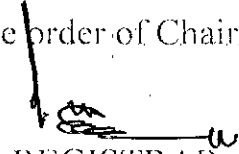


FORM OF ORDER SHEET

Court of

Case No. -

618/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/03/2023	<p>The appeal of Mr. Irshad resubmitted today by Mr. Asghar Khan Khalil Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to appellant and his counsel.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

The appeal of Mr. Irshad son of Abdul Haleem Khan r/o Lal Rukh Colony Peshawar received today i.e. on 15.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days.

- 1- Page no. 26 of the appeal is illegible which may be replaced by legible/better one.
- 2- Certificate be furnished that whether any appeal on the subject matter has earlier been filed in this Tribunal.
- ③ Law under which appeal is filed is wrong.
- ④ Annexures of the appeal are unattested.
- 5- Affidavit be got attested by the Oath Commissioner.
- ⑥ Copy of departmental appeal against the impugned order is not attached with the appeal which may be placed on it.
- 7- The documents that are to be provided must be legible/readable.

No. 969 /S.T,

Dt. 16/3 /2023



REGISTRAR

SERVICE TRIBUNAL

KHYBER PAKHTUNKHWA

PESHAWAR.

Mr. Asghar Khan Khalil Adv.
High Court at Peshawar.

R/sir

Re Submitted after Removal of all the
objections raised.

Asghar

I Filed departmental appeal to the
Sub Divisional education officer Male
Peshawar

Asghar

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Appeal No. 618 of 2023

Irshad

.....Appellant

Versus

Secretary elementary and secondary education etc

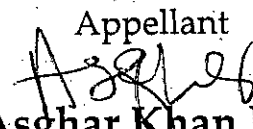
..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Ground of appeal		1-3
2.	Affidavit		4
3.	Addresses of parties		5
4.	Copy of Service card	"A"	6
5.	Copies of Educational documents	"B"	7
6.	Copy of Civil Court Decree	"C"	8-24
7.	Copy of Departmental Appeal & Order	"D"	25-26
8.	Wakalat Nama		27

Dated 07-03-2023

Through

ارشد
Appellant

Asghar Khan Khalil
Advocate, High Court
Peshawar

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Appeal No. 618/2023

Irshad S/O Abdul Haleem Khan R/O Lal Rukh Colony Peshawar Landi Arbab
post office Technical College Peshawar.

(Appellant)

VERSUS

1. Secretary Elementary and secondary education Peshawar.
2. Director elementary and secondary education Peshawar.
3. District education officer (Male). Peshawar.

(Defendant)

Appeal Under Section 4 of the Khyber Pakhtunkhuwa Service Tribunal Act 1974 against the order dated 30-12-2022 the correction of the date of birth of the appellant has been denied, which is ineffective upon the legal right of the appellant.

PRAYER;

On acceptance of this appeal the order dated 30-12-2022 of district education officer male Peshawar may kindly be set aside and the respondents may kindly be directed to enter the correct date of birth dated 03-02-1975 instead of 01-01-1970.

Respectfully Sheweth: -

1. That the appellant is law abiding citizen of Pakistan he is living in the above given, mentioned address, and serving in the elimatory and secondly education department as chokidar as class four.
(Copy of the service Card is attached as annexure A).

2. That the appellant was born in the year 03-02-1975 according to his education record. (Copy of the relevant record is annexure B).
3. That prior to this appeal the civil suit of the appellant has been decreed and the NADRA has been directed to rectified has date of birth is 03-02-1975. (Copy of the decree is attached as annexure C).
4. That the appellant had approached the NADARA official for ratification in his CNIC which has been processed and issued a CNIC card containing his correct date of birth 03-02-1975.
5. That the appellant approached the respondent to rectify his date of birth by moving an application/ departmental appeal on 04-01-2022 but the same has been turn down by the respondents Copy of the departmental appeal and order is annexed as annexure D). Feeling aggrieved from the said order hence this appeal is filed on the following grounds.

GROUND:

- A. That the order dated 30-12-2022 is against the law and illegal, ineffective upon the rights hence liable to be set aside.
- B. That such order will affect the service structure of the appellant which is against the fundamental right granted by the Constitution of Pakistan.
- C. That appellant is class four servants and such contradiction in his documents will suffer the appellant carrier with by unjustified manner of the respondents.
- D. That under the law there is no bar to rectify / correction of date of birth in the record while a competent court had already passed a decree to the extent of against NADRA which has been implemented by NADRA official.

E. That some other grounds will be raised at the time of arguments with the prior permission of this Honourable Court.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the order dated 30-12-2022 may kindly be set aside and the respondents may kindly be directed to enter the correct date of birth 03-02-1975 instead of 01-01-1970 in his record for the best interest of justice.

Any other remedy which has not been specially asked- May also be granted which this Honourable Court may deem fit and appropriate.

Shiraj
Appellant

Through:

Asghar
(ASGHAR KHAN KHALIL)

&
Noor Wali
(NOOR WALI KHAN MUQBAL)

Advocates High Court Peshawar

Dated:-07-03-2023

CIRTFIFICATE:-

As per information conveyed to me by my client, it is certified that all contents of the instant appeal are true and correct to the best of my knowledge and belief. No such like appeal has been field before this Honourable Tribunal prior to this one.

Asghar Noor Wali
ADVOCATE

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No-----/2023

IrshadAppellant

Versus

secretary Elementary and secondary education Peshawar & others.....Respondents

AFFIDAVIT

I, Irshad S/O of Irshad S/O Abdul Haleem Khan R/O Lal Rukh Colony Peshawar Landi Arbab post office Technical College Peshawar, to hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct the best of my knowledge and belief and nothing has been concealed from this Honour Tribunal.

Irshad
Deponent

CNIC: 17301-1670307-5

Cell: 0346-9160628

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No...../2023

IrshadAppellant

Versus

Elementary and secondary education Peshawar & others.....Respondents

ADDRESSES OF THE PARTIES:

Irshad S/O Abdul Haleem Khan R/O Lal Rukh Colony Peshawar Landi Arbab
post office Technical College Peshawar.

RESPONDENTS

1. Secretary Elementary and secondary education Peshawar.
2. Director Elementary and secondary education Peshawar.
3. District education officer (Male).Peshawar.

Irshad
Appellant

Through

Asghar Khan Khalil
Asghar Khan Khalil

&


Noor Wali Khan Muqbal
Noor Wali Khan Muqbal

Advocates High Court Peshawar

Date 09-03-2023

GOVERNMENT OF PUNJAB
FEDERAL BUREAU OF INVESTIGATION

Muhammad Irshad
Designation: Chowkidar
ZPS-03



Office: GPS No. 1 Chartha Khai
Peshawar Cantt

Barcodes: [Barcode 1] [Barcode 2]

issuing Authority

SERVICE IDENTITY CARD

(B)

(S)

Annexure A

F/Name: Abdul Haleem	Personal #: 00742777
CNIC #: 17301-1870307-8	Date of Birth: 01-01-1970
Identity Marks: Nil	D.O.App: 04-05-2015
Issue Date: 01-01-2022	Valid Up To: Till Job
Emergency Contact No: Nil	Blood Group: Nil
Address: Lal Rukh Colony Landi Arbab Peshawar	
[Barcode]	

منظور شدہ گریڈنگ
پر نظر شدہ ریٹرنس

نمبر فائل ٹریفک

از کو رجسٹرڈ اسکول
ٹریفک فائل

مدرسہ چھوڑنے کا سرٹیفکیٹ 2004

Annexure (9)

تصدیق کی جاتی ہے کہ مستی
جس کی تاریخ پیدائش (لفظوں میں) _____ سن فروری سن 7 مکمل ہندسوں میں _____
اور اس کا داخلہ خارج کا سلسلہ نمبر _____ سکونت _____
فیس کا رجسٹر _____ قوم _____ ہے اس سے میں تاریخ 31/3/993 تک
مدرسہ کی کل رقمیں جو اس کے ذمے واجب الادا تھیں، ادا کر دی ہیں، اس لیے اس کو تاریخ مندرجہ بالا پر اپنا نام خارج کرنے کی اجازت دی گئی ہے۔
طالب علم _____ جماعت _____ حصہ _____ میں پڑھتی رہی تھی اور اس کا امتحان اس جماعت کے معیار کے مطابق کیا گیا
مقامی اسکول میں پڑھتی رہی تھی اور اس کا امتحان اس جماعت کے معیار کے مطابق کیا گیا
اس نے بوجہ _____ مدرسہ چھوڑنے کا سرٹیفکیٹ چاہا تھا جو اسے دیا جاتا ہے۔
اس مدرسے میں اس کا چال پان _____ رہا ہے اور اس کی تعلیمی قابلیت _____ ہے۔
تصدیق کی جاتی ہے کہ مندرجہ بالا اندراجات اس مدرسے کے رجسٹروں اور ان سرٹیفکیٹوں کے مطابق ہیں جو اس نے مدرسے سے جہاں وہ پہلے
تعلیم پاتا تھا لیے ہیں، درست اور صحیح ہیں۔

مدرسہ	داخلہ نمبر		خارج		سارے درجوں میں حاضری کی مدت	حاضر یا ناقص سال مدرسہ	حاضر یا ناقص سال مدرسہ	رخصت جو سال مدرسہ
	مکمل	مکمل نہیں	مکمل	مکمل نہیں				
Ami	9	2	13	3	31	93	3	93

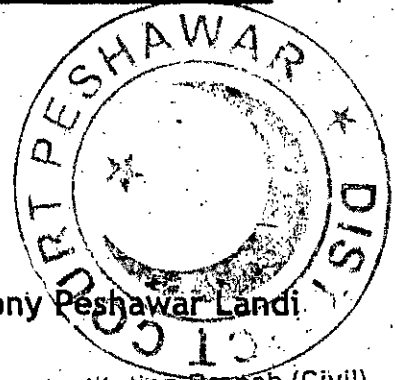
تاریخ اجراء _____ مرتب کنندہ _____
مدرسہ _____
قسم و وظیفہ _____
کس سال عطا ہوا _____
کس سال تک ادا کیا ہے _____
رخصت جو ہر ایک رسد میں لے چکا ہے _____
ذمہ دار وظیفہ _____
کس سال تک ادا کیا ہے _____
رخصت جو ہر ایک رسد میں لے چکا ہے _____
ذمہ دار وظیفہ _____
کس سال تک ادا کیا ہے _____

از دفتر ہیڈ ماسٹر صاحب / ہیڈ ماسٹر صاحبہ
تعمیریل _____ طبع _____ سکول _____
تعمیریل _____ طبع _____ طالب علم _____
کے متعلق مندرجہ ذیل کوائف سے مطابقت ہے۔
تصدیق سرٹیفکیٹ _____
تصدیق کی جاتی ہے کہ کوائف مطلوبہ درجہ _____
جماعت _____ تاریخ پیدائش _____
مدرسہ ہذا کے ریکارڈ کے مطابق درج کر کے داپس ارسال ہیں۔
ذمہ دار وظیفہ _____

8

BEFORE THE COURT OF SENIOR CIVIL JUDGE, PESHAWAR.

Annexure 'C'



Irshad S/O Abdul Haleem Khan R/O Lal Rukh Colony Peshawar Landi.

Arbab post office Technical College Peshawar.

Institution Branch (Civil),
New Judicial Complex,
Peshawar

(Plaintiff)
Of.....
SCJ, Pesh

VERSUS

National Database and Registration Authority (NADRA),

26 MAR 2021
at

Hayatabad Peshawar through its District Registrar.

(Defendant)

Suit for:-

(A) Declaration to the effect that the correct date of birth of plaintiff according to the primary / middle school certificate is 03-02-1975 which is inadvertently/mistakenly written in the record of the defendant (NADRA) as 01-01-1970 which is wrong incorrect and liable to be corrected/ modified as 03-02-1975.

(B) Mandatory injunction to the effect that the Defendant may kindly be directed to correct/ modify the correct date of birth of Plaintiff in their concern record of Defendant.

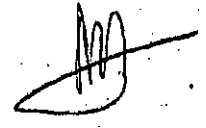
(C) Perpetual injunctions to the effect that the Defendant may kindly be restrained not to repeat the said wrong/incorrect date of birth of the Plaintiff in the record of the defendant in future.

UNTESTED

7 JAN 2022
Examiner
District Court Peshawar


- Value for the purpose of Court fee and jurisdiction for relief 'A' Rs. 200/-
- Value for the purpose of Court fee and jurisdiction for relief 'B' Rs. 200/-
- Value for the purpose of Court fee and jurisdiction for relief 'C' Rs. 300/-
- Cause of action accrued few days ago within the territorial jurisdiction of this Honourable Court, when the Plaintiff intends to correct his date of birth and after the complete refusal of the Defendant to correct the same.

Respectfully Sheweth: -



- 1) That the Plaintiff is law abiding citizen of Pakistan he is living in the above mentioned address.
- 2) That the plaintiff got admission in government primary school Landi Arbāb Peshawar and passed his primary exam/ 5th class according to the record of the primary school the correct date of birth of the plaintiff is 03-02-1975. (Copy of the dakhil kharij certificate is annexure A).
- 3) That the plaintiff got admission in government middle school Nouthia Jadeed Peshawar and passed his middle exam/ class 8th according the middle school leaving certificate correct date of birth of the plaintiff is 03-02-1995. (Copy of the middle school leaving certificate is annexure B).

WITNESSED


 (Examination)
 District Court Peshawar

That plaintiff applied for CNIC in the office of the defendant, the defendant inadvertently/mistakenly written the date of

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birth of the plaintiff in their record 01-01-1970 which is wrong incorrect upon the legal rights of the plaintiff and which is liable to be corrected / modified as 03-02-1975. (Copy of CNIC is annexure C).

- 5) That when the plaintiff got the knowledge about his incorrect / wrong date of birth in the record of the defendant, plaintiff went the office of the defendant to correct / modify his date of birth the defendant replied we will correct your date of birth within a week.
- 6) That the plaintiff approached to Defendant time and again for the correction of his date of birth but eventually, all efforts in vain hence, the instant suit.
- 7) That when the fact of the said incorrect date of birth of the Plaintiff come into the knowledge of the plaintiff, plaintiff time and again contacted the Defendants to correct the name of Plaintiff in the record of the defendant (NADRA record) from 01-01-1970 to 03-02-1975, but the Defendant refused and was directed the plaintiff to seeks remedy from the Civil Court, hence, the present suit.
- 8) That because of the said incorrect entry date of birth Plaintiff in the record of the defendant, the Plaintiff is suffering extreme problems and inconvenience and there is strong apprehension of irreparable losses.
- 9) That valuation for the purpose of Court fee and jurisdiction and cause of action has already been mentioned in the heading of Plaint.
- 10) That this Honourable Court has got full and complete jurisdiction to entertain the instant suit as cause of action arose to the Plaintiff within the territorial jurisdiction of this

07 JAN 2022

(Examination)

REGISTRAR GENERAL

It is, therefore, most humbly prayed that on acceptance of the instant suit, the decree as prayed for in heading of Plaintiff may kindly be decreed in favour of Plaintiff against Defendant with cost throughout.

Any other relief, which this Honourable Court deems fit and appropriate in the circumstances of the case, not specifically asked for, May also be granted in favour of Plaintiff against the Defendant.

Through:

ارشاد خان

Plaintiff

Asghar

(ASGHAR KHAN KHALIL)

Advocate High Court Peshawar

Dated:-26-03-2021

12

VERIFICATION:-

Verified on Oath that all the contents of this Plaintiff are true and correct to the best of knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

ارشاد خان

DEPONENT

ATTESTED
Asghar Khan Khalil
Advocate High Court
Dist. Court Peshawar
26-3-2021
Oath Commissioner

ATTESTED

26-3-2021

Dist. Court Peshawar

THE COURT OF CIVIL JUDGE, PESHAWAR

Irshad
S/O Abdul Haleem
CNIC#17301-1670307-5

(Plaintiff)

VS

DG Nadra (Defendants)

WRITTEN STATEMENT ON BEHALF OF DEFENDANT

Respectfully sheweth:

Preliminary Objections:

Civil Judge Peshawar
28/6/21

- i. That the plaintiff has got no cause of action.
- ii. That the suit of the plaintiff is based on malafide.
- iii. That the plaintiff has not come to this honorable Court with clean hands.
- iv. That the suit is barred by law
- v. That the plaintiff is estopped by his own conduct.
- vi. That the suit is bad for mis-joinder & non-joinder of parties.
- vii. That the suit of the plaintiffs is liable for rejection under Order 7 Rule 11 CPC.
- viii. That this honorable Court has got no jurisdiction to entertain the present suit
- ix. That the plaintiff himself entered his date of birth 01-01-1970 while applying for CNIC in his CNIC Form in the year 2003 and obtained SCNIC with same particulars from NRC PHQ Peshawar and that has been correctly recorded in his CNIC/SCNIC. The plaintiff himself marked thumb impression/signature and attested the form and all these particulars has been correctly entered in his CNIC/SCNIC.


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ATTESTED

07 JAN 2022
(Examiner)
District Court Peshawar

Facts:

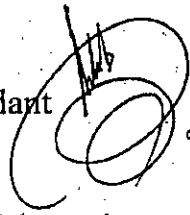
1. That Para No.1 of the plaint is incorrect.
2. That Para No.2 of the plaint is incorrect.
3. That Para No.3 of the plaint is incorrect.
4. That Para No.4 of the plaint is incorrect. The plaintiff himself entered his date of birth 01-01-1970 while applying for CNIC in his CNIC Form in the year 2003 and obtained SCNIC with same particulars from NRC PHQ Peshawar and that has been correctly recorded in his CNIC/SCNIC. The plaintiff himself marked thumb impression/signature and attested the form and all these particulars has been correctly entered in his CNIC/SCNIC
5. That Para No.5 of the plaint is incorrect.
6. That Para No.6 of the plaint is incorrect.
7. That Para No.7 of the plaint is incorrect.
8. That Para No.8 of the plaint is incorrect.
9. That Para No.9 of the plaint is incorrect.
10. That Para No.10 of the plaint is incorrect.


 /ALIA
 Civil Judge
 Peshawar
 2/8/21

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It is therefore humbly prayed on acceptance of this written statement the suit of the plaintiff may please be dismissed with cost.

Defendant

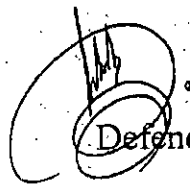


Date: 29/06/2021

Verification: It is verified that the contents of the written statement are true and correct and nothing have been concealed from this honorable court.

ATTESTED

Defendant




IN THE COURT OF ABDUL HALEEM, CIVIL JUDGE-XX,
PESHAWAR

Suit No: 233/1
Irshad vs NADRA

OR.....
04/01/2022

Plaintiff through counsel present. Representative of NADRA present.

* Vide detailed judgment of today consisting of 08 pages duly signed and separately placed on file, plaintiff has proved his case through cogent evidence. Hence, suit of the plaintiff stands decreed as prayed for. Defendant is directed to correct the date of birth of the plaintiff as 03/02/1975 instead of 01/01/1970 within 30 days of this order in his record. This order shall not affect the right of any third party which is not party to the present suit. Parties are left to bear their own cost.

File be consigned to record room after its necessary completion and compilation.

Announced:
04/01/2022

Handwritten notes: 233/1, 04/01/2022
Signature: [Signature]
ABDUL HALEEM
Civil Judge XX Peshawar

Handwritten notes: 233/1, 04-01-2022
Signature: [Signature]
ABDUL HALEEM
Civil Judge XX Peshawar

TESTED

07 JAN 2022
(Examination)
District Court Peshawar

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**IN THE COURT OF ABDUL HALEEM, CIVIL JUDGE-XX,
PESHAWAR**

Suit No 233/1
Date of Original Institution 26/03/2021
Date of Institution.....16/06/2021
Date of Decision 04/01/2022

Irshad s/o Abdul Haleem Khan r/o Lal Rukh Colony Peshawar
Landi Arbab post office Technical College, Peshawar.

..... Plaintiff

VERSUS

NADRA, at Hayatabad Peshawar through its District Registrar.

..... Defendant

**SUIT FOR DECLARATION CUM MANDATORY/PERMANENT
INJUNCTION**

99

JUDGMENT:
04/01/2022

1. Brief facts of the case are that plaintiff has filed the instant suit for declaration cum mandatory/permanent injunction against the defendant, to the effect that his correct date of birth is 03/02/1975 while the defendant has wrongly entered the same in

his record as 01/01/1970 which is wrong, incorrect and liable to

EXHIBIT

05 JAN 2022
COURT OF
Civil Judge XX Peshawar

ABDUL HALEEM
Civil Judge XX Peshawar
04-01-2022

correction. In Prayer "B" & "C" of the plaint, plaintiff also sought mandatory cum permanent injunction against the defendant, on denial of defendant, hence, the present suit.

2. Defendant was summoned through process of the court, who appeared before the Court and contested the suit by submitting written statement.
3. After completion of evidence, during final arguments it revealed that issues were not framed. Needful was done on 14/12/2021, counsels for parties endorsed their signatures that they rely on the evidence already recorded, hence, arguments heard.
4. Divergent pleadings of the parties were reduced into following issues:

ISSUES:

1. Whether plaintiff has got cause of action?
2. Whether suit of the plaintiff is within time?
3. Whether plaintiff is estopped to sue by his own conduct?
4. Whether this court has got jurisdiction to entertain the present suit?
5. Whether the correct date of birth of plaintiff is

ATTESTED

03/02/1975 while the defendant has wrongly entered the

07 JAN 2022
 (Examination)
 District Court Peshawar

AM
 04-01-2022
 ABDUL HALEEM
 Civil Judge XX Peshawar

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same as 01/01/1970 which is incorrect and liable to be corrected?

6. Whether plaintiff is entitled to the decree as prayed for?

7. Relief.

5. Parties were given opportunity to produce their pro and contra evidence in support of their respective contentions, which they did and recorded. Issue wise finding is as under:

ISSUE NO.2

Whether suit of the plaintiff is within time?

6. The limitation provided for declaratory suit is 06 years, as per Limitation Act, 1908, but in the instant suit, the plaintiff has got the knowledge about the wrong entry of his date of birth, a few days prior to the instant suit. In circumstances, it is held that suit of the plaintiff is within time. Defendant has failed to point out anything in support of the case being time barred. Hence, the issue in hand is decided in positive.

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ISSUE NO.3:

Whether plaintiff is estopped to sue by his own conduct?

ATTESTED

07 JAN 2022

(Examiner)
District Court Peshawar

ABDUL HALEEM
Civil Judge XX Peshawar
04-01-2022

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7. Burden of this issue was on defendant, however, nothing is produced in this respect from his side. Hence, issue is decided in negative.

ISSUE NO.4:

Whether this court has got jurisdiction to entertain the present suit?

8. Defendant in his written statement has alleged that this court has got no jurisdiction to entertain the present suit. Plaintiff has filed declaratory suit for correction of his date of birth. As per the law of the land, declaratory suits are to be filed in the Civil Courts while plaintiff has filed the instant suit in Civil Court. During the course of arguments, learned counsel for the defendant could not suggest any other forum for the present suit. Hence, the issue in hand is decided in affirmative.

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ISSUE NO: 5.

Whether the correct date of birth of plaintiff is 03/02/1975 while the defendant has wrongly entered the same as 01/01/1970 which is incorrect and liable to be corrected?

9. Plaintiff has filed the instant suit for correction of his date of birth as 03/02/1975 instead of 01/01/1970, for

ATTESTED

07 JAN 2022
(Examiner)
District Court Peshawar

04-01-2022
ABDUL HALEEM
Civil Judge, XX Peshawar

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the reasons, detail of which is mentioned in the heading of the plaint. Plaintiff has produced the following evidence:-

10. Irshad s/o Abdul Haleem (Plaintiff) appeared in the witness box and recorded his statement as PW-1, wherein he reiterated contents of the plaint in his statement. The said witness was cross-examined by the learned counsel for the defendant.
11. Ghulam Qadir s/o Sanobar Khan (Head Master, Government Primary School Landi Arbab) appeared in the witness box and recorded his statement as PW-2, wherein he produced Admission & Withdrawal Register as Ex:PW-2/1. The said witness was cross-examined by the learned counsel for the defendant.
12. Ahsan Habib s/o Gul Habib (Record Keeper, Government Middle School Nothia Jadeed) appeared in the witness box and recorded his statement as PW-3, wherein he produced Admission & Withdrawal Register as Ex:PW-3/2. Cross-examined by the learned counsel for the defendant.
13. Defendant, in rebuttal, produced the following evidence:-

UNTESTED

14/04/2022
District Court Peshawar

ABDUL HALEEM
Civil Judge XX Peshawar
04/01/2022

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14. Zahoor Ahmed, representative of NADRA/defendant, appeared in the witness box and recorded his statement as DW-1, wherein he produced authority letter as Ex:DW-PB, record of the plaintiff and exhibited the same as Ex:DW-1/2. The said witness was cross-examined by the learned counsel for the plaintiff.

15. Perusal of the above evidence and record reveals that the plaintiff has filed the instant suit for correction of his date of birth as 03/02/1975 which is evident from educational record (Ex:PW-2/1), school leaving certificate (Annexure B) wherein correct date of birth is mentioned as 03/02/1975. The same is not objected by the defendant's side during its exhibition which is also considered to be admitted. Furthermore, representative of defeneant Mr. Zahoor Ahmed has recorded his statement on 6/7/2021 who has clearly stated that changing of date of birth upto 05 years would not affect the policy of NADRA. In addition to it, if the correction is made, as per plaint, right of any other party is not to be infringed. Furthermore, it is the fundamental right of the plaintiff to correct his date of birth as per his wishes (supported by strong evidence) and the said right cannot be alienated as it is guaranteed by the constitution of Pakistan. In circumstances, plaintiff has

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ATTESTED

07 JAN 2022
 (Examiner)
 District Court Peshawar

04-01-2022
 ABDUL HALEEM
 Civil Judge XX Peshawar

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proved his case as per the requirement of Qanoon-e-Shahadat, 1984; therefore, the issue in hand is decided in affirmative.

ISSUES NO.1 & 6:-

- 1. Whether plaintiff has got a cause of action?**
- and**
- 5. Whether plaintiff is entitled to the decree as prayed for?**

16. As a sequel of above issue-wise findings, plaintiff has got cause of action and is also entitled to the decree as prayed for. Hence, issues are decided in affirmative.

RELIEF:

17. As per detailed issue-wise discussion above, plaintiff has proved his case through cogent evidence. Hence, suit of the plaintiff stands decreed as prayed for. Defendant is directed to correct the date of birth of the plaintiff as 03/02/1975 instead of 01/01/1970 within 30 days of this order in his record. This order shall not affect the right of any third party which is not party to the present suit. Parties are left to bear their own cost.

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Announced:
04/01/2022

ABDUL HALEEM
Civil Judge-XX, Peshawar.

ABDUL HALEEM
Civil Judge XX Peshawar

TESTESTED

JAN 2022
District Court Peshawar

04-01-2022

CERTIFICATE

This is to certify that this Judgment consist
of 08 pages. Each page has been signed and corrected
wherever necessary.

(Signature) 06-01-2022

ABDUL HALEEM
Civil Judge-XX, Peshawar.

ABDUL HALEEM
Civil Judge XX Peshawar

ATTESTED

07 JAN 2022

(Signature)
District Court Peshawar

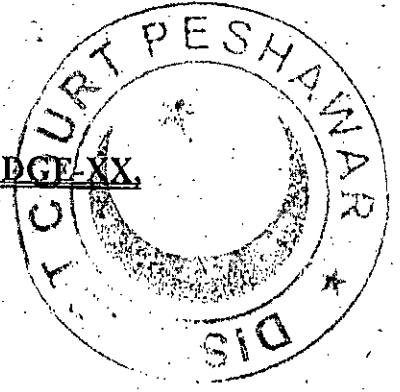
51

No.....	640
Dated of Application.....	06/01/22
Name of Applicant.....	SK JUSO
Word / Page.....	16
Fee.....	
Signatures.....	<i>(Signature)</i>
Dated of Preparation.....	07/01/22
Dated of Delivery.....	07/01/22

CERTIFIED TO BE TRUE COPY

(Signature)
Copying Agency District Court
Peshawar.

23



DECREE SHEET

IN THE COURT OF ABDUL HALEEM, CIVIL JUDGE XX,
PESHAWAR

Suit No 233/1
Date of Original Institution 26/03/2021
Date of Institution.....16/06/2021
Date of Decision 04/01/2022

Irshad s/o Abdul Haleem Khan r/o Lal Rukh Colony
Peshawar Landi Arbab post office Technical College,
Peshawar.

..... Plaintiff

VERSUS

NADRA, at Hayatabad Peshawar through its District
Registrar.

..... Defendant

SUIT FOR DECLARATION CUM
MANDATORY/PERMANENT INJUNCTION

5-29

Plaintiff filed a suit against defendant for following relief:-

Prayers: Suit for declaration cum mandatory/permanent
injunction against the defendant, to the effect that his correct date
of birth is 03/02/1975 while the defendant has wrongly entered the
same in his record as 01/01/1970 which is wrong, incorrect and
liable to correction. In Prayer "B" & "C" of the plaint, plaintiff also

sought mandatory cum permanent injunction against the defendant,
on denial of defendant, hence, the present suit.

ATTESTED

07 JAN 2022
(Examiner)
District Court Peshawar.

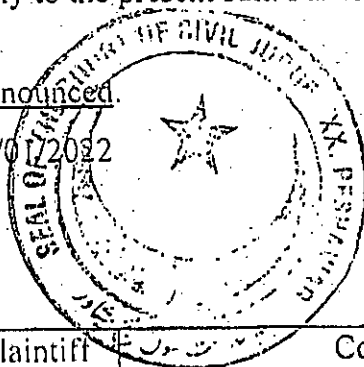
04-01-2022
ABDUL HALEEM
Judge XX Peshawar

Value for the purpose of court fee and jurisdiction of Rs.700/-.

Vide order dated 04/01/2022 plaintiff is entitled for following relief against defendant.

Prayers: Plaintiff has proved his case through cogent evidence. Hence, suit of the plaintiff stands decreed as prayed for. Defendant is directed to correct the date of birth of the plaintiff as 03/02/1975 instead of 01/01/1970 within 30 days of this order in his record. This order shall not affect the right of any third party which is not party to the present suit. Parties are left to bear their own cost.

Announced.
04/01/2022



Abdul Haleem
Civil Judge-XX, Peshawar.

ABDUL HALEEM
Civil Judge XX Peshawar

Handwritten signature and date: 04-01-2022

Plaintiff	Cost of suit	Defendant
---	Stamp for Memorandum of suit/ Court fee	--
---	Stamp for power	--
--	Cost of witnesses	--
--	Proclamation fee	--
--	Commission fee	--
	Total	--

Given under my hand and seal of the Court on 04/01/2022.



Abdul Haleem
Civil Judge-XX
Peshawar

ABDUL HALEEM
Civil Judge XX Peshawar.

Handwritten signature and date: 04-01-2022

CERTIFIED TO BE TRUE COPY

(Examiner)
Copying Agency District Court
Peshawar.

محضور جناب ایس ڈی او (صاحب مردانہ) ٹاؤن آف اسلام آباد
درخواست نمبر 11/22/16
درخواست نمبر 03/02/1975

جناب عالی
Annexure 1

گزارش ہے۔ کہ سائل ہی ایس نمبر 11/22/16
محضور جناب ایس ڈی او 04/5/2015 سے ایس ڈی او سرانجام دے
رہے۔ سائل کا تاریخ پیدائش غلط لکھا گیا تھا۔ جس کے تصحیح کیے سائل
نے پیرسٹیٹ DEO آفس ڈسٹرکٹ کورٹ ایف او سے اس تصحیح کے
درخواست دائر کی تھی۔ جو کہ کورٹ فیضانے 4/11/22 کو ہی مفصلہ
سنایا کہ سائل کا تاریخ پیدائش 03/02/1975 لکھا جائے۔ اور پھر
تاریخ پیدائش غلط قرار دیا۔ پھر سائل نے یہی مفصلہ NADRA کو دے
دیا اور انھوں نے سائل کا شناخت کارڈ میں تصحیح کر دی ہے۔

اس لیے آپ صاحبان سے ایسا منہ ہے کہ سائل کے سرورس ٹیک
اور دیگر سرکاری کاغذات میں سائل کا تاریخ پیدائش درست لکھنے
کے احکام صادر فرمائیں۔
محکمہ وزارت میں ہے۔

العارض ارشاد المرجوم = 11/22/16
پس کا خلع ارشاد ولد عبدالحمید

پسوار ہی لوایح و عرفہ علی علیہ السلام
AbdulKamin
Process the documents
17/11

Forwarded to ASDEO(M)
Cisole Cantt for N/A P
Peshawar

HEAD TEACHER
GPS No. 1, Charina Khet
Peshawar

District Education Officer
(Male) Peshawar.
No. 6425
Dated 04/01/2022

26

To
Mr. Ishaq s/o Abdul Haleem,
Chowkidar Govt Primary School No.2 Charkhakhel
Peshawar.

Subject: CORRECTION OF THE DATE OF BIRTH IN SERVICE BOOK.

1. WHEREAS you (Ishaq s/o Abdul Haleem Chowkidar Govt. Primary School No.2 Charkhakhel Peshawar) was appointed as Chowkidar on dated 16-01-2015.
2. AND WHEREAS you got your CNIC on dated 21-01-2014 wherein your date of birth was mentioned as 01-01-1970 and the same was entered in your Service Book.
3. AND WHEREAS you filed Civil Suit on dated 07-01-2022 before the Senior Civil Judge Peshawar against the DG NADRA for change of Date of Birth.
4. AND WHEREAS you did not arrayed the Education Department Khyber Pakhtunkhwa as necessary party in the above mentioned Civil Suit and now you are requesting to the Education Department Khyber Pakhtunkhwa (Parent Department) for change of date of birth in the Service Book.
5. AND WHEREAS you requested for change of date of birth in Service Book at very belated stage therefore, the Education Department Khyber Pakhtunkhwa cannot change your date of birth in the Service Book under the rules.

30/12/2022
District Education Officer
(Male) Peshawar

Encl: No. 6425-26 /Dated 04/01/2022.

Copy of the above is forwarded for information.

1. Sub Divisional Education Officer (Male) Town-III Peshawar w/r to letter No.1119/file No. Service Book 5-19 SDEO T-III Peshawar dated 26-11-2022.
2. Office file.

31/12/2022
District Education Officer
(Male) Peshawar

o/c

قیمت
50 روپے

66998



ایڈوکیٹ: السفرخان حلیل


بار کونسل ایسوسی ایشن نمبر: Pe. 09-1588

رابطہ نمبر: 0314-9090092

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

27

بعدالت جناب: سروس ٹریسینگ سوسائٹی محفراز اسلام آباد

مخاطب: <u>سائل / ایپیلانٹ</u>	دعویٰ: <u>Appeal</u>
	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____
باعث تحریر آگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام السفرخان حلیل اور السفرخان حلیل کو وکیل 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 برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری بیکطرفہ یا اپیل کی برآمدگی اور منسوخی کی صورت میں دائر کرانے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل اخراجات و کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساتھ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جہاں اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المقوم: السفرخان حلیل
 SHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA
 اسلام آباد

العین بل العین بل

نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

السفرخان حلیل
 السفرخان حلیل
 السفرخان حلیل
 السفرخان حلیل