

04.10.2022

Appellant with counsel present.

Mr. Riaz Khan Paindakhel, learned Assistant Advocate General present. Ali Rehman Inspector for respondents No.5 to 7 present. Nemo for respondents No.1 to 4 and 8.

Reply on behalf of respondents No.5 to 7 already submitted. On the previous date office was directed to issue notice to respondents No.1 to 4 & 8 but due to non-availability of envelopes and tickets, the same were not served. Appellant is directed to submit envelopes and tickets for notice to the said respondents. To come up for reply/comments on 09.11.2022 before S.B at Camp Court, Swat.

SCANNED
KPST
Peshawar



(Rozina Rehman)
Member (J)
Camp Court Swat

10th Nov, 2022

Due to public holiday on account of Allama Iqbal Day, the case is adjourned to 07.12.2022 for the same as before.

SCANNED
KPST
Peshawar



Reader

07.12.2022

Tour is hereby cancelled, therefore, the case is adjourned to 04.01.2023 for the same as before.




Reader

04th Jan. 2023

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the official respondents present.

Reply/comments on behalf of the official respondents still not submitted. Learned AAG requested for further time. Last opportunity is granted. To come up for written reply/comment on 08.02.2023 before the S.B at camp court, Swat.

SCANNED
KFST
Rachman



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

04.07.2022

Appellant alongwith counsel person. Mr. Noor Zaman,
District Attorney present.

Written reply/comments on behalf of respondents No.
5 to 7 has already been submitted.

On previous date notices were not issued due to lack
of funds. Therefore, fresh notices be issued to respondents
No. 1 to 4 & 8 for submission of written reply/comments on
the next date positively. To come up for reply/comments on
02.08.2022 before D.B at camp court, Swat.


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

2.9.22


*Due to summer vacation the case is
adjourned to 6-9-22 for the same.*



06.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz
Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad
Mousa, H.C for respondents No. 5 to 7 present. None present on behalf
of respondent No. 1 to 4 & 8.

Reply/comments on behalf of respondents No. 5 to 7 have already
been submitted. Reply/comments on behalf of respondents No. 1 to 4 & 8
are still awaited. Previous date was changed on the strength of Reader's
Note, therefore, notice be issued to respondents No. 1 to 4 & 8 for
submisson of reply/comments. Last opportunity is granted. Adjourned. To
come up for reply/comments of respondents No. 1 to 4 & 8 before the S.B
on 04.10.2022 before S.B.


(Mian Muhammad)
Member (E)
Camp Court Swat

05.04.2022

Nemo for the appellant. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General for the respondents present and sought further time for submission of written reply/comments. Adjourned. To come up for submission of written reply/comments on 12.05.2022 before the S.B at Camp Court Swat.

Notice also be issued to appellant/counsel for the appellant for the date fixed.



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

12.05.2022

Appellant in person present. Mr. Ali Rehman, S.I (Legal) on behalf of respondents No. 5 to 7 alongwith Mr. Noor Zaman Khattak, District Attorney present. None present on behalf of respondents No. 1 to 4 & 8.

Para-wise reply on behalf of respondents No. 5 to 7 submitted, which is placed on file.

Notices be issued to respondents No. 1 to 4 & 8 through registered post with the directions to submit written reply/comments on the next date positively. Adjourned. To come up for submission of written reply/comments on behalf of respondents No. 1 to 4 & 8 on 04.07.2022 before the S.B at Camp Court Swat.



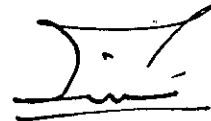
(Salah-Ud-Din)
Member (J)
Camp Court Swat

05.01.2022

Appellant alongwith his counsel present. Preliminary arguments heard.

Points raised need consideration, therefore, the appeal in hand is admitted to regular hearing subject to all just and legal objections including the question of limitation. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 08.02.2022 before the S.B at Camp Court Swat.

Amir Khan
Secretary
10/1/22



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

08.02.2022

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




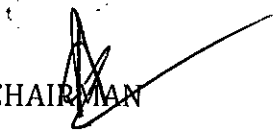
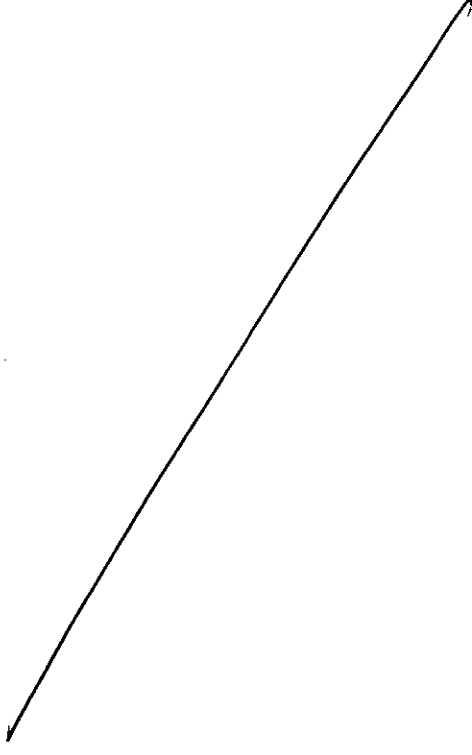
Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7712 /2021

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 01/11/2021 | <p>The appeal of Mr. Rahim Shah presented today by Mr. Syed Ishtiaq Alam Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench at Swat for preliminary hearing to be put up there on <u>05/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>  |

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 7712 of 2018

**SCANNED
KPST
Peshawar**

Rahim Shah S/o Asil Zada resident of Charbagh, Tehsil Charbagh, District Swat (Constable Police Line at Kabal), Tehsil kabal, District Swat.....Appellant

VERSUS

District Police Officer, Swat at Gul Kada, Saidu Sharif, Swat
.....Respondents

INDEX

| S.# | Description | Annexure | Pages No |
|-----|---|------------|----------|
| 1. | Memo of Service appeal | - | 1-4 |
| 2. | Certificate | - | 4 |
| 3. | Affidavit | - | 5 |
| 4. | Addresses of the parties | - | 6 |
| 5. | Application for condonation of delay | - | 7 |
| 6. | Copy of appointment order | "A" | 8 |
| 7. | <u>Copies of CNIC Service record & School certificate</u> | "B, C & D" | 9-13 |
| 8. | <u>Copies of plaint and order/ judgment</u> | "E & F" | 14-19 |
| 9. | <u>Copies of application</u> | "G & H" | 20, 21 |
| 10. | Wakalatnama | - | 22 |

Appellant
Through Counsel

Syed Ishtiaq Alam Mazhar
Advocate,

Office: - Room #: 6,
Sultan Tower, Makanbagh,
Mingora, Swat.
Cell No: 0342-0919002

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ of 2021

Rahim Shah S/o Asil Zada resident of Charbagh, Tehsil Charbagh, District Swat (Constable Police Line at Kabal), Tehsil kabal, District Swat.....Appellant

VERSUS

1. Assistant Director NADRA, at Rahim Abad, Swat
2. Director NADRA, at Rahim Abad, District Swat
3. Chairman NADRA, at NADRA Headquarter, Sector G-5/2 Sharah Dastoor Road, State Bank Building, Islambad.
4. Depurt Registrar, NADRA at Peshawar
5. District Police Officer, Swat at Gul Kada, Saidu Sharif, Swat
6. Regional Police Officer (RPO) Makaland Divisionat Saidu Sharif, Swat
7. Inspector General of Police, Khyber Pakhtoon Khwa at Peshawar
8. District Accounts Officer, Swat.....(Respondents)

Appeal U/s 4 of K.P Service Tribunal Act, 1974,
for the correction of date of birth of the appellant in
computerized national identity card aw well as in
service record.

PRAYER:

On acceptance of the instant service appeal the incorrect date of birth of the appellant mentioned as 01-01-1966 in the CNIC and in service record may kindly be corrected as 20-03-1970 and the same may be inserted in the CNIC and entire service record of the appellant.

Respectfully Sheweth:

Brief facts of the case give rise for filing the instant service appeal are as under;

- » That the appellant is the permanent resident of Mashri Kheail, Aala Abad, Tehsil Charbadgh District Swat.
- 2) That the appellant was appointed as Special Force Constable who was later on regularized by the competent authority. Copy of appointment order is attached as "A".
- 3) That the appellant came to know that in his CNIC his date of birth was wrongly / inadvertently mentioned as 01-01-19661 due to which the wrong date of birth was entered in the entire service record of the appellant, while the correct date of birth of the appellant is 20-03-1970, which is correctly written in his school certificate. (Copies of CNIC, Service record and school certificate are attached as Annexure "B, C & D")
- 4) That the appellant filed a civil suit for the correction of his wrong date of birth mentioned in the CINC as 1981 before civil court which was dismissed by the civil court. (Copies of Complaint & Judgment & dated are attached as Annexure "E" & "F")
- 5) That after the above mentioned proceeding the appellant filed an application to respondent # 5 and then to respondent # 6 but in vain. (Copies of applications are attached as Annexure "G" & "H")
- 6) That the applications of the appellant are still pending before respondent No. 6 and no decision whatsoever has been made till now. Therefore the appellant has no option remain but to file the instant service appeal before this honorable tribunal on the following amongst other grounds.

GRUNDS:-

- a) That actions / inactions of the respondents are illegal, against the law and facts and fundamental rights of the appellant.
- b) That the application of the appellant is genuine and based on admitted and proved facts and is within time, but the

(3)

respondents illegally and unlawfully ignored the application of the appellant by not deciding the same in accordance with law and rules.

- c) That the actual date of birth of the appellant is 20-03-1970 which is crystal clear from the School record which was consider correct by a competent court of jurisdiction.
- d) That the date of birth of the appellant is 20-03-1970 and the respondents entered wrong date of birth of the appellant as 01-01-1966 in the CNIC & service record of the appellant which is illegal against the real facts and circumstance. The respondents have no right to deny from the correction of the date of birth of the petitioner in the service record of the appellant.
- e) That by not giving consideration and disposing of the applications of the appellant causes miscarriage of justice and just to deprive the appellant from his legal, vested and constitutional right without any plausible cause.
- f) That the inaction of respondents upon the applications of appellant shows malafide on the part of respondents. So their conduct is against the norms of Justice and liable to be condemned.
- g) That the appellant was deprived of his legal vested right till now to dispose the application of the appellant which is against the norm of justice.
- h) That the appellant served the police department for the period of 41 years very honestly and no complaint whatsoever in any shape against the appellant is available.
- i) That the appellant belongs to a poor family and if his date of birth in CNIC and service record is not corrected, the

(4)

appellant will suffer irreparable loss in future without any fault on the part of the appellant.

- j) That some other grounds will be advanced at the time of arguments with the permission of this honorable court.

It is, therefore, humbly prayed that, On acceptance of the instant service appeal the incorrect date of birth of the appellant mentioned as 01-01-1966 in the CNIC and service record may kindly be corrected as 20-03-1970 and the same may be inserted in the entire service record and CNIC of the appellant.

Any other remedy which is just & appropriate in the circumstances of the case may also be awarded though not specifically prayed for.

Appellant



Rahim Shah son of Asil Zada

Dated : 20-10-2021

Certificate:-

It is certified that no such like service appeal is filed by the appellant before this honorable court or pending or decided by this honorable court.

Appellant



Rahim Shah son of Asil Zada

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ of 2021

Rahim Shah S/o Asil Zada resident of Charbagh, Tehsil Charbagh, District Swat (Constable Police Line at Kabal), Tehsil kabal, District Swat.....Appellant

VERSUS

District Police Officer, Swat at Gul Kada, Saidu Sharif, Swat
.....Respondents

AFFIDAVIT

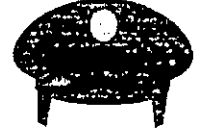
I, Rahim Shah S/o Asil Zada resident of Charbagh, Tehsil Charbagh, District Swat (Constable Police Line at Kabal), Tehsil kabal, District Swat (Appellant), do hereby solemnly affirm and declare on oath that all the contents of this Service appeal are true and correct to the best of my knowledge and nothing has been kept Concealed before this Honorable Court.

DEPONENT _____

Rahim Shah S/o Asil Zada



Khyber Pakhtunkhwa Police District Swat



| | | | | | |
|-------------------------|-------------|------------------------|----------------|----------------------------|---------------------|
| Belt No: | 5119 | Rank: | FC | Cell No: | 0344-9815814 |
| Name : | Rahim Shah | Post : | Light Duty | Father Name: | Asil Zada |
| Education: | - | Date Of Birth: | 1/1/1966 | Date Of Enlistment: | 10/1/2009 |
| Village: | Ala Abad | Police Station: | PS Charbagh | Home District: | Swat |
| Current Posting: | PS Charbagh | Order Book: | 170 | Date Of Posting: | 17-10-2021 |
| Location: | Charbagh | Good: -- | Bad: -- | CNIC: | 1560272692063 |

| S.No | Posting Details | Post held | From | To | Years | Months |
|------|---|------------|------------|------------|-------|--------|
| 1 | PS Charbagh | | 10-01-2009 | 06-05-2020 | 11 | 3 |
| 2 | Adjusted in regular Police from SPO and Posted to PS Charbagh | | 06-05-2020 | 07-09-2020 | 0 | 4 |
| 3 | PS Kalakot | | 07-09-2020 | 26-05-2021 | 0 | 8 |
| 4 | PS Matta | | 26-05-2021 | 28-05-2021 | 0 | 0 |
| 5 | light duty Line | Light Duty | 28-05-2021 | 17-10-2021 | 0 | 4 |
| 6 | PS Charbagh | Light Duty | 17-10-2021 | | | |

6. CHARACTER ROLL OF APPOINTMENTS, PROMOTIONS, DISCHARGES, ETC (CONTINUED)

IONS, DISCHARGES, ETC (CONTINUED)

| 1 appointments, promoted, suspended, reduced, discharged, resigned or died | 2 To What grade and pay appointed, promoted or reduced | 3 Date | 4 No. of District Order | 5 Full Signature of Superintendent of Police |
|---|---|-----------|--|--|
| | <p>Order:- Enlisted as Constable in Special Police Force on Contract Basis vide this office OB No <u>1444</u> dated <u>9-10-2009</u></p> <p><i>[Signature]</i> District Police Officer, Swat.</p> <p>Notification: As per approval of Provincial Cabinet Home & Tribal Affairs Department No.SO(Budget)/TD/15-29/2016 Vol-II, dated <u>08-04-2020</u>, Services of the SPOs are regularized as Constable BPS-07 w.e.f 01-03-2020. And allotted Constabulary No <u>5119</u>. Pay fixed at Rs. 10990/-</p> <p>GD No. 68 Dated. 29/04/2020</p> | | <p><i>[Signature]</i> District Police Officer, Swat.</p> <p>T No 52 dated 02-05-2020 S.No. <u>1651</u> Pay & Allowances Active w.e.f 01-03-2020 @ B.P.10990/- P16 Arrears of Pay and Allowances w.e.f 01-03-2020 to 31-05-2020 G. Total Rs. 96979/- Less ROP Rs. 45000/- Net Payment Rs. 51999/-</p> | |

7. Transfers beyond the district

[Signature]
District Accounts Officer
Swat.

| 1 Date | 2 From From | 3 To | 4 Authority for transfer |
|-----------|----------------|---------|-----------------------------|
| | | | |
| | | | |

(12)

GRAND SERVICE ROLL OF
CLERK NO () IN
CLERK NO () IN
CLERK NO () IN

DISTRICT
DISTRICT
DISTRICT

| Name | Father's Name | Tribe or caste | Village or town | Post and telegraph office | Police station | District | Province | Date of birth | height | Chest measurement | Date of enrolment | Age on enrolment | Distinctive marks |
|------------|---------------|----------------|-----------------|---------------------------|----------------|----------|----------|---------------|--------|-------------------|-------------------|------------------|-------------------|
| Rahim Shah | Asid Tada | Afghan | Ala Abad | - | Charbagh | Swat | K. P. K. | 01-01-1966 | 6'-00" | 34 X 35" | 9-10-09 | 44 years | |

Registration roll no _____ Dated _____ Received back and attached to the Fauji Misal.

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

| Service of department | Rank or grade | Pay of last appointment | From | To | Period | | |
|-----------------------|---------------|-------------------------|------|----|--------|-------|------|
| | | | | | Years | Month | Days |
| | | | | | | | |

| | |
|--|--|
| Cause of and character on charge from previous service | Reference to orders approving above service for pension service in the police department |
|--|--|

I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that section and the provisionals of the Act issued under it and now in force, by which my discipline and conduct are governed have been explained to me. I agree to serve faithfully under of the said Police Act and to obey all lawful orders issued to me by my Superior Officers and undertake not to resign my appointment within three date of my enrolment. I have received a certificate of appointment issued under section 8 of the Police Act (V to 1861).

ATTESTED

[Signature]

Impression of fingers and thumb of left hand. District Police Officer, SWAT.

| Little | Left Ring | Left Middle | Left Index | Left Thumb |
|--------|-----------|-------------|------------|------------|
| | | | | |

Education No. 28.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
APPENDIX XX (Chapter VII 28).

to be issued
duplicate.

Govt. primary School, No. 1 Charbagh Recognised
Un-recognised
Swat DISTRICT.

LEAVING CERTIFICATE.

Pupil's Name Raheem Shah (29.3.1970) File No. 87
Date of Birth Twenty Second March N.H 1980 Seventy Grade of Fee C.No-19
No. in Admission Register 5630 Agr., Non-Agr., or Zamindar Agri

CERTIFIED that Raheem Shah son of A. Sidiq attended this School upto the 23/9/80 has paid all sums due to the School and was allowed on the above date to withdraw his name. He was reading in the 3rd Class prim. Department and PASSED/FAILED in the Examination for promotion to the 4th Class.

The following particulars are certified to be correct, according to the registers of this School and the certificate produced from previous Schools attended during the School year.
The pupil Raheem Shah to A. Sidiq was the student of 3rd class.

| No. | School | Date of Admission | Date of Withdrawal | Period of attendance during the current school year | | Possible attendances during the current school year | Actual attendances during the current school year | Leave taken during the current school year |
|----------|-------------------------------|-------------------|--------------------|---|----------------|---|---|--|
| | | | | From | To | | | |
| 1 | (a) This School <u>1/1/80</u> | <u>10/1/79</u> | <u>30/1/80</u> | <u>10/1/79</u> | <u>30/1/80</u> | - | - | - |
| 2 | (b) This Class <u>no 1</u> | | | | | | | |
| 3 | (c) This Department | | | | | | | |
| 4 | <u>Charbagh Swat</u> | | | | | | | |
| Total .. | | | | | | | | |

Date of issue. 20/8/79

FOR SCHOLARSHIP HOLDERS ONLY.

Head Master 18/9/1
GOVT. PRIMARY SCHOOL, No. 1
CHARBAGH Distt: Swat.

Kind of scholarship ----- Value -----

Year of award ----- Date upto which drawn -----

By whom payable ----- Leave taken at each School -----

Prepared by: [Signature]
Checked by: [Signature]
Date: 20/8/79

CERTIFIED that -----, son of ----- and ----- a student of the ----- Class, who left the ----- School ----- District ----- with Transfer Certificate No. ----- dated ----- has joined the ----- Class of ----- School ----- District ----- on ----- His date of birth as entered in the Transfer Certificate is -----

Principal/Head Master.

بجدرالت جناب سینئر سول جج صاحب / اعلیٰ علاقہ قاضی صاحب سوات

رحیم شاہ ولد اصیل زادہ ساکن مشوڑی خیل، آلہ آباد، چارباغ ضلع سوات۔۔۔۔۔ مدعی

سوالہ کلیم نمبر 28.7.21
دعویٰ نمبر 10
رہدہ نسبت کو سوالہ نمبر

A. S. M.

بند نام

1- اسٹنٹ ڈائریکٹر نادرا، بمقام چارباغ ضلع سوات

2- ڈائریکٹر نادرا، بمقام رحیم آباد، ضلع سوات

3- چیئر مین نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (نادرا) بمقام نادرا، ہیڈ کوارٹریکٹر

G-5/2 شاہراہ جموریت روڈ سٹیٹ بینک بلڈنگ اسلام آباد۔

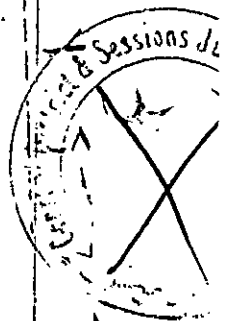
4- ڈپٹی رجسٹرار جنرل نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (نادرا) بمقام پشاور۔

5- ڈسٹرک پولیس آفیسر ضلع سوات

6- RPO مالاکنڈ ڈویژن بمقام سیدو شریف، ضلع سوات

آئی جی پی صوبہ خیبر پختونخواہ بمقام پشاور

ڈسٹرکٹ اکاؤنٹ آفیسر، ضلع سوات



دعویٰ بمراد صدر ڈگری استقرار حق بدیں میرا کہ من مدعی کی درست، اصل اور صحیح

تاریخ پیدائش 20-03-1970 ہے۔ مدعا علیہم نمبر 1 تا 4 ہرگز مجاز نہ ہیں کہ وہ من

مدعی کے قومی شناختی کارڈ نمبر: 3-15602-7269206 میں اور اسی طرح۔

مدعا علیہم نمبر 5 تا 8 مجاز نہیں کہ وہ من مدعی کے سروں ریکارڈ میں حاصل، درست اور صحیح

تاریخ پیدائش 20-03-1970 کے بجائے غیر قانونی، بلا اختیار، بلا جواز

اور خود ساختہ طور پر تاریخ پیدائش 01-01-1966 درج کی ہے (جس سے کہ انکار ہے) جو کہ جعلی، فرضی، سازشی، غیر قانونی، غیر شرعی اور خود ساختہ ہے۔ حقوق مدعی پر کالعدم اور غیر موثر ہو کر قابل منسوخی ہے اور مدعا علیہم کے ریکارڈ میں قابل درستی ہے۔

صدر و ڈگری حکم امتناعی تاکید بدیں مراد کہ مدعا علیہم کو ہدایت کی جائے کہ وہ جملہ ریکارڈ/شناختی کارڈ میں تصحیح/درستی کر کے مدعی کی اصل، درست اور صحیح تاریخ پیدائش 20-03-1970 درج/تحریر کر کے بحق مدعی جازی کریں۔

ہر وہ دادری جس کا ذکر من مدعی کے دعویٰ میں موجود نہ ہو اور بعد از حالات واقعات مقدمہ کی رو سے من مدعی کو میسر ہو جائے بحق من مدعی اس دادری کا ڈگری صادر کرنے کا حکم صادر فرمایا جائے۔

ت بغرض کورٹ فیس مبلغ دو صد روپے فرض کیا گیا۔ چسپانگی کورٹ فیس بوجہ معافی چسپاں شدہ نہ ہے حسب حکم عدالت حضور چسپان کی جائیگی۔

بنائے دعویٰ بعد از صریحاً انکار مدعا علیہم عرصہ چند یوم قبل اندر حدودات عدالت حضور پیدا شد۔

جناب عالی! مدعی حسب ذیل عرض کرتا ہے۔

یہ کہ من مدعی آگہ آباد، چار باغ، ضلع سوات کارہائشی باشندہ ہوں۔ اور محکمہ پولیس میں بطور سپیشل فورس کنسٹیبل تعینات ہو کر جو کہ اب ریٹائر ہوا ہوں، نقل سروس کارڈ لفس ہے۔

۲- یہ کہ من مدعی کی درست تاریخ پیدائش 20-03-1970 ہے جبکہ مدعا علیہم نے اپنے زیر قبضہ ریکارڈ میں غلط تاریخ پیدائش 01-01-1966 کا اندراج کیا ہے۔

۳- یہ کہ مدعی اگرچہ تعلیم ہفتہ نہ ہے لیکن مدعی پرائمری سکول تیسری جماعت تک گیا ہوں اور سکول ریکارڈ میں من مدعی کی تاریخ پیدائش درست طور 20-03-1970 درج و تحریر ہے۔ اس نسبت متعلقہ سکول ریکارڈ موجود ہے۔ جو کہ لف دعویٰ ہذا ہے۔

۴- یہ کہ یہ کہ مدعا علیہم نمبر 1 تا 4 نے من مدعی کے شناختی کارڈ نمبر: 3-7269206-15602

میں اصل، درست اور صحیح تاریخ پیدائش 20-03-1970 کے بجائے غیر قانونی، بلا اختیار، بلا جواز اور خود ساختہ طور پر سال 01-01-1966 درج کی ہے۔ حالانکہ من مدعی نے بوقت

شناختی کارڈ بناتے وقت اپنے تعلیمی اسناد مدعا علیہم کو پیش کیئے تھے لیکن مدعا علیہم نے من مدعی

کے شناختی کارڈ میں تاریخ پیدائش 01-01-1966 درج کی ہے۔ جو کہ غلط ہے اور مدعی کے

شناختی کارڈ اور غیر موثر ہوتے ہوئے قابل درستی ہے۔ (نقل شناختی کارڈ لف ہے)

کے شناختی کارڈ میں غلط تاریخ پیدائش درج ہونے کی وجہ سے مدعا علیہم نمبر 5 تا 8 / محکمہ پولیس

نے بھی من مدعی کے جملہ ریکارڈ میں درست اور صحیح تاریخ پیدائش 20-03-1970 کے

بجائے غلط، خود ساختہ تاریخ پیدائش صرف 01-01-1966 درج کی ہے جو بھی غلط ہے اور

قابل تصحیح ہے۔

۶- یہ کہ اگر مذکورہ غلط تاریخ پیدائش کا موازنہ مدعی کی بڑے بھائی کی تاریخ پیدائش

01-04-1968 سے کیا جائے جو کہ مدعی سے بڑا ہے تو غلط اندراجات سے وجہ سے

وہ مدعی سے چھوٹا بنایا گیا ہے، اندراج غلط اور بے بنیاد طور پر عمل میں لایا گیا ہے۔ نقل

شناختی کارڈ برادر مدعی لف ہے۔

۷- یہ کہ مدعی کے شناختی کارڈ دیگر ریکارڈ میں غلط تاریخ پیدائش کی درستی اور تصحیح سے

مدعا علیہم یا دیگر شخص و اشخاص کو کوئی نقصان نہیں پہنچ سکتا ہے بلکہ ریکارڈ میں درستی کے



وجہ سے تمام بیچیدگیاں ختم ہو سکتی ہے۔

۷۔ یہ کہ مدعا علیہم کو بار بار کہا گیا کہ وہ من مدعی کے جملہ ریکارڈ شناختی کارڈوں اور مدعا علیہم نمبر 6،5 / محکمہ پولیس کے ریکارڈ میں مدعی کی درست اور صحیح تاریخ پیدائش 20-03-1970 درج کریں لیکن وہ انکاری ہے۔ اس لئے دعویٰ ہذا کی ضرورت لاحق ہوئی۔

۸۔ یہ کہ مالیت بغرض کورٹ فیس و اختیار سماعت و جائے رہائش فریقین مندرجہ عنوان عرضی دعویٰ ہے۔

۹۔ یہ کہ دعویٰ دائرگی سے قبل جملہ امور کی تکمیل کی گئی ہے۔ (نقولات لطف ہیں)

لہذا استدعا ہے کہ بمظور ذریعہ دعویٰ ہذا دعویٰ مسترد عینہ
حسب عنوان عرضی دعویٰ بحق مدعی برخلاف مدعا علیہم بمعہ خرچہ
وجہ ڈگری فرمائی جائے نیز دیگر دوسری جو قرین انصاف ہو اور
طلب نہ بھی کی گئی ہو بھی مرحمت فرمائی جائے۔



محمد رفیق

رحیم شاہ مدعی

تصدیق

صالح تقدیق کرتا ہوں کہ جملہ مراتب
بمعہ استدعا دعویٰ ہذا اتاحد میرے علم و یقین
سے درست و صحیح ہے۔

محمد رفیق

رحیم شاہ مدعی

بعدالت جناب سدرہ اسلم سول جج / علاقہ قاضی ہفتم سوات

عنوان: رحیم شاہ بنام اسسٹنٹ ناڈرا وغیرہ

مقدمہ نمبر: 104/1 رجوعہ: 23.04.2021

Ori.....10
28.07.2021

- مدعی اصالتاً، مدعا علیہم بذریعہ نمائندہ حاضر۔

- امروز درخواست، مراد واپسی مقدمہ بوجہ دائرگی جدید مقدمہ بوجہ عدم اختیار سماعت منجانب مدعی مسی رحیم شاہ پیش کی گئی، شامل مسل شد۔

- بنیادی طور پر مدعی نے دعویٰ ہذا بمراد صدور ڈگری استقرار حق بدیں مراد کی مدعی کی درست، اصل اور صحیح تاریخ پیدائش 20.03.1970 ہے۔ مدعا علیہم نمبر 1 تا 4 ہرگز مجاز نہ ہیں کہ وہ مدعی کے قومی شناختی کارڈ نمبر 3-7269206-15602 میں اور اسی طرح مدعا علیہم نمبر 5 تا 8 مجاز نہیں کہ وہ مدعی کے سروس ریکارڈ میں اصل، درست اور صحیح تاریخ پیدائش 20.03.1970 کے بجائے غیر قانونی، بلا اختیار، بلا جواز اور خود ساختہ طور پر تاریخ پیدائش 01.01.1996 درج کرے جو کہ جعلی، فرضی، سازشی، غیر قانونی، غیر شرعی اور خود ساختہ ہے حقوق مدعی پر کالعدم اور غیر موثر ہو کر قابل منسوخی ہے اور مدعا علیہم کے ریکارڈ میں قابل درستی ہے۔ دعویٰ کے جز "ب" میں مدعی نے صدور ڈگری حکم انتظامی تاکید کی استدعا بدیں طور کی ہے کہ مدعا علیہم کو ہدایت کی جائے کہ وہ جملہ ریکارڈ / شناختی کارڈ میں تصحیح / درستگی کر کے مدعی کی اصل، درست اور صحیح تاریخ پیدائش 20.03.1970 درج / تحریر کر کے بحق مدعی جاری کرے۔

- امروز مسائل / مدعی بیانی ہے کہ وہ مقدمہ ہذا کو واپس کر کے جدید دعویٰ سروس ٹریبونل میں دائر کرنا چاہتا ہے کیونکہ مقدمہ بالا میں عدالت حضور کو اختیار سماعت حاصل نہ ہے کیونکہ مدعی مقدمہ سرکاری ملازم ہے اور محکمہ پولیس میں تعینات ہے لہذا استدعا ہے کہ منظوری درخواست ہذا مقدمہ ہذا کو واپس کر کے جدید دعویٰ دائر کرنے کے احکامات صادر فرمائے جائے۔ اس نسبت مسی رحیم شاہ کا تحریری بیان قلمبند ہو کر شامل مسل شد، درخواست بطور EX PA، نقل شناختی کارڈ EX PB، نقل سروس کارڈ EX PC مظر کی گئی۔

بعدالت جناب سدرہ اسلم سول جج / علاقہ قاضی ہفتم سوات

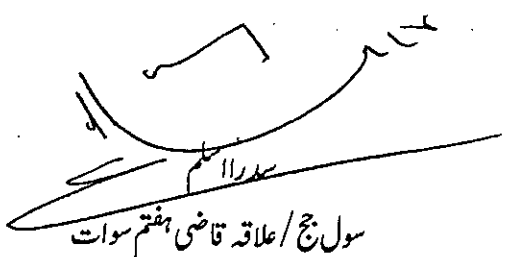
عنوان: رحیم شاہ بنام اسٹنٹ نادر او غیرہ

مقدمہ نمبر: 104/1 رجوعہ: 23.04.2021

- مدعی مقدمہ خود کو سرکاری ملازم محکمہ پولیس میں تعینات ہونا بتاتا ہے اور دعویٰ ہذا کو بوجہ عدم اختیار سماعت واپس لے کر کے مجاز فورم میں دائر سی چاہتا ہے۔ درخواست سائل معقول وجوہات پر مبنی ہے۔ مذکورہ بالا حالات سے واضح ہے کہ عدالت ہذا کے پاس اختیار سماعت نہ ہے بدین وجہ عدم اختیار سماعت عدالت ہونے دعویٰ مدعی بہ منظوری درخواست مدعی / سائل واپس کیے جانے کا حسب ضابطہ حکم صادر کیا جاتا ہے۔ مدعی مقدمہ اگر چاہے تو مجاز فورم کو رجوع کر سکتا ہے۔ خرچہ بذمہ فریقین رکھا جاتا ہے۔ محرر کو ہدایت شدہ کو مسل بعد از ترتیب و تکمیل داخل دفتر کرے۔

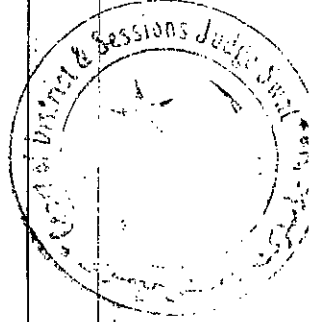
Or.....10
28.07.2021
جاری

صہد حکیم جوں دیس
مدعی کو جواب لیا جاو
رہنڈیز جوں دیس



سول جج / علاقہ قاضی ہفتم سوات

SIDRA ASLAM
Civil Judge VII /
Illaqa Qazi Swat

حکم سنایا گیا۔
28.07.2021



10361
Date of Presentation of Application 05/10/21
Date on which Copy Prepared 06/10/21
No of Words 29 P
Urgent Fee
Name of Copyist Rahmat ali
Signatures
Copying Fee Free
of Delivery 06/10/21

ATTESTED

District & Sessions Judge Swat
Zilla Qazi Swat
06-10-21

20

BEFORE THE HONORABLE DISTRICT POLICE OFFICER
AT GULKADA DISTRICT SWAT.

Application for alteration/correction of date of birth from 1-01-1966 to 20-03-1970

Venerated Sir:-

- 1) That I have been part and parcel of special police Force (SPF) for last ten year.
- 2) That I have trained very hard and all the difficulties I have confronted boldly and courageously.
- 3) That the very SPF has regularizes very now on dated 01-03-2020 have not elapsed.
- 4) That my correct date of birth is 20-03-1970 and incorrectly taken down is 1-1-1966.

PRAYER:

It is very humbly prayed the instant application may very kindly be accepted with correction of my date of birth.


Name: Rahim shah S/o Asil Zada

R/o Charbagh District Swat.

Belt No: 5119

Dated 30-07-2021

Post: Constable Kabal Police Line.

Signature:- 

(21)

BEFORE THE HONORABLE REGIONAL POLICE
OFFICER AT SAIDU SHARIF DISTRICT SWAT.

Application for alteration/correction of date of birth from 1-01-1966 to 20-03-1970

Venerated Sir:-

- 1) That I have been part and parcel of special police Force (SPF) for last ten year.
- 2) That I have trained very hard and all the difficulties I have confronted boldly and courageously.
- 3) That the very SPF has regularizes very now on dated 01-03-2020 have not elapsed.
- 4) That my correct date of birth is 20-03-1970 and incorrectly taken down is 1-1-1966.
- 5) That the petitioner/applicant filed an application before to DPO for correction of date of birth but unfortunately he did not take any cognizance regarding this issue. (Copy of application is attached as annexure ("A"))

PRAYER:

It is very humbly prayed the instant application may very kindly be accepted with correction of my date of birth.

Name: Rahim shah S/o Asil Zada

R/o Charbagh District Swat.

Belt No: 5119

Dated 02-08-2021

Post: Constable Kabal Police Line.

Signature:- Rahim

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7712/2018

Rahim Shah S/O Asil Zada resident of Charbagh Tehsil Charbagh District Swat.

..... Appellant

VERSUS

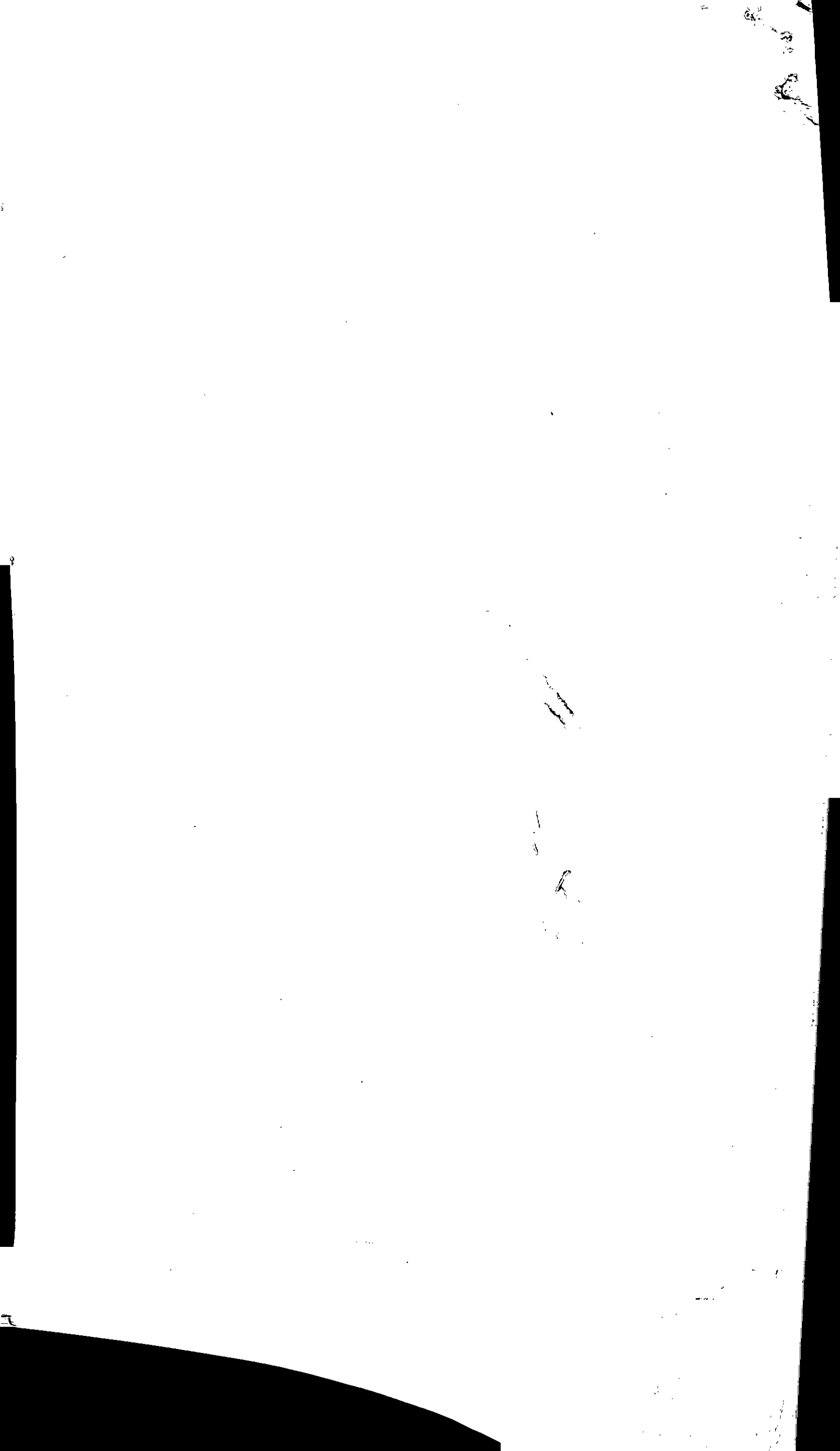
District Police Officer, Swat & others

..... Respondents

INDEX

| S.No: | Description of Documents | Annexure | Page |
|-------|--------------------------|----------|------|
| 1 | Para-wise Comments | - | 1-3 |
| 2 | Affidavit | - | 4 |
| 3 | Authority Letter | - | 5 |
| | Copy of CNIC | "A" | |


District Police Officer
Swat



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7712/2018

Rahim Shah S/O Asil Zada resident of Charbagh Tehsil Charbagh District Swat.

..... Appellant

VERSUS

District Police Officer, Swat & others

..... Respondents

PARAWISE REPLY BY RESPONDENT

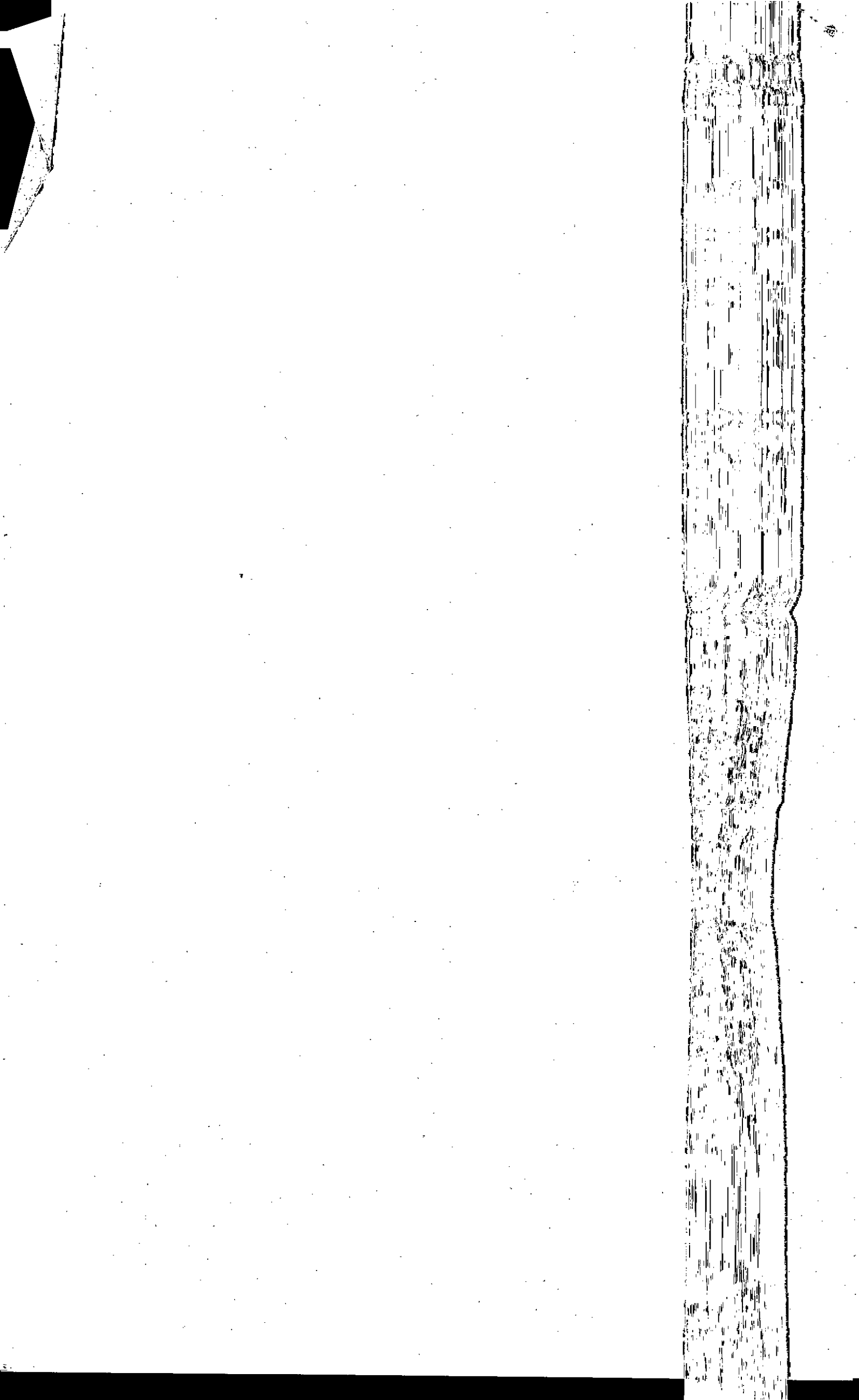
Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

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

FACTS:

1. Pertain to personal information of appellant, hence needs no comments.
2. Correct to the extent that appellant was enlisted as Constable (Special Police Force) on contract basis for the period of two year in the year 2009 and later on regularized vide Notification No.15784 dated 09/12/2019.
3. Incorrect. According to service book of appellant, he was recruited in Police Department as Special Police Force on contract basis for two years vide OB No.144 dated 09/10/2009 by DPO, Swat. His date of birth is mentioned as 01/01/1966 in service book. Moreover on the basis of his CNIC No.15602-7269206-3, his date of birth is 01/01/1966 which was issued to him on 22/05/2006 and was valid up to 30/04/2016. On the basis of same CNIC he was enlisted in Police department. **(Copy of CNIC is enclosed as annexure "A")**.
4. Pertain to record and learned Civil Judge/Court, hence needs no comments.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 7712/2018

Rahim Shah S/O Asil Zada resident of Charbagh Tehsil Charbagh District Swat.

..... Appellant

VERSUS


District Police Officer, Swat & others

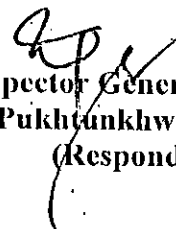
..... Respondents

AFFIDAVIT

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


District Police Officer Swat
(Respondent No. 5)


Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.
Regional Police Officer,
Malakand Region
(Respondent No. 6)


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 7712/2018

Rahim Shah S/O Asil Zada resident of Charbagh Tehsil Charbagh District Swat.

..... Appellant

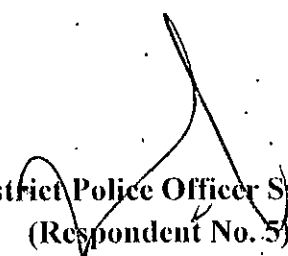
VERSUS

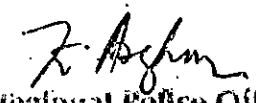
District Police Officer, Swat & others

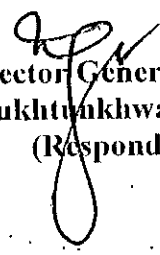
..... Respondents

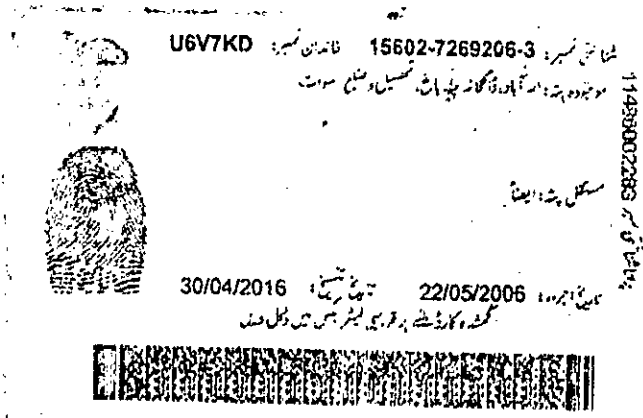
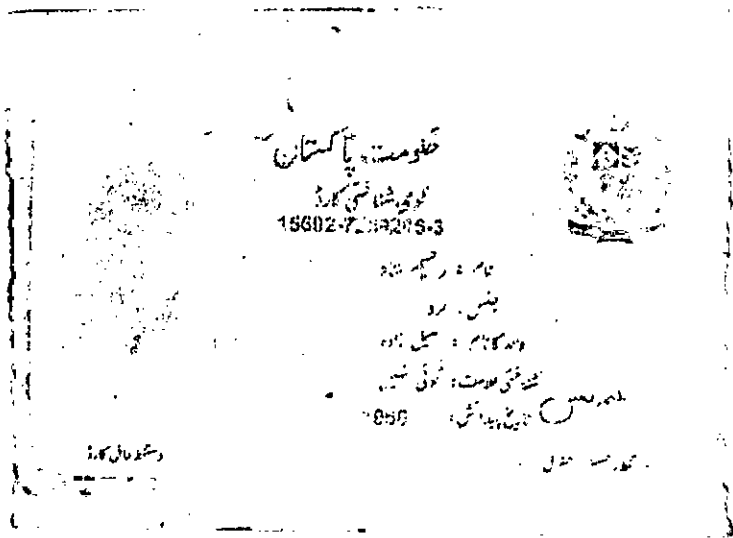
AUTHORITY LETTER

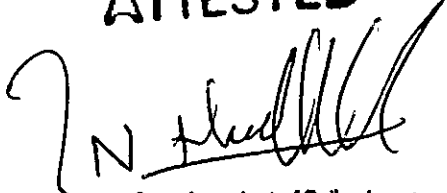
We, the above respondents do hereby authorize Mr. Naecm Hussain DSP/Legal Swat to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.


District Police Officer Swat
(Respondent No. 5)


Regional Police Officer,
Malakand Region,
Saidu Sharif Swat,
Regional Police Officer,
Malakand Region
(Respondent No. 6)


Inspector General of Police,
Khyber Pukhtunkhwa, Peshawar
(Respondent No. 7)



ATTESTED

Deputy Superintendent of Police Legal Swat.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7712/2018

Rahim Shah S/O Asil Zada resident of Charbagh Tehsil Charbagh District Swat:

..... Appellant

VERSUS

District Police Officer, Swat & others

..... Respondents

INDEX

| S.No: | Description of Documents | Annexure | Page |
|--------------|---------------------------------|-----------------|-------------|
| 1 | Para-wise Comments | - | 1-3 |
| 2 | Affidavit | - | 4 |
| 3 | Authority Letter | - | 5 |
| | Copy of CNIC | "A" | |


District Police Officer
Swat

two year of enlistment, but he failed to do so, hence after the lapse of stipulated period of tow year, the date of birth is considered to be final.

f. Incorrect. No malafide has been shown by the respondent. The conduct of respondent is legal and in accordance with law/rules.

g. Para already explained above in detail.

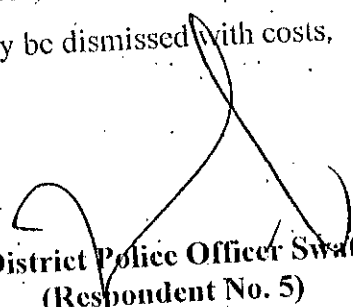
h. Pertain to record. Appellant has performed duty as routine and not shown any good performance.


i. First portion of this para is pertain to record, however the appellant was required to apply for the rectification of his date of birth within two years after joining service in Police department, however he did not apply for the same within statutorily period of two year.

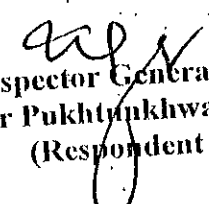
j. That other grounds not specifically answered in the reply, will be agitated with the permission of honorable Tribunal at the time of arguments.

PRAYER:

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


District Police Officer Swat
(Respondent No. 5)


Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.
Regional Police Officer,
Malakand Region
(Respondent No. 6)


Inspector General of Police,
Khyber Pukhtunkhwa, Peshawar
(Respondent No. 7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 7712/2018

Rahim Shah S/O Asil Zada resident of Charbagh Tehsil Charbagh District Swat.

..... Appellant

VERSUS

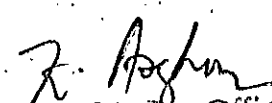
District Police Officer, Swat & others

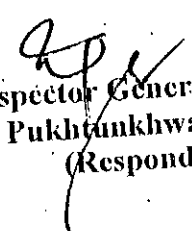
..... Respondents

AFFIDAVIT

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


District Police Officer Swat
(Respondent No. 5)


Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.
Regional Police Officer,
Malakand Region
(Respondent No. 6)


Inspector General of Police,
Khyber Pukhtunkhwa, Peshawar
(Respondent No. 7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 7712/2018

Rahim Shah S/O Asil Zada resident of Charbagh Tehsil Charbagh District Swat.

..... Appellant


VERSUS

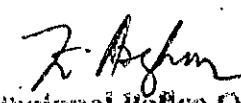
District Police Officer, Swat & others

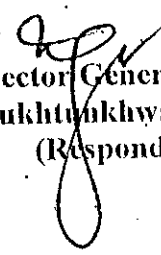
..... Respondents

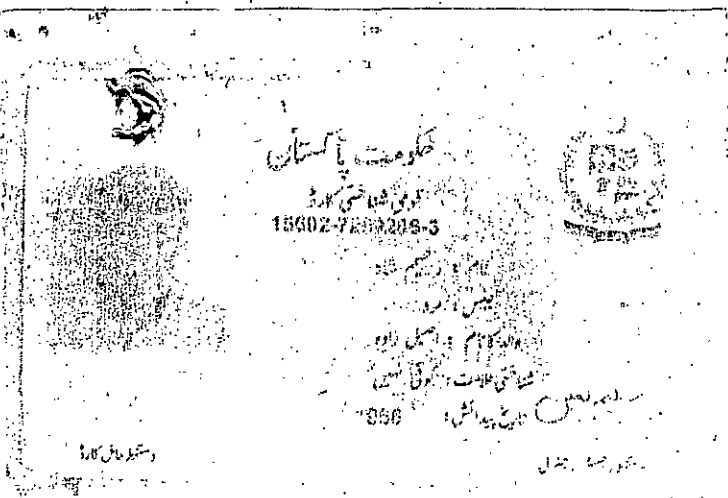
AUTHORITY LETTER

We, the above respondents do hereby authorize Mr. Naeem Hussain DSP/Legal Swat to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.


District Police Officer Swat
(Respondent No. 5)

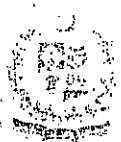

Regional Police Officer
Malakand Region,
Saidu Swat Swat
Regional Police Officer,
Malakand Region
(Respondent No. 6)


Inspector General of Police,
Khyber Pukhtunkhwa, Peshawar
(Respondent No. 7)



حکومت پاکستان
پنجاب

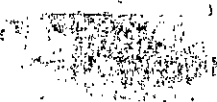
15602-72003205-3



سرکار پنجاب
پنجاب
لاہور

دستخط

سرکار پنجاب



U6V7KD 15602-7269208-3

تاریخ نمبر 3-7269208-15602
مجلس سوات



30/04/2016 22/05/2008

مجلس سوات



U6V7KD 15602-7269206-9

مجلس شورای اسلامی



30/04/2016 22/05/2006



Handwritten notes and stamps at the bottom of the page, including a circular stamp and a signature.

U6V7KD 15602-7269206-3

مجلس شورای اسلامی

30/04/2016 22/05/2006

تاریخ ثبت: 30/04/2016 تاریخ ابطال: 22/05/2006

