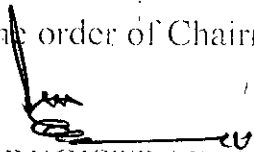


# FORM OF ORDER SHEET

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

Case No. \_\_\_\_\_

894 /2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/04/2023	<p>The appeal of Mr. Khawaja Arifullah resubmitted today by Mr. Muhammad Hassaan Adil Advocate, it is fixed for preliminary hearing before Single Bench at Peshawar on-</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Khawaja Arifullah r/o Hazar Khwani Peshawar received today i.e. on 17.04.2023 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Annexures of the appeal are unattested.
- 2- Memorandum of appeal be got signed by the appellants.
- 3- Copy of appointment order dated 25.07.2007 mentioned in para 1 of the memo of appeal (Annexure-A) is not attached with the appeal which be placed on it.
- 4- Copy of rejection order of departmental mentioned in the memo of appeal is not attached with the appeal.
- 5- Copy of departmental appeal attached with the appeal is incomplete.

No. 1217 /S.T,

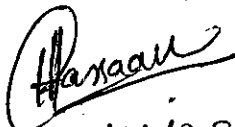
Dt. 18/4 /2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Hassan Adil Adv.  
High Court Peshawar.

Note:-

- ① complied.
- ② complied
- ③ There is no appointment order, therefore, pay roll has been annexed which provides the details of appointment.
- ④ Reply to the departmental representation is annexed as "Annex-B".
- ⑤ complied.

  
28/4/23

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

Service Appeal No. 894/2023

**Khawaja Arifullah  
Others**

**VS**

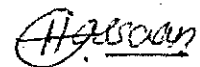
**Government of KP and  
Others**

**INDEX**

Sr. No	Description of Documents	Annexures	Pages
1.	Service appeal		1-4
2.	Application for Temporary Injunction		5-6
3.	Copy of CNIC		7
4.	Appointment Order	'A'	8
5.	Copy of Civil Court's Judgment and Decree	'B'	9 - 26
6.	Copy of Application dated 30-12-2022	'C'	27 -
7.	Copy of letter no. 24/E-IV dated 16-03-2023	'D'	28
11.	Wakalatnama		29

APPELLANT

Through



**BARRISTER**

**MUHAMMAD HASSAAN ADIL**

Advocate High Court

Dated: 12<sup>th</sup> April, 2023

①

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

Service Appeal No. 894 /2023

**Khawaja Arifullah**

Son of Muhammad Tahmash  
Resident of Hazar Khwani, P.O Hazar khwani, Mohalla Khan Baba  
Kanday, Peer Sahab, Peshawar

....APPELLANT

*Versus*

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariate, Peshawar
2. Inspector General Police, Police Department, Khyber Pakhtunkhwa, Peshawar
3. Additional Inspector General, CTD, Peshawar, Khyber Pakhtunkhwa
4. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar

....RESPONDENTS

---

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 16-03-2023, WHEREBY THE RESPONDENTS REFUSED TO ENTER THE CORRECT OF DATE OF BIRTH i.e., 06<sup>th</sup> April, 1988 INSTEAD OF 06<sup>TH</sup> April, 1985, OF THE APPELLANT IN THE SERVICE RECORD OF THE RESPONDENT'S DEPARTMENT.

---

Respectfully Sheweth,

1. That the appellant was appointed on 25.07.2007 (**Annex "A"**) in prescribed manner as Constable (BPS-07) in the respondent's department. The appellant has rendered services for more than sixteen years.
2. That at the end of 2017, the appellant approached the NADRA department for his renewal of National Identity Card (hereinafter referred as CNIC), where he came to know that his CNIC had been blocked. Following the same, the appellant was informed that his date of birth has wrongly been entered in NADRA record as well as in all of his other documents because of which the gap between his date of birth and his elder brother's date of birth is only 3 months.
3. Inquiring the same, the appellant came to know that his date of birth in secondary school certificate has been entered wrongly and the same has been wrongly entered by the concerned School. Consequently, the appellant filed a suit bearing Suit no. 105/01 before the Court of Civil Judge – II, Peshawar, which was decreed in his favor, directing NADRA and all other concerned departments to rectify and amend their records by entering the correct date of birth of the appellant as 06-04-1988 (**Annex – "B"**).
4. That after decreeing the suit in his favor, the appellant approached the concerned department through an application dated 30-12-2022 (**Annex – "C"**) for correction in his date of birth as 06-04-1988 instead of 06-04-1985. In response to appellant's application dated 30-12-2022, a letter no. 24/E-IV dated 16-03-2023 (**Annex – "D"**) was issued wherein the representation of the appellant was dismissed.
5. That the appellant, realizing the violation of his rights, approaches this Hon'ble Court through instant appeal, *inter alia*, on the following grounds amongst others;

**G R O U N D S:**

- A. That the correct date of birth of appellant is 06-04-1988, which has been declared by the court of competent jurisdiction after recording pro and contra evidence after which, the respondent's department has no right whatsoever to question the same.
- B. That it is settled by now by the Superior Courts, that the entries in record regarding date of birth of a Civil Servant in the school record/ matriculation certificate has to be admitted as correct unless and until it is rebutted through unimpeachable evidence. No such rebuttal does exist in the matter in hand.
- C. That the appellant has not been dealt with in accordance with law in utter violation of the provision contained in Article 4 of the Constitution.
- D. That, as per the General Financial Rules, 116 Note 2, the Head of the Department has full power, in case of clerical error, to alter the date of birth of Non-Gazetted Government Servant. Following the above-referred rule, the Head of the Department has got full power to correct such like inadvertent human mistake and no bar exists under the law to correct the wrong entry in the service record of the appellant.
- E. That the act of the respondents by not rectifying and amending their record by entering the correct date of birth of the appellant as 06-04-1988 is not only against the law provided by Police Rule 12-15(2), which is reproduced for easy reference as under:-

*“(2) The greatest care shall be taken to ensure that the age of every police officer is correctly recorded at the time of his enrollment and appointment. The record then made becomes of the utmost importance when the question, arises of an officer's right to pension, and is accepted as decisive in the absence of full proof both that the original entry was wrong and that the date of birth originally given was due to a bonafide mistake.”*

but it also contravenes the provision of employment enshrined in the Constitution of Pakistan.

- F. That the appellant has a right and entitlement to the entrance of correct date of birth in his service record.
- G. That the appellant has been discriminated, which goes against the provision of Articles 25 and 27 of the Constitution, 1973.
- H. That appellant reserve his right to urge additional grounds with leave of the Tribunal, after the stance of the respondents becomes known to him.

**PRAYER:**

It is, therefore, most respectfully prayed that on acceptance of the instant appeal, the Hon'ble Tribunal may graciously be pleased to direct the respondents to enter the correct of date of birth i.e., 06<sup>th</sup> April, 1988 instead of 06<sup>th</sup> April, 1985 in the Service record of the Appellant.

Any other remedy to which the appellant is found fit in law, justice and equity may also be granted.

APPELLANT

Through

*Hassaan*

**BARRISTER  
MUHAMMAD HASSAAN ADIL**  
Advocate High Court

Dated: 12<sup>th</sup> April, 2023

**AFFIDAVIT:**

I, Khawaja Arifullah, Son of Muhammad Tahmash, Resident of Hazar Khwani, P.O Hazar khwani, Mohalla Khan Baba Kanday, Peer Sahab, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of accompanying Appeal are true and correct to the best to my knowledge and nothing has been concealed from this hon'ble court.

*[Signature]*  
14/4/2023

*[Signature]*  
**DEPONENT**

5

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

Service Appeal No. \_\_\_\_\_ /2023

**Khawaja Arifullah  
Others**

**VS**

**Government of KP and**

---

**Application for restraining the respondents from taking  
any adverse action against the appellant till the final  
disposal of the instant appeal.**

---

**Respectfully Sheweth:**

- 1) That the above titled appeal is being filed before this hon'ble Tribunal along with instant application.
- 2) That the grounds of main appeal may kindly be considered as part and parcel of this application.
- 3) That appellant has a good prima-facie case in his favour and is also sanguine about its success.
- 4) That balance of convenience also leans in favour of appellant.
- 5) That if the relief as prayed for in the heading of this application is not granted, the very purpose of titled appeal will become infructuous.



6

**PRAYER:**

It is, therefore, prayed that on acceptance of this application, the respondents may graciously be restrained from taking any adverse action against the appellant till the final disposal of the instant appeal.

APPELLANT

Through

*Hassaan*

**BARRISTER  
MUHAMMAD HASSAAN ADIL  
Advocate High Court**

Dated: 12<sup>th</sup> April, 2023

**AFFIDAVIT**

I, **Khawaja Arifullah**, Son of **Muhammad Tahmash**, Resident of **Hazar Khwani, P.O Hazar khwani, Mohalla Khan Baba Kanday, Peer Sahab, Peshawar**, do hereby solemnly affirm and declare on Oath that the contents of accompanying Application are true and correct to the best to my knowledge and nothing has been concealed from this hon'ble court.

*[Signature]*

**DEPONENT**

*Alvin*

**PAKISTAN** National Identity Card  
Islamic Republic of Pakistan

Name: **Khwaja Arif Ishaq**

**CONSUL GENERAL**  
**ADD FOREIGN COURT**  
**Bahawal Division, Pakistan**

M | Pakistan

Machine Number <b>17301-0293336-7</b>	Date of Birth <b>06.04.1988</b>
Date of Issue <b>01.01.2020</b>	Date of Expiry <b>01.01.2030</b>

Holder's Signature

17301-0293336-7

QR Code

308521 87951  
137-85-787762

آگشده کارڈ ملے پر قومی ایوبکس میں ڈال دیں

Government of Khyber Pakhtunkhwa  
Accountant General Khyber Pakhtunkhwa, Peshawar  
Monthly Salary Statement (December-2022)



Personal Information of Mr KHAWAJA ARIF ULLAH d/w/s of

Personnel Number: 00376805 CNIC: 1730102933367  
Date of Birth: 06.04.1985 Entry into Govt. Service: 25.07.2007

NTN:

Length of Service: 15 Years 05 Months 08 Days

Employment Category: Active Temporary

Designation: CONSTABLE 80004002-GOVERNMENT OF KHYBER PAKH  
DDO Code: PR4913-DRAWING & DISBURSING OFFICER FOR DY INSPECTOR GENERAL OF POLICE DCT, SB NWFP  
Payroll Section: 006 GPF Section: 008 Cash Center:  
GPF A/C No: 376805 GPF Interest applied GPF Balance: 176,408.00 (provisional)  
Vendor Number: 30393410 - KHAWAJA ARIF ULLAH 7204-4 BOK  
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 07 Pay Stage: 13

Wage type	Amount	Wage type	Amount
0001 Basic Pay	28,140.00	1004 House Rent Allow 45% KP21	4,968.00
1210 Convey Allowance 2005	1,932.00	1300 Medical Allowance	1,500.00
1547 Ration Allowance	681.00	1567 Washing Allowance	150.00
1646 Constabulary R Allowance	300.00	1902 Special Incentive Allowance	775.00
2148 15% Adhoc Relief All-2013	361.00	2167 Counter Terrorism All.	4,000.00
2168 Fixed Daily Allowance	2,730.00	2199 Adhoc Relief Allow @ 10%	243.00
2314 Risk Allow Police - 2021	7,400.00	2347 Adhoc Rel AI 15% 22(PS17)	2,746.00

Deductions - General

Wage type	Amount	Wage type	Amount
3007 GPF Subscription	-1,010.00	3530 Police wel: Fud BS-1 to 18	-563.00
3609 Income Tax	-139.00	4004 R. Benefits & Death Comp:	-450.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 1,459.73 Recovered till DEC-2022: 626.00 Exempted: 0.03 Recoverable: 833.70

Gross Pay (Rs.): 55,926.00 Deductions (Rs.): -2,162.00 Net Pay (Rs.): 53,764.00

Payee Name: KHAWAJA ARIF ULLAH

Account Number: 7204-4

Bank Details: THE BANK OF KHYBER, 080016 KHYBER BAZAR BR, PESHAWAR KHYBER BAZAR BR, PESHAWAR, Peshawar

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: PESH

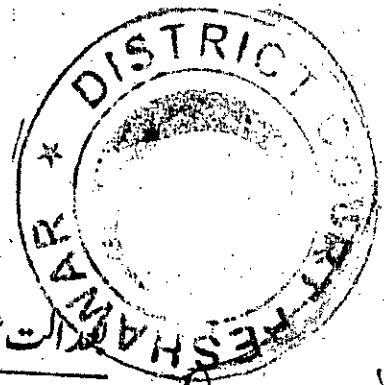
Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City: PESH

Email: khawajaarifullah@gmail.com



انڈیکس

محمد اہدالت عبداللہ قاضی صاحب، سول جج-II، پشاور

9

Annex "B"

موضوع	قطعہ	فیصلہ	اصل رجوعہ	رجوعہ	نمبر مقدمہ
	61	30-11-1944	-	6-4-18	105/1

نام تادرا

کارفائل

دعویٰ:

نوعیت کاغذات	تعداد قطعہ	قطعہ نمبر	نمبر شمار
انڈیکس - آرڈر شیٹ - کمپوٹنگ - پریسنگ	15	1-15	1
مہر شیٹ - جوڑے - پریسنگ	6	16-21	2
Part 1 + Part 2 + Part 3	11	22-32	3
Exhibit 3 to Exhibit 7	7	33-39	4
Exhibit 1 to Exhibit 4	8	40-47	5
انٹرویو - حلف نامہ - حلف نامہ - حلف نامہ	10	48-57	6
وظائف - حلف نامہ - حلف نامہ	4	58-61	7
			8
			9
			10
			11
			12
7/17/19			
61	کل		

ATTESTED

(Examiner)

District Court Peshawar

Checked & Found Correct

6007

Civil Judge-II, Peshawar

21/11

BEFORE THE COURT OF SENIOR CIVIL JUDGE PESHAWAR

10  
16

Khwaja Arif Ullah S/o Muhammad Tamash R/o Hazar Khowani P.O Hazar Khowani Mohallah Khan Baba Kanday Pir Sahib Peshawar.

Plaintiff

1. Chairman Board of Intermediate and secondary Education Peshawar.
2. Director General NADRA Phase V Hayatabad Peshawar.

  
08 APR 2018

Defendants

SUIT FOR

- A. Declaration to the effect that the correct date of birth of the plaintiff is 06/04/1988, whereas the defendant have wrongly mentioned 06/04/1985 in their respective record, which is wrong illegal and ultra-variables and ineffective upon the rights of the plaintiff.
- B. Declaration to the effect that, suit for perpetual/prohibitory injunction to the effect of restraining the defendant from writing mentioning the wrong date of birth of the plaintiff in their record in future.

Value of court fee and jurisdiction for relief "A" Rs 200/-

Value of court fee and jurisdiction for relief "B" Rs 500/-

Respectfully Sheweth,

**ATTENDED**

13 APR 2023

(Examiner)  
District Court Peshawar

1. That the plaintiff is the bonafied and permanent resident of Hazar Khowani P.O Hazar Khowani Mohallah Khan Baba Kandi Pir Sahib Peshawar and is law abiding citizen of Islamic Republic of Pakistan
2. That the Plaintiff passed his matriculation examination from B.I.S.E Peshawar under Roll No 17199 in the year 2002 (copy of matriculation certificate is attached as annexure "A" )

11

3. That the correct date of birth of the plaintiff's elder brother namely Alamzaib is 02/04/1985 and the elder sister of the plaintiff is 01/02/1987 namely Farmeena Gul. ( Copy of CNIC is attached)
4. That the consideration upon Para No 3 the correct date of birth of the plaintiff should be 06/04/1988 instead of 06/04/1985 which is mentioned wrongly.
5. That the defendant was asked time and again for correction of the date of Birth of the plaintiff but in vain.
6. That if the date of Birth of the plaintiff is not corrected than the plaintiff will not be want in shape of coins
7. That the cause of action accrued firstly by entering his wrong Date of Birth by the defendant and finally defendant use to correct it within the Jurisdiction of this Hon'able Court.
8. That the value of the purpose of the court fee and jurisdiction has already been mentioned in the heading of the plaint..

It is therefore humbly prayed that on acceptance of this suit, may kindly be decree in favour of the plaintiff and against the defendant.

Plaintiff

Through

Bashir Ahmad Safi  
Advocate High Court  
Peshawar

Affidavit

I, Khwaja Arif Ullah S/o Muhammad Tamash do hereby solemnly affirm and declare on oath that the contents of this suit are correct to the best of my knowledge and belief

ATTESTED

13 APR 2023

(Examiner)

District Court Peshawar

Depohent

(12)  
(A)

**IN THE COURT OF MR. ABDULLAH QAZI,**  
**CIVIL JUDGE-II, PESHAWAR**

Suit Title: **Arif Ullah Vs NADRA**

Case No-105/1 Date of Institution: 06-04-2018

Date of Decision: 30-11-2019

Order...

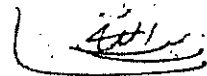
30-11-2019

**Present:**

1. Plaintiff in Person along with counsel Mr. Shabir Ahmad Safi and Syed Naveed Ali Shah Advocates present.
2. Mr. Sahibzada Talha Saeed Advocate present on behalf of defendant No-1. Defendant No-2 submitted written statement/cognovit in favour of plaintiff.
3. Vide my detailed judgment of even date, judgment/decree has been passed in favour of plaintiff. Costs not to follow the event. Decree sheet has been prepared.
4. File be consigned to the record room after its due and proper completion and compilation.

Announced

30-11-2019



(Abdullah Qazi)  
Civil Judge-II, Peshawar

ATTESTED

13 APR 2023

(Examiner)  
District Court Peshawar

(13)

A  
C

**IN THE COURT OF MR. ABDULLAH QAZI,**  
**CIVIL JUDGE-II, PESHAWAR**

Suit Title: **Arif Ullah Vs NADRA**  
Case No-105/1 Date of Institution: 06-04-2018  
Date of Decision: 30-11-2019

Page 1 of 6

**Khawaja Arif Ullah S/o Muhammad Tamash,**  
Residents of Hazar Khowani P.O Hazar Khowani Mohallah  
Khan Baba Kanday Pir Sahib, Peshawar

.....*Plaintiff*

**VERSUS**

1. **Chairman Board of Intermediate and Secondary Education Peshawar.**
2. **Director General NADRA Phase V Hayatabad Peshawar.**

.....*Defendants*

**JUDGMENT:**

1. Plaintiff in Person along with counsel Mr. Shabir Ahmad Safi and Syed Naveed Ali Shah Advocates present.
2. Mr. Sahibzada Talha Saeed Advocate present on behalf of defendant No-1. Defendant No-2 submitted written statement/cognovit in favour of plaintiff.

**CONCISE STATEMENT OF FACTS:**

3. Khawaja Arif Ullah has filed the instant suit claiming therein that his actual date of birth is 06/04/1988 while in defendant's record it is erroneously mentioned as 06/04/1985 thus for the rectification and correction he has approached this court.

ATTES/ED  
1  
2023

(Examiner)  
District Court Peshawar



(14)  
(19)

**IN THE COURT OF MR. ABDULLAH QAZI,**  
**CIVIL JUDGE-II, PESHAWAR**

Suit Title: **Arif Ullah Vs NADRA**

Case No-105/1 Date of Institution: 06-04-2018

Page 2 of 6

Date of Decision: 30-11-2019

4. Defendants were summoned, wherein defendant No. 1 was represented through a counsel who filed written statement and contested the suit and stated that as per their record the date of birth of the plaintiff is 06-04-1985.
5. The Defendant No. 2 (NADRA) appeared and filed written statement and stated that they rely on the academic testimonials of an educated person; they did not pursue the case.

**POINTS FOR DETERMINATION:**

6. That after going through the divergent pleadings of the parties this court has framed the following issues:

**EVIDENCE:**

1. Plaintiff was allowed to bring his evidence who has brought three witnesses i.e. (i) Mr. Jahanzeb s/o Muhammad Tehmash (plaintiff's brother), (ii) Mr. Muhammad Ashfaq Advocate s/o Muhammad Tehmash (plaintiff's brother), (iii) Khwaja Arif Ullah s/o Muhammad Tehmash (plaintiff's himself) and (iv) Mr. Muhammad Tehmash s/o Sarfaraz Khan (plaintiff's father), their statement recorded as PW-1 to PW-4. Documents exhibited as many 6 documents i.e. Ex-PW-1/, Ex-PW-2/1, Ex-PW-3/1 to Ex-PW-3/5, Ex-PW-4/1 to Ex-PW-4/3 and Annexure A to Annexure C, respectively.

**ATTESTED**

13 APR 2020

(Examiner)  
District Court Peshawar

(15)

**IN THE COURT OF MR. ABDULLAH QAZI,**  
**CIVIL JUDGE-II, PESHAWAR**

Suit Title: Arif Ullah Vs NADRA

Case No-105/1 Date of Institution: 06-04-2018

Date of Decision: 30-11-2019

Page 3 of 6

(H)

(11)

2. Defendant No-2 produce one witness namely Mr. Muhammad Asim Khan representative of Board of Intermediate and Secondary Education Peshawar his statement recorded as DW-1, he produced his record placed as Ex-DW-1/1 and Ex-DW-1/2, respectively.

**DECISION & REASONS:**

3. I have heard the arguments of the learned counsel for both sides and perused the record, my issue-wise findings and decision is as follows:
4. **Issue No.1.** The burden of this issue was placed on the plaintiff however the same is altered to the extent that the burden of this issue is placed on defendants as they have alleged and raised this issue. The main contention of the defendants is that the plaintiff's suit is time barred and this cause at this point cannot be brought before the court. This contention is repelled while holding that determination of correct age was a vested right which had given a continuing cause of action and no limitation would run against it. Hence this issue is decided in negative and against the defendants. The suit is competent in its present form and maintainable.
- Issue No. 2, 3 & 4.** The onus to prove these issues was upon the plaintiff and these issues being interlinked are taken together. The plaintiff in order to prove his case has brought

**ATTESTED**

13 APR 2023

(Examiner) 5.  
District Court Peshawar

(16)  
(12)

**IN THE COURT OF MR. ABDULLAH QAZI,**  
**CIVIL JUDGE-II, PESHAWAR**

Suit Title: Arif Ullah Vs NADRA

Case No-105/1 Date of Institution: 06-04-2018

Page 4 of 6

Date of Decision: 30-11-2019

on record the statement of his siblings as PW-1 & 2. While the plaintiff himself appeared as PW-3. The main witness of Plaintiff was his father who appeared as PW-4 (Muhammad Tehmash). All of the witnesses of plaintiff have remained consistent in their stance and have narrated the same facts. The it is evident from the record produced by the plaintiff in his evidence that the age of plaintiff's brother namely Alamzeb is 02/04/1985 as per ExPW-3/5. Thus it appears that the plaintiff is only 4 months younger than his brother Alamzeb and this gap is unnatural. This clearly shows that the plaintiff's record needs rectification.

6. The learned counsel for the Plaintiff has contended that the age gap between siblings should be natural and in the instant case it is not natural hence a rectification is needed. He has also stated that Plaintiff's claim is based on bonafide mistake as the error is pretty obvious from the record.

7. Now the plaintiff has also brought on record CNIC of his sister as ExPW-3/4 which shows that his sister's date of birth is 01-02-1987. The plaintiff claims that his correct date of birth is 06-04-1988, the main witness of any such claim will naturally be the parents of a person, hence the statement of the father of Plaintiff is pivotal in this regard who has

~~ATTESTED~~

13 APR 2019

(Examiner)  
District Court Peshawar

(17)  
(13) H

**IN THE COURT OF MR. ABDULLAH QAZI,**  
**CIVIL JUDGE-II, PESHAWAR**

Suit Title: Arif Ullah Vs NADRA

Case No-105/1 Date of Institution: 06-04-2018

Page 5 of 6

Date of Decision: 30-11-2019

strongly contended that the correct date of birth of plaintiff is 06-04-1988.

8. The defendant No. 1 in rebuttal of plaintiff's evidence has brought the record keeper who has exhibited the form of the plaintiff. The defendant No. 1 contends that the plea of plaintiff is not acceptable because if accepted Plaintiff's age at the time of matriculation examination will be 14 years which is against the policy of defendant no. 1, hence.

9. The learned counsel for the plaintiff as relied upon the judgment cited as PLD 2019 Lahore 28 wherein it has been held that the board's policy cannot impose restriction on the age of acquiring any degree/certificate. Further the counsel for plaintiff also relied on the unattested copies of certain DMCs' of students presented in evidence by PW-4 whose age is less than 15 years at the time of matriculation examination. Hence he prayed that the board's policy barrier cannot be an impediment in a civil case where the plaintiff has proved his correct age and declaration to his vested rights was in all fairness justifiable.

10. After going through the record of the case this court relies on the evidence of father of plaintiff and due to the unnatural gap between the plaintiff and his brother which is evident in record, and also due to the fact that the evidence of plaintiff

~~TESTED~~

13 APR 2020  
(Examiner)

District Court Peshawar

(18)

**IN THE COURT OF MR. ABDULLAH QAZI,**  
**CIVIL JUDGE-II, PESHAWAR**

Suit Title: Arif Ullah Vs NADRA  
Case No-105/1 Date of Institution: 06-04-2018  
Date of Decision: 30-11-2019

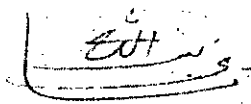
Page 6 of 6 (14)

has been consistent, cogent and reliable these issues are decided in favour of the plaintiff.

**RULING:**

11. **Relief.** Thus the instant suit stands decreed in favour of the plaintiff and it is declared that the correct date-of birth of plaintiff is 06-04-1988 and consequently the defendants are directed to amend and rectify their records subject to any fee or charges which shall be paid by the plaintiff. There is no order as to costs as the plaintiff has delayed her cause for rectification of record. Decree sheet be prepared accordingly. Case file be consigned to the record room after due compilation and completion..

Announced  
30-11-2019

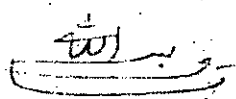
  
(Abdullah Qazi)  
Civil Judge-II, Peshawar

**CERTIFICATE:** This is to certify that this order consists of six (06) pages. Each page has been signed and corrected by me wherever necessary. Announced on this 30<sup>th</sup> day of November 2019 in open court.

**Announced**  
30-11-2019

**TESTED**

(Examiner)  
District Court Peshawar

  
(Abdullah Qazi)  
Civil Judge-II, Peshawar

پشاور

19

محمد امجد علی خان س/o محمد تاماش ر/o ہزار خوانی

3-11/19 6-4/18

Khwaja Arif Ullah S/o Muhammad Tamash R/o Hazar Khowani P.O Hazar Khowani Mohallah Khan Baba Kanday Pir Sahib Peshawar.

Plaintiff

1. Chairman Board of Intermediate and secondary Education Peshawar.
2. Director General NADRA Phase V Hayatabad Peshawar.

Defendants

**SUIT FOR**

- A. Declaration to the effect that the correct date of birth of the plaintiff is 06/04/1988, whereas the defendant have wrongly mentioned 06/04/1985 in their respective record, which is wrong illegal and ultra-varies and ineffective upon the rights of the plaintiff.
- B. Declaration to the effect that, suit for perpetual/prohibitory injunction to the effect of restraining the defendant from writing mentioning the wrong date of birth of the plaintiff in their record in future.

Value of court fee and jurisdiction for relief "A" Rs 200/-

Value of court fee and jurisdiction for relief "B" Rs 500/-

Respectfully Sheweth,

~~TESTED~~  
13 APR 2003

(Examiner)  
District Court Peshawar

1. That the plaintiff is the bonafied and permanent resident of Hazar Khowani P.O Hazar Khowani Mohallah Khan Baba Kandi Pir Sahib Peshawar and is law abiding citizen of Islamic Republic of Pakistan
2. That the Plaintiff passed his matriculation examination from B.I.S.E Peshawar under Roll No 17199 in the year 2002 (copy of matriculation certificate is attached as annexure "A" )

20

**IN THE COURT OF MR. ABDULLAH QAZI,**  
**CIVIL JUDGE-II, PESHAWAR**

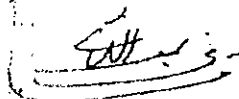
Suit Title: Arif Ullah Vs NADRA  
Case No-105/1 Date of Institution: 06-04-2018  
Date of Decision: 30-11-2019

Page 1 of 1

**DECREE SHEET**

This suit coming on this day for final disposal before this court in the presence of Plaintiff in person along with counsel Mr. Shabir Ahmad Safi and Syed Naveed Ali Shah Advocates and Mr. Sahibzada Talha Saeed Advocate on behalf of defendant No-1 whereas defendant No-2 submitted written statement/cognovit in favour of plaintiff, it is ordered that the instant suit stands decreed in favour of the plaintiff and it is declared that the **correct date of birth of plaintiff is 06-04-1988** and consequently the defendants are directed to amend and rectify their records subject to any fee or charges which shall be paid by the plaintiff.

**GIVEN** under my hand and seal of this court, this 30<sup>th</sup> day of November, 2019.



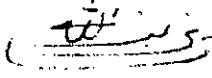
(Abdullah Qazi)  
Civil Judge-II, Peshawar

**Costs of Suits**

Plaintiff			Defendant		
	Rs.	Ps.		Rs.	Ps.
1. Stamp for plaint	S	S	1. Stamp for plaint	S	S
2. Do. for power			2. Do. for petition		
3. Do for exhibits			3. Pleader's fee on Rs.		
4. Pleader's fee on Rs.			4. Subsistence for witness		
5. Subsistence for witness					
6. Service of process					
Total.....			Total.....		

**ATTEST**

(Examiner)  
District Court Peshawar

  
(Abdullah Qazi)  
Civil Judge-II, Peshawar

21

42391

# BOARD OF INTERMEDIATE & SECONDARY EDUCATION



## PESHAWAR

DETAILED MARKS CERTIFICATE  
Secondary School Certificate Examination  
Session 2002 (Supply)

Name: Khuwaja Arif Ullah

Father's Name: Tamash Khan

Roll No 17199

Subject	Max	MARKS OBTAINED			
		The/P-A	Prac/P-B	Total	In Words
1. English	150	-	-	58	Fifty-Eight
2. Urdu	150	-	-	56	Fifty-Six
3. Islamiyat (Comp)	75	46	-	46	Forty-Six
4. Pakistan Studies	75	31	-	31	Thirty-One
5. New Rizvi	100	40	-	40	Forty Only
6. G. Science	100	50	-	50	Fifty Only
7. Islamic Studies	100	55	-	55	Fifty-Five
8. Pushto	100	41	-	41	Forty-One

Total 850

377-D Three Hundred Seventy-Seven Only

Remarks

IS, PA, /

Checked By: [Signature] 24-8-2002

Date: 14-12-2002

Note: Error / Omission are excepted

Khaksar and BRAINS Software Enterprise (KBSoft)

[Signature]  
Controller of Examinations

*Alto*  
**PUBLIC PROSECUTOR**  
**Anti Terrorism Court**  
**Peshawar Division Peshawar**



Roll No. 17199

Serial No. 322618

Board of Intermediate and Secondary Education  
Peshawar  
Khyber Pakhtunkhwa Pakistan

REVISED



Secondary School Certificate Examination

(HUMANITIES GROUP)

SESSION 2002-SUPPLEMENTARY

Certified Khawaja Arif Ullah Son/Daughter Of Tehmish Khan  
resident of Peshawar District

has qualified for award of Secondary School Certificate in the Examination held in September, 2002

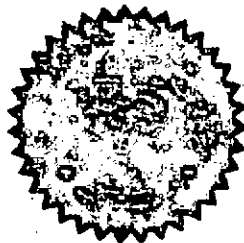
as a Private student and obtained 377 marks out of 850 and has been placed in Grade D

Representing Fair The Candidate passed in the following subjects:

- 1. English
- 2. Urdu
- 3. Islamiyat (comp).
- 4. Pakistan Studies
- 5. Gen: Maths
- 6. General Science
- 7. Islamic Studies
- 8. Pashto

His/Her date of birth according to Admission Form is April 06, 1988

Issued in lieu of OC # 255545 (S-2002)



PUBLIC PROSECUTOR  
Anti Terrorism Centre  
Peshawar Divisional Police

*Signature*  
*Signature*

*Signature*  
Asstt. Secretary

Printed Date & Time: 17 August 2020, 11:41:00 AM

Secretary

This certificate is issued without alteration or erasure.

3444



# BOARD OF INTERMEDIATE & SECONDARY EDUCATION PESHAWAR

Roll No: 69520 ✓

## PESHAWAR



*Allooz*  
2

### PROVISIONAL AND DETAILED MARKS CERTIFICATE INTERMEDIATE (ANNUAL) EXAMINATION, 2006 HUMANITIES (Part-II)

Khawaja Arif Ullah / Son of Muhammad Tehmash Khan  
of Peshawar

has secured the marks shown against each subject in the H S S C Examination held in the month of May as a Private Student

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	33 ✓	-	39 ✓	-	72	Seventy-Two
Urdu	200	37 ✓	-	48 ✓	-	85	Eighty-Five
Islamic Education	50	17 ✓	-	-	-	17	Seventeen
Pakistan Studies	50	-	-	18 ✓	-	18	Eighteen
Civics	200	38 ✓	-	28 ✓	-	66	Sixty-Six
Islamic Studies	200	45 ✓	-	43 ✓	-	88	Eighty-Eight
Pashto	200	62 ✓	-	37 ✓	-	99	Ninety-Nine

Total : 1100

445-D Four Hundred Forty-Five Only

Verified

Remarks :

*[Signature]*  
In-charge Officer (W/S)  
Board of Intermediate & Secondary

Checked By :

*[Signature]*  
Education Peshawar

Issue Date: August 6 2006

7-24-8-2006

*[Signature]*

Controller of Examinations

NOTE: Error/Omission excepted. Any mistake in above particulars must be intimated within 30 days of the receiving this certificate.

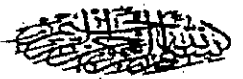
(Computer Cell BISE Peshawar)

24

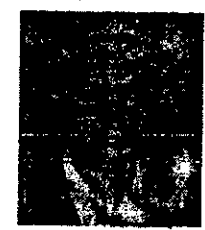
S.No. 187916

Roll No. 69520



Group. Humanities

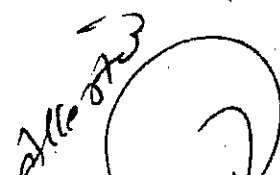
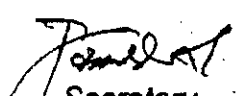


**Board of Intermediate and Secondary Education**  
**Peshawar N.W.F.P. Pakistan**  
**INTERMEDIATE EXAMINATION**  
**SESSION 2006- ANNUAL**



*This is to Certify that* Khawaja Arif Ullah *Son of* Muhammad Tehmash Khan  
*and a resident of* Peshawar District *Registered No.* 535-B/P-04  
*has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar.*  
*held in* May, 2006 *as a* Private *candidate. He obtained* 445 *Marks out of 1100 and*  
*has been placed in grade* D *Representing* Fair *. The examination was taken in parts.*

  
 Asstt Secretary  


  
**PUBLIC PROSECUTOR**  
**Anti Terrorism Court**  
  
 Secretary

This certificate is issued without alteration  
 Peshawar Division Peshawar

# Allama Iqbal Open University Islamabad



Serial No 181127

Certified that *Mr/Ms* KHAWAJA ARIF ULLAH

Son/Daughter of TEHMISH KHAN

Registration No 10NPR00377 Roll No AG440647

Semester Spring 2012 having met all the requirements under the semester system is this day awarded the degree of

## Bachelor of Arts Group - General

*Handwritten signature/initials*

*He/She has secured* 60 % marks  
*and has been placed in* B grade

PUBLIC PROSECUTOR  
Anti Terrorism Court  
Faisalabad Division Faisalabad

*Handwritten signature*

CONTROLLER OF EXAMINATIONS



*Handwritten signature*

VICE-CHANCELLOR

Result declared on: January 23, 2013

Date of issue: September 27, 2013

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



Serial No. 321559

PROVISIONAL RESULT CARD

Name KHAWAJA ARIF ULLAH
Father's Name TAMASH KHAN
Address STREET KHAN BABA PO HAZAR KHAWANI H NO 004

Roll No. AG440647
Registration No. 10NPRO0377
Final Semester SPR-2012

Tehsil PESHAWAR
District PESHAWAR

has successfully completed BACHELOR OF ARTS
GROUP--GENERAL

The detail of passed courses is as under:

Table with 5 columns: Semester, Course Code, Title of Course, Maximum Marks, and Obtained Marks. It lists 12 courses including ISLAMIAT (C), ECONOMICS OF PAKISTAN, MASS COMMUNICATION, PAKISTAN STUDIES (C), URDU, COMPULSORY ENGLISH-I, HISTORY OF URDU ADAB, FOOD & NUTRITION, COMPULSORY ENGLISH-II, ISLAMIAT, and ISLAMIC STUDIES.

Handwritten signature and official stamp of the Controller of Examinations.

CREDITS: 8

Total Marks / Obtained

1100 / 664

Result Declared on JANUARY 23, 2013

Percentage / Grade

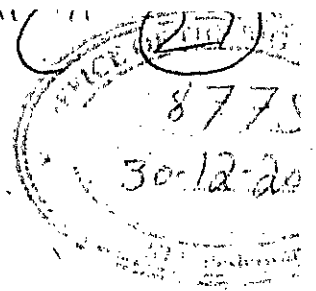
60 B

Date of issue FEBRUARY 01, 2013

Controller of Examinations

Disclaimer: This result card is issued provisionally, errors and omissions excepted as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

Annex "C"



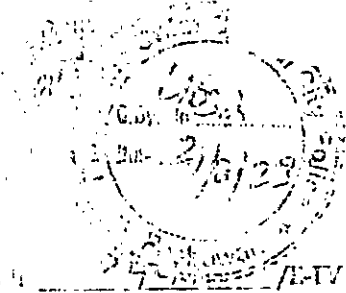
To,

The Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Subject: **DEPARTMENTAL APPEAL FOR CORRECTION OF DATE OF BIRTH IN THE SERVICE RECORD OF THE APPLICANT WHICH HAS BEEN ERRONEOUSLY MENTIONED AS 06.04.1985 INSTEAD OF 06.04.1988**

Respected Sir,

With due respect it is stated that the applicant is the employee of your good self department and is serving as Constable No. 1374 quite efficiently and upto the entire satisfaction his superiors. That the applicant initially inducted before your good self department on 25.07.2007. That it is worth mentioning here that the date of birth of the applicant was erroneously recorded in the academic record as well as in the CNIC as 06.04.1985 and as such the same has been recorded in the service record of applicant while date of birth of the elder brother namely Alamzeb is 02.04.1985. That due to such un-natural gap in the date of birth amongst the applicant and his elder brother, the CNIC of the applicant had been blocked by the issuing authority i.e. NADRA. That it is also pertinent to mention here that for the correction of above mentioned wrong date of birth i.e. 06.04.1985 the applicant approached the concerned Court of law through Civil Suit No. 105/1 and the same has been decreed in favor of the applicant vide judgment dated 30.11.2019 to rectify the date of birth mentioned in the CNIC and academic record. That after obtaining attested copy of the judgment dated 30.11.2019 the applicant submitted the same before the NADRA office concerned as well as the Chairman Board of Intermediate and Secondary Education, Peshawar for issuance of the CNIC and Educational testimonials as per correct date of birth i.e. 06.04.1988 instead of 06.04.1985. That in implementation of the judgment of Learned Civil Judge, Peshawar the authorities concerned issued the same credentials with the correct date of birth i.e. 06.04.1988. *Copies of the record are attached.* That it is pertinent to mention that after obtaining the rectified CNIC and Educational documents from the quarters concerned the applicant approached the police department for correction/rectification of his date of birth in the service record but no positive response has been received to the applicant. That the applicant time and again visited the quarter concerned for rectification/correction of his date of birth in his service record but in vain. That applicant feeling aggrieved from the inaction of the authorities preferred this departmental appeal before your good for correction of his date of birth.



POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE, PESHAWAR  
Gmail: - E46branchcpo@gmail.com

16/03/2023

The Capital City Police Office,  
Peshawar

APPLICATION FOR CORRECTION IN DATE OF BIRTH

Please refer to your office letter No. 3121/CRC dated: 12.02.2023,

as per the above.

As opined by the AIC Legal CPO that "The officer could get his date of birth corrected on furnishing adequate documentary evidence within two years of the date of his appointment. He was silent for more than sufficient time and did nothing to agitate his right despite it being within his conscious knowledge. Civil Servant, who has been in service for more than 15/16 years, could not be allowed to agitate his right after the expiry of 2 years. SCMR 1633 of 1995 PLC (CS) 1967 (b)].

It is shown in the muster roll or corresponding record of Police official can be corrected with the sanction of IG Police on production of proof to his satisfaction. Under Rule 57 of Police Rules 1937 (amended 2017), such an alteration may only be made on inquiry if applied within two years of entry of Police official into service. The applicant is required to approach the forum under Rule ibid for correction his date of birth.

The Hon'ble apex Court clarified it that the officer is not eligible for the correction of date of birth.




The decree of Civil Court passed by the Civil Judge-II Peshawar vide its order dated 12/02/2023 is not binding on this establishment as the plaintiff is not a party to the case. Director General NAZRA Peshawar and Director General NAZRA Peshawar, are not bound by the order.

In accordance with Rule ibid, the application for alteration of date of birth may

*(Faint handwritten text)*

*(Signature)*  
16/03/23  
(ATSAR JAN)  
Registrar

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

قیمت 50 روپے	69913			
Barrister M. Hassan Adil ایڈووکیٹ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: BC-116028				
رابطہ نمبر: 0303-8373453				

بعدالت جناب: خیبر پختونخواہ سے درخواست ٹریسٹوں کے بارے میں

منجانب:	دعویٰ:
خواجہ مادیف اللہ	علت نمبر:
بنام	سورجہ:
حکومت خیبر پختونخواہ اسلام آباد	جرم:
	تھانہ:

**باعت تحریر آنگہ**

مقدمہ مندرجہ جنواں بالا میں اپنی طرف سے واسطے پیروی و جواب وہی کارروائی متعلقہ آن مقام اور کیلئے بسم اللہ حساسانہ عداد سے ایک کوٹیکل 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 اور تفرعات 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 یکطرفہ یا اپیل کی برآمدگی اور مستثنیٰ، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے 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، اللہ و کالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 14/4/2022

*Hassan Adil*

خواجہ مادیف اللہ

مقام: اسلام آباد

CNIC: 17301-4191097-9  
 Phone: 0303-8373453

نوٹ: اس ریکارڈ کی کاپی قابل قبول ہوگی۔