaintiff few days ago when Officials of the Offices of Defendants refused orally not to redress the grievances of Plaintiff, therefore, suit of the plaintiff is within time and within jurisdiction of this learned court.
- 10. That suit is for declaration and value of the suit for the purpose of Jurisdiction and court fee is Rs. 2000/- and court fee of Rs. 500/- is affixed on the plaint.

It is therefore humbly prayed that a decree may please be passed in favour of Plaintiff and against the Defendants as prayed for in the heading of Plaint.

0-1  
13-7-20

SHAH FAISAL  
Senior Civil Judge / JM  
Tank

Dated: 13/07/2020

Your Humble Plaintiff

M. Shafi

Muhammad Shafi  
Through Counsel,

Gul Tiaz Khan Marwat

Advocate High Court  
DIKhan

**VERIFICATION**

Verified at <sup>Tank</sup> ~~DIKhan~~, this day of 13th July 2020, that the contents of

Plaint are true and correct to the best of my knowledge and belief

M. Shafi

**PLAINTIFF**

محمد شفیع ولد لال خان  
نام

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حکومت ضلع مختونخواہ ٹانک سیکرٹری  
ہیلو لٹا اور وغیرہ

دعویٰ استغراق  
جواب دعویٰ بجانب مدعا علیہ

19/10/10  
Civil Judge, I  
Judicial Magistrate  
Tank

صاحب عالی: مدعا علیہ حسب ذیل جواب دعویٰ پیش کرتے ہیں

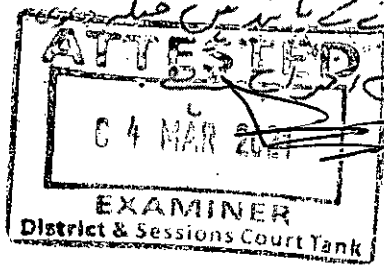
خودرات ابتدائی:

- 1- یہ کہ مدعی کو کوئی جائیداد دعویٰ حاصل نہیں ہے۔
- 2- یہ کہ مدعی کو کوئی خواہت دعویٰ حاصل نہیں ہے۔
- 3- یہ کہ دعویٰ مدعی اندر صحیح نہیں ہے۔
- 4- یہ کہ مدعی عدالت آجنا میں صاف باتوں سے نہ آیا ہے۔
- 5- یہ کہ دعویٰ مدعی اندر درج 11 ض. د کے قابل اخراج ہے۔
- 6- یہ کہ دعویٰ مدعی میں لکھل جو وہ فاضل عدالت واقعہ سماعت حاصل نہیں ہے۔
- 7- یہ کہ دعویٰ مدعی میں گھڑت و بے بنیاد ہے جو کہ مدعا علیہم و تنگ و پریشان کرنے کا فرض سے دائر کیا گیا ہے میں وہ مدعا علیہم اسٹیبل حد جانے کے قدر ہیں۔
- 8- یہ کہ دعویٰ مدعی بوجہ شامل کرنے مفہم ضروری نہیں دے میں نہ کرتے فردی نہ لکھن میں

قابل اخراج ہے

9- یہ کہ مدعی کی تصدیقی صورت 10/11/2007 میں بطور جو کیدار حکم ہیلو میں ہوئی ہے اسلئے از دست قانون وہ عدالت کے کوئی بھی سرورٹ دو سال کے اندر متعلقہ حکم سے رجوع کرنے کے ساتھ میں حکم سے

جواب و احوال:



1- یہ کہ حقہ غائبہ مدعی جواب کا محتاج نہیں ہے

2- یہ کہ حقہ غائبہ مدعی کا مدعی درست لکھ نہیں ہے۔ دعویٰ مدعی میں گھڑت و بے بنیاد میں سرحدت و فریب استدا میں قابل اخراج ہے۔ مدعی کا حکم تعلیم میں تصدیقی صورت 10/11/2007



8۔ یہ فقرہ غلط ہے ضروری جواب کا محتاج نہیں ہے البتہ قانون دعویٰ بذاتِ اجابت نہیں دیتا

9۔ یہ فقرہ غلط ہے ضروری غلط ہے درست نہیں ہے۔ مدعی کو کوئی نیا دعویٰ حاصل نہیں ہے نہ تو دعویٰ اندر صیغہ ہے اور نہ ہی مقدمہ نیا میں شکل موجودہ فاضل عدالت کو اختیار رسالت حاصل ہے۔

10۔ یہ فقرہ غلط ہے ضروری غلط ہے درست نہیں ہے

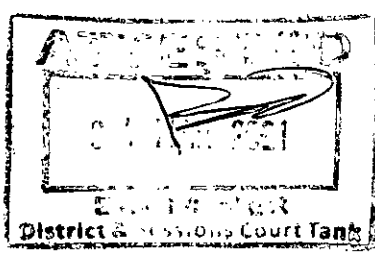
اس کی بنا پر عدالت نے دعویٰ رد کر دیا ہے  
فصل و حجت کے قیام کے لئے ضروری ہے  
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Distt Attorney  
Tank

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Order No.13  
27.01.2021

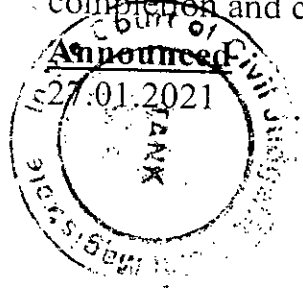
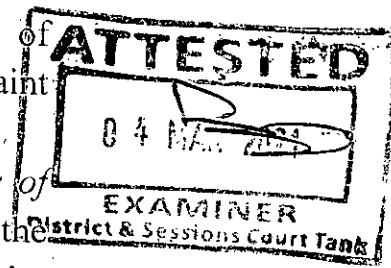
Parties with their counsel present. Arguments on maintainability of the suit on behalf of the plaintiff have already been heard while arguments on behalf of the defendants heard today and record perused.

The plaintiff had instituted a suit for correction of name and date of birth in the year 2016 which was decreed in favour of the plaintiff against NADRA.

In the present suit the plaintiff sought declaration in respect of correction of correct name in his service record. The plaintiff is employee of Health Department. In the former suit, the plaintiff did not seek correction of name in Service Record and concealed the same fact. Order 2 Rule 2 C.P.C says *where a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not after words sue in respect of the portion so omitted or relinquished.* If the plaintiff omits to sue for all the claims and reliefs to which he is entitled in respect of a cause of action, he will be precluded in a second suit for suing in respect of the portions so omitted. The object of Rule 2 is to prevent party being vexed twice for the same cause, and prevent multiplicity of suit. Reliance may be placed on **2012 YLR 269, 1983 CLC 482 and 1996 MLD S1409.**

In addition to this superior courts have held that once entry in service record has been incorporated, it cannot be altered by the Civil Court. Alteration of entry in service record is jurisdiction of Service Tribunal. Under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 jurisdiction of Civil Court is barred. Plaintiff is returned.

*Plaint, annexed documents and attested copies of order sheets including this order are to be returned to the plaintiff through Dak Bahi while attested copy of plaint and annexed documents are to be placed on this file for the purpose of record. File be consigned to record room after completion and compilation.*



Hafiz Aurangzeb Khan  
Civil Judge-II, Tank

27/01/21

Superintendent  
Sessions Court Tank

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J

**BEFORE THE DISTRICT JUDGE TANK**

Civil Appeal No. \_\_\_\_\_/2021

Muhammad Shafi S/O Lal Khan R/O Cheesan Kach Tehsil  
& District Tank .....Appellant

VERSUS

1. Government of KPK through Secretary Health Civil Secretariat Peshawar.
2. The Director General Health Services Government of KPK Peshawar.
3. The Accountant General KPK Peshawar.
4. The District Accounts Officer Tank
5. The District Health Officer Tank .....Respondents

23/02/21  
18/02/21  
06/13

Handwritten signature and notes in Urdu script.

**APPEAL UNDER ORDER 43/104 CPC AGAINST THE ORDER DATED 27/01/2021 PASSED BY LEARNED CIVIL JUDGE-II TANK VIDE WHICH PLAINT HAS BEEN RETURNED TO THE APPELLANT DUE TO LACK OF JURISDICTION.**

**Respected Sir,**

1. That the addresses of the parties given above are sufficient for the purpose of the service of the parties.
2. That the Appellant is a bona fide resident of Cheesan Kach Tehsil & District Tank and actual and real name of Appellant is Muhammad Shafi while name of father of appellant is Lal Khan but in the record of offices of respondents both the names of appellant and his father have wrongly been entered and recorded as Muhammad Shafiq S/O Haji Abdullah.

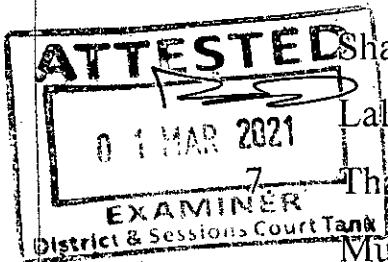
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**ATTESTED**  
01 MAR 2021  
EXAMINER  
District & Sessions Court Tank

27

Superintendent  
Sessions Court Tank

3. That the wrong name of appellant (Muhammad Shafiq S/O Haji Abdullah) were wrongly been recorded by the NADRA in the CNIC issued to the appellant on 30.08.2007 and on the basis of same CNIC, the appellant was appointed as Class-IV in the office of DHO Tank vide office order Endst: No. 4082-85/E-7 dated 10.12.2007. Copies of CNIC and appointment order are enclosed herewith.
4. That the factum of correct name of appellant as a Muhammad Shafi S/O Lal Khan is proved and evident from the school record of appellant Bright Future School and College Tank as well as the DMC issued by the BISE, D.I.Khan vide Roll No. 53250 session Annual 2012. Copies are enclosed herewith.
5. That the appellant sought correction of the names of appellant and his father respectively in the record of NADRA by filing Suit for declaration which was decreed vide judgment and decree dated 08.02.2017 passed by learned Civil Judge-III Tank.
6. That after passing the judgment and decree by the learned Civil Court, the appellant approached the departmental authorities of Health for correction of name Muhammad Shafi instead of Muhammad Shafiq and name of father as Lal Khan instead of Haji Abdullah.  
That the Appellant tried his best to get correct his name as Muhammad Shafi instead of Muhammad Shafiq while name of father Lal Khan instead of Haji Abdullah but fruitless.
8. That having no other way, the appellant was obliged to knock the door of the Civil Court for redressal of his



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Superintendent  
Sessions Court Tank

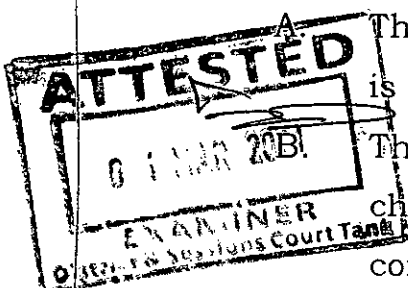
grievances and accordingly filed a civil suit in the Court of learned Senior Civil Judge Tank which was entrusted to the court of learned Civil Judge-II for disposal. Copy of plaint is enclosed as **Annexure - A**.

9. That after filing of suit, Notices were issued to the respondents and respondent No. 5 filed written statement while rest of the respondents were placed Ex-parte and the learned Trial Court fixed the case for arguments on the point maintainability. Copy of written statement is enclosed as **Annexure - B**.
10. That after hearing arguments, the learned Trial Court passed the impugned order dated 27.01.2021 vide which the plaint has been returned to the Appellant for want of jurisdiction as in the opinion of the learned Trial Court, jurisdiction of the Civil Court is barred under Article-212 of the constitution. Copy of impugned order is enclosed as **Annexure - C**.
11. That being aggrieved from the impugned order and having no other remedy, the Appellant is obliged to knock the door of this Learned Court under its appellate jurisdiction inter alia of the following grounds.

**GROUND:-**

That the impugned order passed by Learned Trial Court is against law and facts.

That the impugned order is not tenable under the law as change of name and parentage is not a terms & conditions of service, therefore service tribunal has no jurisdiction in the matter do not pertain to terms, & conditions of service and it is the job and jurisdiction of Civil Courts only.



*[Handwritten signature]*



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Supreme Court  
Sessions Court Tank

- C. That the learned Trial Court has wrongly interpreted and mis-construed the law and rules on the point and wrongly returned the plaint to the appellant.
- D. That the learned Trical Court has committed material illegality and irregularity to pass the impugned order of returning the plaint to the appellant and thus has failed to exercise jurisdiction vested in its.
- E. That this Honorable Court has vast Appellate powers and jurisdiction to set aside the impugned order of learned Trial Court.
- F. That counsel for the appellant may please be allowed to raise any additional grounds during the course of arguments.

It is, therefore, humbly prayed that on acceptance appeal, this Honourable court may very graciously be pleased to set aside the impugned order of Learned Trial Court and to remand the case to the learned Trial Court to be decided on merit.

Dated: 18/02/2021

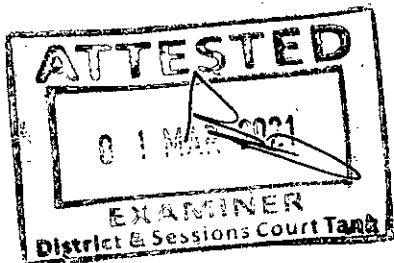
Your Humble Appellant

*M. Shafi*

**Muhammad Shafi**  
Through Counsel

*Gul Tiaz Khan Marwat*

**Gul Tiaz Khan Marwat**  
**Advocate High Court**  
**Dera Ismail Khan**



**CERTIFICATE**

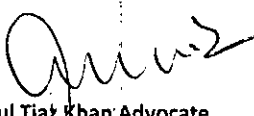
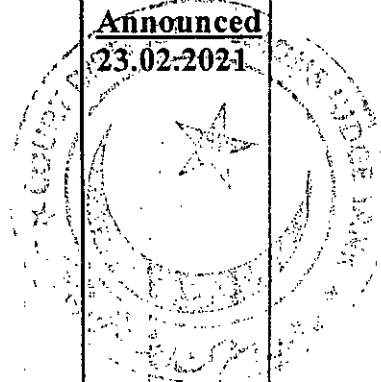
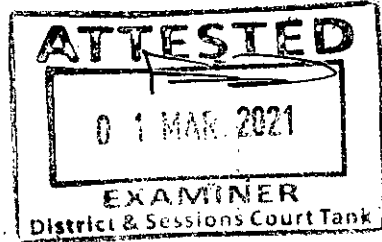
Certified that it is a first appeal by the appellant before this Learned Trial Court against the impugned order.

*M. Shafi*

**Appellant**

IN THE COURT OF  
**JEHANZEB SHINWARI**  
 DISTRICT & SESSIONS JUDGE TANK  
 RCA No. 06/13 of 2021  
**MUHAMMAD SHAFIE...VS... GOVT: OF KPK**

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Order#	Date	Order/Proceedings
02	23.02.2021	<p><b>Present:</b> Mr. Gul Tiaz Khan Advocate for appellant.</p> <p>At the outset leaned counsel states at the Bar that he want to approach the proper forum i.e. the Service Tribunal and thereby intend to withdraw. His short statement recorded on the margin of this order.</p> <p>Resultantly, appeal in hand is hereby dismissed as withdrawn. File be consigned to Record Room, record be returned.</p>
<p>I want to withdraw from the appeal in hand under the instruction of my client to approach the proper fourm.</p> <p style="text-align: center;">                      Gul Tiaz Khan Advocate</p>		<p style="text-align: center;"><b>Announced</b>                      23.02.2021</p> <div style="text-align: center;">  <p><b>JEHANZEB SHINWARI</b>                          Sessions Judge, Tank</p> </div> <div style="text-align: center; margin-top: 20px;">  </div>



ADVOCATE GENERAL  
D.I. KHAN

**GUL TIAZ KHAN MARWAT**  
Advocate High Court  
N.I.C. 12101-5311190-1  
S.No bc-11-2787



Issuing Authority

Father's Name: **Muhammad Nawaz Khan**  
Address: **6-27 Commissioner's Opp: Gopal Medical College North Circular Road D.I. Khan**  
Office Tel: **9952718231**  
Enrollment No. H.C. **03-07-2013**  
Enrollment No. N.C. **03-11-2010**  
Place of Practice: **Dera Ismail Khan**  
Date of Birth: **01-11-1991**  
Blood Group: **B+**  
**ADVOCATE GENERAL**  
1st Floor G-Block, Khyber Road Peshawar, Ph. 091-8211172  
E-mail: [council@gmail.com](mailto:council@gmail.com)

## VAKALATNAMA

31

IN THE COURT OF Service Tribunal KPK Peshawar

Mohammad Shafi VERSUS Govt. OP KPK BTZ

Title Service Appeal

I/we Mohammad Shafi

The above named Appellant hereby appoint Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, in the above mentioned case to all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this court/tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
2. To sign and verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for the submission to arbitration of the said case or any other documents, may be deemed necessary or advisable by them by the conduct, prosecution or defense of the said case at all its stages.
3. To receive payments of and issue receipts for all moneys that may be or become due and payable to us during the course on conclusion of the proceeding.  
To do all other acts and things, which may deemed necessary or advisable during the course of proceedings.  
AND hereby agree:
  - a. To ratify whatever advocates may do the proceedings.
  - b. Not to hold the advocates responsible if the said case be proceed ex-parte or dismissed in default in consequence of their absence from the court when it is called for hearing.
  - c. That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains un-paid.
  - d. That advocates may be permitted to argue any other point at the time of arguments.

In witness whereof I/we have signed this vakalatnama here under the contents of which have been read/explained to me/us which is fully understood by me/us.

Date: 27/3/2021

*M. Shafi*

Signature of Executants (s)

Attested & Accepted:

Gul Tiaz Khan Marwat  
Advocate High Court D.I.Khan (KPK)  
Cell No. 0300-9092488 / 0345-9853488