

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN .. CHAIRMAN**
FAREEHA PAUL .. MEMBER (Executive)

Service Appeal No.1405/2014

Abdul Hamid Marwat S/o Haji Umer Khan, Ex-Privte Secretary, Zakat, Ushar, Social Welfare, Special Education & Women Empowerment Department, Peshawar.

.....*Appellant*)

Versus

1. **Chief Secretary, Govt: of Khyber Pakhtunkhwa Peshawar.**
2. **Chief Minister, Govt: of Khyber Pakhtunkhwa Peshawar through respondent No.1.**
3. **Secretary, Govt: of Khyber Pakhtunkhwa Establishment Department Peshawar.**

.....*(Respondents)*

Present:

Arbab Saif Ul Kamal,
Advocate.....For appellant.

Mr. Muhammad Riaz Khan Paindakhel,
Assistant Advocate General.....For respondents.

Date of Institution.....21.11.2014
Dates of Hearing.....01.11.2022
Date of Decision.....02.11.2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE NOTIFICATION NO. SOE-IV (E&AD) 11 (27) 1996, DATED 11.09.2014 OF RESPONDENT NO.1, WHEREBY APPELLANT WAS RETIRED FROM SERVICE WITH EFFECT FROM 04.11.2013 PREMATURELY/RETROSPECTIVELY.




JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the appeal, the appellant had served the respondents for 38 years, that in the SSC, CNIC, service book and other academic service record, the date of birth of the appellant was recorded as 5.11.1955 but in the seniority list the same was recorded as 05.11.1953 and thus the appellant was retired from service on 11.09.2014 considering his date of birth as 05.11.1953. It is prayed that notification dated 11.09.2014 issued by respondent No.1 might be set aside and appellant be reinstated in service with all back benefits by recording his date of birth as 05.11.1955.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. It is contended in the reply that in the SSC service book and other service record of the appellant his date of birth has been written as 05.11.1955 but overwriting the appellant had changed his date of birth from 05.11.1953 to 05.11.1955. The department annexed his SSC examination wherein his date of birth has recorded as 05.11.1953 similarly there are copies of ACRs placed on file from 1979 to 31.10.2010 and in majority of the same while submitting ACR's form for further proceedings he filled the portion himself regarding personal information and mentioned the date of birth as 05.11.1953. So much so in the year 1982 on 30.11.1982 when he had submitted application for appointment against the post of Stenographer (NPS-12) he had stated his date of birth as 05.11.1953.

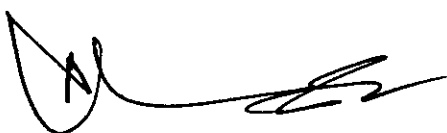


4. We have heard learned counsel for the appellant and learned Assistant Advocate General for the respondents.

5. Seeking correction for date of birth has been recorded in the service record whether right or wrong, could only be made within two years of entry into service as required by the F.R-54. The Hon'ble Peshawar High Court in writ petition No. 2202-P/2016, regarding the same issue has been pleased to make the following observation:-

It is highly amazing that petitioner remained satisfied with regard to his entries in the service book as well as CNIC for about three decades but abruptly towards the end of his service career took the matter to the civil court and that too, for correction of his date of birth in the CNIC and not in his service record. This is growing tenancy amongst government employees for making attempts to change their date of birth when nearing superannuation. This vires appears to be fast spreading and needs to be effectively check and for that purpose the Hon'ble apex Court in its numerous judgments since long very consistently had depreciated such tendency. In this behalf we are supported by following judgments of the apex court abstract are 4 reproduced as under:-

(i) 1994 SCMR 1633 (M.R. Khalid v. Chief Secretary, Punjab: "After hearing the learned counsel for the petitioner, we are not persuaded that any case for interference with the judgment of the learned Tribunal has been made out. Admittedly, while taking the competitive examination the petitioner had himself declared his date of birth to be 2.6.1930. He remained in service for about 35 years thereafter. His name together with his declared date of birth appeared in the gradation lists and civil lists periodically published by the Provincial Government. He did not object to the incorrect publication of his date of birth till a few years before his retirement. The mere fact that he was able to obtain a decree from the Additional District Judge did advance his case for Government was not a party to the civil suit brought by him. Though the Government has undoubtedly the power to correct an incorrectly recorded date of birth



of a civil servant was such that he did not merit a favourable decision from the Government. We are, therefore, unable to find any substance in this petition.

(ii) 1998 SCMR 801 (Haq Nawaz Kiani Vs. The Province of Punjab. "On thorough scrutiny, we have noticed that service rules regarding correction of age within two years from entry into service are apparently sound and logical. Government servant cannot be normally permitted to rise from deep slumber and dramatically announced change in the date of birth when about to retire. The Service Tribunal has properly considered all facts and aspects of the case and has assigned cogent reasons by declining the relief. In our opinion, legal position dismissed that conclusion drawn by the Service Tribunal for passing impugned judgment do not suffer from any defect illegality of impropriety. We wish to observe that lately a tendency has developed whereby unwarranted claims attempting to show errors in date of birth are asserted towards retiring age by fabricating or manipulating documents in that behalf. Obviously, such practice must be discouraged and effectively curbed. Additionally, the grievances agitated before us do not make out any substantial question of law having public importance.

(iii) 1998 SCMR 602 (Pakistan Broadcasting Corporation v. Subedar Major Redt.) Abdul Razzaq) "Coming to the entry copy P-1 in the Birth Register, it is worthy to note that it was issued on 12.8.1935. The respondent sought declaration from civil court in respect of said entry in Birth Register in 1971. Said decree was obtained in a suit filed by the respondent against the public-at-large. At least the Authorities maintaining the Birth Register, should have been impleaded in said suit as defendants. Said decree by no stretch of imagination, can be binding on anybody, much less on the appellant. There is no explanation as to why the respondent waited for a period of 36 years to obtain the decree. In this case deposition, the respondent appearing as PW-2 admitted that he was recruited in army in August, 1943 and that he had mentioned his age to be 16 years. He further stated that he had obtained the birth certificate in 1935. This would amount to saying that the respondent disowned copy of entry Exh. P-1, which was admittedly obtained on 12.8.1935 as per the endorsement on it".

(iv) 1998 SCMR 1494 (Syed Iqbal Haider Vs Federation of Pakistan) "12 We may also refer to the submission made by the learned Attorney General that in Government service an employee cannot make any application for change in his date of birth after



two years. On analogy such rule should also be followed in judiciary, which otherwise would lead to serious complications, and open a pandora's box. Similarly authenticity of date of birth recorded in the documents cannot be challenged belatedly, specially beyond the above mentioned period."

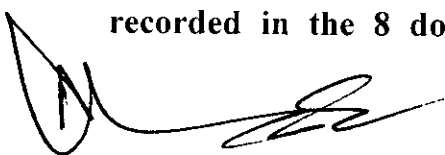
7. The Government of Pakistan vide SRO No. 521(1)/2000, dated 31.07.2000, in view of the declaration made by the apex court, issued notification and in consequence to which Rule 12-A was inserted in the civil servants (Appointment, Promotion and Transfer) Rules, 7 1973 (Federal) which reads as under:-

"Alteration in the date of birth--- The date of birth once recorded at the time of joining government service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible".

8. This rule and SRO has been practically adopted by the provincial government as well, but unfortunately no amendment has been brought in KPK, (Appointment, Promotion and Transfer) Rules, 1989. However, for all practical purposes the two years from the date of initial appointment, for the purpose of correction in date of birth, is applicable to the case of petitioner. Even in the judicial services same is the requirement. In the case of Syed Iqbal Haider Vs Federation of Pakistan, reported in 1998 SCMR-1494 (b) & (c) it has been held as under:-

(b) ---Correction of date of birth---Contention that date of birth could not be corrected merely on the basis of an affidavit was misconceived.

(c) ---Age of employee--- application of employee for change in his date of birth---Government employee under the relevant Rules cannot make any application for change in his date of birth after two years of his joining the service--- Authenticity of date of birth recorded in the 8 documents, therefore, cannot be



challenged belatedly specially beyond the period of two years--- Supreme Court desired that such Rule with regard to correction of age should be applied to judiciary.

9. Even otherwise, the decree so obtained by the petitioner from the civil court of law is not binding or applicable to the respondents / government department as firstly, petitioner has not arrayed the Education Department a party in the suit secondly; same is the job of civil court, in this respect. Petitioner suit was merely against NADRA for the correction of his date of birth in the CNIC. In the case of Muhammad Tariq Vs University of Peshawar, reported in 2004 PLC-(CS) 1162 (a) & (b) (Supreme Court) it has been held as under:-

a) ---Age---Date of birth, correction of---Limitation- -- Plea of civil servant with regard to wrong entry of date of birth, when raised after remaining in service for a long period, would not carry any weight--- Civil servant could not make application for change in his date of birth after two years of joining service--- Authenticity of date of birth recorded in documents when civil servant joined service, could not be challenged belatedly.

b) ---S.9---Constitution of Pakistan (1973), Art. 212-- - Suit by civil servant for correction of date of birth- -- Maintainability---Plea raised with regard to age would fall within jurisdiction of Service Tribunal--- Such suit would not be maintainable in view of bar contained in Art. 212 of the Constitution.

Likewise, in the case of Government of Baluchistan Vs Marjan Khan, reported in 2003 SCMR-444 (b) it has been held that:-

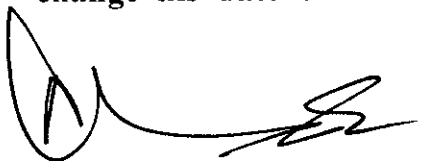


b) ---Age of civil servant--- Essential term of conditions of service--- Date of birth of a civil servant is the sheet anchor for determining his superannuation on which date he is to bid farewell to the Department thus it is pivotal and most crucial and essential term and condition of his service.

6. Similarly the Hon'ble Peshawar High Court in a case titled "Deputy Director Works Chitral and others-vs-M. Aziz" delivered a judgment in C.R No. 334-M/2016 dated 19.12.2017, held as under:-

"9. It is evident from the available record that the plaintiff (herein the respondent) mainly based his claim on the strength of civil suit bearing No.64/1 of 2015 for declaration cum mandatory injunction to the effect that his correct date of birth is 01.01.1959, which has been wrongly incorporated by the defendants/petitioners in their record as 01.01.1956, thereby prayed for necessary correction with regard to his correct date of birth. This suit was hotly resisted by the other part and after framing of necessary issues the parties adduced their evidence. At first instance, the learned Civil Court in slipshod manner obliged the plaintiff (herein the respondent) with the grant of decree and even the learned appellate court easily agreed with the findings of learned trial court by not taking care and caution to evaluate the evidence with his own independent judicial and the appeal preferred by the Defendants/petitioners was answered in negative.

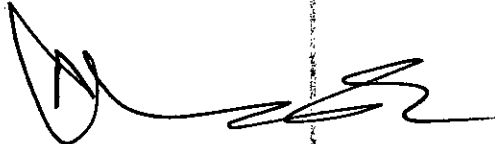
10. It has been noticed by this Court that the plaintiff (herein the respondent) remained satisfied with regard to the entries in his service book, CNIC and other education credentials for several decades and awoken from deep slumber in the year 2015 when for the first time introduced his suit for correction of his date of birth. Now days it is a growing tendency especially amongst government employees to make an attempt to change his date of birth whenever come closer to the age of



(herein the respondent) stands dismissed with no order as to costs.

7. In addition to the above it is found that the pension papers submitted to the department were also signed by the appellant himself and submitted in the office of the respondents wherein he has himself shown his date of birth as 05.11.1953, therefore, his claim made in this appeal cannot be honored being not justified. The result is that this appeal is groundless and is dismissed. Costs shall follow the event. Consign

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 2nd day of November, 2022.*



KALIM ARSHAD KHAN
Chairman




FAREEHA PAUL
Member (Executive)

1st Nov. 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Arguments heard. To come up for order on 02.11.2022 before the D.B. P.P is given to the parties.


(Fareeha Paul)
Member(Executive)


(Kalim Arshad Khan)
Chairman

ORDER

2nd Nov, 2022

1. Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.
2. Vide our detailed judgement of today placed on file, the result is that this appeal is groundless and is dismissed. Costs shall follow the event. Consign.
3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 2nd day of November, 2022.*


(Kalim Arshad Khan)
Chairman


(Fareeha Paul)
Member(Execution)

02.06.2022

Clerk to counsel for the appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Riaz Khan Superintendent for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 22.07.2022 for arguments before D.B.



(Fareeha Paul)
Member(E)
Nemo for appellant.



(Rozina Rehman)
Member (J)

22.07.2022

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Notice be issued to appellant/counsel for 16.09.2022 for arguments before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

16.09.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Riaz Khan, Superintendent for respondents present.

Arguments could not be heard as learned Member Executive (Miss. Fareeha Paul) is on leave. Therefore, case is adjourned to 01.11.2022 for arguments before D.B.



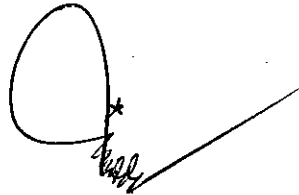
(Rozina Rehman)
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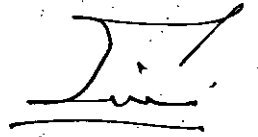
12.04.2022

Ms. Uzma Syed, Advocate (junior of learned counsel for the appellant) present. Mr. Riaz Khan, Superintendent alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 18.05.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

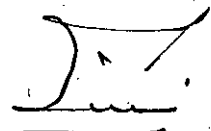
18.05.2022

Junior of learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested that as connected Service Appeal bearing No.163/2018 filed by the appellant, is fixed for arguments on 02.06.2022, therefore, the appellant may also be fixed on the said date. Adjourned. To come up for arguments on 02.06.2022 before the D.B. The appeal in hand pertains to the year 2014, therefore, learned counsel for the appellant shall make sure the appearance for arguments on the date fixed.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

11.01.2021

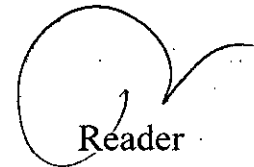
Counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Due to COVID-19, the case is adjourned for the same on 15.04.2021 before D.B.


READER

15.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 09.08.2021 for the same as before.

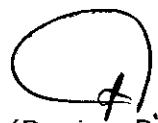

Reader

09.08.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

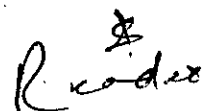
Former made a request for adjournment. Request is accorded. To come up for arguments on 17.12.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

17-12-21

DB is an Tour case to come up
For the same on Dated. 12-4-22


Reader

28.02.2020 Learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 30.03.2020 before D.B.


Member


Member

30.03.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 19.08.2020 before D.B.


Reader

19.08.2020 Due to summer vacations, the case is adjourned to 21.10.2020 for the same.


Reader

21.10.2020 Junior to counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 11.01.2021 for hearing before the D.B.



(Mian Muhammad)
Member


Chairman

30.09.2019

Due to general strike of the bar, the case is adjourned to
12.12.2019 before D.B.



Member


Member

12.12.2019

Appellant absent. Zar Muhammad Assistant representative of
the respondent department present. Lawyers are on strike on the
call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up
for further proceedings/arguments on 18.02.2020 before D.B.
Appellant be put to notice for the date fixed.



Member


Member

18.02.2020


Learned counsel for the appellant and Mr. Kabir
Ullah Khattak learned Additional Advocate General
alongwith Zar Muhammad Assistant present. Learned
counsel for the appellant seeks adjournment. Adjourned
by way of last chance. To come up for arguments on
28.02.2020 before S.B.


Member


Member

02.05.2019

Counsel for the appellant and Addl:AG for respondents present. Arguments could not be heard due to Learned Member (Executive) is on leave. Adjourned to 01.07.2019 before D.B.


(M. Amin Khan Kundi)
Member

01.07.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Arguments on restoration application heard.


Record reveals that the main service appeal of the appellant was dismissed in default on 20.11.2018. The appellant applied for certified copy of order on 22.11.2018 which was delivered to him on 26.11.2018 and filed the present restoration application on the same day i.e 26.11.2018. Meaning thereby that the same is well within time therefore, the same is accepted. To come up for arguments on 22.08.2019 before D.B.

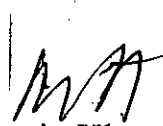

(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

22.08.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.09.2019 before D.B.








(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

Form-A
FORM OF ORDER SHEET

Court of _____


Appeal's Restoration Application No. 413/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	26.11.2018	<p>The application for restoration of appeal No.1405/2014 submitted by Mr. Saadullah Khan Marwat Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 26/11/18</p>
2		<p>This restoration application is entrusted to D. Bench to be put up there on <u>4.2.2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
04.02.2019		<p>Junior to counsel for petitioner present and seeks adjournment s senior counsel for the petitioner is not in attendance. Adjourn. To come up for further proceedings on 15.03.2019 before D.B.</p> <p style="text-align: left;"> Member</p> <p style="text-align: right;"> Member</p>
15.03.2019		<p>Learned counsel for the petitioner present. Notice of the present application be given to the respondents. To come up for reply and arguments on 02.05.2019 before D.B. Original record be requisitioned for the date fixed</p> <p style="text-align: left;"> Member</p> <p style="text-align: right;"> Member</p>

08.10.2018

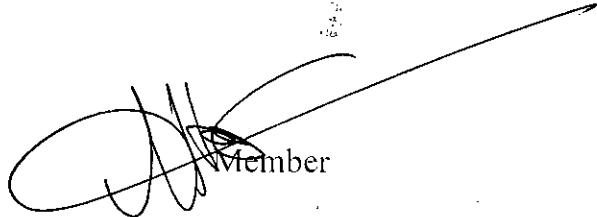
Learned counsel for appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 20.11.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

20.11.2018

Nemo for appellant present. Mr. Kabirullah Khattak, Addl: AG Mr. Zahid Ur Rehman, Inspector(Legal) for respondents present. The case was called several times today, the last being at 3:10 pm, but none appeared on behalf of the appellant. Dismissed for none prosecution. File be consigned to the record room.


Member



Chairman

Announced:
20.11.2018

Service Appeal No. 1452/2013

05.07.2018


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Saleem, Superintendent for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 09.08.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Kundi)
Member

09.08.2018


Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment Adjourned. To come up for arguments on 03.10.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

03.10.2018

Learned counsel for the appellant and Mr. Kamrullah Khattak learned AAO alongwith Mr. Saleem Superintendent for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.10.2018 before D.B.



(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

04.01.2018


Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Sultan Shah, Assistant for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 06.03.2018 before D.B.



(Ahmad Hassan)
Member(E)


(M.Amin Khan Kundi)
Member (J)

05.03.2018

Learned counsel for the appellant and Mr. Zia Ullah, Learned Deputy District Attorney alongwith Sultan Shah, Assistant for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on ~~06.03.2018~~ 20.04.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

20.04.2018

Counsel for the appellant and Addl:AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 05.07.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

20.04.18

24.02.2017

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard ~~due to~~^{as} learned Member (Judicial) is on leave. To come up for arguments on 07.06.2017 before D.B.


(AHMAD HASSAN)
MEMBER

07.06.2017


Appellant in person present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Appellant requested for adjournment. Adjourned. To come up for arguments on 11.08.2017 before D.B.

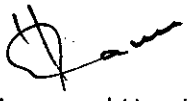

(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

11.08.2017


Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.10.2017 before D.B.

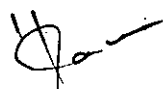

(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

19.10.2017

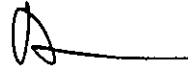
Counsel for the appellant present. Learned, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 4-1-18 before D.B.


(Ahmad Hassan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

19.10.2015

Appellant with counsel and Mr. Muhammad Jan, GP for respondents present. Rejoinder submitted, copy whereof supplied to learned GP. To come up for arguments on 6-4-16.



Member



Member

06.04.2016

Counsel for the appellant and Mr. Sultan Shah, Assistant alongwith Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 23-6-16 before D.B.



Member



Member

23.06.2016

Counsel for the appellant and Addl:AG for respondents present. Counsel for the appellant requested for time to file rejoinder. To come up for rejoinder and arguments on 16.11.2016.



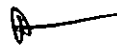
Member



Member

16.11.2016

Counsel for the appellant and Mr. Sultan Shah, Supdt alongwith Addl:AG for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 24.02.2017.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

1405/14

22.4.2015

Appellant with counsel and Addl. AG for the respondents present. The learned AAG requested that a final chance for submission of written reply may be granted to the respondents. Last chance is given to the respondents as per request of the learned AAG. To come up for written reply on main appeal as well as reply/arguments on application for interim relief on 08.5.2015.


MEMBER

8.5.2015

Appellant with counsel (Arbab Saiful Kamal, Advocate) and Mr. Muhammad Jan, GP with Sultan Shah, Assistant for the respondents present and submitted that Addl. Secretary (Judicial) Establishment Department has undergone heart treatment for which he was admitted in hospital, therefore, the reply of the respondent department could not be timely completed. Case to come up for reply on main appeal as well as reply/arguments on application for interim relief on 20.5.2015.


MEMBER

20.05.2015

Counsel for the appellant and Mr. Sultan Shah, Assistant alongwith Addl: A.G for respondents present. Written reply on behalf of respondents submitted, copy whereof supplied to learned counsel for the appellant. To come up for rejoinder and arguments on 19.10.2015.




Member

3. 3.2.2015

Appellant with counsel present. Counsel for the appellant submitted that in SSC, NIC and service book, date of birth of the appellant was recorded as 05.11.1955 while the appellant has been retired from service on date of birth mentioned in the seniority list as 05.11.1953 and that the retirement of the appellant was premature and against the law. Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 19.2.2015.


MEMBER

19.2.2015

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG present. None is available on behalf of the respondents. Fresh notices be issued to them. To come up for written reply on 18.3.2015. Counsel for the appellant also submitted an application for suspension of order dated 11.09.20-14. Notice of application should also be issued to the respondents for reply/arguments on the date fixed.


MEMBER

18.3.2015

Appellant in person and Mr. Muhammad Jan, GP with Sultan Shah, Assistant for the respondents present and requested for further time. To come up for written reply on main appeal as well as reply/arguments on application for interim relief on 22.4.2015.


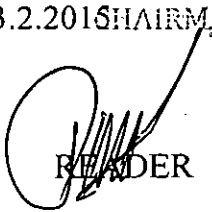


MEMBER

*Appellant deposited the fees
for a security fee*

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1405/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.12.2014	<p>The appeal of Mr. Abdul Hamid resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	21.1.2015	<p>This case is entrusted to Bench for preliminary hearing to be put up there on</p> <p>Since 20th January, 2015 has been declared as public holiday by the provincial government, therefore, case to come up for the same on 3.2.2015</p> <p style="text-align: right;"> CHAIRMAN</p>
3	3.2.2015	<p>None is available on behalf of the appellants. Notices issued to appellant and the counsel to come up preliminary hearing on 03.03.2015</p> <p style="text-align: right;"> MEMBER</p>

This is an appeal filed by Mr. Abdul Hamid Marwat today on 21/11/2014 against the order dated 11.09.2014 against which he preferred/made a departmental appeal on 15.09.2014 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 1647 /ST,

Dt. 21/11 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

sw

*Resubmitted H.
by*

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1405 /2014

Abdul Hamid Marwat Versus Chief Secretary & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	SSC	"A"	4
3.	NIC	"B"	5
4.	Service Book	"C"	6-7
5.	Seniority List	"D"	8-10
6.	Judgment of Tribunal, <u>04.04.2013</u>	"E"	11-14
7.	Notification of Retirement, 11.09.2014	"F"	15
8.	Pay Slip	"G"	16
9.	Representation, 15.09.2014	"H"	15-18

Appellant

Through



Dated: 21.11.2014

(Saadullah Khan Marwat)
Advocate
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676
0311-9266609

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWARS.A No. 1405 /2014

Abdul Hamid Marwat S/o Haji Umer Khan, Ex-Private Secretary, Zakat, Ushar, Social Welfare, Special Education & Woman Empowerment Department, Peshawar. Appellant

1384
21-11-2014

Versus

1. Chief Secretary, Govt. of KP, Peshawar.
2. Chief Minister, Govt. of KP, Peshawar through R. No. 1.
3. Secretary, Govt. of KP, Establishment Department Peshawar Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE NOTIFICATION NO. SOE-IV(E&AD)11(27)/1996, DATED 11.09.2014 OF R. NO. 1, WHEREBY APPELLANT WAS RETIRED FROM SERVICE WITH EFFECT FROM 04.11.2013 PREMATURELY/RETROSPECTIVELY.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That appellant has in his credit more than 38 years spot less service.
2. That in the SSC, NIC, Service Book and other academic/service record, date of birth of appellant was recorded as 05.11.1955 but in the Seniority List, the same was recorded as 05.11.1953 which was incorrect. (Copies as annex "A", "B", "C" & "D")

ac-submitted to-
and filed.

21/11/14
15/12/14

3. That similar question of law and fact came up before the Hon'ble Tribunal in case of Ayub Khan, Executive Engineer of the PHE Department which was accepted on 04.04.2013 and the department was directed to correct the date of birth as per SSC, NIC and service record. Such view was taken from the Judgment of Supreme Court of Pakistan. (Copy as annex "E")
4. That on the basis of date of birth of appellant in the seniority list as 05.11.1953, he was retired from service on 11.09.2014 by R. No. 1. (Copy as annex "F")
5. That appellant performed his duty till 11.09.2014 and also received his monthly salaries, but the authority woke up of the dream and issued the impugned order on 11.09.2014 retiring appellant from service with effect from 04.11.2013. (Copy as annex "G")
6. That on 15.09.2014, appellant submitted representation before the R. No. 2 for setting aside the impugned order but without any response till date. (Copy as annex "H")

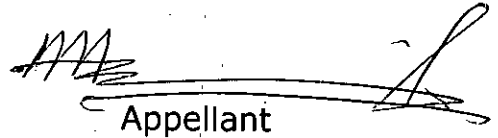
Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That in the SSC, NIC, Service Book and other academic/service record, the date of birth of appellant was recorded as 05.11.1955 and not 05.11.1953.
- b. That it was not known as to who recorded the date of birth of appellant as 05.11.1953 in the Seniority List, yet the authentic date of birth is to be considered of the SSC, Service Book and CNIC, etc. and not of the Seniority List, so appellant was retired prematurely.
- c. That similar relief was extended to the employee of PHE Department vide judgment dated 04.04.2013 in appeal No. 123/2012.

- d. That appellant received monthly salaries up to 30.09.2014 after performing his official duties.
- e. That the impugned Notification is against the service record of appellant, so is based on malafide.

It is, therefore, most humbly requested that on the acceptance of the appeal, Notification dated 11.09.2014 of R. No. 1 be set aside and appellant be reinstated/restored in service with all back benefits by recording correct date of birth as 05.11.1955 instead of 05.11.1953, with such other relief as may be deemed proper and just in circumstances of the case.

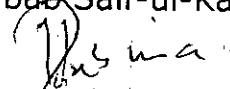

Appellant

Through


Saadullah Khan Marwat


Arbab Saif-ul-Kamal

&


Miss Robina Naz,
Advocates.

Dated: 21.11.2014

A

4

S. N^o 065289

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 16047

VERIFIED

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION Annual 1969

This is to certify that Abdul Hauid

Son / Daughter of Haji Umar Khan

and a Resident / Student of Govt High School Pezu Bannu

Enrolment No 16047

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Peshawar held in June 1969 in the Second Division with as a Regular/Private Candidate

The Candidate passed in the following subjects

- 1. English 4. Pakistan Studies 7. Isl; Studies
2. Urdu 5. Mathematics 8. Pashto
3. Islamiyat 6. G, Science

Date of birth according to admission form is Fifth November

one thousand nine hundred and Fifty Five (5.11.1955)

Asstt. Secretary

[Signature]

Secretary

This certificate is issued without alteration or erasure

Attested by

5



حکومت پاکستان

قومی شناختی کارڈ
17301-9273645-5



نام: عبدالصمد
پتو: ...
والد کا نام: مای کر خان
شناختی ادارت: گوانہ پور کالون
تاریخ پیدائش: 05/11/1955

محمد طارق ملک

دستخط مای کر خان

دستخط محمد طارق ملک



قومی شناختی کارڈ نمبر: 17301-9273645-5
خانہ نمبر: TB405K

پتو: ...

تاریخ پیدائش: 11/04/2013

تاریخ تصدیق: ...



Attested
by

Duplicate

اس کے ادبیت جاری کی جا رہی ہے

N.W.F.P. EDU 59

سول سبباز خیل ضلع میں مرتبہ

سنتور شدہ
غیر منظور شدہ

مدارس چھوڑنے کا سرٹیفکیٹ

نام طالب علم: عبدالحمد خان
 تاریخ پیدائش: 11/05/1959
 پیدائشی جگہ: سول سبباز خیل
 تصدیق کیا جاتا ہے کہ عبدالحمد خان ولد عالم محمد خان نے جو اس مدرسہ میں
 تاریخ 31/05/1963 تک پڑھا ہے مدرسہ کی تمام واجبات ادا کر دی ہیں اور اسے تالیف مندرجہ بالا پر اپنا نام
 خانہ کرائے کی اجازت دی گئی ہے جو اس کے ذمے واجب الادا ہے اور اسے تالیف مندرجہ بالا پر اپنا نام
 ان طلباء کی صورت میں جو اس کا لیا گیا تھا جس میں یہ پس ہوا
 مدرسہ کی طرف سے میں کے اختتام پر چھوڑیں
 مضامین جن میں طالب علم میں
 ان طلباء کی صورت میں جو مدرسہ
 کے کسی حصے کی طرف سے میں
 کے اختتام پر چھوڑیں

تصدیق کیا جاتا ہے کہ مندرجہ ذیل اندراج اس مدرسہ کے جسٹریٹ اور سرٹیفکیٹوں کے مطابق جو اس نے ان مدرسوں سے حاصل کیے ہیں جہاں اس نے
 سال مدرسہ میں اس سے پہلے تعلیم پائی ہے صحیح ہے

نمبر مدرسہ	داخل ہونے کی تاریخ	فارغ ہونے کی تاریخ		سال مدرسہ میں حاضری کی مدت		حاضر ہونے والی سال مدرسہ	حاضر ہونے والی سال مدرسہ	حاضر ہونے والی سال مدرسہ
		تاریخ	تاریخ	از	تا			
11	11/05/1959	31/05/1963	31/05/1963	31/05/1963	31/05/1963	31/05/1963	31/05/1963	31/05/1963

Shahbaz Khan
 24/04/2011

صرف سکالر شپ پانے والوں کی صورت میں

سکالر شپ کی مقدار _____
 کس سال تک ادا کیا ہے _____
 رخصت جو ہر ایک مدرسہ میں لے چکا ہے _____

نوٹ: عام طور پر مدرسہ چھوڑنے کے سرٹیفکیٹ کے لئے درخواست مدرسہ سے طلبہ ہونے کے ایک ماہ کے اندر ہونی چاہیے۔ بصورت ان طلباء کے جنہوں نے
 مذکورہ سال کا امتحان دیا ہو ایک ماہ بعد ملنے کی تاریخ سے گنا جائیے۔
 دیگر مدرسہ ایک ماہ کے اندر چھوڑنے کے سرٹیفکیٹ کے لئے موازی پچاس سے نہیں جاری ہوگا۔
 اگر مدرسہ چھوڑنے کا سرٹیفکیٹ تمہارے ادارے سرٹیفکیٹ کے لئے درخواست دیا جائے تو اسے سرٹیفکیٹ کیلئے موازی پچاس سے وصول کئے جائیں گے۔

تصدیق کیا جاتا ہے کہ _____ طالب علم _____ ولد _____ سکول _____ ضلع _____ سے چھوڑنے کا سرٹیفکیٹ بننے _____ جماعت _____ مورخہ _____ جو _____ جماعت میں داخل ہو گیا ہے _____ ہیڈ ماسٹر _____

Probation Officer
 Distt: Courts, Bera Email Khan

Attest
 my

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar, the 28.02.2014

TENTATIVE SENIORITY LIST OF PRIVATE SECRETARIES (BS-17) OF CIVIL SECRETARIAT, PESHAWAR AS STOOD ON 28.02.2014

S#	Name of officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry into Govt. service on regular	Date of regular promotion as P.A. (BS-16)	Date of regular promotion as P.S	Department	Remarks
1	Mr. Abdul Hameed	Matric	05.11.1953	Bannu	30.04.1975	02.12.1989	29.08.1995	Social Welfare Deptt.	Private Secretary
2	Mr. Umar Zaman	Matric	24.04.1957	Mardan	01.11.1981	19.12.2007	16.04.2010	E&SE Deptt.	Private Secretary
3	Mr. Mir Muhammad	D.Com	01.01.1961	Peshawar	22.10.1981	19.12.2007	16.04.2010	E&P Deptt.	Private Secretary
4	Mr. Liqat Ali	B.A	17.12.1960	Peshawar	08.12.1981	19.12.2007	16.04.2010	M.D. Deptt.	Private Secretary
5	Mr. Taj Muhammad	F.A	04.04.1956	Peshawar	15.12.1981	01.03.2008	16.04.2010	Environment Deptt.	Private Secretary
6	Mr. Nooran Shah	B.A	01.06.1961	Mansehra	21.12.1981	01.03.2008	12.02.2011	Transport Deptt	Private Secretary
7	Mr. Muhammad Imran	Matric	16.01.1955	Peshawar	21.05.1977	01.03.2008	12.02.2011	E&T Deptt.	Private Secretary
8	Miss. Rehana Ishaq	F.A	07.02.1962	Peshawar	12.01.1984	01.03.2008	12.02.2011	Environment Deptt.	Private Secretary
9	Mr. Irtshad Ali	Matric	10.01.1962	Peshawar	18.01.1984	01.03.2008	12.02.2011	E&AD (DS (HRD))	Private Secretary
10	Mr. Samiullah	F.A	10.10.1963	Peshawar	01.02.1982	01.03.2008	28.06.2011	E&AD (Spl. Asst to CM for Minerals)	Private Secretary
11	Mr. Riaz Ahmad	B.A	04.04.1959	Peshawar	14.01.1984	01.03.2008	28.06.2011	PHE Deptt.	Private Secretary
12	Mr. Abdul Wase	B.A	01.01.1961	Peshawar	30.01.1984	01.03.2008	28.06.2011	Deputation to FDA extended for two years w.e.f 25.4.2013	Private Secretary
13	Mr. Abdul Hamid	B.Com	05.07.1958	Maran	25.11.1979	01.03.2008	28.06.2011	Agriculture Deptt.	Private Secretary
14	Mr. Muzammil Shah	M.A	14.03.1960	Peshawar	19.08.1980	01.03.2008	28.06.2011	E&AD (Spl. Asst to CM for Population Welfare)	Private Secretary
15	Mr. Ahmad Hussain	B.A	20.01.1961	Peshawar	01.04.1981	01.03.2008	28.06.2011	IPC Deptt.	Private Secretary
16	Syed Irfan Shah,	B.A	04.09.1960	Peshawar	12.01.1984	01.03.2008	28.05.2013	Higher Education	Private Secretary
17	Mr. Muhammad Ibrahim	D.Com	02.08.1963	Peshawar	04.10.1984	01.03.2008	13.09.2011	C.Ms Secretarial	Private Secretary
18	Mr. Itikhar Ahmad Awan	Matric	21.04.1955	Peshawar	12.01.1984	01.03.2008	07.09.2011	Agriculture Deptt.	Private Secretary
19	Mr. Habbul Hassan	Matric	17.02.1960	Kohat	31.12.1983	29.05.2008	13.01.2012	P&D Deptt.	Private Secretary
20	Mr. Sher Nawab	B.A	09.04.1961	Karak	01.12.1981	29.05.2008	13.01.2012	Relief Deptt.	Private Secretary

Attested
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TENTATIVE SENIORITY LIST OF PRIVATE SECRETARIES (BS-17) OF CIVIL SECRETARIAT, PESHAWAR AS STOOD ON 28.02.2014

0-1

S#	Name of officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry into Govt. service on regular	Date of regular promotion as P.A. (BS-16)	Date of regular promotion as P.S	Department	Remarks
21	Syed Mubarak Shah	B.A	25.04.1962	Peshawar	31.12.1983	29.05.2008	13.01.2012	Leaour Deptt.	Private Secretary
22	Mr. Jamroz Khan	F.A	04.11.1962	Mardan	07.06.1981	29.05.2008	13.01.2012	C&W Deptt.	Private Secretary
23	Mr. Mazhar Ali	M.A	01.10.1963	Peshawar	01.08.1983	29.05.2008	13.01.2012	E&AD (Min. Health)	Private Secretary
24	Mr. Fazli Rahim	M.A	04.04.1963	Nowshera	10.11.1982	29.05.2008	13.01.2012	E&AD (VIP F-II)	Private Secretary
25	Mr. Saeed Pervez	B.A	14.02.1962	Peshawar	02.11.1982	29.05.2008	17.01.2012	Food Deptt.	Private Secretary
26	Mr. Amin Khan	B.A	01.01.1959	Peshawar	16.01.1984	29.05.2008	13.01.2012	Industries Deptt.	Private Secretary
27	Mr. Khandaz Gul	Db.M.A.LL.B	01.10.1961	Charsadda	20.08.1981	29.05.2008	13.01.2012	Home Deptt.	Private Secretary
28	Miss Shaheena Bano	Matric	03.01.1959	Peshawar	12.01.1984	29.05.2008	13.01.2012	Home Deptt.	Private Secretary
29	Mr. Haraid Ullah	F.A	01.01.1958	Peshawar	04.07.1978	29.05.2008	13.01.2012	Finance Deptt.	Private Secretary
30	Mr. Gohar Ali	F.A	17.03.1963	Charsadda	12.01.1984	29.05.2008	13.01.2012	P&D Deptt.	Private Secretary
31	Mr. Khalid Parvez	Matric	04.08.1964	Peshawar	30.06.1985	29.05.2008	13.01.2012	Governor's Sectt.	Private Secretary
32	Mr. Rais Ahmad	M.A	15.05.1960	Peshawar	24.06.1985	29.05.2008	13.01.2012	On deputation to PSA for initial period of 03 years.	Private Secretary
33	Mr. Habib Ahmad Shakir	F.A	08.01.1964	Peshawar	18.06.1985	29.05.2008	13.01.2012	E&AD (Spl. Secy (E))	Private Secretary
34	Mr. Rehmat Ullah	M.A.	03.12.1966	Nowshera	15.06.1985	29.05.2008	28.05.2013	Finance Deptt.	Private Secretary
35	Mr. Muhammad Javed	D.Com	11.09.1966	Peshawar	15.06.1985	29.05.2008	28.05.2013	Augaf Deptt.	Private Secretary
36	Mr. Shafi Muhammad	Matric	20.04.1963	Peshawar	15.06.1985	29.05.2008	28.05.2013	CM Secretariat	Private Secretary
37	Syed Wali Shah	Matric	21.02.1960	Peshawar	15.06.1985	02.12.2008	28.05.2013	Higher Education	Private Secretary
38	Mr. Sajjad Ahmad Jan	B.A	01.04.1962	Swal	30.06.1985	02.12.2008	28.05.2013	Governor's Sectt.	Private Secretary
39	Mr. Haji Muhammad	B.A	01.01.1965	Dir	26.06.1985	02.12.2008	28.05.2013	LGE&RD Deptt.	Private Secretary
40	Mr. Mir Shah Jehan	D.Com	19.02.1957	Karak	29.06.1985	02.12.2008	28.05.2013	Governor's Sectt.	Private Secretary
41	Mr. Muhammad Iqbal Swati	M.A	28.12.1965	Mansehra	29.06.1985	13.03.2009	28.05.2013	Local Govt. Deptt.	Private Secretary
42	S/O Abdul Qayyum	B.A	01.01.1965	Karak	23.06.1985	13.03.2009	28.05.2013	E&AD (E-III)	Private Secretary
43	Mr. Sufaid Gul	D.Com	19.03.1960	Bannu	30.06.1985	23.04.2010	28.05.2013	On deputation Medical	Private Secretary
44	Mr. Naik Dar Ali Khan	B.A	25.05.1963	Bannu	03.03.1984	13.03.2009	28.05.2013	C.M's Secretariat	Private Secretary
45	Mr. Ismail Shah	D.Com	01.04.1963	Bannu	06.03.1984	13.03.2009	30.05.2013	Law Deptt.	Private Secretary
46	Mr. Muhammad Iqbal S/O Sher Jan	F.A	12.01.1961	Bannu	27.05.1981	13.03.2009	30.05.2013	FATA Sectt.	Private Secretary
47	Mr. Hazrat Davari	Matric	01.01.1962	Peshawar	26.05.1985	13.03.2009	30.05.2013	E&AD (O.DSR-II)	Private Secretary

Attested
by

TENTATIVE SENIORITY LIST OF PRIVATE SECRETARIES (BS-17) OF CIVIL SECRETARIAT, PESHAWAR AS STOOD ON 28.02.2014.

S#	Name of officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry into Govt. service on regular	Date of regular promotion as P.A. (BS-16)	Date of regular promotion as P.S	Department	Remarks
48	Mr. Fazli Haq	M.A.	06.06.1965	Karak	15.06.1985	13.03.2009	30.05.2013	E&AD (Adv to CM)	Private Secretary
49	Mr. Rafiullah	B.A.	11.01.1967	Peshawar	07.05.1985	23.04.2010	30.05.2013	Irrigation Deptt.	Private Secretary
50	Syed Ayaz Ali Shah	M.A.	08.11.1959	Peshawar	01.12.1981	23.04.2010	30.05.2013	E&AD (Cabinet)	Private Secretary
51	Mr. Muhammad Rafiq	B.A.	21.09.1962	Peshawar	03.12.1986	23.04.2010	30.05.2013	Finance Deptt.	Private Secretary
52	Mr. Muhammad Ayub	B.A.	03.12.1960	Kohat	07.07.1980	23.04.2010	30.05.2013	CM Secretariat	Private Secretary
53	Syed Saadiq Shah	B.A.	20.12.1961	Mansehra	05.11.1980	23.04.2010	30.05.2013	Industries Deptt.	Private Secretary
54	Mr. Sharifullah	D.Com.	03.10.1963	Bannu	25.11.1986	23.04.2010	30.05.2013	E&SE Deptt.	Private Secretary
55	Mr. Jamshed Iqbal	B.A.	02.06.1964	Bannu	01.12.1986	12.02.2011	30.05.2013	E&AD (Imp. Section)	Private Secretary

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Attested by

E

11



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

A. No. 468 /2012

Handwritten notes: "A.O.S. Peshawar, Bureau of Peshawar, No. 453, dated 16-4-2012"

Muhammad Ayub Khan S/o Hathi Khan,
Executive Engineer, Public Health Engineering
Department, Peshawar.

Appellant

Versus

1. Secretary, Govt. of KPK, Public Health Engineering Department, Peshawar.
2. Chief Secretary, Govt. of KPK, Civil Secretariat, Peshawar.
3. Amjad Shamsheer, Executive Engineer, Public Health Engineering Department, Peshawar. Respondents

APPEAL AGAINST OFFICE NOTIFICATION NO. SO(ESTI)PHED/13-1/77, DATED 04.06.2011 OF R.NO.1 WHEREBY CORRECT DATE OF BIRTH OF APPELLANT WAS ALTERED INTO 01.04.1952 FROM 01.04.1954 FOR NO LEGAL REASON.

ATTESTED

Signature of the Tribunal member and the text "Kyber Pakhtunkhwa Service Tribunal Peshawar"

Respected Sir,

1. That appellant was initially appointed as Sub Engineer on 13.11.1974 and was promoted to the post of Assistant Engineer BPS-17 on 07.02.2000 and served the department with devotion.

Handwritten notes: "Filed to-459, 16/4/12"

2. That at the time of entry into service, appellant's date of birth was recorded in Service Book, Matric Certificate, NIC and Pay Slip as 01.04.1954. All the means that no doubt was ever

Handwritten notes: "re-submitted to-459 and filed"

Signature and date "17/4/12"

468/2013

12.9.2013

Appellant with counsel, and Mr. Usman Ghanl, SGP with Muhammad Aslam, Supdt. for respondents No. 1 and 2, and counsel for private respondent No. 3 present. In the instant case instead of filing written reply, the respondent No. 1 submitted implementation report on 5.12.2013. Respondents No. 1 to 3 are directed to submit proper written reply on 7.10.2013.

*sd/-
Member*

7.10.2013.

Appellant with counsel and Mr. Muhammad Jan, GP with Muhammad Irshad, SO for the official respondents and Clerk to counsel for private respondent No. 3 present. Counsel for the appellant stated that retirement order of the appellant has been withdrawn vide notification dated 10.7.2012 and the present appeal has become infructuous. As such the present appeal is filed. File be consigned to the record.

ANNOUNCED
7.10.2013.

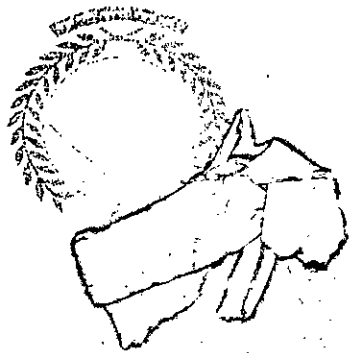
*sd/-
Member*

*M/J
sd/-
Member*

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

*Attested
by*

Date: 1-12-2014
No. 2800
Created: 16
User: 2
Time: 18
Date: 1-12-2014
Date: 1-12-2014



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

Dated Peshawar, the 11.09.2014.

NOTIFICATION.

NO. SOE-IV(E&AD)11(27)/1996- Mr. Abdul Hamid, Private Secretary

(BS-17), Establishment Department, Civil Secretariat, Khyber Pakhtunkhwa, stands retired from service w.e.f. 04.11.2013 (A/N) on attaining the age of superannuation sixty (60) years. His date of birth is 05.11.1953.

Sanction is also hereby accorded to the grant of encashment of 365 days pay in lieu of LPR, in respect of the aforesaid retiring officer, in pursuance of Finance Department's Notification No. SO(FR)/FD/5-92/2005/Vol-V dated 13.12.2012.

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy forwarded to the :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Admn), Administration Department.
3. Section Officer (General), Zakat, Usher & Social Welfare Department, with the request to recover the over payment of salaries drawn by the above officer w.e.f. 05.11.2013 to 11.09.2014 from his pension/allowments and the same may be deposited into Government Treasury through challan.
4. Section Officer (Secret), Establishment Department.
5. Estate Officer, Administration Department.
6. P S to Special Secretary (E), Establishment Department.
7. P A to Addl. Secretary (HRD), HRD Wing, Establishment Department.
8. P A to Deputy Secretary (E), Establishment Department.
9. Officer concerned.
10. Personal file of the officer concerned.

**(AKHTAR NAWAZ)
SECTION OFFICER (E.IV)**

Attest
h

13

F



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAYROLL SYSTEM

SH: 1277

AG MWFP PESH

PAYMENT ADVICE

Pers #: 00015530 Buckle: 0
Name: ABUL HAMID
Dsg.: PRIVATE SECRETARY
CNIC No. 1730192736455
GBPS Interest Free

P Sec: 010 Month: September 2014
PR4357 - S. U. G. SOCIAL WELFARE DEPT
Min: Zakat, Usher, S. Welf & wo
NTN:
GPF #:
Old #:

17 Active Permanent		DEPT CODE	
PAYS AND ALLOWANCES:		PR4357	
0001-Basic Pay			40,000.00
0004-Special Pay			1,000.00
0046-Personal Pay (Maxim Grade)			6,000.00
1001-House Rent Allowance 45%			4,432.00
1210-Convey Allowance 2005			5,000.00
1947-Medical Allow 15% (16-22)			3,919.00
1948-Adhoc Allowance 2010@ 50%			13,065.00
1966-Special Allowance 30%			13,800.00
1970-Adhoc Relief Allow 2011			3,919.00
Gross Pay and Allowances			111,835.00
DEDUCTIONS:			
IT Payable	51,135.20	Deducted	25,108.00
GPF Balance	123,693.00		
3501-Benevolent Fund		TAX: (3609)	6,392.00
3511-Addl Group Insurance		Subrc:	2,240.00
3604-Group Insurance			250.00
3620-House Rent Deduction 5%			230.00
			2,300.00

Total Deductions

NET AMOUNT PAYABLE

11,437.00

QUALIFYING SERVICE

YRS MON

D. O. B

05.11.1955

LFP Quota:

HBL

CURRENT 5072-2

POLICE ROAD, PESH

39 Years 05 Months 002 Days

100,398.00



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAYROLL SYSTEM

SH: 1277

AG MWFP PESH

PAYMENT ADVICE

Pers #: 00015530 Buckle: 0
Name: ABUL HAMID
Dsg.: PRIVATE SECRETARY
CNIC No. 1730192736455
GBPS Interest Free

P Sec: 010 Month: September 2014
PR4357 - S. U. G. SOCIAL WELFARE DEPT
Min: Zakat, Usher, S. Welf & wo
NTN:
GPF #:
Old #:

17 Active Permanent		DEPT CODE	
PAYS AND ALLOWANCES:		PR4357	
2118-Adhoc Relief Allow (2012)			9,200.00
2148-15% Adhoc Relief All-2013			6,900.00
2174-Adhoc Relief Allow-2014			4,600.00
Gross Pay and Allowances			111,835.00
DEDUCTIONS:			
IT Payable	51,135.20	Deducted	25,108.00
GPF Balance	123,693.00		
		Subrc:	

Total Deductions

NET AMOUNT PAYABLE

11,437.00

QUALIFYING SERVICE

YRS MON

D. O. B

05.11.1955

LFP Quota:

HBL

CURRENT 5072-2

POLICE ROAD, PESHAWA

39 Years 05 Months 002 Days

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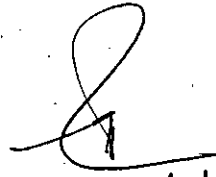
Attested by

H

15

To,

The Chief Minister,
Govt: of KPK, Peshawar.



15/9/2016

SUBJECT: - APPEAL AGAINST OFFICE NOTIFICATION DATED 11.09.2014 OF THE CHIEF SECRETARY GOVT. OF KPK WHEREBY APPELLANT WAS RETIRED FROM SERVICE PREMATURELY.

Respected Sir,

1. That appellant has in his credit more than 38 years with unblemished service record.
2. That in the SSC, NIC, Service Book and other academic/service record, the date of birth of appellant was recorded as 05.11.1955 but in the Seniority List, the same was recorded as 05.11.1953 which was incorrect.
3. That appellant agitated the matter time and again in the department for correction of the date of birth as 05.11.1955 but instead, he was retired from service on 11.09.2014 by the Chief Secretary, KP on the basis of Seniority List.
4. That authentic date of birth is to be reckoned as of SSC, NIC, Service Book, etc. and not of the Seniority List, so appellant was retired prematurely from service.
5. That similar question of law and fact came up before the Hon'ble Tribunal in case of Muhammad Ayub Khan, Executive Engineer of the PHE Department which was accepted and the department was directed to correct the date of birth as per SSC, NIC and service record. (Copy attached) Such views have been taken from the Judgment of Supreme Court of Pakistan.

- 6. That the case of appellant is at par with the aforesaid cases so requires correction. Notification dated 11.09.2014 is based on ulterior motive.
- 7. That appellant performed his duty till 11.09.2014 and also received his monthly salaries, but the authority woke up of the dream and issued the impugned order on 11.09.2014 retiring appellant from service with effect from 04.11.2013. (Copy of pay slips attached)

It is, therefore, most humbly requested that Notification dated 11.09.2014 of the Chief Secretary, KP be set aside/modified and the date of birth be termed as 05.11.1955 instead of 05.11.1953 by restoring appellant in service with all back benefits.

Dated: 15.09.2014

Yours Obediently

Handwritten:
 15/09/14

Handwritten initials:
 JFC

Signature:
 Abdul Hamid Marwat
 Private Secretary (BPS-17)
 Zakat, Ushar, Social Welfare,
 Special Education & Woman
 Empowerment Department KP,
 Peshawar.

Handwritten:
 15/9/14

Copy to P.S to Chief Secretary, Govt. of KP, Peshawar with reference to his Notification NO. SOE-IV(E&AD)/1996, dated 11.09.2014.

Handwritten notes:
 copy for reference - *Signature* 15/9/14
 ① The SOE-IV, Estt. KP w/ ref. quoted above.
 ② The Estate officer, Admin. Deptt. KP Pesh.
 ③ The SOE (secret), Estt. Deptt. KP Peshawar.
Abdul
Signature

بعدالت پشاور ہائی کورٹ، پشاور

گورنمنٹ وغیرہ

بنام

عبدالحمید

دعویٰ رٹ پیش

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لئے سعد اللہ خان مروت، ارباب سیف الکمال و مس روبینہ ناز کو وکلاء مقرر کر کے اقرار کیا جاتا ہے کہ صاحبان موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکلاء صاحبان کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے، جواب دعویٰ اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ رحلت کی صورت میں وکیل / وکلاء فیس واپسی کے پابند نہ ہونگے۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکلاء صاحبان پابند نہ ہوں گے کہ پیروی مذکورہ کریں۔

لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

الزوم:-
21-11-19

العبد

العبد

العبد

Sadullah Khan مروت

Arbab Saif ul Khalil ارباب سیف الکمال

Ms Rubina مس روبینہ باز

ایڈوکیٹس

0300-5872676

0311-9266609

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

F.B-11

No.

Appeal No. *1405* of 20 *14*

Muhammad Hamid Appellant/Petitioner

Versus

Chief Secy. Pesh. Respondent

Respondent No. *3*

Notice to: -

*Secy. Govt. of P.P. Establishment
Deptt. Peshawar*

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *19-2-2015* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this *6th* Day of *Feb.* 20 *15*

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

Before the Service Tribunal, KPK, Peshawar.

Abdul Hamid Marwal vs Chief Secretary & others

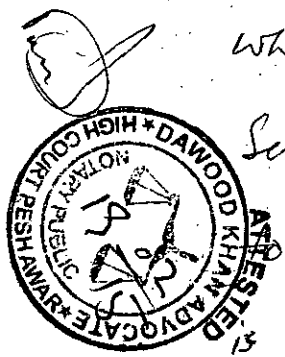
Application for Suspension of order Dt. 11/9/14

whereby Applicant/Appellant was retired from

Service prematurely and applicant be allowed

serve the department till 04/11/2015 which

the correct date of Retirement of the applicant.



Applicant

Respectfully sheweth,

1. That the above mentioned Appeal is pending adjudication in this honourable tribunal in which today i.e. 19/02/15 is fixed for proceedings.
2. That the applicant is a good person case.
3. That the balance of inconvenience also lies in applicant.
4. That if the order date 11/9/14 is not suspended then applicant would suffer irreparable loss.

It is therefore most humbly requested that order

Dt. 11/9/14 whereby applicant was illegally retired from service w.e.f 04/11/13 instead of 04/11/15, be suspended till the final decision of the appeal.

Dt. 19/02/15

M. Iqbal Khan
Advocate, Peshawar
Saadullah Khan
Arbab Saiful Karim

Checked that contents of Justice Abdul Hamid's application are true and correct. Deponee Hay Umar Khan.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

Dated Peshawar, the 11.09.2014.

NOTIFICATION.

NO. SOE-IV(E&AD)11(27)/1996:- Mr. Abdul Hamid, Private Secretary (BS-17), Establishment Department, Civil Secretariat, Khyber Pakhtunkhwa, stands retired from service w.e.f. 04.11.2013 (A.N) on attaining the age of superannuation sixty (60) years. His date of birth is 05.11.1953.

2. Sanction is also hereby accorded to the grant of encashment of 365 days pay in lieu of LPR, in respect of the aforesaid retiring officer, in pursuance of Finance Department's Notification No. SO(FR)FD/5-92/2005/Vol-V dated 13.12.2012. -

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy forwarded to the: -

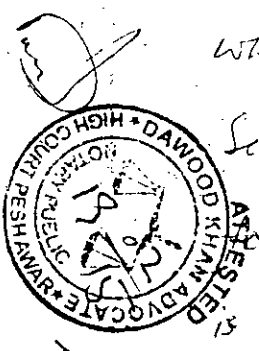
1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Admn), Administration Department.
3. Section Officer (General), Zakat, Usher & Social Welfare Department, with the request to recover the over payment of salaries drawn by the above officer w.e.f. 05.11.2013 to 11.09.2014 from his pension/emoluments and the same may be deposited into Government Treasury through challan.
4. Section Officer (Secret), Establishment Department.
5. Estate Officer, Administration Department.
6. P.S to Special Secretary (E), Establishment Department.
7. P.A to Addl: Secretary (HRD), HRD Wing, Establishment Department.
8. P.A to Deputy Secretary (E), Establishment Department.
9. Officer concerned.
10. Personal file of the officer concerned.

**(AKHTAR NAWAZ)
SECTION OFFICER (E.IV)**

Before the Service Tribunal, KPK, Peshawar.

Abdul Hamid Marwat vs Chief Secretary to Govt.

Application for Suspension of order Dt- 11/9/14
whereby Applicant/Appellant was retired from
Service prematurely and applicant be allowed
serve the department till 05/11/2015 which
the correct date of Retirement of the applicant.



Respectfully sheweth,

- 1- That the above mentioned Appeal is pending adjudication in this honourable tribunal in which today i.e. 19/02/15 is fixed for proceedings.
- 2- That the applicant is a good prima facie case.
- 3- That the balance of inconvenience also lies in applicant's favour.
- 4- That if the order date 11/9/14 is not suspended then applicant would suffer irreparable loss.

Affidavit -
I certify that contents of Justice Abdul Hamid's application are true and correct.
Deposited by Applicant

It is therefore most humbly requested that order

Dt- 11/9/14 whereby applicant was illegally retired from service w.e.f 04/11/13 instead of 04/11/15, be suspended till the final decision of the appeal.

Dt- 19/02/15

Applicant/Appellee
I am through
Saad Ullah Khan Marwat
Advocate, Peshawar
Arbab Saiful Kamel

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

Dated Peshawar, the 11.09.2014.

NOTIFICATION.

NO. SOE-IV(E&AD)11(27)/1996:- Mr. Abdul Hamid, Private Secretary (B.S.) Establishment Department, Civil Secretariat, Khyber Pakhtunkhwa, stands retired from service w.e.f. 04.11.2013 (A.N) on attaining the age of superannuation sixty (60) years. His date of birth is 05.11.1953.

Sanction is also hereby accorded to the grant of encashment of 365 days pay in lieu of LPR, in respect of the aforesaid retiring officer, in accordance with Finance Department's Notification No. SO(FR)FD/5-92/2005/Vol-V dated 12/2/2012.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Encls. No. & date even.

Copy forwarded to the: -

- 1 Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2 Section Officer (Admn); Administration Department.
- 3 Section Officer (General), Zakat, Usher & Social Welfare Department, with the request to recover the over payment of salaries drawn by the above officer w.e.f. 05.11.2013 to 11.09.2014 from his pension/emoluments and the same may be deposited into Government Treasury through challan.
- 4 Section Officer (Secret), Establishment Department.
- 5 Estate Officer, Administration Department.
- 6 P.S to Special Secretary (E), Establishment Department.
- 7 P.A to Addl. Secretary (HRD), HRD Wing, Establishment Department.
- 8 P.A to Deputy Secretary (E), Establishment Department.
- 9 Officer concerned.
- 10 Personal file of the officer concerned.


(AKHTAR NAWAZ)
SECTION OFFICER (E.IV)

DT 19/09/15

Through
Advocates, Pakh
Saadullah Khan
Arbab Saiful Karim

32

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 1405/2014

Abdul Hamid Ex-Private Secretary (BS-17)
Establishment Department.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief
Secretary Khyber Pakhtunkhwa

2. Secretary to Govt of Khybr Pakhtunkhwa,
Establishment Department.

Respondents

Joint parawise comments / reply on behalf respondent No. 1 & 2.

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action against the respondents.
2. The Appellant is estopped by his own conduct to file the present appeal in the Court.
3. That the appeal of the Appellant is time barred.
4. The Appellant has not come to this Honorable Court/ Tribunal with clean hands and has concealed material facts from this Honourable Court.

ON FACTS:

1. **Incorrect.** The service record of the appellant was not spotless, as he had committed the same offence of over writing/ figures alterations/

over claims were prima facia found in respect of four telegrams issued by the Mines Wing to certain Foreign countries in the documents while in Sarhad Development Authority prior to joining Secretariat Service **(Annex-I)**.

2. Incorrect. In SSC, Service Book and other service record his date of birth has been written as 05.11.1953. However, by over writing in the Service Book, the appellant changed his date of birth from 05.11.1953 to 05.11.1955. Names of documents where Date of Birth has been mentioned as 05.01.1953 are as under:-
- Matric Certificate for Stenographer Grade-II dated 18.01.1975 **(Annex-II)**.
 - Confidential Reports/PERs from 1979 to 2010 shows his date of birth as 1953 **(Annex-III)**.
 - On an application, he submitted for the post of Stenographer Grade-II dated 18.01.1975, he wrote that he is a young man of 22 years, which transpires his year of birth as 1953 **(Annex-IV)**.

According to **Annex-II** and **Annex-VI** contradiction is self explanatory which is as below:-

- SS Certificate at **Annex-II** carries 3rd Division.
- SS Certificate at **Annex-VI** shows 2rd Division.

Annex-II and Annex-VI shows difference of Elective subjects i-e, Social Studies, Art and General Mathematics in **Annex-II** and Pak Studies, Pashto and Mathematics in **Annex-VI**.

3. Incorrect to the extent that in the referred case question of law and facts were not similar in any respect to the instant case and the appellant has referred an irrelevant Judgment.
4. Incorrect. On the basis of available record in the department, produced

GRUNDS:-

A Incorrect. In the SSC and other relevant record available in the department his date of birth was written as 05.11.1953 instead of 05.11.1955.

B Incorrect: Before notifying final seniority list, a tentative seniority is circulated for the information of all the officers/officials for this very purpose that all the officials may check their details such as date of birth, qualification, seniority position, domicile etc and nothing has ever

6. Incorrect. Appeal of the petitioner has properly been processed and regretted being not tenable.

5. Incorrect. As in para 4 the appellant himself and not the authority woke up from slumber, by writing a letter to Accountant General's office for correction of his date of birth, the irrelevant forum for correction in date of birth. (Annex-VII).


the claim of Appellant.


ascertaining his date of birth and findings of the inquiry were against his retirement notification was delayed due to under process inquiry for or claimed that his real date of birth is 1955 instead of 1953. However, has ever been received from him, wherein he would have mentioned and in the entire service he rendered, no such application/ objection birth, qualification domicile to the department within the stipulated time and convey their objections if any regarding seniority position, date of before final seniority for the very purpose that the official may check concerned, the department used to issue a tentative seniority list age of superannuation (60 years). As far as the seniority list is written as 05.11.1953, he has to retire from service on attaining the by the appellant himself, where date of birth of the appellant has been

been received from the appellant for correction of his date of birth. Moreover, his date of birth as 05.11.1953 is also written in other documents mentioned in reply to para 2.

- C Incorrect to the extent that in the referred case question of law and facts were not similar in any respect to the instant case.
- D An inquiry regarding change in his date of birth in the service book and other documents was under process, due to which, he was paid upto 30.09.2014.
- E. Incorrect. Retirement notification of the appellant was issued in light of the record/documents available in the department, wherein his date of birth has been written as 05.11.1953 and the said notification was fairly issued on the basis of available record.

It is therefore, humbly prayed that on acceptance of instant joint parawise comments/ reply, the appeal of appellant may be dismissed with costs.


Chief Secretary
Govt. of Khyber Pakhtunkhwa
(Respondent No.1)


Secretary
Govt. of Khyber Pakhtunkhwa
Establishment Deptt
(Respondent No.2)

1
4

Sarhad Development Authority

To

The Secretary to Government, NWFP.,
Information, Services & General
Administration Department,
Civil Secretariat, PESHAWAR.



4/25/75

Subject : - AUDIT OF THE MINES WING, SDA,
HEADQUARTER, PESHAWAR.

1702
7-75

415
2/17

P. I. A. BUILDING,
P. O. BOX NO. 172
PESHAWAR
Telephone No. 3075 - 3076
Telegram : "SARDEV"

Your Ref.

Date

Our Ref. 2343-2344 Date 17-7-75

Sir,

I am desired to state that during recent Audit check up of the accounts of the Mines Wing in the Headquarter of the Authority some serious irregularities / over-writing / figures alterations / over-claims were, prima-facie, found in respect of four telegrams issued by the said Wing to certain Foreign Countries. on 29.10.1974. Investigation into the matter was ordered by the competent authority and the undersigned has been detailed as Enquiry Officer in this case.

2. During the course of enquiry the following points were noticed / revealed : -

(a) The telegrams were typed and taken to the Telegraph Office personally by Mr. Abdul Hamid formerly a Steno-typist with the former Director (Mines) - (presently working as Steno: in the Health Department, NWFP) - and got those issued from the Head Telegraph Office, the Mall, Peshawar, by paying them cash money and obtaining receipts from them personally. The total cost of the four telegrams (with "overcharge" for the one of the telegrams) amounted to Rs. 1,009/89.

(b) The figures of all these four postal receipts have been found over-written and altered.

Handwritten notes:
18/7
D.S.
Urquani action
on 17/7/75
Sgt. W. W. W.
CA

P.T.O.

P.T.O.

(2)
(2)

issued by him personally from the Telegraph Office,
Peshawar, on 29.10.74.

Yours obedient servant,

M. M. Sheikh

Dated at (M. M. SHEIKH) 27.10.75
(Assistant Administration Officer),
Enquiry Officer.

c.c.

Secretary to Government, NWFP.,
Health Department, Peshawar for
information and necessary action.

Board of Intermediate & Secondary Education
PESHAWAR (PAKISTAN)

(Sealed)

SECONDARY SCHOOL CERTIFICATE EXAMINATION

SESSION 1969

ANNUAL

This is to certify that Abdul Hamid
son of Haji Umar Khan
and a student of Government High School, Pezu (Bannu)
passed the SECONDARY SCHOOL CERTIFICATE EXAMINATION of the Board of Intermediate
and Secondary Education, Peshawar held in June, 1969 in the Third Division.

The candidate passed in the following subjects:-

- | | | |
|--------------|------------------------|--------------------|
| 1- English | 4- Social Studies | 7- Islamic Studies |
| 2- Urdu | 5- General Science | 8- Art. |
| 3- Islamiyat | 6- General Mathematics | |

Date of Birth Fifth November One thousand
nine hundred and Fifty - three (5.11.1953).

31st December, 1969

Sd/-

Sd/-

Sd/-

(SECRETARY).

(Attested to be true copy).

[Signature]
14.1.73
Administrative Officer
Office of The Chief Engineer
Irrigation N. W. F. Province
Peshawar

**ANNUAL
SPECIAL**

REPORT FOR THE PERIOD 1.1.1979 TO 31.12.1979.

(5)

PART - I

Name Abdul Hamid Date of Birth 5.11.1953.

Designation Stenographer Grade II Grade II Pay 418/- P.M.

Date of entry into Government service May, 75 Date of appointment to the present grade May, 1975.

Qualifications Matric

Training courses
if any.

PART - II

A. PERFORMANCE	A1.	A	B	C	D	Remarks
1. Standard of Shorthand/Typing (a) Speed. (b) Accuracy.	<i>BSM</i>	-	-	-	-	-
2. Maintenance of Officers engagement, diary and conducting of visitors.	<i>BSM</i>	-	-	-	-	-
3. Movement of files and record of suspense cases.	-	<i>BSM</i>	-	-	-	-
4. Dress and cleanliness.	-	<i>BSM</i>	-	-	-	-
5. Regularity and punctuality in attendance.	-	<i>BSM</i>	-	-	-	-
PERSONAL TRAITS.	-	-	-	-	-	-
6. Intelligence.	-	<i>BSM</i>	-	-	-	-
7. Perse-verance and devotion to duty.	-	<i>BSM</i>	-	-	-	-
8. Co-operation and tact.	-	<i>BSM</i>	-	-	-	-
9. Amenability to discipline.	-	<i>BSM</i>	-	-	-	-
10. Any disciplinary action taken during the period of report.	x	x	x	x	x	-

11. Integrity:-
(i) Incorruptible.....
(ii) Reported to be corrupt.....

BSM

x

6

38

- iii) Believed to be corrupt, because of.....
- (a) Monetary consideration.....
- (b) Other consideration.....

Trustworthiness in Confidential and other matters. Yes. No

The rating should be recorded by initialling the appropriate column of box.

Key: Good 'A' Good 'B' Average 'C' Below Average 'D' poor.

PART—III.

GENERAL ASSESSMENT OF ANY PARTICULAR QUALITIES.

(Appraise in the present grade by initialling the appropriate column below).

Good	Average	Below average	Poor	Special aptitude, if any
DA				

PART—IV.

SUITABILITY FOR PROMOTION

(Initial the appropriate box below)

- Recommended for accelerated promotion.
- Fit for promotion.
- Recently promoted/appointed, consideration for promotion premature.
- Not yet fit for promotion.
- Unfit for further promotion.

Fit for retention after 25 years service. Fit Unfit

PEN-PICTURE.

... man with good qualities. Takes interest...

Shammas Dh

Signature, name and designation of Reporting Officer.

Section Officer (Admn)

Official Stamp

10.12.1980

(2)

CONFIDENTIAL REPORT FORM FOR STENOGRAPHERS/STENOTYPISTS.

Name of Department/Office GOVT: OF NWFP HEALTH & SOCIAL WELFARE.

ANNUAL
SPECIAL

REPORT FOR THE PERIOD 1-1-80 TO 31-12-1980

PART-I

Name Mr. Abdul Hamid.

Date of Birth 5-11-1953

Designation Jr. Scale Steno: Gr: I Grade IO

Pay Rs. 476/-

Date of entry into Government service May, 75 Date of appointment to the present grade 25-1-80

Qualifications Matriculate

Training courses

if any.

PART-II

A. PERFORMANCE	AI.	A	B	C	D	Remarks
1. Standard of Shorthand/Typing (a) Speed. (b) Accuracy.	✓					
2. Maintenance of Officers engagement, diary and conducting of visitors.						
3. Movement of files and record of suspense cases.	✓					
4. Dress and cleanliness.						
5. Regularity and punctuality in attendance.	✓					
PERSONAL TRAITS						
6. Intelligence.						
7. Perseverance and devotion to duty.	✓					
8. Co-operation and tact.	✓					
9. Amenability to discipline.						
10. Any disciplinary action taken during the period of report.						
11. Integrity:-						

- (i) Incorruptible.....
- (ii) Reported to be corrupt.....

X

8

40

Page-2

- iii) Believed to be corrupt, because of.....
- (a) Monetary consideration.....
- (b) Other consideration.....

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Apper

ANNUAL
SPECIAL

Name

Designation

Date of entry

Qualification

Training course

if any.

A. PERFO

1. Standard
(a) Speed
(b) Accuracy

2. Maintenance and

3. Movement
suspension

4. Dress

5. Regularity

6. Pen

7. Intelligence

8. Personality

9. Attitude

10. Other

11. Total

12. Trust worthiness in Confidential and secret matters.

Yes

No

Note:- The rating should be recorded by initialling the appropriate column of box.

'A' Very Good 'A' Good 'B' Average 'C' Below Average 'D' poor.

PART-III.

GENERAL ASSESSMENT OF ANY PARTICULAR QUALITIES.

(Appraise in the present grade by initialling the appropriate column below).

Very Good	Good	Average	Below average	Poor	Special aptitude, if any
	PK				

PART-IV.

SUITABILITY FOR PROMOTION

(Initial the appropriate box below)

- (a) Recommended for accelerated promotion.
- (b) Fit for promotion.
- (c) Recently promoted/appointed, consideration for promotion premature.
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.
- (f) Fitness for retention after 25 years service.

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Fit	Unfit
PK	X

PEN-PICTURE.

He has worked with me to my entire satisfaction.
A good stenographer.

a

ANNUAL
STATE

REPORT FOR THE PERIOD 1-1-81 TO 31-12-1981

PART - I

Name Mr. Abdul Hamid, Date of Birth 5-11-1953
 Designation Jr. Scale Stenographer ^{Gr. I} Grade 10 Pay Rs. 616/-
 Date of entry into Government service May, 75 Date of appointment to the present grade 28-5-1980
 Qualifications Matriculate.
 Training courses

PART - II

PERFORMANCE	At.	A	B	C	D	Remarks
Standard of Shorthand/Typing Speed. Accuracy.	4					
Maintenance of Officers engagement, and conducting of visitors.		4				
Movement of files and record of pending cases.		4				
Dress and cleanliness.		4				
Regularity and punctuality in attendance.		4				
PERSONAL TRAITS.						
Intelligence.		4				
Persistence and devotion to duty.		4				
Co-operation and tact.		4				
Amenability to discipline.	4					
Any disciplinary action taken during the period of report.						No disciplinary action taken during the period of report.

Integrity: (i) Incorruptible.....
 (ii) Reported to be corrupt.....

4

6

212

Page-2

iii) Believed to be corrupt, because of.....

(a) Monetary consideration.....

(b) Other consideration.....

12. Trust worthness in Confidential and secret matters. Yes. No

Note: The rating should be recorded by initialling the appropriate column of box.

A: 'Very Good' 'A' Good 'B' Average 'C' Below Average. 'D' poor.

PART—III.

GENERAL ASSESSMENT OF ANY PARTICULAR QUALITIES.

(Appraise in the present grade by initialling the appropriate column below).

Very Good	Good	Average	Below average	Poor	Special aptitude, if any
	/				

PART—IV.

SUITABILITY FOR PROMOTION

(Initial the appropriate box below)

- (a) Recommended for accelerated promotion.
- (b) Fit for promotion.
- (c) If duly promoted/appointed, consideration for promotion premature.
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.
- (f) Fitness for retention after 25 years service. Fit Unfit

PEN-PICTURE.

He is efficient, hard working and honest.

ANN...
 xSPEC...
 Name...
 Design...
 Date of...
 Qualific...
 Trainin...
 if any...
 A. PER...
 r. Stand...
 (a) Spec...
 (b) Accu...
 2. Main...
 diary...
 3. Move...
 suspe...
 4. Dress...
 5. Regul...
 atten...
 PER...
 6. Intell...
 7. Perso...
 8. Co-oper...
 9. Amenab...
 10. Any...

12

MM 2

Page-2

- (iii) Believed to be corrupt because of.....
- (a) Monetary consideration.....
- (b) Other consideration.....

12. Trust worthiness in Confidential and secret matters. Yes. No

Note:—The rating should be recorded by initialling the appropriate column of box.

'A' Very Good 'B' Average 'C' Below Average 'D' Poor.

PART—III

GENERAL ASSESSMENT OF ANY PARTICULAR QUALITIES.

(Appraise in the present grade by initialling the appropriate column below)

Very Good	Good	Average	Below average	Poor	Special aptitude, if any

PART—IV.

SUITABILITY FOR PROMOTION

(Initial the appropriate box below)

- (a) Recommend for accelerated promotion.
- (b) Fit for Promotion.
- (c) Recently promoted/appointed, consideration for promotion premature
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.
- (f) Fitness for retention after 25 years service.

PEN-PICTURE

... is a diligent, submissive and hard worker. He takes part in all work very pleased with his work. He did not give any disciplinary action during the period of report.

INDIA
 CHA
 one
 inga
 atrof
 alific
 amn
 any
 D
 Qual
 PE
 Tran
 if any
 St
 a) S
 b) A
 Me
 d
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 R
 4. PE
 Stand
 (a) Speed
 (b) Accur
 Mainte
 diary an
 Movement
 suspense
 Dress and
 Regularity and
 attendance
 PERSONAL
 Intelligence.
 Unfit
 Perse verance an
 Co-operation and
 Amenability to disc
 Any disciplinary action
 the period of report

DENTIAL REPORT FORM FOR STENOGRAPHERS/STENOTYPISTS.

13

Name of Department/Office

REPORT FOR THE PERIOD 1-1-83 TO 31-12-83

PART-I

Manoj Kumar Date of Birth 2-11-1953
Stenographer BPs Grade IS Pay 12851/17
 Entered into Government service May 75 Date of appointment to the present grade 1-1-83
M. M. Lal
 Courses

PART-II

PERFORMANCE	AI.	A	B	C	D	Remarks
Proficiency of Shorthand/Typing	4					
Supervision of Officers engagement, and conducting of visitors.	4					
Management of files and record of case cases.	4					
Neatness and cleanliness.		4				
Regularity and punctuality in attendance.		4				
PERSONAL TRAITS.						
Intelligence.		4				
Endurance and devotion to duty.	4					
Cooperation and tact.	4					
Responsibility to discipline.	4					
Disciplinary action taken during period of report.						

No. 2132/11/83
 Action taken against
 him during
 period of report

Integrity:-
 (i) Incorruptible.....
 (ii) Reported to be corrupt.....

14

14

46

Page-2

Appendix

- (iii) Believed to be corrupt because of.....
- (a) Monetary consideration.....
- (b) Other consideration.....

COM

12. Trust worthiness in Confidential and secret matters.

Yes.	No
✓	

ANNUAL SPECIAL

Note: - The rating should be recorded by initialling the appropriate column of box.

Name

Designation

Date of entry

Qualification

Training

if any.

AI' Very Good 'B' Average 'C' Below Average 'B' Poor.

PART-III

GENERAL ASSESSMENT OF ANY PARTICULAR QUALITIES.

(Appraise in the present grade by initialling the appropriate column below)

Very Good	Good	Average	Below average	Poor	Special aptitude, if any
	P				

A. PERM

1. Standard (a) Speed (b) Accuracy

2. Maintenance diary

3. Movement suspect

4. Dress

5. Regular attend

PERM

6. Intel

7. Phys

8. Con

9. Amer

10. Any of the

PART-IV.

SUITABILITY FOR PROMOTION

(Initial the appropriate box below)

- (a) Recommend for accelerated promotion.
- (b) Fit for Promotion.
- (c) Recently promoted/appointed, consideration for promotion premature
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.

Fit Unfit

- (f) Fitness for retention after 25 years service.

PEN-PICTURE.

The obedient and willing worker. He knows his work well. He shoulders the responsibilities with smiling face and never gives any complaint.

GOVERNMENT OF N.-W.F.P.

حکومت صوبہ سرحد

Department/Office E&S Edu. KPKP Service/Group Secretariat

سروس گروپ

PERFORMANCE EVALUATION REPORT

کارکردگی رپورٹ

FOR THE PERIOD 01-01 2010 TO 31-10-2010 20

۲۰

۲۰

برائے عرصہ

PART I

حصہ اول

(TO BE FILLED IN BY THE OFFICER REPORTED UPON)

(متعلقہ افسر خود پُر کریں)

Name (in block letters) ABDUL HAMID MARWAT

نام (دائج حروف میں)

Personnel number 15530

انفرادی نمبر

Date of birth 05-11-1953

تاریخ پیدائش

Date of entry in service 1st June, 1975

ملازمت اختیار کرنے کی تاریخ

Post held during the period (with BPS) Section Officer(B&A), E&SE KPKP BPS-17.

پیش نظر عرصہ میں عہدہ (مع اسکیل)

Academic qualifications B.A.

تعلیم

Knowledge of languages (Please indicate proficiency in speaking (S), reading (R)

and writing (W)) (بولنے (ب)، پڑھنے (پ)، اور لکھنے (ل) کی صلاحیت)

Pashto, Urdu, English by w an r.

(16)

48

8. Training received during the evaluation period

متعلقہ عرصہ کے دوران حاصل کی گئی تربیت

Name of course attended کورس کا نام	Duration with dates تاریخوں کے ساتھ دورانیہ	Name of institution and country ادارے اور ملک کا نام
STI 09 nine weeks. and other courses.	in 2006	STI

9. Period served

عرصہ ملازمت

(i) In present post 02 yrs. 10ms. (ii) Under the reporting officer D.S. (Admin.) E&SEdu.

موجودہ عہدہ پر

رپورٹنگ آفسر کے ماتحت

PART II.

حصہ دوم

(TO BE FILLED IN BY THE OFFICER REPORTED UPON)

(متعلقہ آفسر خود پُر کریں)

1. Job description

ذمہ داریوں کی تفصیل

Performed the duties of all accounts matter and budget through of the province and other matters like PC-IVs of all estt./ugradation of schools and fixation of pay/advance increments to all the staff of employees through out the province.

ount of performance on the job during the period supported by
data where possible. Targets given and actual performance
uch targets should be highlighted. Reasons for shortfall, if any,
be stated.

پیش نظر عرصہ میں کارکردگی کو اعداد و شمار کے ساتھ مختصر بیان کریں۔ دیئے گئے اہداف اور کارکردگی کو نمایاں طور پر
پاکمل رہ جانے کی وجہ بھی بیان کریں

er detail mentioned in PART-II (1) please.

PART III

حصہ سوم

(EVALUATION BY THE REPORTING OFFICER)

(رپورٹنگ افسر کا جائزہ)

rating in Part III should be recorded by initialing the appropriate box.
ratings denoted by alphabets are as follows:

'A' Very Good, 'B' Good, 'C' Average, 'D' Below Average

حصہ سوم میں کارکردگی کا اندراج متعلقہ خانے میں مختصر دستخط سے کیا جائے۔ حروف کے لحاظ سے درجہ بندی حسب
الف: اعلیٰ ب: اچھا ج: اوسط د: اوسط سے کم

For uniform interpretation of qualities, two extreme shades are mentioned
سولت کے لیے ہر صفت کے دو انتہائی درجوں کا ذکر کیا گیا ہے

	A الف	B ب	C ج	D د	
gence		نہا			
tionally bright; excellent compre- on					Dull; slow کند ذہن، سست قدم

	A الف	B ب	C ج	D د	
2. Confidence and will power خود اعتمادی اور قوت ارادی Exceptionally confident and resolute استثنائی طور پر اعتماد اور سستی سرانجام		Shi			Uncertain; hesitant عدم اعتماد اور ہچکچاہٹ کا شکار
3. Acceptance of responsibility ذمہ داری اٹھانے کی آمادگی Always prepared to take on responsibility even in difficult cases مشکل حالات میں بھی ذمہ داری اٹھانے کے لیے ہمیشہ آمادگی		Shi			Reluctant to take on responsibility; will avoid it whenever possible ذمہ داری اٹھانے سے گریز کرنے والا
4. Reliability under pressure دباؤ کی حالت میں کام کرنے کی صلاحیت Calm and exceptionally reliable at all times ہر حالت میں قابل اعتماد		Shi			Confused and easily flustered even under normal pressure پریشان، معمولی دباؤ میں حواس باختہ
5. Financial responsibility ذمہ داری Exercises due care and discipline احتیاط سے کام لیتا/ لیتی ہے، قواعد و ضوابط کا خیال رکھتا اور سختی ہے		Shi			Irresponsible غیر ذمہ دار
6. Relations with تعلقات		Shi			
i) Superiors اعلیٰ افسران کے ساتھ Cooperative and trusted مددگار اور قابل اعتماد		Shi			Un-cooperative غیر مددگار
ii) Colleagues رہنمائے کار کے ساتھ Works well in a team میل مل کر کام کرتا/ کرتی ہے		Shi			Difficult colleague مشکل رہنمائی کار
iii) Subordinates ماتحتوں کے ساتھ Courteous and effective; encouraging خوش اخلاق، مؤثر اور حوصلہ دینے والا/ والی		Shi			Discourteous and intolerant; بد اخلاق
7. Behaviour with public عوام کے ساتھ رویہ Courteous and helpful خوش اخلاق اور مددگار		Shi			Arrogant, discourteous and indifferent منہ پرستانہ

	A الف	B ب	C ج	D د	
matters روز مرہ			<i>[Signature]</i>		Indecisive; vacillating شذب اور ذوالقول
relevant laws. instructions متعلقہ قوانین، قواعد و واقعیت			<i>[Signature]</i>		Ignorant and uninformed لا علم اور نادان
med. developments قواعد و ضوابط پر غیر معمولی توجہ					

51

19
84

PART IV

حصہ چہارم

(REPORTING OFFICER'S EVALUATION)

(رپورٹنگ افسر کا جائزہ)

comment on the officer's performance on the job as given in Part II(2)
Special reference to knowledge of work, quality and quantity of output.
Was the officer able to achieve targets? Do you agree with what has
stated in Part II (2)?

حصہ دوم (۲) میں بیان کی گئی کارکردگی کا جائزہ لیں۔ کام سے متعلق افسر کے علم اور کارکردگی کے معیار و مقدار کے حوالے سے
رائے دیں۔ اہداف کو پورا کرنے میں افسر کس حد تک کامیاب رہا اسی؟ کیا آپ حصہ دوم (۲) میں دی گئی معلومات سے متفق ہیں؟

The officer completed the
task as per detail in Part II (1) (II)
and according to the targets
fixed by FD within time frame
for financial matters and
Budget preparations.

(20)

2. Integrity (Morality, uprightness and honesty)

ریاست (راست بازی، ایمانداری)

Honest Officer

3. Pen picture with focus on the officer's strengths and weaknesses not covered in Part III (Weakness will not be considered as adverse entries unless intended to be treated as adverse).

تلمی خاکہ: افسر کی خوبیوں اور کمزوریوں کا جائزہ لیں (کوآسی کر اس وقت تک مٹی تصور نہیں کیا جائے گا جب تک رپورٹنگ افسر ضروری تصور نہ کرے۔)

The Officer worked hard to complete assignments through personal efforts and visits to FD to finalize financial Sanctions/audit copies within shortest possible time

4. Special aptitude

فصوصی استعداد

As above

5. Recommendations for future training

آئندہ تربیت کے لیے سفارشات

not recommended

	Reporting officer رپورٹنگ افسر	Countersigning officer کاؤنٹر سائگنگ افسر

	Reporting officer رپورٹنگ افسر	Countersigning officer کاؤنٹر سائگنگ افسر
Promotion ترقی		
Not promoted/appointed. Assessment premature حال میں ترقی ہو چکی مزید ترقی ممکن از وقت		
Not yet fit for promotion ترقی کے لیے ابھی سوزوں		
Unlikely to progress further مزید ترقی کے قابل نہیں		

Name of the reporting officer
(نام) Mrs. MOHAMMAD LARI
رپورٹنگ افسر کا نام (نام)

Signature [Signature]
DEPUTY SECRETARY (ADMIN)
Elementary and Secondary Education
Govt. of Khyber Pakhtunkhwa

Name of the reporting officer
(نام) Deputy Secretary (Admin)
Date 12/01/2011
تاریخ

(22)

PART V

حصہ پنجم

(REMARKS OF THE COUNTERSIGNING OFFICER)

(کاؤنٹر سائننگ افسر کے رائے)

1. How well do you know the officer? If you disagree with the assessment of the reporting officer, please give reasons

آپ افسر کو کس حد تک جانتے ہیں؟ اگر آپ رپورٹنگ افسر کے رائے سے متفق نہیں تو وجہ بیان کریں

9 agree with R/O

2. Evaluation of the quality of assessment made by the reporting officer

رپورٹنگ افسر کے جائزہ کے معیار کے بارے میں کاؤنٹر سائننگ افسر کے رائے

Exaggerated

(مبالغہ آمیز)

Fair

(مناسب)

Biased

(جانب دار)

Name of the countersigning officer

(Capital letters) QAISAR ALAM

کاؤنٹر سائننگ افسر کا نام (دائیں طرف میں)

Designation Additional Secretary (E)

Signature

دستخط

Date

تاریخ

QAISAR ALAM

15/2/11

S. No. 065289

۱۸
بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

29
32
Roll No. 16047

VERIFIED

SECRETARY OFFICE
Board of Inter. & Secor
Education Peshawar (Pak)

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION Annual 1969 ✓

This is to certify that Abdul Hamid ✓
son: Daughter of Raji Umar Khan ✓
and a Resident / Student of Govt High school Fezu Bannu ✓
Enrollment No. 16047 ✓

has passed the Secondary School Certificate Examination
of the Board of Intermediate and Secondary Education, Peshawar held in June 1969 ✓
in the Second ✓ Division. Grade as a Regular/Private Candidate.
The Candidate passed in the following subjects

1. English
2. Urdu
3. Islamiyat
4. Pakistan Studies
5. Mathematics
6. G. Science
7. Isl, Studies
8. Pashto

Date of birth according to admission form is Fifth November ✓
one thousand nine hundred and Fifty Five ✓ (5.11.1955 ✓)

Asst Secretary

Secy

This certificate is issued without alteration or erasure

VIII

31
24

To

The Secretary to
Government of N.W.F.P.,
Services & General Administration,
Peshawar.

Through:- PROPER CHANNEL.

Subject:- APPLICATION FOR THE POST OF SR:SCALE STENOGRAPHER(NPS-12).

Sir,

With reference to your advertisement published in "Daily Mashriq" dated 21.11.1982 asking applications for the posts of Senior Scale Stenographers(NPS-12), I hereby submit my application for one of the same.

2. My complete biodata, qualification and experience are as under:-


- | | | |
|-----------------------|---|---|
| 1. Name. | - | Abdul Hamid. |
| 2. Father Name. | - | Haji Umar Khan. |
| 3. Date of Birth. | - | 5.11.1953. |
| 4. Permanent Address. | - | Village and Post Office
Shabbaz Khel, Tehsil Lakki
District Bannu. |
| 5. Qualification. | - | Matric. |
| 6. Experience. | - | i. As Stenographer(G-II)
since 30.5.1975.
ii. As Stenographer(G-I)
since 25.5.1980 up-
to date. |

(Total service 7 years
and six months in Civil
Sectt: NWFP).

3. Keeping in view the above particulars I hope that your goodself will give me a chance of test and interview.

4. Thanks.

Your obedient servant,


(Abdul Hamid)
Stenographer(Grade-1),
Health & Social Wel: Deptt:
Civil Secretariat, NWFP,
Peshawar.

Dated:- 30.11.1982.

.....

Subject: - APPLICATION FOR THE POST OF STENOGRAPHER GRADE-II.

With reference your advertisement in

Daily Mushrif, News Paper, Peshawar, dated 10th

January, 1975 for the post of Stenographers-Grade-II.

I offer my humble services for one of the same.

My particulars, qualifications & experiences

are as under:-

1- Name:

Abdul Hamid.

2- Father's Name:

Haji Umar Khan.

3- Permanent Address:

Village & P/O Shahbaz Khel,
Mohallah : Sarwar Khel,
Tehsil : Lakki Marwat,
District : Bannu.

4- Education:

P.A. (Plug) and having speed
in shorthand 100 W.P.M. Typing
speed 60 W.P.M.

More over I have served in Office of the Chief Engineer

Irrigation Deptt: Peshawar from 6-1-1973 to 17-7-1973, and fully

conversant with the office work. At-present I am serving in

Sarhad Development Authority as a Stenotypist from 18-7-1973 till

today.

I am a youngman of 22 years with good physique and

sound moral character.

In view of the facts explained above, it is requested

that I may please be given a chance to serve in your Department.

I assure you sir, that I will leave no stone un-turned to discharge

my duties with satisfaction of my superiors.

Note:-

Attested copies of my necessary certificates XXXXXXXXXXXXX
& two photographs are attach.

Thanking you in anticipation.

Dated:- 18-1-1975. Your most obedient servant,

(ABDUL HAMID)
C/O Hashim Shah, Stenographer
for Chief Engineer, Irrigation
Peshawar.

The Secretary,
Services & General Administration,
Government of N.W.F.P.,
Peshawar.

(6)

(25)

(18/1/75)

22

To

Annex - V

Adm. Secretary (Estab)
Establishment & Admn. Dept.
Diary No. 836

6428-WE
6/9/13
26

To
The Accountant General,
Khyber Pakhtunkhwa Peshawar.

SUBJECT: CORRECTION OF DATE OF BIRTH IN PAY SLIP.



909

Dear Sir,

Kindly refer to my application dated 25.04.2013 addressed to you and copy thereof to Pay Roll 9 Pay Roll 5 and Section Officer IV Establishment Department Khyber Pakhtunkhwa Peshawar on the subject noted above.

It is once again submitted with the request that the undersigned is serving as Private Secretary (BPS-17) in E & A Department Government of Khyber Pakhtunkhwa. I am regular employees of the Civil Secretariat Group. I was appointed as Junior Scale Stenographer in April, 1975, since the system is computerized by the Accountant Office. After repeated request to PRV my date of birth has not yet been corrected and is still showing/typing in my Pay Slip as 30.04.1955 instead of 05-11-1955 which may please be corrected. Copies of CNIC with birth certificate, metric certificate and service book entry duly attested for ready reference.

Deputy Secretary (Estab)
E & A Department
Diary No. 11-9-13
Dated: 11-9-13

SECTION OFFICER (E & A)
Diary No. 276
Dated: 13/9/13

Yours faithfully,

(Abdul Hamid)
Private Secretary
E&A Department.

Enclose as above.
ENDST OF EVEN NO & DATE.

Copy forwarded to the:-

1. The Private Secretary to Secretary Estt: Department.
2. The Cashier, Admn: Department.
3. The Bill Assistant-I.

Handwritten notes and signatures:
AGE 9/9/
DSE
SOETI 10/9
E & A
Indi 11/09
Abdul Hamid
Private Secretary
E&A Department.

3

(2)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

A. No. _____/2012

Muhammad Ayub Khan S/o Hathi Khan,
Executive Engineer, Public Health Engineering
Department, Peshawar. Appellant
Versus

1. Secretary, Govt. of KPK, Public Health Engineering Department, Peshawar.
2. Chief Secretary, Govt. of KPK, Civil Secretariat, Peshawar.
3. Amjad Shamsher, Executive Engineer, Public Health Engineering Department, Peshawar Respondents

APPEAL AGAINST OFFICE NOTIFICATION NO. SO(ESTT)PHED/13-1/77, DATED 04.06.2011 OF R.NO.1 WHEREBY CORRECT DATE OF BIRTH OF APPELLANT WAS ALTERED INTO 01.04.1952 FROM 01.04.1954 FOR NO LEGAL REASON.

Respected Sir,

1. That appellant was initially appointed as Sub Engineer on 13.11.1974 and was promoted to the post of Assistant Engineer BPS-17 on 07.02.2000 and served the department with devotion.
2. That at the time of entry into service, appellant's date of birth was recorded in Service Book, Matric Certificate, NIC and Pay Slip as 01.04.1954. All this means that no doubt was ever

4
45

2
existed. In date of birth, being 01.04.1954. (Copies as annex

3. That on 13.07.2005, R.No.1 circulated Final Seniority List of Assistant Engineers, BPS-17 wherein appellant was placed at S.No.175, yet his date of birth was recorded as 22.02.1952 instead of 01.04.1954. This was a clerical mistake or if not, then from where the same was taken by the respondents. (Copy as annex "B")
4. That the aforesaid wrong entry was represented before the authority on 02.08.2005 which was processed therein. Lengthy correspondence took place with the Board of Intermediate and Secondary Education, Peshawar and interse the department. And then on 01.04.2009, Administrative Officer of the Office of the Chief Engineer, Public Health Engineering Department, Peshawar issued letter to Section Officer (E-II), Works & Services Department, Peshawar for correction of the date of birth in the seniority list. On 19.04.2010, subsequent letter was also written for the aforesaid purpose. (Copies as annex "C")
5. That in pursuance of the aforesaid representation and correspondence, Notification dated 09.02.2011 was issued by R.No.1 wherein appellant's date of birth was corrected as 01.04.1954 from 01.04.1952 and not from 22.02.1952. (Copy as annex "D")
6. That without any reason and justification, notice and enquiry, R.No.1 issued subsequent Notification on 04.06.2011 wherein appellant's date of birth was again recorded as 01.04.1952 instead of 01.04.1954. (Copy as annex "E")
7. That on 14.06.2011, appellant filed Civil Suit before the Court of Senior Civil Judge, Lakki Marwat for correction of the date of birth. The department was placed exparte and then on 22.07.2011, exparte statements were recorded and the suit was decreed exparte in favor of appellant vide order dated 26.07.2011. (Copies as annex "F, G & H")

8. The appellant submitted representation before the authority on 30.06.2011 and 08.03.2012 but no heed was paid to the same. (Copy as annex "I")
9. That on 08.10.2011, department submitted application before the trial court for setting aside ex parte decree which was replied on 22.11.2011 by appellant and then on 19.12.2011, the application of department was dismissed. (Copies as annex "J, K & L")
10. That on 16.01.2012, department filed appeal before District Judge, Lakki Marwat for setting aside the ex parte decree which was accepted on 08.03.2012 and the case was remanded to the trial court for conducting further proceedings in the matter in accordance with law. (Copies as annex "M & N")
11. That on 13.03.2012, appellant filed Writ Petition No.765/2012 before Peshawar High Court, Peshawar to correct the date of birth and to not retire him from service. (Copy as annex "O")
12. That on 16.03.2012, R.No.1 issued order of retirement from service of appellant on attaining the age of superannuation but such Notification is illegal as he is due for retirement in the year, 2014. (Copy as annex "P")
13. That on 26.03.2012, R.No.1 posted R.No.3 at the post of appellant. (Copy as annex "Q")
14. That as stated earlier, appellant has filed Writ Petition before the Peshawar High Court, Peshawar which came up for hearing on 28.03.2012 and the hon'ble court was then pleased to dispose off the same with the remarks that appellant has simultaneously filed Civil Suit, thus he cannot seek two different reliefs from two different forums.

Accordingly, the petition was disposed for the above legal impediment without any decision thereon, however, the Civil Court at Lakki was directed to decide the Civil Suit of the petitioner/appellant positively within 3 months. Needless to remark that if the Civil Suit is not maintainable and the matter is cognizable by the Provincial Service Tribunal, the petitioner

may ~~ask the~~ Civil Court to send the Civil Suit to the Service Tribunal ~~to be~~ treated as an appeal against the departmental authority because any further appeal in the matter would be a futile exercise in view of the peculiar facts and circumstances of the case. (Copy as annex "R")

15. That vide order dated 09.04.2012 of Senior Civil Judge, Lakki Marwat, the suit of the appellant was sent to Service Tribunal. (Copy as annex "S")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That admittedly appellant's date of birth was recorded as 01.04.1954 in the Matric Certificate, NIC, Service Book and Pay Slip, even in all confidential reports since 1974 till date, the date of birth was recorded as 01.04.1954.
- b. That it is not understood as to why in the Final Seniority List appellant's date of birth was recorded as 22.02.1952. From where respondents have taken the same.
- c. That objection over the aforesaid entry recorded in the seniority list was made by appellant and then in pursuance of the aforesaid objection, his date of birth was altered into 01.04.1954 from 01.04.1952. It is also not understood that from where the authority recorded date of birth of appellant as 01.04.1952 and 22.02.1952 (double dates).
- d. That without any reason, justification, notice or inquiry, the aforesaid notification dated 09.02.2011 was withdrawn on 04.06.2011. No reason for withdrawal was ever given.
- e. That the subject matter was under fire before the hon'ble High Court when on 16.03.2012 Notification of appellant's superannuation from service was issued, so much so order of posting of R.No.3 was issued on 26.03.2012 at the post of appellant.
- f. That filing of Civil Suit before the Court of Senior Civil Judge and Constitutional Petition before the Peshawar High Court,

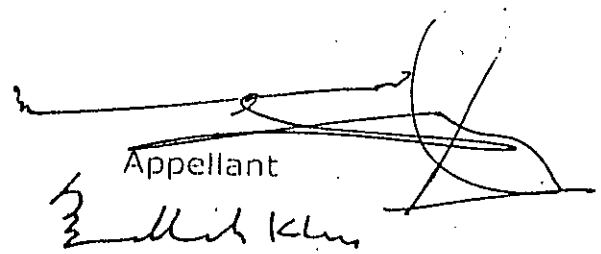
Peshawar was a futile exercise as both the courts have no jurisdiction to step into terms and condition of a civil servant.

- g. That when the date of birth of appellant in Matric Certificate, NIC, Service Book and Pay Slip was recorded as 01.04.1954 then on what ground and analogy, the date of birth of appellant was recorded as 22.02.1952. The authentic date of birth as per the judgments of the apex Supreme Court of Pakistan is entry recorded in Matric Certificate.
- h. That the order of withdrawal was without any reason and justification, so is based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned Notification dated 04.06.2011 of R.No.1 be set aside and Notification dated 09.02.2011 be restored with all service/back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

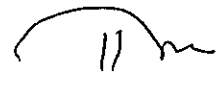
Dated. 16.04.2012

Through


Appellant

Saad Ullah Khan Marwat

&


Arbab Saif Ul Kamal
Advocates.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1405/2014

Abdul Hamid

Versus

Chief Secretary & Others

REPLICATION

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the Four (04) preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appellant has no cause of action, estopped by his own conduct to file the present appeal, time barred and appellant has not come to Hon'ble Tribunal with clean hands and concealed material facts.

ON FACTS

1. Not correct. No overwriting was ever made in the service record. As far as date of birth in the service of Sarhad Development Authority is concerned, the same was recorded in May, 1973-74. The date of birth was recorded as 05.11.1953. Appellant realized the same and then it was corrected in the year 1976 and thereafter this certificate annexed "A" with the appeal was issued to him and his date of birth was recorded as 05.11.1955 instead 05.11.1953 which was duly verified by the Board Authorities with covering letter dated 14.10.2013.

No overwriting was made in the Service Book but the same was recorded as 05.11.1955. Similarly in the Primary School Leaving Certificate, the date of birth of appellant was recorded as 05.11.1955. The date of birth shall be counted of the SSC, NIC and Service Book and not of the Seniority List. Even in the Pay Slip, the same was recorded as 05.11.1955, attached with the appeal as annex "G" page 16.

2. Not correct. After correction of date of birth of appellant, the same was then recorded in the SSC, SB and other service record as 05.11.1955 as stated above. No overwriting was ever made in the Service Book. Moreso, the Service Book is in the custody of the department. The documents attached with the reply were the former documents and not of the subsequent correction.
3. Not correct. The case of the appellant is quite at par with the case of Ayub Khan, Executive Engineer of Public Health Engineering Department.
4. Not correct. Recording date of birth in seniority list has no legal value but the legal value of the date of birth was of SSC, Service Book and CNIC. Pick and chose was made by taking into consideration the date of birth of the seniority list for retirement and rest of the documents of SSC, Service Book, CNIC and School Leaving Certificate were ignored all together. Respondent never took into consideration the date of birth in Service Book, CNIC, School Leaving Certificate with malafide by taking the same of the seniority list.

No enquiry regarding date of birth was ever made nor appellant was associated with the same. The Enquiry Report was submitted to the department being formal enquiry but the same was returned by Regulation Wing of Establishment Department to the parent department for the reason that the same was not conducted as per E&D Rules.

5. Not correct. The application dated 10.09.2013 of the appellant was in respect of pay slip which was later on corrected by writing the same as 05.11.1955 in pay slip for the month of September, 2014. (Copy already annexed with the appeal)
6. Not correct. The para is without proof regarding regret of representation of appellant nor the same was dispatched to him till date.

G R O U N D S:

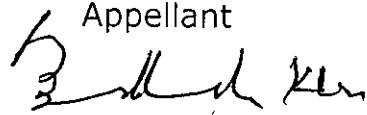
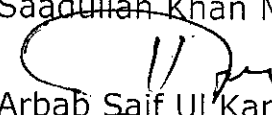

- a. Not correct. Respondents are weighing the old record of appellant which was subsequently corrected from 05.11.1953 to 05.11.1955.
- b. Not correct. Date of birth recorded in the seniority has no legal value but of the SSC, Service Book, CNIC and School Leaving Certificate.
- c. Not correct. In the referred case, the facts and law was one and the same.
- d. Not correct. As stated earlier, formal enquiry has no legal value whatsoever. The same was termed by the Regulation Wing of Establishment Department as illegal.
- e. Not correct. The retirement notification of appellant was issued with malafide by not taking in to account the subsequent rectification in the date of birth in the service record and by taking into consideration the former one.

To further elaborate the case regarding date of birth of appellant, it is stated that on 24.10.2013, Section Officer General of Health Department wrote letter to Secretary, Establishment Department for verification of SSC Certificate from the Board which was verified again on 14.10.2013 and thereafter fresh SSC Certificate was issued to him and the date of birth was recorded as 05.11.1955. All such record was ignored and notification of retirement of appellant was issued prematurely. (Copies attached)

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

Through

Dated: 18.10.2015

Appellant

 Saadullah Khan Marwat

 Arbab Saif Ul Kamal

 Miss Rubina Naz
 Advocates,

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1405/2014

Abdul Hamid

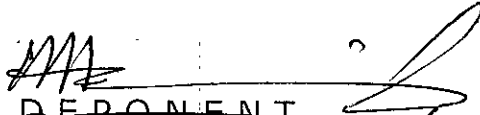
Versus

Chief Secretary & Others

AFFIDAVIT

I, Abdul Hamid, Appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief. While that of the reply are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.


~~DEPONENT~~



5
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. E&A Health/2-65/2013

Dated: 24/10/2013

To

7809
24-10-13
4/10/13
The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar.

Subject:- VERIFICATION OF MATRICULATION (S.S.C) CERTIFICATE IN
RESPECT OF MR. ABDUL HAMID S/O HAJI UMAR KHAN

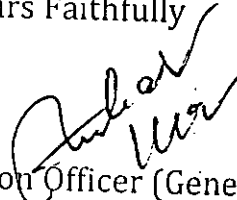
Dear Sir,

I am directed to refer to the subject noted above and enclose herewith letter bearing No.271/Cert/SSC/BISE,PESH:, dated 14/10/2013 along with the Secondary School Certificate (in original) for further necessary action.

He has been transferred from this Department in June 2013 and is now at your disposal. Please acknowledge receipt.


Enclosed as above.

Yours Faithfully


Section Officer (General)

Copy is forwarded to:-

P.S to Secretary Health, Khyber Pakhtunkhwa.


Section Officer (General)



BOARD OF INTERMEDIATE & SECONDARY EDUCATION PESHAWAR

No. 271 / Cert / SSC / BISE, Pesh:

Date 14-10 2004 13

Form:

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

To Health Dep.

Khyber Paktoon Khawa

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

Memo:

Reference your No.) 148 dated 25-09-2013

Enclosed please find certificate Photostat copy / copies of

Original/Provisional Certificate (s) of S.S.C Examination in respect of the candidates mentioned in your letter with the remarks noted against each:-

Roll No. & Session

Name & Parentage

Remarks

16047/1969

Abdul Hamid

Second-

s/o Hajj Umar Khan

Division

AM

Asst Secretary (Certificate)
Board of Intermediate & Secondary
Education, Peshawar

S. No. 065289

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 16047

VERIFIED

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION Annual 1969

SECRETARY OFFICER
Intermediate & Secondary
Education Peshawar (Pakistan)

This is to certify that Abdul Hamid
Son / Daughter of Haji Umar Khan
and a Resident / Student of Govt High School Pezu Bannu
Enrolment No 16047

has passed the Secondary School Certificate Examination
of the Board of Intermediate and Secondary Education, Peshawar held in June 1969
in the Second Division Pass as a Regular/Private Candidate

The Candidate passed in the following subjects

- | | | |
|--------------|---------------------|-----------------|
| 1. English | 4. Pakistan Studies | 7. Isl, Studies |
| 2. Urdu | 5. Mathematics | 8. Pashto |
| 3. Islamiyat | 6. G, Science | |

Date of birth according to admission form is Fifth November
one thousand nine hundred and Fifty Five (5.11.1955)

[Signature]
Asst. Secretary

[Signature]

[Signature]
Secretary

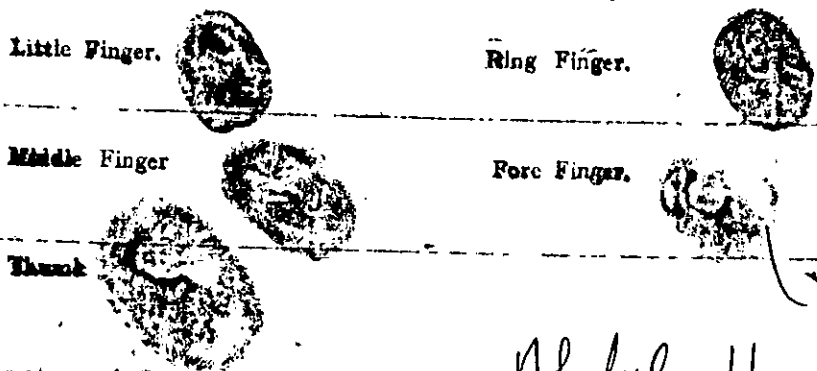
This certificate is issued without alteration or erasure

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

- 1. Name... *Mr. Abdul Hamid*
- 2. Race... *Muslim (Afghan) Pathan.*
- 3. Residence... *village Shahbaz Khd, Takhal Khatki District BANNU (D. Khan Division).*
- 4. Father's name and residence... *Haji Umar Khan — do —*
- 5. Date of birth by Christian era as nearly as can be ascertained... *5-11-55 5th of November and (winter hundred and fifty five)*

- 6. Exact height by measurement... *5-5*
- 7. Personal marks for identification... *Black mole on right side of face*

8. Left hand thumb and finger impression of (non-gazetted) officer



Attested
Section Officer (Lit.)
 Govt. of Khyber Pakhtun
 Head Department

9. Signature of Government servant... *Abdul-Hamid*

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

[Signature]
 Member Officer (General)
 Health, Population & Planning
 Department