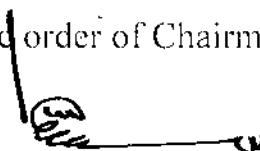


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - 308/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/02/2023	<p>The appeal of Mst. Sher Afsar resubmitted today by Mr. Aslam Khan Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____, Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The amended appeal of Mr. Sher Afsar son of Saif Ur Rehman r/o Adeena Dawat Khel Tehsil Razar District Swabi received today i.e. on 08.02.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures B & E of the appeal are illegible which may be replaced by legible/better one.
- 2- Date of departmental appeal mentioned in the memo of appeal and date on departmental appeal are not matching.
- 3- Copy of retirement order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 545 /S.T,

Dt. 9/2/2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Aslam Khan Khattak Adv.  
High Court, Peshawar.

*Re-submitted after completion please.*

*Aslam*  
13.2.2023  
*Advocate*

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In S.A. 308 /2023

Sher Afsar

**VERSUS**

The Government of Khyber Pakhtunkhwa and others

**INDEX**

<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
1.	Memo of Appeal		1-4
2.	Appointment order of appellant	"A"	5
3.	Wrong date of birth entered by respondent No.3 in appellant's service book	"B"	6
4.	Departmental appeal dated 31.10.2022	"C"	7
5.	Appellants date of birth dated 01.04.1961 as given in his school leaving certificate as well as in his identity card	"D"	8,9
6.	Wakalatnama	-	-

Dated 06/02/2023

*Appellant*

Through

*Aslam*  
**Aslam Khan Khattak**  
Advocates High Court  
Peshawar.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In S.A. 308 /2023

Sher Afsar S/o Saif Ur Rehman, R/o Adeena Dawat Khel,  
Tehsil razar District Swabi.

----- (Appellant)

**VERSUS**

1. Govt of KPK through Secretary Elementary & Secondary Education Peshawar.
2. Director of Elementary & Secondary Education Peshawar.
3. District Education officer Swabi.
4. District Account Officer Swabi.

----- (Respondents).

**APPEAL UNDER SECTION 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE RESPONDENTS WHERE BY THEY  
ARE NOT COUNTING THE SERVICE OF  
APPELLANT FROM 01.04.1961 FOR  
RETIREMENT FROM SERVICE IS HIS CORRECT  
DATE OF BIRTH AS GIVENS IN HIS SCHOOL  
LEAVING CERTIFICATE AS WELL AS IN HIS  
IDENTITY CARD VIDE ANNEXURE D&E  
RESPECTIVELY.**

**PRAYER:**

**ON ACCEPTANCE OF THIS APPEAL, THE  
RESPONDENTS MAY BE DIRECTED TO COUNT  
THE SERVICE OF APPELLANT FOR**

RETIREMENT FROM 1-4-1961 WHICH IS HIS CORRECT DATE OF BIRTH AS GIVEN IN HIS SCHOOL LEAVING CERTIFICATE AS WELL AS IN HIS IDENTITY CARD. (COPIES ARE ATTACHED AT ANNEXURE "D" & "E" RESPECTIVELY).

Respectfully Sheweth

*Brief Facts leading to instant appeal are as under:-*

1. That the appellant having initially been inducted in service as class-IV employee on 27.12.1987 and he took over the charge in Govt primary School Bachai Tehsil Swabi, District Mardan. (Copy is attached at annexure "A").
2. That appellant throughout his whole service has performed his duties very efficiently and satisfactorily and to the entire satisfaction of his superiors.
3. That the respondent No.3 has entered the wrong date of birth dated 25.12.1955 in appellants service book and the appellants premature retirement is thus illegal and void.


4. That the appellant has submitted his departmental appeal dated 31.12.2022<sup>ast</sup> to respondent No.2 vide annexure "C" and 90 days have been elapsed and no reply has been received so far and hence this appeal inter alia on the following grounds.

### **GROUND:**


- A. That the best proof of appellants date of birth is 01.04.1961 which is mentioned in his school leaving certificate as well as in his National Identity card vide annexure "D&E". Therefore, the appellant shall be paid correct pension which is his legal right and he can not be deprived from it under the law.
- B. That the appellant has been punished for wrongful act of respondent No.3 which is not permission able under the law.
- C. That the respondents denial for not paying correct amount of pension to the appellant is illegal, wrong, incorrect and without jurisdiction requesting for interference under the law.
- D. That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.

It is therefore, prayed that on acceptance of appeal, the appellants correct date of birth which is 01.04.1961 may be considered for his retirement and therefore he may be granted correct amount of pension basing on his correct date of birth which is 01.04.1961.

Dated: 06/02/2023

  
*Appellant*

Through

  
**Aslam Khan Khattak**  
Advocates High Court  
Peshawar.

9	10	11	12	13	14	15
Signature and designation of the Head of the office or other Attesting Officer in attestation of columns 1 to 8.	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the Head of the office of other Attesting Officer	<p>LEAVE</p> <p>Allocation of periods of leave on average pay upto four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government</p> <p>Govt. to which debitable</p> <p>Period</p>	Signature of the head of the office or other Attesting officer	Reference to any recorded punishment, or award, or reward or praised of the Government servant
				<p>پندرہ روزہ</p> <p>پندرہ روزہ کی رخصت کی مدت کی</p> <p>پندرہ روزہ کی رخصت کی مدت کی</p>		
S.D.O. Swabi	30/11/88	Inact	S.D.O. (M) Lahor	<p>پندرہ روزہ کی رخصت کی مدت کی</p> <p>پندرہ روزہ کی رخصت کی مدت کی</p>	<p>دستخط</p> <p>افسر مجاز</p>	<p>سزا یا جزا یا غیر متناہ</p> <p>کارکردگی کا ریکارڈ</p>
S.D.O. (M) Lahor	30/11/89	A/Inact Post transfer to Swabi Sub Div	S.D.O. (M) Lahor	<p>پندرہ روزہ کی رخصت کی مدت کی</p> <p>پندرہ روزہ کی رخصت کی مدت کی</p>	<p>دستخط</p> <p>افسر مجاز</p>	
S.D.O. (M) Swabi	30/11/90	A/Inact	S.D.O. (M) Swabi	<p>پندرہ روزہ کی رخصت کی مدت کی</p> <p>پندرہ روزہ کی رخصت کی مدت کی</p>	<p>دستخط</p> <p>افسر مجاز</p>	
S.D.O. (M) Swabi	13/12/90	Transfer	S.D.O. (M) Swabi	<p>پندرہ روزہ کی رخصت کی مدت کی</p> <p>پندرہ روزہ کی رخصت کی مدت کی</p>	<p>دستخط</p> <p>افسر مجاز</p>	
S.D.O. (M) Swabi	31/5/91	Pay raised in B-	S.D.O. (M) Swabi	<p>پندرہ روزہ کی رخصت کی مدت کی</p> <p>پندرہ روزہ کی رخصت کی مدت کی</p>	<p>دستخط</p> <p>افسر مجاز</p>	
S.D.O. (M) Swabi	30/11/91	A/Inact	S.D.O. (M) Swabi	<p>پندرہ روزہ کی رخصت کی مدت کی</p> <p>پندرہ روزہ کی رخصت کی مدت کی</p>	<p>دستخط</p> <p>افسر مجاز</p>	
S.D.O. (M) Swabi	30/11/92	A/Inact	S.D.O. (M) Swabi	<p>پندرہ روزہ کی رخصت کی مدت کی</p> <p>پندرہ روزہ کی رخصت کی مدت کی</p>	<p>دستخط</p> <p>افسر مجاز</p>	
<p>Services Verified wef 1/12/89 to 30/11/90 on this office record.</p>				<p>Appointed as per of the post of Chowkidar at Mata (403 Bakhai Dagi) in the scale of Rs 600-13-80 plus usual allowances vide S.D.O. (M) Swabi Endol: No 5749 dated 23-12-87.</p> <p>Sub: Divisional Education Officer (Male) Swabi</p> <p>Services Verified wef 27-12-87 to 30-11-88 Form The Office Record</p> <p>Sub Div: Education Officer (Male) Lahor Dist: Swabi</p> <p>Services Verified wef 1/12/88 to 30/11/89 Form The Office Record</p> <p>Sub Divisional Education Officer (Male) Lahor</p> <p>All leave has been granted wef 4/12/89 to 18/1/90 (46) days on full pay vide S.D.O. (M) Swabi Endol: NO 28241-44 dated 8-4-90</p>		



1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating, and whether permanent or temporary	If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "pay"	Date of appointment	Signature of Government servant
13-1 در خدمت C. Shabuddin	عارضی مستقل قائم مقام	اگر عارضی ہے تو کی دوروں کے مطابق پیش کش کی ہے	تنخواہ بطور عارضی ملازمت	زائد تنخواہ بطور قائم مقام	ماسوائے تنخواہ دیگر الاؤنس	تاریخ تقرری	دستخط سرکاری ملازم
G.P.S. Shabuddin (S)	Sub (92)	BPS-1 (A, 920-26-1310)	RS. P. 1128/-	RS. P. 1154/-		12/92 12/93	[Signature]
Do		<b>Office of the Accountant General            N.W.F.P. Peshawar.</b> <b>Pay fixed in the Revised Pay Scales 1988</b> <b>of Rs. 920-26-1310 (D)</b> <b>U-10767 N.W.F.P. 3-6-1991</b> <b>With Next Increment on 1-12-1991</b>				12/93	[Signature]
G.P.S. Shabuddin (Jadeed)	Do		RS: 1154/- P. 22			13/94	[Signature]
G.P.S. Shabuddin (Jadeed)	Do		Rs. 1154/- P. 27			3.8.95	[Signature]
(Chowkidar)		<b>Entries Revised</b>					
G.P.S. Shabuddin (Jadeed)	Do	Pay fixed in the Revised BPS-1 (1245-35-177)	Do Rs 1560/- Pm			12/94	[Signature]
do	Do		Do Rs 1595/- Pm			12/94	[Signature]
do	Do		Rs 1630/- Pm			12/95	[Signature]

Signature of the Officer in Charge of the Station

Signature of the Government servant

Signature of the Officer in Charge of the Station

Signature of the Government servant

Signature of the Officer in Charge of the Station

Signature of the Government servant

Signature of the Officer in Charge of the Station

Signature of the Government servant

Authority and Religion

Address

Employment and Residence

Date of birth by Christian era or by the Islamic calendar

Personal mark for identification

Left hand/right hand thumb and finger impressions of (None-gazetted) Officer

Fore Finger (شهادت)

Ring Finger (ہتک)

Middle Finger (اگستہ)

Thum (انگوٹھا)

Signature of Government servant

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

(تصدیق کنندہ سر کے دستخط اور نام)

(کامی ملازم کے دستخط)

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The name has been recorded as [unclear] instead of [unclear]  
[unclear] No. 155  
[unclear] 16/9/06

Signature of the Head of the Office  
District Officer (Male) Primary Swabi

Family Fifth December N. 4 and Fifty Five

Black mole on the Lt side of the neck

Left hand/right hand thumb and finger impressions of (None-gazetted) Officer

Fore Finger (شهادت)

Ring Finger (ہتک)

Middle Finger (اگستہ)

Thum (انگوٹھا)

Signature of Government servant

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

(تصدیق کنندہ سر کے دستخط اور نام)

(کامی ملازم کے دستخط)

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The entries in this page should be renewed or re-attested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state— (i) substantive appointment or (ii) whether service counts for pension under rule 3.20 of C.S.R. (Pb.) volume II	4 Pay in substantive post	5 Additional pay for officiating	6 Other emoluments falling under the term "pay"	7 Date of appointment	8 Signature Government servant
درجہ ملازمت <i>Chowkidar</i>	عارضی مستقل یا قائم مقام	اگر عارضی ہے تو یہاں دوہول کے مطابق پیشن کا مستحق ہے	مختصہ بطور عارضی ملازمت	زائد تنخواہ زائد مختصہ بطور قائم مقام	باسمہ مختصہ دیگر الاؤٹس	تاریخ تقرری 13-860	مختصہ حکومتی ملازم
<i>GPS Bachai Dagi</i>	<i>Gul Feroz</i>		RS. P. <i>Rs 600/-</i>	RS. P.		27.12.87 <i>28.12.87</i>	
<i>50</i>	<i>50</i>		<i>Rs 613/- PM.</i>			12 88	<i>افس</i>
<i>do</i>	<i>do</i>		<i>Rs 626/-</i>			12 89	<i>افس</i>
<i>do</i>	<i>do</i>		<i>Rs 639/-</i>			12 90	<i>افس</i>
<i>GPS. Shahida Jabeed</i>	<i>do</i>		<i>Rs 639/-</i>			13 90	<i>افس</i>
<i>do</i>	<i>13-1 (920-26-1310)</i>		<i>1076/-</i>			1 91	<i>افس</i>
<i>do</i>	<i>do</i>		<i>Rs 1102/-</i>			1 91	<i>افس</i>
<p>(4) Services Resigned w.e.f. 1/12/90 to 20/11/91 from this office.</p>							<p><i>Signature</i></p>

حضرت جناب ڈائریٹر صاحب محکمہ تعلیم خیر محبت و خواہ لبتاد

Annesure 1/17

محکمہ اہل برائے علاقہ ایلی مشن از 21-4-1961

جناب عالی! سائل حسب ذیل عرض اسان ۲ :-

۱- ہم کو مسائل کوڈیفک پرائمری سکول شہیدہ محمدیہ پرائمری سکول

میں کلاس فور یوسٹ پر متعین تھا۔ جو کہ مورخہ 1-4-1961ء سائل کی صحیح تاریخ

پیدائش ۲ - جو کہ 27<sup>12</sup> 1987 کو طبعی ہوا تھا۔ جو کہ ڈسٹرکٹ ایجوکیشن آفیسر

صاحب نے 25-12-1955ء مندرج کیا ۲ - جو کہ غلط ۲ - جو کہ ڈسٹرکٹ

ایجوکیشن آفیسر صاحب نے اپنی غلطی محسوس کی ۲ - کہ یہ تاریخ پیدائش

1-4-1961ء - لہذا مسائل کو مورخہ 1-4-1961ء سے پیش دی جائے۔

لہذا استدعا ہے کہ سائل کو 1-4-1961ء سے 60 سال

پورے ہوتے ہیں۔ تو اس پر پیش آمد تمام واجبات عطا فرمائے

صاحب۔  
حکیم احمد

شیر انسر - کلاس فور اسانی

سائن ادینہ - تحصیل روضہ منہج ہوانی

مورخہ 31-10-2022

ایجوکیشن

2000  
15

Amnouse D

8

N.W.F.P. EDU 59

اس کے درجہ پر تیار کیا گیا ہے

74  
22  
رٹ انسٹرکٹڈ  
مدراسہ چھوڑنے کا سرٹیفکیٹ

مہاراجہ سنگھ  
پتہ: پوربیل (1966-4-4)  
تاریخ: 3-6-79  
ان کی تعلیم کی اجازت دی گئی ہے۔  
ان کی تعلیم کی اجازت دی گئی ہے۔  
ان کی تعلیم کی اجازت دی گئی ہے۔

Under reading Ist class.

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ان کی تعلیم کی اجازت دی گئی ہے۔  
ان کی تعلیم کی اجازت دی گئی ہے۔

Conduct level

سن	درجہ	تاریخ	مقام
12	3	1969	ADWA
19	4	1966	ADWA
12	3	1969	ADWA
19	4	1966	ADWA

Swabi District Primary School No. 1 Adwa

Attested  
مدراسہ کی مقدار  
میں سالانہ امتحان کے  
نتیجے پر مبنی ہے۔

Head Teacher

PS No. 1 Adwa  
26/1966  
مدراسہ کی مقدار  
میں سالانہ امتحان کے  
نتیجے پر مبنی ہے۔

By District Officer  
(Male) Primary Swabi

REGISTERED  
4 OCT 2007  
7



Sana Azeal  
Civil Justice, Swabi

ATTESTED  
14 OCT 2022  
Registrar Copying Dept  
Swabi District Court Swabi

(18)



# DISTRICT EDUCATION OFFICE (MALE) SWABI



(OFFICE PHONE & FAX NO 0938-280239, emis\_swabi@yahoo.com)

## NOTIFICATION

Without prejudice to the legal remedies available to Provincial Govt. and in pursuance of judgment of the Peshawar High Court dated 19.02.2020 in WP No. 5673-P/2019, Mr. Sher Afsar Chowkidar (BPS-04) of GPS Shaheeda Qadeem Swabi shall stand retired from Govt. Service w.e.f 31-03-2021 (AN) on attaining the age of superannuation, as his date of birth is 01-04-1961 subject to CPLA/ Appeal of the Provincial Government against aforementioned judgment of Peshawar High Court and any order contrary as and when issued by the apex Court Pakistan.

He is further allowed encashment of Lump sum period of (365-days on full pay) as due and admissible to him under the revised leave Rules 1981.

### Note:-


1. Entry to this effect should be made in his S/Book & Leave account.


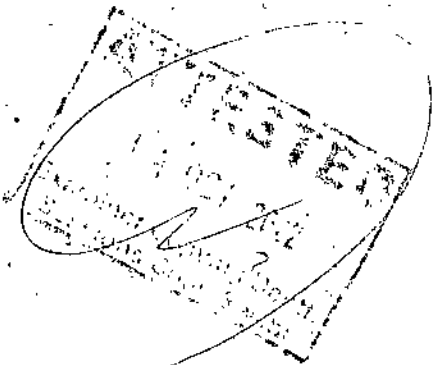
(ZAHID MUHAMMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) SWABI

Endst No. 1551-SH / Dated Swabi the: 03 / 03 / 2021.

Copy of the above is forwarded to the:-

1. District Accounts Officer Swabi.
2. District Monitoring Officer Swabi.
3. SDEO (M) Razzar a/w original service Book.
4. Official Concerned.

  
DISTRICT EDUCATION OFFICER  
(MALE) SWABI



بعدالت حساب سرسمنز سر اسٹریٹل KPK لیسٹا در



6 فروری 2023ء منجانب لیسٹا در  
بنام سندر شری  
KPK لیسٹا در  
لیسٹا در

مورخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کارروائی متعلقہ  
آن مقام لیسٹا در کیلئے اسلم خان عدلیہ ایڈووکیٹ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب وہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زراییں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اڈرو وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے  
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دہرہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم 6 فروری 2023ء

لیسٹا در

العہد گواہ العہد  
مقام لیسٹا در کے لئے منظور ہے۔

عدلان مشینری مارنٹ  
چکن مشینری پٹارشل ڈون: 2220193  
Mob: 0345-9223239

Attested & accepted  
as