

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1330/2022

BEFORE: MISS FAREEHA PAUL ... MEMBER(E)

Tasleem Kausar D/O Abdul Latif W/O Arif Ali Khan Ansari,
Primary School Teacher (PST) Khyber Agency Bara permanent
resident of Street No. 10, Mohallah Afghan Colony, Peshawar.
.... (Appellant)

Versus

1. District Education Officer (F), District Khyber.
2. Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
4. Accountant General Khyber Pakhtunkhwa, Peshawar.
5. Auditor General, Khyber Pakhtunkhwa, Peshawar.
.... (Respondents)

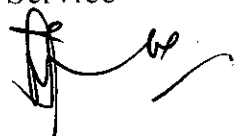
Mr. Muhammad Tariq,
Advocate

... For appellant

Date of Institution.....09.09.2022
Date of Hearing.....01.12.2022
Date of Decision..... 01.12.2022

ORDER.

FAREEHA PAUL, MEMBER (E): The service appeal in hand has
been instituted under Section 4 of the Khyber Pakhtunkhwa Service



Tribunal Act, 1974 against the order dated 15.06.2022 of respondent No.1 whereby her application/departmental appeal for correction of date of birth was regretted.

2. Brief facts of the case, as given in the memorandum of appeal, are that vide order dated 24.10.1995, the appellant was appointed on the post of PTC (BPS-7) by the competent authority after fulfilling the codal formalities. In the month of August 2020, her salary was stopped by respondents No. 4 and 5 on the ground that according to the date of birth mentioned in her CNIC she had attained the age of superannuation. The appellant requested the respondent No. 1 for her retirement on completion of 25 years service and then filed Writ Petition No. 4341-P/2021 before the Hon'ble Peshawar High Court which was disposed off on 13.12.2021 with the direction to respondent No. 1 to decide the application of the appellant positively within a period of one month and that if the appellant felt aggrieved of the said decision, she might challenge the same before the appropriate forum. Finally, vide order dated 15.05.2022, respondent No. 1 regretted the appeal of the appellant; hence the present appeal.

3. I have heard the learned counsel for the appellant and perused the case file with connected documents in detail.

4. After hearing learned counsel for the appellant and going through the record presented before me, it transpires that there is discrepancy in the date of birth of the appellant in the CNIC, Service Book, Medical Certificate and Secondary School Certificate regarding date of birth of the



appellant. As per the copy of CNIC attached with the appeal, date of birth of the appellant has been mentioned as 01.08.1960 whereas in her Secondary School Certificate it is mentioned as 19.11.1971. The same date (19.11.1971) has been mentioned in the medical certificate also that had been provided by the appellant herself at the time of her recruitment in the government service. The same date is mentioned in her service book also. It is now up to the appellant to first get the issue of her date of birth settled at the appropriate forum and then approach her official authorities for further process of her retirement.

5. In view of the above, the instant service appeal is dismissed in limine. Consign.

6. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 1st day of December, 2022.*


(FAREEHA PAUL)
Member (E)

Service Appeal No. 1330/2022

Mr. Muhammad Tariq, Advocate for appellant present.

02. I have heard learned counsel for the appellant and perused the case file with connected documents in detail.

03. Vide my detailed judgement containing 03 pages, I am of the view that there is discrepancy in the date of birth of the appellant in the CNIC, Service Book, Medical Certificate and Secondary School Certificate regarding date of birth of the appellant. As per the copy of CNIC attached with the appeal, date of birth of the appellant has been mentioned as 01.08.1960 whereas in her Secondary School Certificate it is mentioned as 19.11.1971. The same date (19.11.1971) has been mentioned in the medical certificate also that had been provided by the appellant herself at the time of her recruitment in the government service. The same date is mentioned in her service book also. It is now up to the appellant to first get the issue of her date of birth settled at the appropriate forum and then approach her official authorities for further process of her retirement. In view of the above, the instant service appeal is dismissed in limine. Consign.

04. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 1st day of December, 2022.*


(FAREEHA PAUL)
Member (E)

25th Oct., 2022

Nemo for the appellant.

Notices be issued to appellant and his counsel for the next date. To come up for preliminary hearing on 01.12.2022 before S.B.


(Fareeha Paul)
Member(E)

*Counsel was
informed
telephonically on
23/11/2022*

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1330/2022 _____

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|--|--|
| 1 | 2 | 3 |
| 1- | <p>09/09/2022 <i>Noted by Counsel</i> <i>[Signature]</i> 13/9/22</p> <p>SCANNED KPST Peshawar</p> <p>20.09.2022</p> | <p>The appeal of Tasleem Kausar presented today by Mr. Muhammad Tariq Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>20.9.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p><i>[Signature]</i> REGISTRAR</p> <p>Learned counsel for the appellant present and requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for preliminary hearing on 25.10.2022 before S.B.</p> <p><i>[Signature]</i> (Mian Muhammad) Member (E)</p> |