

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
FAREEHA PAUL ... MEMBER (Executive)

Service Appeal No.16021/2020

Date of presentation of Appeal.....24.12.2020
Date of Hearing.....11.07.2023
Date of Decision.....11.07.2023

**Mr. Mushtaq Khan S/O Ghulam Dawood R/o Shewa, Tehsil Razzar,
District Swabi.....Appellant**

Versus

1. **Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.**
2. **District Health Officer, Swabi.**
3. **District Accounts Officer, Swabi.....(Respondents)**

Present:

Miss. Roeeda Khan, Advocate.....For the appellant

Mr. Fazal Shah Mohmand,

Additional Advocate General.....For respondents.

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**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
THAT THE CORRECT DATE OF BIRTH OF THE
APPELLANT IS 01.01.1962 WHILE WRONGLY
MENTIONED IN SOME OF OFFICIAL SERVICE
RECORD AS 1961 BY THE RESPONDENT
DEPARTMENT, WHICH IS WRONG AND IS LIABLE
FOR CORRECTION AGAINST WHICH THE
APPELLANT FILED DEPARTMENTAL APPEAL ON
09.09.2020, WHICH HAS NOT BEEN DECIDED WITHIN
THE STATUTORY PERIOD OF NINETY DAYS.**

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Facts of the case are that
appellant was appointed as Driver in the year 2012 in the respondent



department; that correct date of birth of the appellant was 01.01.1962 while wrongly mentioned in CNIC and Service Book as 1961; that the appellant filed a civil suit in Civil Court, Swabi for correction of his date of birth in CNIC which was accepted on 13.03.2017; that the appellant submitted attested copy of the judgment of Civil Court to the respondent department for correction of his date of birth in service book which was corrected accordingly; that the appellant was informed by respondent No.3 that in some other official service record, the date of birth was not corrected; that the appellant submitted departmental appeal for correction of his date of birth in official record on 09.09.2020, which was not responded within the statutory period of ninety days, hence, the present service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellants and learned Additional Advocate General for the respondents.

04. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Additional Advocate General controverted the same by supporting the impugned order(s).



05. The appeal and prayer in it, both are vague. The appellant has prayed that respondents might be directed to enter his original and correct date of birth i.e. 01.01.1962 in their official service record but in the entire appeal, the other official record has nowhere been mentioned or explained nor could the learned counsel for the appellant explain that during the course of arguments. This being so, this appeal has no merits and is thus dismissed. Cost shall follow the event. Consign.

06. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 11th day of July, 2023.*



KALIM ARSHAD KHAN
Chairman



FAREEHA PAUL
Member (Executive)

Adnan Shah, P.A.