

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2020

Mr. Mushtaq Khan

**VERSUS**


Director General, Health Services, KPK, Peshawar and  
Others

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8.	Wakalat Nama		

  
APPELLANT

Through

  
**Roeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 24/12/2020

(V)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 16021/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16917

Dated 24/12/2020

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

**Appellant**

**VERSUS**

1. Director General, Health Services, KPK,  
Peshawar.
2. District Health Officer, Swabi.
3. District Account Officer, Swabi.

**Respondents**

Filed to-day  
24/12/20  
Registrar

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL**  
**ACT 1974. THAT THE CORRECT DATE**  
**OF BIRTH OF THE APPELLANT IS**  
**01/01/1962 WHILE WRONGFULLY**  
**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 A DEPARTMENTAL**  
**APPEAL ON DATED: 09/09/2020, WHICH**  
**HAS NOT BEEN DECIDED WITHIN THE**  
**STATUTORY PERIOD OF 90 DAYS.**

(2)

Prayer:-

ON ACCEPTANCE OF THIS SERVICE APPEAL, AN APPROPRIATE DIRECTION MAY KINDLY BE GIVEN TO RESPONDENT DEPARTMENT FOR MENTIONING/ENTERED THE ORIGINAL & CORRECT DATE OF BIRTH I.E. 01/01/1962 OF THE APPELLANT IN HIS <sup>offical</sup> OFFICIAL SERVICE RECORD INSTEAD OF 1961.

Respectfully Sheweth,

1. That the Appellant is a peaceful and law abiding citizen of Pakistan.
2. That the appellant has been appointed as Driver in 2012 with Respondent Department and performed his duty with full zest and devotion.
3. That the correct date of birth of the Appellant is 01/01/1962 while wrongfully mentioned in CNIC and Service Book as 1961.
4. That the appellant filed a Civil Suit in Civil Court Swabi for correction of his date of birth in CNIC which has been accepted on 13/03/2017. (Copy of Judgment & CNIC copy are attached as annexure "A & A-1")

(3)

5. That after that the appellant submitted the attested copy of the judgment of Civil Court to the Respondent Department for correction of his date of birth in service book in response of which the Respondent No:2 corrected the correct date of birth i.e 01.01.1962 in Service Book of the Appellant. (Copy of Service Book <sup>copy</sup> is attached as annexure "B" <sup>B-1</sup>)
6. That when the appellant went to Respondent No:3 on 02.09.2020 for receiving his salary, he was informed by Respondent No:3 that in some of other official service record of the appellant's the correction of date of birth i.e 01.01.1962 has not been done yet.
7. That the appellant submitted departmental appeal to Respondent Department for correction of his correct date of birth in official record on 09.09.2020 which has not been decided within the statutory period of 90 days. (Copy of Departmental Appeal is attached as annexure "C")
8. That feeling aggrieved the Appellant prefers the instant service appeal before

(4)

this Hon'ble Tribunal on the following grounds inter alia:-

**GROUND:-**

- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under the Constitution of 1973 were badly violated.
- B. That in accordance to law the Respondents were bound to enter the correct date of birth of the appellant in his other official record as per CNIC and Service Book.
- C. That the correct date of birth e.i 01.01.1962 has properly mentioned in CNIC and service book of the appellant.
- D. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

*It is therefore, most humbly prayed that on acceptance of this service appeal, an appropriate direction may kindly be given to respondent department to mention the correct*

5

*date of birth i.e. 01/01/1962 in <sup>other</sup> official service record of the appellant instead of 1961.*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*



APPELLANT

Through



Roeeda Khan

Advocate, High Court  
Peshawar.

Dated: 24/12/2020

**NOTE:-**

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.



Advocate.

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**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2020

Mr. Mushtaq Khan

**VERSUS**

Director General, Health Services, KPK, Peshawar and  
Others


**AFFIDAVIT**

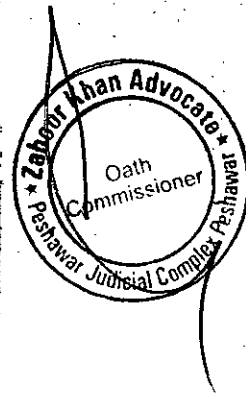
I, Mr. Mushtaq Khan S/o Ghulam Dawood R/o Shewa,  
Tehsil Razzar, District Swabi, do hereby solemnly affirm and  
declare that all the contents of the **instant appeal** are true and  
correct to the best of my knowledge and belief and nothing has  
been concealed or withheld from this Hon'ble Court.



DEPONENT

*Identified by:*

  
Roeda Khan  
Advocate High Court  
Peshawar.



①

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2020

Mr. Mushtaq Khan

**VERSUS**

Director General, Health Services, KPK, Peshawar and  
Others

**ADDRESSES OF PARTIES**

***PETITIONER.***


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

**ADDRESSES OF RESPONDENTS**

1. Director General, Health Services, KPK,  
Peshawar.
2. District Health Officer, Swabi.
3. District Account Officer, Swabi.

  
APPELLANT

Through

  
**Roeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 24/12/2020



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**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2020

Mr. Mushtaq Khan

**VERSUS**

Director General, Health Services, KPK, Peshawar  
and Others

**APPLICATION FOR CONDONATION OF DELAY (IF**  
**ANY)**

***Respectfully Sheweth,***

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That respondent No.3 informed the appellant on 02.09.2020 that the correct date of birth of the appellant is not yet been entered in other official record and after that the appellant filed the departmental appeal on 09.09.2020 .

***Grounds:***

9

- A. That correct date of birth e.i 01.01.1962 has properly mentioned in CNIC and service book of the appellant.
- B. That in accordance to law the Respondents were bound to enter the correct date of birth of the appellant in his other official record as per CNIC and Service Book.
- c. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities and there are many judgment of the superior court as well as specific provision of law that limitation has been counted from the date of communication.

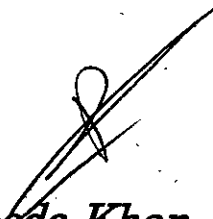
It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.



*Appellant*

Through

Date : 24.12.2020



*Roeeda Khan*

Advocate, High Court

Peshawar.

1-4-1961

A<sub>3</sub>

(10)

**DECREE SHEET**

**IN THE COURT OF MUHAMMAD FAISAL KHAN**  
CIVIL JUDGE-I, SWABI

Suit No: 240/1 of 2016  
Date of Institution: 21.10.2016  
Date of Decision: 13.03.2017

Mushtaq Khan son of Ghulam Daud resident of Shewa, Tehsil Razzar, District Swabi. .... (Plaintiff)

**VERSUS**

1. Assistant Director NADRA Swabi,
2. General Manager NADRA Hayatabad Peshawar &
3. Chairman NADRA Islamabad. .... (Defendants)

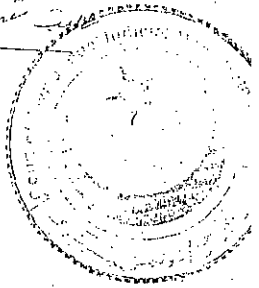
**SUIT FOR DECLARATION AND PERMANENT INJUNCTION**

آئی۔ ڈی۔ آئی۔ اسٹیٹوٹریٹو ڈیپارٹمنٹ میں داخلہ شدہ ایک کیس کی تاریخ 01-01-1962ء سے متعلق  
 01-01-1962ء کی تاریخ پر ایک ایس۔ ڈی۔ ایف۔ نمبر جاری کیا گیا ہے۔ اس کی تاریخ 01-01-1962ء ہے۔  
 اور اس کی تاریخ 01-01-1962ء ہے۔ اور اس کی تاریخ 01-01-1962ء ہے۔ اور اس کی تاریخ 01-01-1962ء ہے۔  
 اور اس کی تاریخ 01-01-1962ء ہے۔ اور اس کی تاریخ 01-01-1962ء ہے۔ اور اس کی تاریخ 01-01-1962ء ہے۔  
 اور اس کی تاریخ 01-01-1962ء ہے۔ اور اس کی تاریخ 01-01-1962ء ہے۔ اور اس کی تاریخ 01-01-1962ء ہے۔

بنا دینے کی اجازت  
 از انصاف و عدالت  
 اور اس کی تاریخ 01-01-1962ء ہے۔  
 اور اس کی تاریخ 01-01-1962ء ہے۔

بنا دینے کی اجازت  
 اور اس کی تاریخ 01-01-1962ء ہے۔  
 اور اس کی تاریخ 01-01-1962ء ہے۔

بنا دینے کی اجازت  
 اور اس کی تاریخ 01-01-1962ء ہے۔  
 اور اس کی تاریخ 01-01-1962ء ہے۔



This suit was instituted and placed for hearing before Mr. Muhammad Faisal Khan, Civil Judge-I, Swabi and was decided by way of judgment and decree in following terms;

Plaintiff has successfully proved his case, hence, decreed and defendants are directed to correct the date of birth of plaintiff in their record as 1<sup>st</sup> January, 1962. There is no order as to cost. File be consigned to the record room after completion and compilation.

**ANNOUNCED**  
13<sup>th</sup> Mar, 2017

21/3/17

Muhammad Faisal Khan  
Civil Judge-I, Swabi.

Handwritten signature/initials.

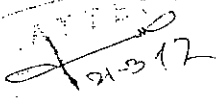
**COSTS OF SUIT**

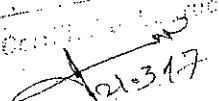
PLAINTIFF	CONTENTS	DEFENDANTS
—	Stamp on suit	—
—	Stamp of power of attorney	—
—	Proclamation fee	—
—	Witness(es) expenses	—
—	Commission Fee	—
—	Pleador Fee	—
—	Miscellaneous	—
NIL	Total	NIL

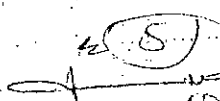
Given under my signature and stamp of the court, this 13<sup>th</sup> day of March, 2017.

  
**Muhammad Faisal Khan**  
 Civil Judge-I, Swabi



ATTEST  
  
 21-3-17  
 Registrar  
 Sessions Court Swabi

Certified True Copy  
  
 21-3-17

Total application ..... 2207  
 Date of payment ..... 17-3-17  
 Amount paid ..... 21312  
 Date of receipt ..... 21-3-17  
  
 21-3-17

1211

"B"

Heirs:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back \_\_\_\_\_

Left Thumb Impression

Qualification	Date	Qualification	Date
English		First Arts	
Pushto		B.L. Or E.A.	
Urdu		Pleadership examiantion	
Plan-drawing		Training School Final examiantion	
Finger Print		Other qualification:—	
Drill In structing			
Court Duties			
Reserve Duties			

District Health Officer

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "p"	7 Date of appointment	8 Signature of Government Servant
Driver		Appointment					
Driver	B/S 04	Resnauzhi (B/S-04)					
		(5200-230-12400)					
Driver	B/S 04	Pay fixed @ Rs. 5200/- p.m. on 7/2012					
Driver	B/S 04	Pay @ Rs. 5430/- p.m. on 12/2012 (CFM)					

Handwritten mark or signature at the bottom of the page.

(14)

Note:- The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name: MUSHTAQ ALI

2. Race: ISLAM

3. Residence: village & PO = Shewa, Teh = Razavi Swabi

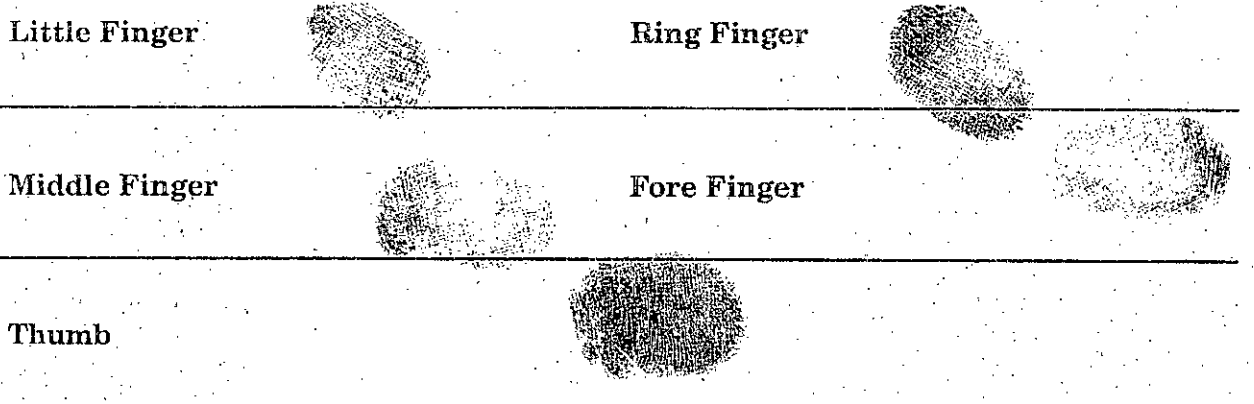
4. Father's name and residence: Ghulam Daud

5. Date of birth by Christian era as nearly as can be ascertained: 1961  
DoB modify vide Civil Judge-1 Swabi Suit no. 240/172016 Dated- 13-03-2017  
1-1-1961  
District Swabi

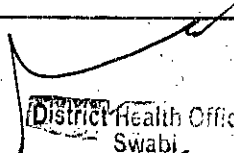
6. Exact height by measurement: 5-6

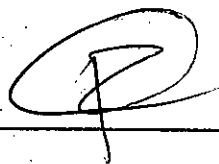
7. Personal marks for identification: Nil

8. Left hand thumb and finger impression of (Non-Gazetted) officer:



9. Signature of Government Servant: 

10. Signature and designation of the Head of the Office, or other Attesting Officer:   
District Health Officer Swabi



10

Leave

Allocation of period of leave or average pay upto four months for which it avo salary is debitable to another Government

Period

Government to which debitable

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8

Date of termination or appointment.

Reason of termination such as promotion, transfer, dismissal, etc.)

Signature of the head of the office or other attesting officer.

Nature and duration of leave taken.

Signature of the head of the office or other attesting officer

Reference to any recorded punishment or censure or praise of the Government Servant.

Appointed as driver in contract basis to P.N. Regional vide O.P.O. Swabi order - O.P.O. 9899-9903/V-4 dt 17-10-1996.

*[Signature]*  
District Health Officer Swabi

Services regularized with effect from 01-7-2012 under Wajuh Pakhtunkhwa Memorandum of Understanding & Employees (Regularization and Standardization Act 2014) Sec 2(a)(1) in P.S. order no. Swabi order no. dated 06/01/2014.

*[Signature]*  
District Health Officer Swabi

Service Regularized

*[Signature]*  
District Health Officer Swabi

Service Regularized

01-12-2012 to

Allowed Annual

30-11-2013

Increment

*[Signature]*  
District Health Officer Swabi


*[Signature]*  
District Health Officer Swabi

*[Signature]*  
District Health Officer Swabi

*[Signature]*

*[Signature]*



Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "P"	Date of appointment	Signature of Government: Ser
Dorced BPS-04	Pay Rs.	5660/-	Pm	an		01-12-2014 (FN)	
do	Revised Pay Scale	(6730-300-15730)					
	Pay Rs.	7330/-	Pm	an		01-7-2015	
do	Pay Rs.	7630/-	Pm	an		01-12-2015 (FN)	
do	Revised Pay Scale	(8280-370-19380)					
	Pay Rs.	9390/-	Pm	an		01-7-2016	
							

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government servant.
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to Government		
				Period:	Government to which debitable		
Services resigned			01-12-2013 to 30-11-2014			Annual Increment Allowed	
<i>Jm</i> District Health Officer Swabi			<i>Jm</i> District Health Officer Swabi			<i>Jm</i> District Health Officer Swabi	
						7000 507	
						9/01/17	
						01/2017	
30-6-2015			Pay Scale Revised on 01/7/2015				
						<i>Jm</i> District Health Officer Swabi	
Services resigned			01-12-2014 to 30-11-2015			Annual Increment Allowed	
<i>Jm</i> District Health Officer Swabi			<i>Jm</i> District Health Officer Swabi			<i>Jm</i> District Health Officer Swabi	
30-6-2016			Pay Scale Revised on 01/7/2016				
						<i>Jm</i> District Health Officer Swabi	

R

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "p"	Date of appointment:	S. Govern
<u>Baner</u> <u>Bps-on</u>		Pay Rs. 9760/ p.m	on			1-12-16	
—do—		(9900-440-23100)	Pay Rs. 11640/ p.m	on		1-12-17	
—do—		Pay Rs. 12100/ p.m	on			1-12-19	

(Signature)

19

Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8

Date of termination or appointment

Reason of termination such as promotion, transfer, dismissal, etc.)

Signature of the head of the office or other attesting officer

Nature and duration of leave taken

Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government

Period

Government to which debitable

Signature of the head of the office or other attesting officer

reference to any accorded punishment or censure or praise of the Government Servant.

30<sup>11</sup>/<sub>16</sub>

Service verified from 1<sup>12</sup>/<sub>15</sub> to 30<sup>11</sup>/<sub>16</sub>

Allowed Annual Increment

District Health Officer Swabi

District Health Officer Swabi

District Health Officer Swabi

Pay fixed in Revised Pay Scale

1230  
78

By order of Govt  
of Punjab

12/17  
D.S.

Service verified from 1<sup>12</sup>/<sub>16</sub> to 30<sup>11</sup>/<sub>17</sub>

Allowed annual increment

District Health Officer Swabi

District Health Officer Swabi

(P)

20

9	10	11	12	13		14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or praise of the Government Servant.
				Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government		
					Period		
					Period from 12/12 to 12/12 to Amount to Rs - 163866/-	30/11/15	

PS

بخدمت جناب ڈائریکٹر جنرل ہیلتھ ڈیپارٹمنٹ پشاور

دیپارٹمنٹل اپیل برائے درستگی تاریخ پیدائش

جناب عالی:- اپلانٹ حسب ذیل عرض رساں ہے۔

1- یہ کہ اپلانٹ ہیلتھ ڈیپارٹمنٹ میں بطور ڈرائیور کام کرتا ہے۔

2- یہ کہ اپلانٹ کی صحیح اور درست تاریخ پیدائش مورخہ 01.01.1962 ہے جبکہ سروس ریکارڈ میں غلطی سے 1961 درج شدہ ہے جو کہ غلط ہے اور قابل درستگی ہے۔

3- یہ کہ اپلانٹ کی صحیح اور درست تاریخ پیدائش مورخہ 01.01.1962 شناختی کارڈ اور سروس بک میں بھی درست طور درج شدہ ہے۔ (شناختی کارڈ اور سروس بک کی کاپی لف ہے۔)

لہذا استدعا کی جاتی ہے کہ اپلانٹ کے سروس ریکارڈ میں درست تاریخ پیدائش 01.01.1962 درج کرنے کا حکم صادر فرمائی جائے۔

المترقوم:- 09.09.2020

عین نوازش ہوگی۔

اپلانٹ (۳۱۸)

نام:- مشتاق خان ولد غلام داؤد

ڈرائیور ہیلتھ ڈیپارٹمنٹ

قیمت  
50 روپے

68888



ایڈویٹ:

بار کونسل ایسوسی ایشن نمبر:

رابطہ نمبر: ۵۳۳۳۵۹۲۶۵۵

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

منجانب:	دعوی:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعت تحریر آگہ**

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

آن مقام کے کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی 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 پر داختم 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، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 24/12/2024  
PESHAWAR BAR ASSOCIATION  
KHYBER PAKHTUNKHWA

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted  
By

**BEFORE THE KHYBER PAKHTUNHAW SERVICE TRIBUNAL**  
**PESHAWAR**

**Appeal No. 16021 of 2020**

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 Account Officer, Swabi

..... **Respondents**

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**DISTRICT HEALTH OFFICER**  
**SWABI**

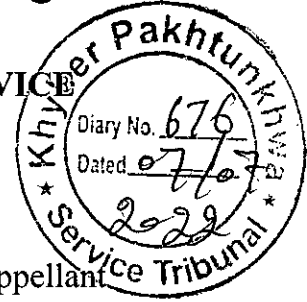


BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 16021 OF 2020

Mr. Mushtaq Khan .....

Appellant



**Versus**

Govt. of Khyber Pakhtunkhwa and others ..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2**

**Respected Sheweth:**

**Preliminary Objections:**

1. That the appellant has got neither cause of action nor did locus standi to file the instant appeal.
2. That the appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant appeal is against the prevailing Law and Rules.
4. That the appeal is not maintainable in its present form and also in the present circumstances of the issue.
5. That the appellant has filed the instant appeal with male-fide intention hence liable to be dismissed.
6. That the appellant has not come to this Honorable Tribunal with clean hands.
7. That the appeal is barred by law and limitation.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.
9. That the instant appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
10. That the instant appeal is not maintainable as there is no final order which is pre-requisite of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974.

**ON FACTS:**

1. Pertains to record.
2. Pertains to record.
3. Incorrect, the date of birth as per his CNIC and service book is 1961.
4. Pertains to record. As per GFR 116 date of birth once recorded in Servicers book of a Civil Servant cannot be changed except in case of a Clerical mistake however, the same may be corrected within 02-years of entry in to service. Reliance is placed on 2020 SCMR 1678, 2021 PLC cs SC 570.

(2)

5. As in preceding para date of birth in service book cannot be changed after expiry of two years from the date of initial appointment. In the instant case the appellant was appointment in the year 2012 however he agitated the claim at a belated stage therefore, he is not entitled for the relief as claimed.
6. As per paras above.
7. Pertains to record. However, the departmental appeal is badly time-barred.
8. Incorrect, the appellant is not an aggrieved person however reply on the ground is as under:

**ON GROUNDS:**

- A. Incorrect. The appellant has been treated in accordance with Law and Rules.
- B. Incorrect. Already replied in para-4&5 of the facts.
- C. Incorrect the para is self-contradictory with para-3 of the facts.
- D. Answering respondents also seek prior permission of this Honorable Court to adduce additional grounds at the time of arguments.

**PRAYER:**

It is therefore humbly prayed that on acceptance of the comments, the instant appeal of the appellant may very graciously be dismissed with cost.

Chief General Health Officer  
Khyber Pakhtunkhwa  
Respondent No. 01



District Health Officer, Swabi  
Respondent No. 02

**AFFIDAVIT:**

It is hereby stated on oath that contents of para-wise comments is correct to best of knowledge and believe and nothing has been concealed from this Honorable Court/Tribunal.



g. Ahmad  
DEPONENT  
[Signature]

## AFFIDAVIT

I, Dr. Muhammad Waleed Ahmad S/o Manzoor Ahmad R/o Peshawar having CNIC No: 17301-5505682-1 solemnly declare on oath that all contents of para wise reply are true and correct to the best of my knowledge and belief and nothing is kept concealed or misstated from this Hon'ble Court.

*DEPONENT*

Signature: \_\_\_\_\_

*(Muhammad Waleed Ahmad)*

Name: Dr. Muhammad waleed ahmad

CNIC: 17301-5505682-1

(4)

**OFFICE OF THE DISTRICT HEALTH OFFICER SWABI**

Office Tel: 0938-300053 Fax No. 0938-300051 Email ID: [edc@healthswabi@yahoo.com](mailto:edc@healthswabi@yahoo.com)

Facebook ID: <https://www.facebook.com/dho.swabi>

Twitter ID: <https://twitter.com/DHOSwabi2>

Computer Section DHO Office Swabi

**OFFICE ORDER**

Dr Waleed MO (BPS-17) Cat-C Hospital Lahor is hereby entrusted to perform his duties as Litigation Officer DHO Office Swabi with immediate effect in the public interest. He will attend the Honourable Courts on behalf of the undersigned.


Sd  
District Health Officer  
Swabi

NO 7142-47/CPK/DHO Office Swabi

Dated 01/9/2021

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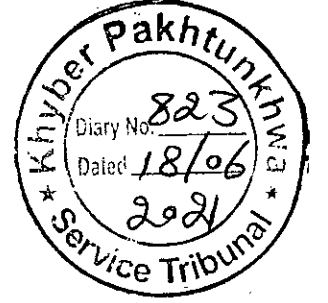
1. Director General Health Services Khbyber Pakhtunkhwa Peshawar  
For information
2. MS Cat-C Hospital Lahor.
3. DMO IMU Swabi
4. Doctor Concerned
5. Mr. Fayaz Ahmad / Mr. Fazeelat Khan Court Clerks DHO Office Swabi  
For information and necessary action

  
District Health Officer  
Swabi

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

In Re C.M # \_\_\_\_\_/2021

In S.A # 16021/2020



Put up to the worthy chair-man  
with relevant appeal.  
Mr. Mushtaq Khan

*18/6/21*  
Versus

Director General Health Services KPK Peshawar & Others

**APPLICATION FOR EARLY HEARING**

Respectfully Sheweth,

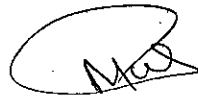
1. That the caption Service Appeal No.16021/20 has been pending before this Hon'ble Service Tribunal & fixed for hearing on 03/08.2021.
2. That the appellant has going to retirement on 30.06.2021. (Copy of CNIC is attached).
3. That if the captioned case has not been fixed for an early date, the Appellant will suffer irreparable loss.
4. That in the given circumstances early fixation of the instant case is indispensable for the appellant.

NFA

24/06/2021

5. That there is no legal bar for acceptance of the instant appeal.

*It is, therefore, most humbly prayed that on acceptance of the instant application, the instant appeal No.16021/20 may very graciously be fixed for an early hearing in the best interest of justice as convenient to this Hon'ble Tribunal.*



Petitioner

Through



**Roeeda Khan**

Advocate, High Court

Peshawar.

Dated: 18/06/2021

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

In Re C.M # \_\_\_\_\_/2021

In S.A # 16021/2020


Mr. Mushtaq Khan

**Versus**

Director General Health Services KPK Peshawar & Others

**AFFIDAVIT**

I, Mr. Mushtaq Khan S/o Ghulam Dawood R/o Shewa, Tehsil & District Swabi, do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best my knowledge and belief and nothing has been concealed from this honorable Tribunal.

  
Deponent

Identified By:-

  
Roeeda Khan

Advocate High Court  
Pakistan

