



02.03.2023

Mr. Arbab Saif-ul-Kamal, Advocate for the appellant present.

Mr. Irfanullah Shams, Superintendent alongwith Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

Learned counsel for the appellant again sought adjournment on the ground that he has not made preparation. The appeal in hand pertains to the year 2017, therefore, learned counsel for the appellant shall positively ensure his presence for addressing of arguments on the next date, failing which the appeal will be decided on the basis of available record. Adjourned. To come up for arguments on 14.03.2023 before the D.B. Parcha Peshi given to the parties.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)


SCANNED
PESHAWAR
PESHAWAR

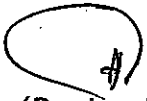
01.06.2022

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Legal Advisor of respondents present.

Request for adjournment was made on behalf of appellant as he has not prepared the brief. Adjourned. To come up for arguments on 09.08.2022 before D.B.


(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

9-8-2022

Due to the Public holiday the case is adjourned to 9-11-2022

09.11.2022

Since 9th November has been declared as public holiday, case is adjourned to 21.12.2022 for the same as before.



Reader



Reader

21st Dec, 2022

Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney alongwith Mr. Aftab Hussain, Legal Advisor for the respondents present.

Learned counsel for the appellant seeks adjournment being not prepared for arguments today. To come up for arguments on 02.03.2023 before the D.B.


(Salah Ud Din)
Member (Judicial)


(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

03.12.2021

Nemo for parties.

Asif Masood Ali Shah, learned Deputy District Attorney present.

Preceding date was adjourned due to general strike of the Peshawar Bar Association; therefore, both the parties be put on notice for 30/03/2021 for arguments, before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

30.03.2022

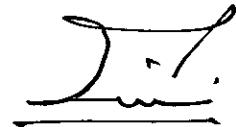
Learned counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakheil learned Assistant Advocate General present. Clerk to counsel for the Legal Advisor of the respondents present.

Clerk to Legal Advisor for respondents requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court. Adjourned. To come up for arguments before the D.B on 01.06.2022.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

DEPT. OF
LEGAL SERVICES
PESHAWAR

01.01.2021

Due to summer vacation, case is adjourned to 13.04.2021 for the same as before.


Reader

13.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 28.07.2021 for the same.


Reader

28.07.2021

None for the appellant and Mr. Usman Ghani, District Attorney for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 08.12.2021 for the same before D.B.


(Rozina Rehman)
Member (Judicial)


Chairman

12.05.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.08.2020 before D.B.


Reader

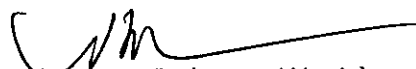
*Due to public holidays/
summer vacation the case is
adjourned. To come up for the
same on 27-10-20.*


Reader

27.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 01.01.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member



Chairman

02.01.2020

Learned counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG for the respondents present.

Arguments on restoration application heard.

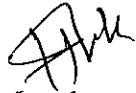
Record reveals that the main service appeal of the petitioner was dismissed in default on 08.11.2019. The petitioner submitted application for restoration of appeal on 14.11.2019, after six days of dismissal of appeal, therefore, the same is well within time. Moreover, it has also been alleged by learned counsel for the appellant that the service appeal was dismissed in default on 08.11.2019 at 11:00 AM and on that day he was busy in the Hon'ble Peshawar High Court Peshawar, therefore, the reason mentioned in the application is also plausible. As such, the restoration application is accepted, the main service appeal is restored to its original number. Case to come up for proceeding mentioned in the main service appeal on 09.03.2020 before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

09.03.2020

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 12.05.2020 before D.B.




Member


Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No: 419/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.11.2019	<p>The application for restoration of appeal No.420/2017 submitted by Mr. Saadullah Khan Marwat Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This restoration application is entrusted to D. Bench to be put up there on <u>02-01-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

SCANNED
REGISTERED
2

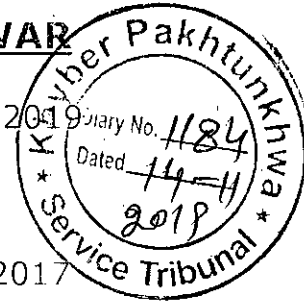
BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

M. P. No. _____ / 2019

Restoration Application No-419/19

IN

S.A No. 420/2017



S. Farmanullah Khan

versus

Director & Others

**APPLICATION FOR RESTORATION OF THE SUBJECT
APPEAL DISMISSED IN DEFAULT BY THIS HONORABLE
TRIBUNAL VIDE ORDER DATED 08-11-2019:**

Respectfully Sheweth,

1. That the subject Appeal was pending disposal before this hon'ble Tribunal and was fixed for hearing on 08-11-2019.
2. That the subject appeal was dismissed in default was about at 11:00 am, while counsel for applicant appeared before the Bench on 11:15 am which fact was brought into the knowledge of the Reader (Afsar Khan) of the Bench. (Copy attached)
3. That prior to the said time, counsel for applicant was busy before the Peshawar High Court, Peshawar in other cases.
4. That the application for restoration of the subject appeal is well within time.

It is, therefore, most humbly prayed that the subject application be accepted as prayed for after restoring the same and to decide it on merit.

Applicant

Through

Saadullah Khan Marwat

Advocate

Dated 12-11-2019

BEFORE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 420 /2017



Sahibzada Farman Ullah Khan
S/O Sahibzada Rizwanullah,
Assistant Excise & Taxation
Officer-V, Peshawar Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 306

Dated 30-3-2017

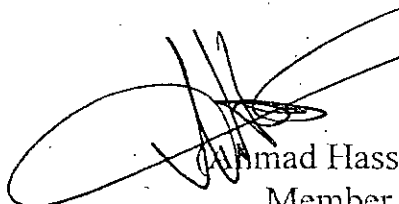
Versus

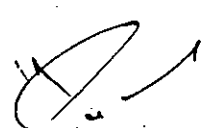
1. Director General Excise, Taxation
& Narcotics Control, Department,
KP, Peshawar
2. Controller of Examination,
Board of Intermediate &
Secondary Education, Peshawar. Respondents

⇔ <=> ⇔ <=> ⇔ <=> ⇔ <=> ⇔


APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 1911 / ESTB /
P.FILE, DATED 23-02-2017 OF RESPONDENT NO. 1
WHEREBY DEPARTMENTAL APPEAL OF APPELLANT
WAS REJECTED FOR NO LEGAL REASON:

08.11.2019 Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General (for respondent No.1) present. Learned counsel for respondent No.2 present. Case called but neither the appellant nor his counsel turned up. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
08.11.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

30.10.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for respondent No. 1 and Shakila Begum, Advocate for respondent No. 2 present. Learned counsel for the appellant requested for adjournment. Adjourned to 08.11.2019 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

08.11.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General (for respondent No.1) present. Learned counsel for respondent No.2 present. Case called but neither the appellant nor his counsel turned up. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
08.11.2019

29.05.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the official respondent and counsel for private respondent No.2 present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 19.07.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

19.07.2019


Junior counsel for the appellant and Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned to 19.09.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

19.09.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General on behalf of respondent No.1 present. Learned counsel for respondent No.2 also present. However, arguments could not be heard due to the absence of learned counsel for the appellant. Adjourned at the cost of Rs. 3000/- to be paid by the appellant to the respondent party. To come up for arguments on 30.10.2019 before D.B.


Member


Member

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 20.02.2019.

Reader

20.02.2019

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Addl: AG for the respondents present. Junior to counsel for the appellant requests for adjournment as learned senior counsel for the appellant is not available today. Adjourned To come up for arguments on 04.04.2019 before D.B

Member

Chairman

04.04.2019

Nemo for the appellant. Mr. Kabirullah Khattak learned Addl; AG for the respondents present.

Due to general strike on the call of Bar Council learned counsel for the appellant is not in attendance.


Adjourned to 29.05.2019 before D.B.

Member

Chairman

13.03.2018 Junior to counsel for the appellant and Mr. Usman Ghani, learned District Attorney alongwith Arshid Javid Inspector for the respondents present. Junior to counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 14.05.2018 before D.B.


(M.Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

04.05.2018 The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come on 18.07.2018


READER

18.07.2018 Counsel for the appellant present. Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Rejoinder on behalf of the appellant submitted which is placed on file. To come up for arguments on 12.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

12.09.2018 Since 12 September 2018 has been declared as public holiday on account of Muharam Ul Haram. Therefore, the case is adjourned. To come up for the same on

7-11-18


Reader

11.09.2017

Counsel for the appellant present: Mr. Nawala Khan, Inspector alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written reply on behalf of respondent No. 1 submitted. None present on behalf of respondent No. 2 therefore, notice be issued to respondent No. 2 with the direction to direct the representative to attend the court and submit written reply on the next date. Adjourned. To come up for written reply/comments on behalf of respondent No. 2 on 23.10.2017 before S.B.



(Muhammad Amin Khan Kundi)
Member

23.10.2017

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present. Written reply submitted. To come up for rejoinder and arguments on 10.01.2018 before D.B.




(Muhammad Amin Khan Kundi)
Member(J)

10.01.2018

Counsel for the appellant present and Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 13.03.2018 before D.B.



Member




Chairman

17.05.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant was admitted in GHSS, Ghallanai Mohmand Agency and his date of birth recorded in the school leaving certificate was 25.12.1967. The same was also available in the record of Town Committee Tangi. It was not known how 04.01.1965 was recorded as his date of birth in Secondary School Certificate which was also incorporated in his service book. He filed Civil Suit in the court of Senior Civil Judge Peshawar which was dismissed on 17.12.2015 for want of jurisdiction. Appellant filed departmental appeal on 20.02.2017 which was rejected on 23.02.2017, hence the instant service appeal. The above stated facts have given rise to doubts about his actual date of birth, hence benefit should go to the appellant.


Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit subject to deposit security and process fee within 10 days, there-after notices be issued to the respondents for written reply/comments for 06.07.2017 before S.B.


(AHMAD HASSAN)
Member

06.07.2017



None for the appellant present. Addl:AG for official respondents and clerk to counsel for private respondent No.2 present. Wakalat Nama on behalf of private respondent no.2 submitted. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 11.09.2017 before S.B.


(Ahmad Hassan)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 420/2017


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/05/2017	<p>The appeal, of Sahibzada Farmanullah Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	4/5/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17-5-17</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Sahibzada Farman Ullah Khan Assistant Excise and Taxation Officer-V Peshawar received today i.e on 30.03.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Copies of SSC and extract from Service Book mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 6- Wakalat Nama is not attached with the appeal which may be placed on it.
- 7- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 649 /S.T,

Dt. 31/3 /2017


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

5th

Re-submitted after
completion.

by

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 420/2017

S. Farman Ullah Khan

versus

DG, Excise & Another

INDEX

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	School Leaving Certificate	"A"	4
3.	Register Birth of T.C Tangi	"B"	5
4.	DOB in SSC	"C"	6
5.	Civil Suit before SCJ & Jud, 17-12-2015	"D"	7-14
6.	X-Ray Report of Dr. dated 08-02-2017	"E"	15-16
7.	Departmental Appeal, 20-02-2017	"F"	17-18
8.	Rejection order, 23-02-2017	"G"	19
9.	Similar Relief to co-employee	"H"	20-26

Through

Appellant



Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

Dated: 07.03.2017

BEFORE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. _____/2017

Sahibzada Farman Ullah Khan
S/O Sahibzada Rizwanullah,
Assistant Excise & Taxation
Officer-V, Peshawar Appellant

Khyber Pakhtunkhwa
Service Tribunal

Versus

Diary No. 306

Dated 30-3-2017

1. Director General Excise, Taxation
& Narcotics Control, Department,
KP, Peshawar
2. Controller of Examination,
Board of Intermediate &
Secondary Education, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 1911 / ESTB /
P.FILE, DATED 23-02-2017 OF RESPONDENT NO. 1
WHEREBY DEPARTMENTAL APPEAL OF APPELLANT
WAS REJECTED FOR NO LEGAL REASON:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

Filed to-day

Registrar

30/3/17

1. That appellant is the permanent resident of village Tangi, Charsadda.
2. That appellant was admitted in Government Higher Secondary School, Ghallanai Mohmand Agency and in the School Leaving Certificate, his date of birth was recorded as 25-12-1967. Similarly in Birth Register of Town Committee Tangi, the date of birth was also recorded as such, i-e 25-12-1967. (Copies as Annex "A" & "B")

3. That it was not known as to how the date of birth of appellant was recorded in the Secondary School Certificate as 04-01-1965. Such date of birth was also incorporated in the Service Book as mentioned above. (Copy as Annex "C")
4. That to correct the date of birth as per original School Leaving Certificate of GHSS, Ghallanai Mohmand Agency, i-e 25-12-1967, appellant fell into legal error and filed Civil Suit before the court of Senior Civil Judge, Peshawar which was finally decided on 17-12-2015 by not acceding to the request of appellant as he is a Civil Servant and the Civil Court has no jurisdiction in the matter. (Copy as Annex "D")
5. That appellant examined himself from the Consultant on 08-02-2017, followed by X-Ray of the bones / body and his date of birth was assessed as 49/50 years which shows that in the SSC, the date of birth of appellant was recorded incorrect. (Copy as Annex "E")
6. That the appellant filed departmental appeal before R. No. 1 which was rejected on 23-02-2017 which copy was received through postal service on 27-02-2017. (Copies as Annex "F" & "G")
7. That similar relief of the same department of appellant is given to co-employee by Peshawar High Court, Peshawar. (Copy as Annex "H")

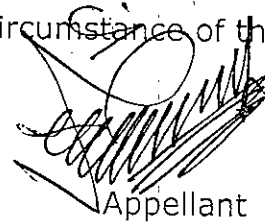
Hence this appeal inter alia on the following grounds.

GROUND

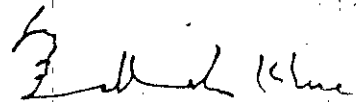
- a. That in the School Leaving Certificate of GHSS, Ghallanai Mohmand Agency, the date of birth of appellant was recorded as 25-12-1967 while in the SSC, the same was recorded as 04-01-1965. Such double dates of birth created doubt and as per the judgment of the Supreme Court of Pakistan, benefit of doubt shall go in favor of incumbents.

- b. That as per the medical report / assessment the date of birth of appellant was recorded as 49/50 which comes as 1967 and not 1965.
- c. That when doubt is created in dates of birth, such benefit should go in favor of a servant and not to department.
- d. That when similar relief is given to the co-employee of the department by any court, such benefit shall be extended to the similarly placed persons.
- e. That in the circumstances, appellant is legally entitled for the relief.

It is therefore most humbly prayed that on acceptance of the appeal order dated 23-02-2017 of R. No. 1 be set aside / modified and date of birth of appellant be corrected as 25-12-1967 in all service record of appellant, with such other relief as may be deemed proper and just in circumstance of the case.



Appellant

Through



Saadullah Khan Marwat

Advocate


Arbab Saiful Kamal
Advocates.

Dated.30-03-2017

منظور شدہ غیر منظور شدہ
شعبہ

A
1978-79
ولہ اسم چھوڑنے کا سرٹیفکیٹ

4

نام طالب علم: صدا فریدہ فرمان اللہ
 تاریخ پیدائش: 21-12-1967
 نمبر رجسٹر داخلہ: 1561
 نمبر فائل: 51
 درجہ فیس: 5
 کاشنکار یا غیر کاشنکار: کاشنکار
 ولد: صدا فریدہ فرمان اللہ کے جو اس مدرسہ میں
 تاریخ: یک روز ہفتہ ہاردر سے کی کل رتیس جو اس کے ذمہ واجب الادا تیس اور آکر دی ہیں اور اسے تاریخ مندرجہ بالا پر
 تاریخ: اس کا امتحان - 21 دسمبر جماعت پہلی میں پڑھتا تھا۔ اور
 اس کا وعدہ کیا گیا ہے کہ اس کا امتحان پہلی میں لیا گیا تھا جس میں یہ پہلی ہوگا اور
 اس کا امتحان پہلی میں لیا گیا تھا۔
 اس کا امتحان پہلی میں لیا گیا تھا۔
 اس کا وعدہ کیا گیا ہے کہ اس کا امتحان پہلی میں لیا گیا تھا۔
 اس کا وعدہ کیا گیا ہے کہ اس کا امتحان پہلی میں لیا گیا تھا۔

درجہ	داخل ہونے کی تاریخ	فارغ ہونے کی تاریخ	سال درجہ میں داخلہ کی مدت		ماہانہ امتحان	ماہانہ امتحان کی سال	رہنمائی جو سال
			۱	۲			
۱	20.5.1976	6/7	20.5.1976	6/7	80%	20.5.1976-100	
۲							
۳							

بڑا اسٹراٹر
 G.H.S. 8, Ghallanai
 Mohmand Agency
 تاریخ اجراء: 20.5.1976
 صرف سرکار شپ پانے والوں کی صورت میں
 کس سال عطا ہوا
 کس سال عطا ہوا
 کون دیا گیا

نوٹ: یہ طور پر مدرسہ چھوڑنے کے سرٹیفکیٹ کے لئے درخواست مدرسہ سے ملجھو ہونے کے ایک ماہ کے اندر ہونی چاہئے۔ صورت ان طلباء
 کے جنہوں نے اول سکول کا امتحان دیا ہو۔ ایک ماہ نتیجہ نکلنے کی تاریخ ہے گنا چاہئے۔
 اگر مدرسہ چھوڑنے کا سرٹیفکیٹ گم ہو جائے اور نئے سرٹیفکیٹ کے لئے درخواست دی جائے تو نئے سرٹیفکیٹ کیلئے موازی آٹھ آنے وصول کئے جائیں گے
 اور مدرسہ چھوڑنے کا سرٹیفکیٹ گم ہو جائے اور نئے سرٹیفکیٹ کے لئے درخواست دی جائے تو نئے سرٹیفکیٹ کیلئے موازی آٹھ آنے وصول کئے جائیں گے

تعداد کیا جاتا ہے: _____ ولد: _____ طالب علم: _____ جماعت: _____ جو: _____
 سکول: _____ ضلع: _____ سے مدرسہ چھوڑنے کا سرٹیفکیٹ نمبر: _____
 سکول: _____ ضلع: _____ کی جماعت میں داخل ہو گیا ہے۔
 بڑا اسٹراٹر

Handwritten signature

S. No 315659

Roll No. 3798



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

Session 1980 (SUPPLEMENTARY)

This is to certify that Farman Ullah
Son / Daughter of Rizwan Ullah
and a resident of Peshawar District .

has passed the Secondary School Certificate Examination
of the Board of Intermediate and Secondary Education Peshawar held in October 1980.
as a Private candidate He/ She obtained 525 Marks out of 850
and has been placed in Grade B . Representing Good Marks .

The Candidate passed in the following subjects :

- 1. English 2. Urdu 3. Islamiyat 4. Gen Science 5. Pak Studies 6. Isl Studies 7. Gen Mathematics 8. Pashto

Date of birth according to admission form is Fourth January
one thousand nine hundred and Sixty Five (4-1-1965)

Asstt. Secretary

Secretary

5th January 1981

This certificate is issued without alteration or erasure.

Handwritten signature at the bottom of the page.

D

7

بعدالت جناب سینئر سول جج صاحب، پشاور

صاحبزادہ فرمان اللہ ولد رضوان اللہ ساکن شاداب کالونی، تنگی برہ زائی تحصیل تنگی ضلع چارسدہ حال۔ مکان نمبر 1، تنگی
نمبر 1، سردار احمد جان کالونی پشاور

مدعی



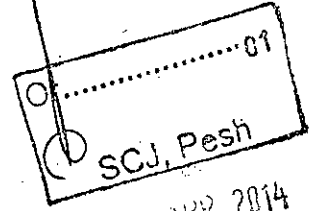
بناہ

چیمبرمین بورڈ آف انٹرمیڈیٹ اینڈ سیکنڈری ایجوکیشن، پشاور
سیکرٹری بورڈ آف انٹرمیڈیٹ اینڈ سیکنڈری ایجوکیشن، پشاور
نادرا بڈریعہ چیمبرمین اسلام آباد
ڈائریکٹر جنرل نادرا، فیز 4 حیات آباد پشاور

مدعا علیہم

دعویٰ بمراد صدور ڈگری استقرار حق بدین وجہ کہ مدعی کی درست تاریخ پیدائش
مورخہ 25/12/1967 ہے جبکہ مدعا علیہم کے ریکارڈ میں تاریخ پیدائش
04/01/1965 غلط طور پر درج کی گئی ہے جو کہ قابل درنگی ہے اور مدعی کے
حقوق پر غیر موثر اور کالعدم ہیں اور قابل درنگی ہیں۔

الف۔



دعویٰ بمراد صدور ڈگری حکم امتناعی دوا می و تاکید بر خلاف مدعا علیہم کہ وہ مدعی
کی درست تاریخ پیدائش 25/12/1967 اس کے شناختی کارڈ اور میٹرک
سرٹیفکیٹ میں درست طور پر درج کریں اور غلط تاریخ پیدائش مورخہ
04/01/1965 تحریر و دستہ کرنے سے باز و ممنوع رہیں۔

ب۔

مالیت بغرض کورٹ فیس جز الف :- 500 روپے
مالیت بغرض کورٹ فیس جز ب :- 200 روپے
مالیت بغرض اختیار سماعت :- 500 روپے

دعویٰ عرصہ چند یوم قبل بعد از انکار مدعا علیہم اندر حدودات عدالت حضور پیدہا ہوا۔
جناب عالی!

مدعی حسب ذیل عرض رساں ہے

یہ کہ مدعی ساکن شاداب کالونی تحصیل تنگی ضلع چارسدہ میں مورخہ 25/12/1967 کو پیدا
ہوا۔ (نقل پیدائش سرٹیفکیٹ ناؤن کمیٹی تحصیل تنگی لف ہے)۔

ا۔

ATTESTED
2 APR 2014
(Examiner)
Civil Court Peshawar

یہ کہ مدعی نے میٹرک سال 1980 میں پاس کیا ہے اور میٹرک کے سرٹیفکیٹ میں غلط طور پر مدعی کی تاریخ پیدائش 04/01/1965 درج کی گئی ہے جبکہ صحیح تاریخ پیدائش 25/12/1967 ہے۔ (نقل میٹرک سرٹیفکیٹ لف ہے)۔

یہ کہ مدعی کے قومی شناختی کارڈ میں بھی تاریخ پیدائش 04/01/1965 درج ہوئی ہے جبکہ مدعی کی صحیح تاریخ پیدائش مورخہ 25/12/1967 ہے۔ (نقل قومی شناختی کارڈ لف ہے)۔

یہ کہ مدعی نے مدعا علیہم کو کئی بار درخواستیں گزاری کہ مدعی کا درست تاریخ پیدائش 25/12/1967 ہے اور مدعا علیہم کے ریکارڈ میں غلط طور پر تاریخ پیدائش 04/01/1965 درج کی گئی ہے، کی درستگی کی جائے لیکن مدعا علیہم نال مثل سے کام لیتے رہے اور آخر کار انکاری ہوئے، اسلئے دعویٰ ہذا کی ضرورت لاحق ہوئی۔

یہ کہ بنائے دعویٰ عرضہ چند یوم قبل اندر حدودات عدالت حضور بعد از انکار مدعا علیہم پیدا ہوا اور عدالت حضور کو اختیار سماعت حاصل ہے۔

یہ کہ نالیت بغرض کورٹ فیس و اختیار سماعت درست طور پر درج بالا کی گئی ہے۔

لہذا استدعا ہے کہ بمختوری دعویٰ ہذا ڈگری برخلاف مدعا علیہم بحق مدعی صادر فرمائی جائے نیز دیگر داری جو قرین انصاف ہو بھی مرحمت فرمائی جائے۔

ATTESTED
2 APR 2017
(Examiner)
Civil Court Peshawar
محمد بیگ

تصدیق کی جاتی ہے کہ جملہ مراتب دعویٰ ہذا ناخذ علم و یقین کے مطابق درست و صحیح ہے اور کوئی امر مخفی نہ رکھا گیا ہے۔

ATTESTED
ABDUR RASHID ADVOCATE
Orth
Commissioner

محمد رشید اللہ

9

IN THE COURT OF QUARTULAIN, CIVIL JUDGE-IV,
PESHAWAR

Suit No.....311/1

Date of Original Institution.....02-04-2014

Date of Institution.....10-09-2015

Date of Decision.....17-12-2015

Sahibzada Farman Ullah S/o Rizwan Ullah R/o Shadab Colony, Tangi Barazai, Tehsil Tangi District Charsadda, presently House-1 Street No-1, Sardar Ahmad Jan Colony Peshawar.

....Plaintiff

VERSUS

1. Chairman Board of Intermediate and Secondary Education, Peshawar.
2. Secretary Board of Intermediate and Secondary Education, Peshawar.
3. NADRA through Chairman, Islamabad.
4. Director General NADRA, Phase-4 Hayatabad, Peshawar.

....Defendants

SUIT FOR DECLARATION & PERPETUAL
MANDATORY INJUNCTION

JUDGMENT

Through this judgment, I am going to dispose of suit brought by the plaintiff Sahibzada Farman Ullah S/o Razwan Ullah against the defendants Chairman Board of Intermediate and Secondary Education Peshawar and 03 others for declaration-cum-perpetual mandatory injunction to the effect that the plaintiff's correct and actual date of birth is 25-12-1967 but the same has wrongly been mentioned by the defendants as 04-01-1965.

In prayer Bey. plaintiff also prayed for grant of perpetual mandatory injunction directing the defendants for correction of plaintiff's date of birth in his CNIC and Matriculation certificate as 25-12-1967 instead of 04-01-1965 in their record. That the defendants were asked time and again to admit the claim of plaintiff, but they refused, hence the present suit.

ATTESTED

25 APR 2017

(Examiner)
Civil Court Peshawar

Defendants were properly summoned, who appeared and contested the suit by filing their separate written statement. Later on defendants No-3 and 4 were placed and proceeded ex-parte. From the divergent pleadings of the parties, the following issues were framed by my predecessor-in-office:

ISSUES:

1. Whether plaintiff has got cause of action?
2. Whether the plaintiff has come to the Court with clear hands?
3. Whether the plaintiff is estopped to sue by his own conduct?
4. Whether suit of the plaintiff is time barred?
5. Whether the suit is bad due to mis-joinder and non-joinder of necessary parties?
6. Whether this Court has got jurisdiction to entertain the present suit?
7. Whether plaintiff is entitled for declaration etc that his actual date of birth is 25-12-1967?
8. Whether the plaintiff is entitled to the decree as prayed for in Para-Alif and Para-Bey of plaint
9. Relief?

Thereafter plaintiff was directed to produce his evidence and plaintiff produced three witnesses.

On the other hand, defendants No-1 and 2 produced clerk legal section BISE Peshawar as DW-1 who produced his authority letter as Ex-DW-1/1, plaintiff's annual matriculation examination Form of the year 1980 as Ex-DW-1/2 and School leaving certificate as Ex-PW-1/3

Thereafter I heard the arguments of learned counsel for the parties and gone through the available record, placed on file. My issue wise findings are as follows:-

ISSUE No-7:

Regarding this issue the plaintiff in his statement deposed that according to birth certificate Ex-PW 3/1, his correct date of birth is 25-12-1967, but defendants have wrongly been mentioned the same in their academic record as 04-01-1965. Ex-PW-3/1 was found by the plaintiff from cupboard after his father's death, this fact was further supported by the PW-2 (neighbour) as well as by cousin of plaintiff in his statement as PW-1.

TESTED

26/12/2000

(Examiner)
Civil Court Peshawar

11

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PW-1 in his cross-examination admitted that plaintiff is serving in excise department; similarly plaintiff himself affirmed that he as Assistant Excise and Taxation Officer, working in Excise office. Further admitted that he obtained his CNIC in the year 2003. Similarly, he passed his matriculation in 1980. Plaintiff as PW-3 admitted that the produced birth certificate neither bears the issuance date nor register number.

On the other hand, defendants No-1 and 2 produced, annual examination form as Ex-DW-1/2 and school leaving certificate Ex-DW-1/3.

Plaintiff in support of his stance, produced his birth certificate Ex-PW-3/1 issued by Town Committee Tangi which was neither produced from the quarter concerned nor bears date of issuance, serial number and register number. It is also note worthy that the single entry of plaintiff has been made on Ex-PW-3/1 which create doubt against the authenticity of document produced. On contrary, the school leaving certificate and matriculation form produced from the proper custody. Admittedly, plaintiff is a government servant but had not made Excise and Taxation Department as party.

Plaintiff admittedly received his CNIC in the year 2003 but challenged his date of birth through the instant suit in the year 2014, after lapse of eleven years. Therefore, the instant suit also hit under Section-120 of limitation Act, 1908.

Keeping in view the above mentioned discussion, Court held that, preponderance of evidence doest not lie in favour of plaintiff, hence issue is decided in negative.

[Handwritten signature]

ISSUES No-2, 3, 5 & 6:

Defendants in their written statement at preliminary objection stated that plaintiff has not come with the Court with cleans, his suit is bad due to mis-joinder and non-joinder of necessary parties as well as plaintiff is estopped due to his own conduct. These issues are taken together for joint discussion. Plaintiff as PW-3 alongwith PW-1 his cousin admitted that plaintiff is serving in the Excise and Taxation department as Assistant Excise and Taxation Officer. Therefore, plaintiff being a government servant was required to make his department i.e. Excise and Taxation

ATTESTED
26 APR 2014
(Examiner)
Civil Court Peshawar

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Department as party. With these observations, this Court held that plaintiff has not come to the Court with clean hands, hence these issues are decided in positive against the plaintiff.

ISSUE No-4:

Plaintiff filed the instant suit on 02-04-2014 while in his cross-examination as PW-3 admitted that he received his CNIC in the year 2003. From the simple calculation it concluded that plaintiff filed the suit in hand after lapse of eleven years. Similarly, plaintiff sought correction of his date of birth in matriculation certificate, which was passed in the year 1980. Further stance of plaintiff that he found his birth certificate (Ex-PW-3/1) from his father's cupboard, after his death. But failed to prove his claim through cogent and reliable evidence. Neither father's death certificate nor any nearer blood relative produced. With these observations, the instant suit hit under Section-120 of limitation Act, 1908. This issue is decided in positive.

ISSUES No-1 & 8:

In the light of discussion for above mentioned issue, plaintiff has got no cause of action and is not entitled to the decree, as prayed for.

RELIEF:

Crux of my issue wise discussion, as plaintiff failed to prove his case through cogent and reliable evidence, therefore, suit of the plaintiff is hereby dismissed. Parties shall bear their own costs.

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

Announced
17-12-2015

(Qurat-ul-Ain)
Civil Judge-IV, Peshawar

CERTIFICATE

Certified that this judgment consist of 04-pages which has been duly signed by me after its necessary correction therein.

(Qurat-ul-Ain)
Civil Judge-IV, Peshawar

FILED
24
Civil Court, Peshawar
(Examiner)

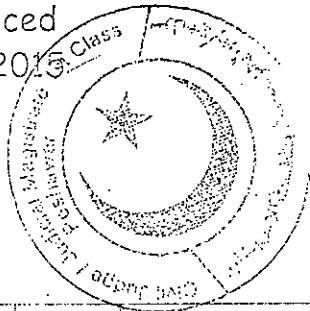
14

بتاریخ 10-9-15 کو عدالت حضور میں پیش ہوا اور مورخہ 17-12-15 حکم ہوا۔

Parties present through counsel.

Vide my detailed judgment of today, as plaintiff failed to prove his case, through cogent and reliable evidence, therefore, suit of the plaintiff is hereby dismissed. Parties shall bear their own costs.

Announced
17-12-2015

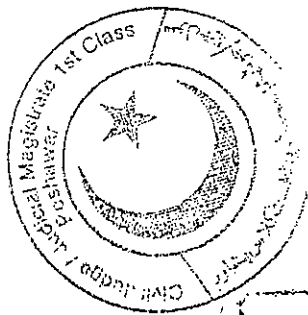


(Quat-ul-Ain)
Civil Judge-IV, Peshawar

خرچہ نالاش

روپے	پے	مدعا علیہم	مدعی	روپے	پے
			اسٹامپ عرضی دعویٰ اسٹامپ مختیار نامہ خرچہ خورا کہ گواہان فیس الٹل کمیشن متفرق		
			کل میزان		

حکم آخر آج بتاریخ 6-01-16 کو بہ ثبت دستخط میرے اور مہر عدالت کے جاری ہوا۔



(Quat-ul-Ain)
CERTIFIED TO BE TRUE
Civil Judge-IV, Peshawar

(Examiner)
Copy in Agency Civil Court
Peshawar

26-4-17


No.	9357
Dated of Application	25-4-17
Name of Applicant	جلال احمد
Word	P.O.S
Fee	Urgent/Fee
Signature of Copyist & Date	[Signature]
Dated of Preparation	26-4-17
Date of Delivery	26-4-17

16

I had the Estimated age according
to bone study & circumference
is around about 49. More
fore, it is requested to please
give him the possible age
relaxation

Thank, regard,

Sincerely,
Mujeeb

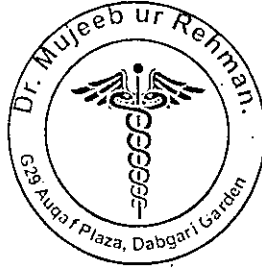

Dr. Mujeeb ur-Rahman
Gen. Physician & Gastro
Enterologist L.R.H
Fathawa,

E

15

General Physician
Dr. Mujeeb Ur Rehman

MBBS, RCP Reg. No:7581
HRA R.No:00514
Clinic: G.29 Auqaf Plaza Dabgari Garden
Peshawar
Ph: 091-2563032
Mob:0345-9429019
Not Valid for Course Purpose



جنرل فزیشن اینڈ گیسٹرو انٹروالوجسٹ
ڈاکٹر صاحبزادہ مجیب الرحمن

ایم بی بی ایس، ایچ آراے رجسٹرڈ نمبر 00514
سرٹیفکیٹ آف پی ڈی ڈانس کورس
کلینک: G.29 اوقاف پلازا، ڈبگری گارڈن پشاور

Patient's Name S. Haji Farman Age Male Date 8/2/2017

Clinical Record

Rx

For checkup
on ways of hand
cat.

& age relaxation and Estimation
Certificate for age on
way

pulse 28
wpa 98/40

AD
head
way cat

It is certified that
Mr Haji S. Farman is
physically, mentally &
Spatially oriented in time
& space & person. As his
way of hand shows normal
union of epiphyseal & meta-
physeal bones & normal
bone density & joint
morphology. According
to this ways AD
cat

AD
way cat

E

17

Director General, Excise, Taxation
& Narcotics Control Department
Peshawar.

DIRECTOR (ADMN)	DIRECTOR GENERAL EXCISE TAXATION & NARCOTICS CONTROL DEPT. PESHAWAR	DIRECTOR (REG)
DY DIR (ADMN)		DY DIR (REG)
DY DIR (LIT)		DY DIR (REGS)
SYSTEM ANALYST		AD (ACCTS)
SUPDT-I		SUPDT-II ✓
STENO (ERN)		PA TO DC

22/2

Subject:

REQUEST FOR CORRECTION IN DATE OF BIRTH:

Respectfully sir,

1. That appellant is the permanent resident of village Tangi, Charsadda.
2. That appellant was admitted in Government Higher Secondary School, Ghallanai Mohmand Agency and in the School Leaving Certificate, his date of birth was recorded as 25-12-1967, similarly in Birth Register of Town Committee Tangi, the date of birth was also recorded as such, i-e 25-12-1967.
3. That it was not known as to how the date of birth was recorded in the Secondary School Certificate as 04-01-1965. Such date of birth was also recorded in the Service Book as mentioned above.
4. That to correct the date of birth as per original School Leaving Certificate of GHSS, Ghallanai Mohmand Agency, i-e 25-12-1967, appellant fell into legal error and filed Civil Suit before the court of Senior Civil Judge, Peshawar which was finally decided on 17-12-2015 by not acceding to the request of appellant as he is a Civil Servant and the Civil Court has no jurisdiction in the matter.
5. That appellant examined himself from the Consultant on 08-02-2017, followed by X-Ray of the bones / body and his date of birth was assessed as 49/50 years which shows that in the SSC, the date of birth of appellant was recorded incorrect.

Handwritten signature

Received Shabbir


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6. That in the School Leaving Certificate of GHSS, Ghallanai Mohmand Agency, the date of birth of appellant was recorded as 25-12-1967 while in the SSC, the same was recorded as 04-01-1965. Such double dates of birth created doubt and as per the judgment of the Supreme Court of Pakistan, benefit of doubt shall go in favor of incumbents.

It is therefore most humbly requested that date of birth of appellant be corrected as 25-12-1967 in all service record of appellant, with such other relief as may be deemed proper and just in circumstance of the case.

Your obedient,



Sahibzada Farman Ullah
Khan s/o Sahibzada
Rizwan Ullah,
Assistant, Excise &
Taxation Officer, Excise V
Department Peshawar
Cell # 0303-8281213

Dated: 20 -01-2017

Attd
24



G 19

DIRECTORATE GENERAL,
EXCISE, TAXATION AND NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Auqaf Complex, Shami Road, Peshawar.
Phone. 091-9212260

No. 1911 /Estb/ P.File

Dated Peshawar the 13/02/2017

To

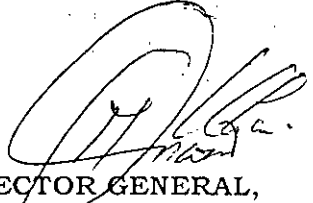
Sahibzada Farman Ullah Khan,
Assistant Excise & Taxation Officer,
Excise & Taxation Office-V, Peshawar.

Subject: REQUEST FOR CORRECTION IN DATE OF BIRTH.

Reference to your application dated. 20.02.2017 on the subject captioned above.

Under Para-3 of Estacode Page No.148 Revised Edition 2011, request for alternation in the recorded date of birth is only allowed where the Government Servant applies for it within two (02) years from the date of his entry into Government Service.

Accordingly, your request for the alternation in your date of birth cannot be acceded to under the rules for the time being in force.


DIRECTOR GENERAL,
EXCISE, TAXATION &
NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA,
PESHAWAR

Annexure

H

(15)

20
Ar
Annex

بعدالت جناب سینئر سول جج صاحب ایبٹ آباد (199)

مخمس الراحمن ولد محمد عمران ساکنہ دھمتور تحصیل ضلع ایبٹ آباد۔

مدنی

بسم

- 1- اسٹنٹ رجسٹرار نادرا ایبٹ آباد۔
- 2- رجسٹرار جنرل نادرا اسلام آباد۔
- 3- بورڈ آف انٹرمیڈیٹ اینڈ سیکنڈری ایجوکیشن پشاور بذریعہ سیکرٹری بورڈ آف انٹرمیڈیٹ اینڈ سیکنڈری ایجوکیشن پشاور۔

مدعا علیہم

دعویٰ بمراد صدور ڈگری استقراریہ بدیں مراد کہ مدعی کی درست تاریخ پیدائش 12/12/1957 ہے جو کہ محکمہ تعلیم پشاور رجمن مجریہ 08/07/1970 میں درست طور پر درج ہے۔ جبکہ مدعا علیہم کے پاس غلط طور پر 12/02/1955 درج ہے۔ جو کہ غلط خلاف قانون، خلاف واقعات کتابت کی غلطی اور صریحاً بدینتی نااہلی مدعا علیہم کا نتیجہ ہے۔ مدعا علیہم کی انکار از درنگی و بعد درنگی اجراء اسناد و ٹھوقلیٹ مبنی بر بدینتی بلا اثنیارات غیر مجازانہ ہے مدعی بعد درنگی حسب صراحت بالا ضروری اسناد و ٹھوقلیٹ ازاں مدعا علیہم حاصل کرنے کا حقدار ہے۔

مایت بغرض گورٹ نیس۔ 15 روپے مایت بغرض اختیاء۔ ساعت 2.00 روپے

دعویٰ حکم امتناعی دوامی تعمیلی و تاکیدی کہ مدعا علیہم کو کام دیا جاوے کہ وہ ریکارڈ خود میں درنگی حسب صراحت شق الف کر کے مدعی کو ضروری اسناد و ٹھوقلیٹ کا اجراء کر دیں

الف

ب۔

مالیت بفرض کورٹ فیس - 15/ روپے مالیت بفرض اختیار سماعت 2.00 روپے

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جناب عالی! دعویٰ ذیل عرض ہے۔

- 1- یہ کہ مدعی کی اصل تاریخ پیدائش 12/12/1957 جو کہ محکمہ تعلیم پشاور ریجن مجریہ 08/05/170 میں درست طور پر درج ہے کاپی سٹوفکیٹ لف دعویٰ ہذا ہے۔ جبکہ مدعا علیہم کے پاس غلط طور پر 12/02/1955 درج ہے جو غلط، نناف قانون، خانہ واقعات کتابت کی غلطی اور سر بیجا بدینتی نااہلی مدعا علیہم کا نتیجہ ہے۔
- 2- یہ کہ مدعی کو جب حصول تعلیم پر اہمتری سکول میں داخل کیا گیا تو مدعی کی تاریخ پیدائش درست طور پر درج کر دائی گئی ثبوت کے طور پر سٹوفکیٹ لف ہے۔ مابعد مدعا علیہم کے ریکارڈ میں غلط طور پر درج کیا گیا تو مدعا علیہم کے اہلکاران کی نااہلی غفلت اور لاپرواہی سے اور بدینتی سے مدعی کی تاریخ پیدائش غلط طور پر درج کی گئی نقولات لف ہیں۔
- 3- یہ کہ مدعی نے نزد مدعا علیہم درخواست ہائے دیں کہ وہ اپنے ریکارڈ میں مدعی کی تاریخ پیدائش درست کر کے ضروری اسناد و سٹوفکیٹ کا اجراء کر دے لیکن وہ اپنی سرانقہ غلطی اور نااہلی پر مضربے اور درستگی کرنے سے انکاری ہے اس کا یہ فعل سراسر غلط اور بدینتی اور باجا اور غیر مجازانہ ہے۔
- 4- یہ کہ مدعا علیہم نمبر 1 نے بھی غفلت و لاپرواہی سے جب مدعی کی تاریخ پیدائش شناختی کارڈ پر درج کی تو بجائے 12/12/1957 درج کرنے کے 12/02/1955 درج کر دی یہ ادارہ جاتی غفلت لاپرواہی محض نااہلی اور بدینتی ہے اور ظلم عظیم یہ ہے کہ مدعی کے مستقبل کا سوال ہے جبکہ مدعا علیہم اپنی نااہلی سے ہٹ دھرمی سے قائم ہیں۔ اس طرح مدعا علیہم نمبر 1 کا ریکارڈ بھی قابل درستگی ہے۔

5- یہ کہ مدعا علیہم کا یہ فعل اولاً غلط اندراجات تاریخ پیدائش بعدہ درستی ریکارڈ خود سے انکار غلط ہے۔
خلاف قانون، خلاف واقعات مبنی برہدینی غفلت صریحاً ہے اس طرح مدعی حق دار ڈگری ہائے
مستدعیہ ہے۔

6- یہ کہ ہر چند مدعا علیہم سے کہا گیا کہ وہ ریکارڈ خود میں مدعی کی درستی تاریخ پیدائش کر دیں اور بعد
درستی مدعی کو ضروری اسناد و شہادتیں ہائے کا اجراء کر دیں۔ الالیت و لطل لرتے ہوئے عرصہ
2/3 یوم سے اندر حدود اختیار سماعت عدالت ہذا حاصل ہوئی عدالت بخند و رکوا اختیار سماعت
حاصل ہے۔

استدعا ہے کہ مدعی کے حق میں ڈگری استقراریہ مندرجہ شق الف و حکم امتناعی دوامی تعمیلی و
تاکیدی مندرجہ شق ب حسب تصریح عنوان مدعا علیہم معہ خرچہ صادر فرمائی جاوے۔

الرقوم 11 - 3 - 26 ایبٹ آباد

شمس الرحمن ولد محمد عمران ساکنہ دہشتور تحصیل ضلع ایبٹ آباد۔۔۔۔۔ مدعی
بذریعہ وکیل خود

پتہ فریقین:-

جناب عالی!

پتہ فریقین عنوان دعویٰ میر درست طور

پر درج ہیں۔

الرقوم 11 - 3 - 26 ایبٹ آباد

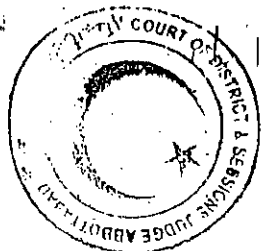
تصدیق:-

تصدیق کی جاتی ہے کہ جملہ مراتب عرضی دعویٰ
تا حد علم و یقین میرے صحیح و درست ہے اور کوئی
امر مخفی یا پوشیدہ نہ رکھا گیا ہے۔

الرقوم 11 - 3 - 26 ایبٹ آباد

شمس الرحمن۔۔۔۔۔ مدعی بذریعہ وکیل خود

شمس الرحمن۔۔۔۔۔ مدعی



اول مقدمہ سید شمس الرحمن علیہ السلام - 1313

فیصلہ آئی

29-05-11

مقدمہ

11/11

21-05-11

29-05-11

1/16/11

11/11

Shams ul Rehman

Shams ul Rehman

Palmer

Order-09 11/05/2011

Plaintiff through counsel present. By this order court is going to dispose off ex-parte suit.

Precisely facts as narrated in the plaint are that plaintiff Shams ul Rehman instituted the present suit, and sought for declaration and mandatory injunction against the defendants. Plaintiff asserted in his plaint that his correct date of birth is 12/12/1957, which is correctly mentioned in certificate duly issued by Education Department issued on 08/05/1970. However, wrongly mentioned in the record of defendants as 12/02/1955. He prayed for decree of suit in his favour.

Process was issued to the defendants through proper procedure, however they failed to attend the court, therefore again process was issued through publication. Again they did not appeared, so ex-parte proceedings were initiated against them. Plaintiff was give opportunity to

Attested to be True Copy
Er. Ijaz
District & Session Judge
Abbottabad
16/1/12

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produce an ex-parte evidence, which he availed and recorded statement of four witnesses.

Arguments heard and record perused.

Perusal of case file reveals that plaintiff produced Record Clerk of NADRA, who recorded his statement as PW-1, who produced form 'A' of plaintiff as Expw 1/1. During the statement of PW-1, he stated that he has got no objection if court passed the decree in favour of plaintiff. Plaintiff has also produced Mr Asad ul Haq as PW-2, and Mohammed Ayub as PW-3, who supported the version of plaintiff as correct. Plaintiff himself appeared as PW-4, who produced academic record as Expw 4/1, and Expw 4/4. Perusal of academic certificate shows that, certificate Expw 4/1, issued for middle examination, date of birth of plaintiff is 12/12/1957. It is clear from the face of record that correct date of birth of plaintiff is 12/12/1957 instead of 12/02/1955, which was wrongly mentioned in the record of defendants. Plaintiff has succeeded to prove his case through strong evidence. There is nothing in rebuttal, therefore ex-parte decree is hereby passed in favour of plaintiff. Defendants are directed to issue certificate and NIC to the plaintiff with correct date of birth. Subject to fulfillment of all legal formalities. No order as to cost. File be consigned to the RR.

Announced
21/05/2011

(FARMAN ALI KHAN)
CIVIL JUDGE XIII
ABBOTTABAD



Attested by *[Signature]*
District Judge
Abbottabad

[Handwritten notes]
CJ - RW AD

No. 2127 Date 16.2.11

Of presentation 4.11.11

No. of copies 16.2.11

To 17.2.11

Date of delivery of copy 17.2.11

The Director General,
Excise & Taxation,
Khyber Pakhtunkhwa,
Peshawar.

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Through Proper Channel.

APPLICATION SOLICITING CHANGE OF DATE OF BIRTH OF
APPLICANT IN THE OFFICIAL RECORD AS 12/12/1957 INSTEAD
OF 12/02/1955 AS PER JUDGMENT AND DECREE PASSED BY
LEARNED CIVIL JUDGE-XIII IN CASE NO. 44/1 DATED 29/03/2011
PASSED ON 21/05/2011.


It is respectfully as under:-

1. That, the applicant is serving as ^{Asst} Excise & Taxation Officer and is presently posted at Haripur.
2. That, the date of birth of the applicant is incorrectly recorded in the official record and the applicant filed a civil suit for correction of the date of birth of the applicant and the said suit is decree in favour of applicant on 21/05/2011. Copies of plaint, judgment and decree passed by learned Civil Judge-XIII, Abbottabad are attached as Annexure "A", "B" & "C".
3. That, it would be highly in the interest of justice and law that the date of birth of the applicant may kindly be ordered to be corrected as per judgment and decree of the civil court referred above.

Hence this application.

It is, respectfully prayed accordingly:

DL-306
38
19/6/14
3-10-1978
9917
Dated: 18/06/2014


...APPLICANT
Shams ur Rehman
S/o Muhammad Imran
R/o Dhamtour, Tehsil &
District Abbottabad
Assistant Excise & Taxation Officer
Haripur

26

215

s. No 160701

Roll No. 2581

Revised

Board of Intermediate & Secondary Education
PESHAWAR (PAKISTAN)



SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION 1973
SUPPLEMENTARY

This is to certify that Shams-ur-Rehman
son/daughter of: Mohammad Auran Khan and a student
of Hazara District

passed the Secondary School Certificate Examination of the Board
of Intermediate and Secondary Education, Peshawar held in
September, 1973 in the Third Division.


The candidate passed in the following subjects :-

- | | | |
|--------------|--------------------|--------|
| 1. English | 4. Social:Studies | 7. Nil |
| 2. Urdu | 5. Gen:Science | |
| 3. Islamiyat | 6. Gen:Mathematics | |

Date of Birth Twelfth December, One thousand
nine hundred and Fifty Seven, (12-12-1957)

Issued in lieu of Oc. No. 157214

8th December, 1973


SECRETARY



بعدالت جناب سروس ٹریبونل صوبہ سرحد پشاور

منجانب ایڈوانٹ

بنام محکمہ

دعوی اپیل

باعث شکریہ اینکہ

بمقتربہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیسٹیسٹ اسٹیشن اڈا سٹاٹن سروسٹس ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب توصیف کو مقدمہ کی شکل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برعلف دینے جواب دہی اور اقبال دعوی اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعوی اور درخواست ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا اجزوی کاروائی سے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقدمہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب توصیف ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دروہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المترقوم

العبد

العبد

العبد

11
 اور باب سید انصار
 ایڈووکیٹ

3
 سعید اللہ خان مرقت
 ایڈووکیٹ

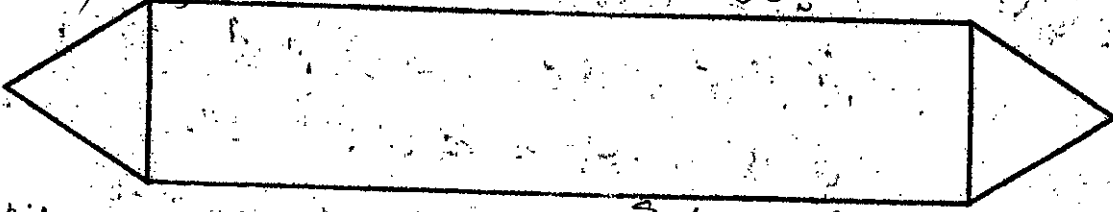


حسن روبینہ ناز
 ایڈووکیٹ

ماہزار احمد مرقت

بعدالت

فیدہ و محتویات سروسٹ ٹرانسپول لیسو



مقدمہ
صاحبزادہ وہان اللہ خان
جولائی 2017ء
مخائب
سیانڈرٹس
نام محمد منیر
روزنامہ

دعویٰ
مخبر

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پھر دیکھی۔ جواب وہی دیکل کاروائی متعلقہ آن
مقام میں
کے لئے میں شہید مسٹر امیر احمد
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ وکیل صاحب کو دعویٰ
جواب دعویٰ دائر کرنے کا اختیار ہوگا تاہم وکیل صاحب بلا تحریری اجازت اقبال دعویٰ دینے یا راضی نامہ کرنے کا مجاز
نہ ہوگا۔ بصورت ڈگری کرنے اجراء اور وصولی چیک، روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق ذرائع پر
دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم بیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل
گمرانی و نظر ثانی و بیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور
وکیل یا عیال قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات
حاصل ہوں گے اور اس کا ساتھ پر واضح منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے
ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی
مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ بیروی مذکور کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم 6 ناہ جولائی 2017ء

العبد گواہ العبد

کے لئے منظور ہے

مقام

ہدایات برائے بورڈ وکلاء

- (۱) وکیل موصوف وکالت نامہ ملنے کے بعد باقاعدگی سے ایمانداری کیساتھ مقدمہ اپیل انگریزی کی پیروی کریگا اور کسی طور بھی مقدمہ کی پیروی میں کسی قسم کی کوتاہی نہیں کریگا۔
- (۲) اگر مقدمہ اپیل انگریزی میں پہلے سے منجانب بورڈ کوئی وکیل مقرر ہو تو وکیل موصوف اس وکیل کا نام بورڈ کو فراہم کرتے ہوئے یہ وکالت نامہ بورڈ کو واپس کرنے کا پابند ہے۔
- (۳) اگر مقدمہ اپیل انگریزی میں وکیل صاحب کو کسی بھی مرحلہ یا شہادت کے وقت بورڈ نمائندہ یا ریکارڈ وغیرہ کی ضرورت ہو تو وکیل صاحب تاریخ مقررہ سے ۷ یوم قبل اس بابت اطلاع بعد جملہ کوائف لیگل سیکشن کو تحریری طور پر فراہم کریگا۔
- (۴) وکیل موصوف کسی طور بھی بلا تحریری اجازت مقدمہ میں اقبال دعویٰ یا اقبالی بیانی دینے کا مجاز نہیں ہے۔
- (۵) مقدمہ اپیل انگریزی کا فیصلہ بورڈ کیخلاف ہونے کی صورت میں وکیل صاحب فوراً مصدقہ نقل کیلئے درخواست دائر کر کے اس بابت اطلاع بعد ضروری معلومات لیگل سیکشن کو اندر سے یوم فراہم کریگا۔

مذکورہ ہدایات کی خلاف ورزی کی صورت میں وکیل موصوف بورڈ سے پیشہ دارانہ فیس کی وصولی کا حقدار نہ ہوگا اور اسکے خلاف متعلقہ بار کونسل میں کارروائی کیلئے رجوع کیا جائیگا۔

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 420/2017.

Sahibzada Farman Ullah Assistant Excise & Taxation Office of Excise & Taxation
Officer-I, Peshawar.

(Appellant)

VERSUS

1. Director General,
Excise, Taxation & Narcotics Control,
Khyber Pakhtunkhwa, Peshawar.

2. Controller of Examination,
Board of Intermediate & Secondary Education,
Peshawar.

(Respondents)

I N D E X

S.No	Description of documents	Annexure	Pages
01	Para wise Comments		1-2
02	Affidavit		3

The Respondents No.1
Through Counsel.



S. Hamad Ali Shah
(Advocate)
Supreme Court of Pakistan
Legal Advisor,
Excise, Taxation &
Narcotics Control Department
Khyber Pakhtunkhwa
Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO. 420/2017

Sahibzada Farman Ullah Khan, Assistant Excise and Taxation Officer, Peshawar.

(Appellant)

VERSUS

1. Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar.
2. Controller of Examination, Board of Intermediate & Secondary Education, Peshawar.

(Respondent)

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1

Respectfully Sheweth,

Primary objections,

1. That the appellant has got no cause of action to file instant appeal.
2. That the appellant has got no locus standi to file the appeal-in-hand.
3. That the appeal is badly time barred.
4. That the instant appeal is bad for mis-joinder and non-joinder of parties.
5. That the instant appeal is not maintainable.

FACTS.

1. Para-1. Correct.
2. Para-2. Pertains to record.
3. Para-3. Date of birth entry in the service book is always recorded as per the Secondary School Certificate.
4. Para-4. As stated in Para-3 above, the date of birth of the appellant was recorded on the basis of date of birth recorded in his Secondary School Certificate and correction of the same at such a belated stage lies beyond the competency of the Department.

5. Para-5. Needs No comments.
6. Para-6. Correct. The appeal was rejected for want of competency.
7. Para-7. Needs No comments.

GROUND

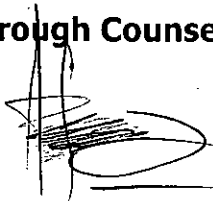
- a) Subject to proof.
- b) As replied in above Para's.
- c) As replied in Para 4 above
- d) As replied in Para 4 above.
- e) As replied in Para 4 above.

In view of the above it is requested that the instant appeal is badly time barred and be dismissed with cost.



DIRECTOR GENERAL,
EXCISE, TAXATION AND NARCOTICS
CONTROL, KHYBER PAKHTUNKHWA.

Through Counsel



S. Hamad Ali Shah
(Advocate)
Supreme Court of Pakistan
Legal Advisor,
Excise, Taxation &
Narcotics Control Department
Khyber Pakhtunkhwa
Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 420/2017.

Sahibzada Farman Ullah Assistant Excise & Taxation Office of Excise & Taxation
Officer-I, Peshawar.

(Appellant)

VERSUS

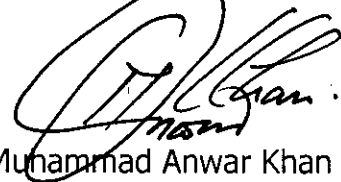
1. Director General, Excise, Taxation & Narcotics Control,
Khyber Pakhtunkhwa, Peshawar.
2. Controller of Examination, Board of Intermediate & Secondary Education,
Peshawar.

(Respondents)

AFFIDAVIT

I, **MUHAMMAD ANWAR KHAN** Director General of Excise,
Taxation & Narcotics Control Khyber Pakhtunkhwa Peshawar, do hereby
solemnly affirm and verify on oath that the contents of accompanying "**Para
wise Comments**" are true and correct to the best of my knowledge and belief,
and nothing has been kept concealed or misstated.

THE DEPONENT


Muhammad Anwar Khan

CNIC #. 17201-2157148-7

Identified by:



S. Hamad Ali Shah
(Advocate)
Supreme Court of Pakistan
Legal Advisor,
Excise, Taxation &
Narcotics Control Department
Khyber Pakhtunkhwa
Peshawar.

BEFORE THE HONOURABLE SERVICES TRIBUNAL, KPK,
PESHAWAR.

In the matter of

Service Appeal No. 420 /2017

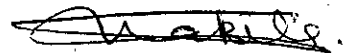
S. Farmanullah Khan.....Versus.....Director General Excise etc.

INDEX

S.No.	Description of documents	Annex:	Pages
1	Written Statement Affidavit.		1-5
2	Examination Form.	"A"	6

Respondent No. 2

Through



(Shakila Begum)

Advocate

Peshawar.

03339333404

1

BEFORE THE HONOURABLE SERVICES TRIBUNAL,
KPK, PESHAWAR.

In the matter of

Service Appeal No. 420 /2017

S. Farmanullah Khan.....Versus.....Director General Excise etc.

Respectfully Sheweth:

Written Statement on behalf of Respondent No. 2
is as under;

PRELIMINARY OBJECTIONS.

- A) The Appellant has got no cause of action or locus standi against the replying Respondent.
- B) The Appellant is estopped by his own conduct to file the instant Appeal.
- C) The Appellant has not come to the court with clean hands.
- D) The Appeal in hand is based on malafide and is intended to get unwarranted relief.
- E) That for adjudication of the instant Appeal extensive trespass into the domain of factual controversy required, which cannot be gone into, in this appeal, therefore, the appeal in hand being misconceived is liable to be dismissed on this ground alone.
- F) With utmost respect this Honorable Court has no Jurisdiction.
- G) That the present appeal is not maintainable and entertainable in its present form.
- H) That as the suit of the Appellant has already been dismissed vide Judgment and decree dated 17/12/2015, therefore, the instant appeal is hit by principle of Resjudicata and is liable to be dismissed summarily.

- 1) That according to GFR 116 the date of birth once recorded in service record can not be altered or changed after a period of two years of service, therefore, the instant Appeal is liable to be dismissed on this count also.

ON FACTS.

- 1) Needs no reply.
- 2) Totally illegal and incorrect. The birth certificate and School Leaving Certificates annexed with the appeal are fake and factitious. According to the record of replying Respondent, the correct date of the appellant is 04/01/1965 which has been provided by the appellant himself by entering the same in his Examination Form. Furthermore, according to rules of the replying Respondent the minimum age for appearing in the matric exam is 15 years while according to alleged date of birth the appellant at the time of his examination comes to the age of 12/13 years and was not entitled to appear in the exam. It would not be out of place to mention here that the appellant earlier filed a suit in the court of civil Judge, Peshawar for the same relief but the learned civil Judge, after recording prove and contra evidence, dismissed the suit of the appellant, therefore, now, the matter has become Resjudicata and the appellant is precluded to again raise the same claim or ask for the same relief before this Honorable Court.
- 3) In reply to this Para it is submitted that the appellant himself has entered his date of birth as 04/01/1965 in his examination form and has also verified on oath that all the contents of this form are true and correct. Furthermore, the appellant has also provided this date of birth to the Registration Department and NADRA Department. As the correct date of birth of the appellant is 04/01/1965, therefore, the same is correctly mentioned in SSC

Certificate, CNIC and service record of the appellant. The appellant is not competent to deny from these entries or allege otherwise. (Copy of examination form is Annex: "A")

- 4) In reply to this Para it is submitted that alleged SLC is fake and fictitious and has been prepared fraudulently and collusively. The appellant is not competent to negate the date of birth mentioned in SSC, CNIC and Service record on the basis of alleged SLC. So far as the civil suit is concerned in this respect it is submitted that from the perusal of Judgment and decree of the learned civil judge it is clear that the suit was dismissed on merit and not on the ground that civil court has no jurisdiction to entertain the suit.
- 5) Totally illegal and incorrect. The alleged age certificate is also fake and fictitious. The expert opinion is a weak type of evidence which could not be made base for denying documentary evidence. Furthermore, on the face of alleged age certificate it is written that the same is not valid for court purpose. The appellant on the basis of this age certificate is also not competent to allege that his correct date of birth is 25/12/1967.
- 6) In reply to this Para it is submitted that the appeal before Respondent No. 1 and the instant appeal is hopelessly time barred. Furthermore, according to GFR 116 and Esta code page No. 148 Revised Edition 2011, the date of birth of a Government servant once entered in the Service Record should not be changed after two years of entry. Furthermore, as the suit of the appellant has already dismissed by the civil court, therefore, the appellant is not entitled for any relief.
- 7) Totally illegal and incorrect. The appellant is not entitled to ask for a relief on the basis of any other case.

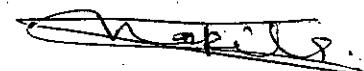
4
GROUND

- a. Totally illegal and incorrect. Each and every case has to be decided on its own merits.
- b. Totally illegal and incorrect. The detailed reply has already given in Para 5 above.
- c. Totally illegal and incorrect. The date of birth of a Government Servant once recorded in service record could not be changed or altered after expiry of period of two years.
- d. Totally illegal and incorrect.
- e. Totally illegal and incorrect. The appellant is not entitled for any relief and appeal in hand is liable to be dismissed summarily.

It is, therefore, respectfully prayed that the instant Appeal may kindly be dismissed with cost.

Through

Respondent No. 2.



(Shakila Begum)

Advocate,

Peshawar.

Before Peshawar High Court, Peshawar.

5

BEFORE THE HONOURABLE SERVICES TRIBUNAL, KPK,
PESHAWAR.

In the matter of

Service Appeal No. 420 /2017

S. Farmanullah Khan.....Versus.....Director General Excise etc.

AFFIDAVIT.

As per direction of my client I, Shakila Begum Advocate do hereby solemnly affirm and state on oath that all the contents of accompanied Written statement are true and correct to the best of information provided by my client and nothing has been concealed or withheld from this Honourable Tribunal.



Deponent.

3798 رول نمبر

فارم دانش Amna-A



پیکڈری سکول ٹریفیکٹ امتحان سالانہ / ضمنی
بورڈ آف انٹر میڈیٹ اینڈ سکڈری ایجوکیشن پشاور

۶۱۹

سکول کے تعلیمی جائزہ کارڈ

نوٹ :- ڈاک سے بھیجنے کی صورت میں اپنا فارم بصیغہ رسمی بھیجیں۔ نامکمل فارم قبول نہیں کئے جائیں گے۔

بورڈ کے دفتر میں فیس اور فارم وصول کرنے کی آخری تاریخ :-
بغیر لیٹ فیس میں روپے لیٹ فیس کے ساتھ دو گنی فیس کے ساتھ

R-1476
206

گروپ [] [] []
کوآرڈینیٹنگ سکول تمل

ATTESTED
To be True Copy
MS SHAKILA RIZVI
Advocate High Court Peshawar

۱۔ نام امیر دار (اردو میں) []
۲۔ پلریٹ (اردو میں) []
۳۔ پلریٹ (انگریزی کے بڑے حروف میں) []
۴۔ پلریٹ (انگریزی کے بڑے حروف میں) []

۵۔ قریب (پاکستان / غیر پاکستان) []
۶۔ رجسٹریشن نمبر []
۷۔ تاریخ پیدائش []

4-1-1965

۸۔ آخری منظور شدہ سکول جس میں زیر تعلیم رہی []
۹۔ پتہ []
۱۰۔ پتہ []

نمبر	نوع	نمبر	نوع
1	E	1	اردو
2	U	2	انگریزی
3	P	3	اسلامیات
4	PS	4	مطالعہ پاکستان
5	GM	5	پہلی بارشل ہونے کا سال
6	GS	6	دوئم بارشل ہونے کا سال
7	GS	7	تیسرا بارشل ہونے کا سال
8	GS	8	چوتھا بارشل ہونے کا سال
9	GS	9	پانچواں بارشل ہونے کا سال

8C-1628

Handwritten signature

نوٹ :- (۱) تمام سے امیزار (۸۵۰) نمبروں کے لئے کوری کے حصے میں کا امتحان دیں گے۔
(۲) ڈرائنگ میں امتحان دینے والے مضامین سے انہیں کوہ آرش ڈرائنگ میں امتحان دینا چاہئے۔
میں حصہ افرار کرنا لازمی ہوں گا۔ تاہم کوآلف میرے علم اور تعین کے مطابق صحیح ہیں۔ میں غلط کوآلف کے نتائج کا کسی ذمہ دار ہوں اور بورڈ کے قوانین کی پابندی کروں گا۔

مذہبیت کی پڑتال کا کارڈ	دوبارہ پڑتال کی گئی اور درست پایا گیا۔	ایڈوارڈ امتحان میں شامل ہونے کا کارڈ ہے	صحت بورڈ کے دفتر کے استعمال کے لئے
پہلی بارشل ہونے کا سال	دوئم بارشل ہونے کا سال	تیسرا بارشل ہونے کا سال	چوتھا بارشل ہونے کا سال

20/1/80

یا لیا پر غصہ سے کہہ رہا ہے

FOR S.S.C. EXAMINATION ONLY
(To be attached with form)

No. 1 RANG (BR 299) TESH CHASARDA

Allied Bank of Pakistan Limited

Paid in the Allied Bank of Pakistan for credit of Board of Inter & Secondary Education, Peshawar

Name of Candidate: FARMANULLAH

On account of S.S.C. Adm. Fee

Ru. (in figures) 2500/-

Repayment words: For Bank Use Only

Signature of Candidate: FARMANULLAH

یہ لکھیں کہ امیدوار مذکور بالا میں سے کسی حیثیت سے امتحان دینا
(ا) صرف انگریزی :- (علوم ترقیہ کا امتحان پاس کرنے کے بعد)
علوم ترقیہ کا امتحان جو پاس کیا ہو
(ب) بقیہ مضامین :- (علوم ترقیہ کا امتحان اور انگریزی پاس کرنے کے بعد)
(1) علوم ترقیہ کا امتحان جو پاس کیا ہے
(ii) استحقاقی مضامین جن میں امیدوار امتحان دینا چاہے
(1) (2) (3)
(ج) اضافی مضامین :- (تمام مضامین میں نالوثی امتحان پاس کرنے کے بعد)
مضامین جن میں امتحان دینا چاہتا ہے
(1) (2)
(د) درجہ یا فزول میں اضافہ کیلئے :- (تمام مضامین میں نالوثی امتحان پاس کرنے کے بعد)
(1) (2)
(ه)
نامی امتحان پاس کرنے کا رول نمبر
میں غلطی قرار دے کر / کرتی ہوں کہ مذکورہ بالا کو نافذ میرے علم اور
قوانین کی پاسندگی کے ساتھ
مقام
تاریخ

تصدیق

تمام امیدواروں کیلئے :-
میں تصدیق کرتا / کرتی ہوں کہ امیدوار نے سینہ 68/25 روپے الاٹمنٹ بجک آف پاکستان میں ریسرچ کے طور پر داخلہ کیا ہے۔ (ریسرچ نمبر 85) اور وہ یونیورسٹی آف پشاور میں داخلہ ہوا ہے۔
میں تصدیق کرتا / کرتی ہوں کہ سنی / اجماعی مضامین میں تصدیق کرتا / کرتی ہوں کہ تمام تصدیق پورے کر کے ہیں۔ اس کا چال چلن درست ہے۔ اس کے فارم داخلہ پر بذات خود دستخط کئے ہیں اور اس فارم کے تمام دستاویزات درست ہیں۔
میں تصدیق کرتا / کرتی ہوں کہ امیدوار کی تاریخ پیدائش اسکول کے ریکارڈ / دستاویزات کے مطابق منظور ہیں۔ جنہوں نے ذاتی طور پر چاہا ہے۔
تاریخ پیدائش (ہندسوں میں) کی ہے۔
میں تصدیق کرتا / کرتی ہوں کہ امیدوار اسکول میں پشاور / رہا ہے۔ (اسکول چھوڑنے کا سرٹیفکیٹ / دستاویزات منسلک ہیں)
صرف باقاعدہ امیدواروں کیلئے :-

میں تصدیق کرتا / کرتی ہوں کہ امیدوار نے منظورہ حاضر رہا ہے اور وہ اس سے اپنی جماعت کا نام تسلی بخیر طور پر انجام دیا ہے۔ اس نے 24 گھنٹے (بہتر گھنٹے) سول ڈیفنس اور فرسٹ ایڈ وغیرہ کی تربیت حاصل کرنے میں غور کیا ہے۔ اور وہ قوانین کے مطابق امتحان میں شامل ہونے کا اپنی ہے۔
میں تصدیق کرتا / کرتی ہوں کہ امیدواروں کو ان کا امتحانات کے فیاد پر جو کہ مثبت اور تعلیمی سالوں میں اور وہی جاننے کے طور پر لکھے گئے ہیں۔

میرا اور

Signature: L. Ahmad

ATTESTED To be True Copy

MS SHAKILA BEGUM Advocate High Court Peshawar

1

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 420/2017

S. Farman Ullah Khan

versús

D.G Excise & Others

REPLICATION

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the preliminary objections of respondents are illegal and incorrect. No reason in support of the same is ever given as to why the appellant has no cause of action and locus standi, estopped by his own conduct, unclean hands, malafide, no factual controversy exists, jurisdiction, not maintainable, dismissal of civil suit and GFR 116.

ON FACTS

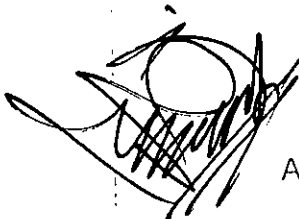
1. Needs no comments.
2. Not correct. The School Leaving Certificate regarding date of birth is correct and genuine. The correct date of birth as per Medical Report is 1967, the same was recorded in Primary School as such, followed by of the Town Committee.
3. Not correct. As for as SSC form attached with the reply is not correct. The authentic date of birth is of SSC and not of form of admission. The form was filled up by the Head of the concerned school.
4. Not correct. School Leaving Certificate is not fake which can be verified from the quarter concerned. Rest of the para pertains to court judgment. When a court gives verdict upon a matter which does not come under the purview of its jurisdiction, then the said order / judgment has no legal value in the eyes of law, being corum non-judice.
5. Not correct. The expert opinion could not be termed as weak type of evidence. It cannot be challenged by anyone except Medical Board, if constituted for the purpose.

6. Not correct. Being continuous cause, the same can be rectified at any time as held by the apex court in numerous judgments.
7. Not correct. Para of the appeal is correct regarding grant of similar relief by the Peshawar High Court, Peshawar in respect of correction of date of birth.

GROUND S:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are again adopted.

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



Through

Appellant



Saadullah Khan Marwat

Advocate,

Dated: 18-07-2018

AFFIDAVIT

I, S. Farman Ullah Khan, Appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief and that of the reply of respondents are illegal and incorrect.

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



DEPONENT