

30-12-14 - No one is present on behalf of appellant

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

NO. NAZR AHMED H.C. FOR RESPONDENTS PRESENT
DATED: 1 / 20 / 15

Case adjourned to 26-1-2015 for reply
at Camp Court, D.I. Khan.

To,

The Chief Secretary,
Govt. of KP, Peshawar.

[Signature]
Registrar
Camp Court, D.I.K.

26-1-2015

The Secretary,
E&SE, KP, Peshawar.

No one is present on behalf of appellant
legal for respondents with G.P

Subject: APPEAL NO/14809/2011 MALIK MUSTAFA HANIF
SECRETARY EDUCATION AND OFFICIALS

for appearance to come up for reply on 24-2-15
at Camp Court, D.I.K.

[Faint text: direct to forward the... with certified copy... for strict compliance... within the stipulated period... information to the undersigned.]

[Signature]
Member
Camp Court, D.I.K.

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

24.02.2015

No one is present on behalf of the appellant.
Called for time and again but no one appeared on
behalf of appellant. Therefore, the appeal is dismissed
in default with no order as to costs. File be consigned
to the record.

ANNOUNCED.

24.02.2015

[Signature]
MEMBER
Camp Court D.I.Khan

7. Hence keeping into consideration the fact and circumstances of the case, we hold that the appellant has got no prima-facie case at this state of proceedings, therefore, the application for temporary injunction is hereby rejected. Fresh notices be issued to the respondents and case to come up for written reply on 28/4/2014 at camp court, D.I.Khan.

ANNOUNCED
28.3.2013

MEMBER

MEMBER

28-4-14.

Counsel for the appellant, Nazir Ahmed, H.C. with G.P. for respondents no. 1 to 6 and Rahim Khan for respondent no. 7 present. Written reply not received. To come up for written reply on 23-6-2014 at Camp Court, D.I.Khan.

Member
Camp Court, D.I.K.

23-6-2014

No one present on behalf of appellant Nazir Ahmed, H.C. for respondents with A.G.P. present. Reply not received. To come up for reply on 30-9-2014 at Camp Court, D.I.K.

30-9-14.

Present as before on 23-6-14.
Case adjourned to 30-12-2014 for written reply at camp court, D.I.Khan.

Registrar
Camp Court, D.I.K.

5. : The learned Government Pleader resisted the arguments advanced by the learned counsel for the appellant and submitted before the court that the correct date of birth of the appellant is 30.3.1954 as is evident from his SSC certificate and service record and the appellant wants to remain in service for couple of years on the basis of fake entry in record of DHO office, D.I.Khan; that prior to filing of this appeal, the appellant filed a Civil Suit seeking declaration to that effect but the same was dismissed and the judgment of Civil Court was maintained by the Peshawar High Court, D.I.Khan Bench; that the appellant has no locus-standi, therefore, the instant application be dismissed.

6. Perusal of the case file reveals that as per service record available on the file and SSC certificate, the date of birth of the appellant is 30.3.1954 which carries presumption of truth. The contention of the appellant that his correct date of birth is 15.3.1957 accord of DHO Office, D.I.Khan is yet to be proved. Similarly, the appellant himself entered the date of birth in the service record at the time of joining of his service on the basis of SSC certificate which carries presumption of truth. At the age of his superannuation, it seems that the appellant wants to change date of birth in order to get couple of years more to enjoy the benefit of service, which cannot be permitted under the law. Similarly, according to Rule-12-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 " *the date of birth once recorded at the time of joining Government service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible*".

Appeal No. 1544/13, Malik Mushtaq Ahmad.

28.3.2014

Appellant alongwith his counsel present and Mr. Muhammad Jan, GP present. None for the official respondents present.

2. The learned Government Pleader requested for adjournment to submit proper written reply on main appeal as well as replication on application for temporary injunction, however, the learned counsel for the appellant submitted before the court that the appellant is due to retire at the end of this month and if temporary injunction, as prayed for, is not granted, the appellant will suffer irreparable loss and insisted for arguments on application for temporary injunction. Arguments on application for temporary injunction on the basis of available record heard and case file perused.

3. Through the instant appeal, the appellant prayed for correction of his date of birth in his service record maintained by the respondent department as 15.3.1957 instead of 30.3.1954.

4. The learned counsel for the appellant argued before the court that the correct date of birth of the appellant is 15.3.1957 as is evident from the birth register of DHO Office, D.I.Khan; that at the time of submission of SSC forms, wrong date of birth as 30.3.1954 was mentioned which was later on entered in service record of the appellant; that the appellant has got prima-facie and arguable case and if interim relief is not granted, the appellant will be retired at the end of this month and will suffer irreparable loss.

1544/2013

17/3/2014

Appellant with his counsel (Mr. Shakeel Ahmad, Advocate) present and Wakalatnama placed on file. Mr. Muhammad Jan, GP with Farhatullah, ERP for respondent No.7 present. None is available on behalf of other respondents. The learned GP is directed to contact other respondents. To come up for reply/arguments on stay application on 19.3.2014.

MEMBER

MEMBER

20/3/2014

Counsel for the appellant and Mr. Muhammad Jan, GP present. None is present on behalf of the respondents. Though the appellant submitted application for restraining the respondents from not issuing his retirement notification but since none is available on behalf of the respondents to assist, therefore, arguments on application could not be heard. Fresh notices be issued to the respondents and case to come up for submission of written reply at camp court, D.I.Khan on 25.3.2014.

MEMBER

MEMBER

25-3-2014

Appellant with counsel and Nazir Ahmad H.C. with G.P. for respondents present. This case is again transferred to principal seat Peshawar on the request of counsel for the appellant. G.P. has not no objection. Case to come up for arguments on application and submission of written reply on 28³/₁₄ before Final Bench. II.

Member
Camp Court, D.I.K.

27-1-2014,

Counsel for the appellant present & heard. The b/counsel contended that date of birth of appellant has not been corrected in service record of the appellant maintained by the Police Department as 15-3-1957 instead of 30-3-1954. Pre-admission notices be issued to G.P. and respondents for production of service record including service book of the appellant on 24-2-2014 at Camp Court, D.I.Khan.

Member
Camp Court, D.I.K.

24-2-2014

Appellant in person and Nazir Ahmed with G.P. for respondents present. Due to strike of the bar counsel, the case is adjourned for tomorrow i.e. 25-2-2014 for preliminary hearing at Camp Court, D.I.Khan.

Member
Camp Court, D.I.K.

25.2.2014

Appellant with counsel present and heard. The learned counsel argued that appellant has not been treated in accordance with law. Points raised in the memo of appeal would require consideration. Admit. Process fee and security within 10 days. Thereafter, notices to the respondents for submission of written reply on 24.3.2014 Camp Court D.I.Khan.

Member
Camp Court D.I.Khan

Appellant deposited security and process fee amounting to Rs. 260/- in the State Bank of Pakistan, Islamabad.
PAB

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. _____

1544/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/11/2013	<p>The appeal of Mr. Mushtaq Ahmad resubmitted today by Mr. Jehanzeb Ahmad Chughtai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	27-11-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 29-1-2014.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3	26-12-2	<p>Tour to Camp Court, D.I. Khan has been resumed vide this office order dated 23-12-13. Therefore, this case is transferred and fixed for preliminary hearing on 2-1-2014 at camp court, D.I. Khan.</p> <p style="text-align: right;"><i>[Signature]</i> Registrar</p>
4	2-1-2014	<p>counsel for the appellant present and heard. The counsel contended that date of birth of the appellant has not corrected by the department till now. Therefore, the appellant has not been treated in accordance with Law. Pre-admission notices be issued to G.P. Dera Ismail Khan and respondents to assist this Hon'ble Tribunal on 27-1-14, fixed for further preliminary hearing at camp court, D.I.K.</p> <p style="text-align: right;"><i>[Signature]</i> Member Camp Court D.I.K.</p>


The appeal of Mr. Mushtaq Ahmad received today i.e. on 30.10.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- One spare copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.


No. 1598 /S.T.

Dt. 7/11 /2013.

Jehanzeb Ahmad Chughtai Adv.
High Court D.I.Khan.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Para 1 and 2 has been
completed with.


Asst
D.I.Kh

19/11/13

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

Service Appeal no. 1544 /2013.

Mushtaq Ahmad.....(PETITIONER).

Versus

The Government Khyber Pakhtunkhwa and Others..... (RESPONDENTS)

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Dated. 22/10 /2013.

Appellant

Through Counsel

Jehanzeb Ahmad Chughtai
Advocate, high court

DIKhan

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

Service appeal no. 1544 /2013.

Mushtaq Ahmad,
s/o Malik Ilahi Bakhsh Caste Thankna
SP Investigation Dera Ismial Khan..... (Applicant).

Versus

1. Govt: of KPK through Home Secretary KPK, Peshawar,
2. Provincial Police Officer, Govt: of KPK, Peshawar.
3. District Police Officer, DIKhan.
4. Secretary BISE, Peshawar.
5. Controller Of Exam BISE, Peshawar.
6. Head Master Govt: High School No. 3 DIKhan.
7. District Regional Officer/NADRA, DIKhan_____ (Respondents)

1529
30/10/13

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR CORRECTION OF DATE OF BIRTH IN ALL SERVICE RECORD OF THE APPLICANT MAINTAINED BY THE POLICE DEPARTMENT AS 15.03.1957 INSTEAD OF 30.03.1954.

PRAYER,

TO KINDLY TAKE THE COGNIZANCE OF THE CASE BY ACCEPTING THIS PETITION AND THE RESPONDENTS IS DIRECTED TO CORRECT THE ENTERIES OF DATE OF BIRTH IN THE SERINE RECORD AS 15.03.1975 INSTEAD 30.03.1954.

RESPECTFULLY SHEWETH,

Appellant humbly submits as under:-

1. The Applicant joined the Police Department as ASI in the year 12.02.1976.
Copy of record in enclosed as **ANNEXURE "A"**.
2. That as per record of the Primary School at the time of first entry at GPS Basti Ustrana, the date of Birth of the Applicant has been involuntarily/wrongly entered as 30.03.1954.
That initially this wrong Date of Birth 30.03.1954 was entered in Government Primary School Basti Ustrana, again in the papers maintained GHS No. 3 DIKhan and School authorities also maintained this wrong date of birth at the time of submission of SSC forms, due to which it has been wrongly maintained in SSC Certificates, where as 15.03.1957 is the correct date of birth of the appellant. Copy of SSC Certificate is enclose as **ANNEXURE "B"**.
4. That recently Appellant collected information that the exact/correct date of birth of Appellant is 15.03.1957, hence Applicant enquired the matter about the correct date of birth from the Office of E.D.O/Health Dera Ismail Khan in the record of Birth Register to be maintained legally by the D.H.O, Office, DIKhan in the year 1957.

Mushtaq Ahmad

30/10/13

re-submitted to
and filed.

26/11/13

5. That after scrutiny of the record in the Birth Register for the year 1957 it was found by the register of Birth for the year 1957 pertaining to P.S Cantt., the exact and correct date of birth of Appellant is 15.03.1957 instead of 30.03.1954.
6. That after getting the notice of wrong entry of date of birth in the service record/school record, Appellant filed/instituted a Civil Suit in the Court of SCJ, DIKhan, the suit was entrusted to the court of Civil Judge-III, DIKhan. Copies of Plaintiff and written statement are enclosed as ANNEXURE "C & D" respectively.
7. That the suit was contested by the Defendants and after recording the evidence, CJ-III, DIKhan vide order dated 30.06.2012 returned the plaint for seeking remedy in the proper forum. Certified copies of order are enclosed as ANNEXURE "E".
8. That learned CJ-III, DIKhan was of the opinion that the jurisdiction for correction of date of birth of Government Employees rests with the Service Tribunal; hence the suit was decided under the provisions of Order 7 Rule 11 of CPC.
9. That the Appellant submitted Representation for rectification of date of Birth as 15.03.1957 to respondent NO. 2 on 04.07.2013. Copy of application is ANNEXURE "F". Vide Letter No. 1584 dated 10.07.2013 of DPO DIKhan is ANNEXURE "G".
10. That the Appellant preferred an appeal against the order/judgment of learned Civil Judge-III, DIKhan dated 30.06.2012 but the appeal was also dismissed vide order dated 23.02.2013 by the learned ADJ-II, DIKhan. Also revision petition was dismissed by the Honorable Peshawar and High Court Bench DIKhan. Copy of order is enclosed as ANNEXURE "H" and "I" respectively.
11. That after the return of plaint by the learned Civil Judge-III, DIKhan and dismissal of the appeal by the learned Additional District Judge as well as High Court Peshawar Bench DIKhan, on question of the jurisdiction, the Appellant seek the remedy on the following grounds.

9
10

GROUNDS:-

- A. That the exact/correct date of birth of Appellant as per record of Office of D.H.O, DIKhan for the year 1957 is 15.03.1957. This fact is very much cleaner and has got the Legal Value as per Ex-Pw-1/1. Copy of ExPw-1/1 is enclosed as **ANNEXURE "J"**.
- B. That the evidence produced by the Appellant before the court of learned Civil Judge-III, DIKhan clearly prove the case of Applicant about the exact/correct date of birth as 15.03.1957. Copies of statement of PWs are enclosed as **ANNEXURE "K"**.
- C. That after the exhibited record of birth register as ExDWw-1/1 the case of the Appellant has been proved without any shadow of doubt. Copy of exhibits is enclosed as **ANNEXURE "L"**.
- D. That counsel of the Appellant will raise further points at the time of arguments with the permission of this Honorable Court/Tribunal.

It is, therefore, humbly prayed that on acceptance of this petition, this Honorable Tribunal may please direct the Respondents for correction of date of birth in all the service record etc as 15.03.1957 instead 30.03.1954 in the interest of justice and equity.

Dated. 28/10 /2013.

Applicant

Through Counsel

Jehanzeb Ahmad Chughtai
Advocate, high court
DIKhan

Note:-

1. The addresses of the parties are given in the heading of appeal are correct and sufficient fro the purpose of service.
2. The appeal is within time.

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

Service Appeal no. _____/2013.

Mushtaq Ahmad..... (Applicant).

Versus

The Government Khyber Pakhtunkhwa and Others..... (RESPONDENTS)

AFFIDAVIT

I, Jehanzeb Ahmad Khan Ghughtai Advocate, High Court Dikhan counsel for Applicant, do hereby solemnly affirm and declare on Oath that the contents of petition are true and correct to the best of my knowledge and belief as per information conveyed to me by my client and that nothing has been concealed from this Honorable Court.



28/10/2013

Jehanzeb Ahmad Khan Ghughtai
Deponent
28/10

CHARACTER AND SERVICE ROLL OF

CONSTABULARY No. () in

DITTO () in

DITTO () in

EDGE OF AMELIAR

(5)

Mushk
Vow
M



Name	Father's Name	Tribe or Cast	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
Mushkay Ahmad Mushk													
Matik	Ela bin Bahsh	Rakana	Vill. Divakala	D. H. W. W.	Cantt.	D. H. W. W.	MULFAN	30-3-1954	5-8	33 x 34 1/2	12-2-76	21-10-12	A wound mark on forehead

Verification Roll No. _____ dated _____ received back and attached to the original.

Government Service prior to present employment, which is approved, for pension service.

Service or department	Rank or Grade	Pay of last Appointment	From To		PERIOD		
			Year	Months	Day		
		3					

FRW
SM
5/5/57

Reference to orders approving above service for pension service in the Police Department.

I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the provisions of the Act and of the Rules issued under it and now in force, by which my discipline and conduct are regulated, have been explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders issued to me by my Superior Officers and to undertake not to resign my appointment within three years from the date of my appointment. I have received a certificate of appointment issued under section 8 of the Police Act (V of 1861).

ATTESTED

Roller impression of fingers and thumb of left hand.

Left little	Left ring	Left middle	Left thumb

SM
5/5/57

6/3/57

120174

Roll No. 24384

6

Mushtaq Ahmad Khan
Wahid Bakhsh Khan

Board of Intermediate & Secondary Education
PESHAWAR (PAKISTAN)

0-2
193/2011



E-204
5-3/13

SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION 1971

ANNUAL

This is to certify that Mushtaq Ahmad Khan
son/daughter of Wahid Bakhsh Khan
and a student of Government High School, No.3 D. I.KHAN.
passed the Secondary School Certificate Examination of the Board of
Intermediate and Secondary Education, Peshawar held in April, 1971
in the Third Division.

The candidate passed in the following subjects:—

- | | | |
|--------------|-------------------------|------------------------|
| 1. English | 4. Social Studies | 7. Physiology/ Hygiene |
| 2. Urdu | 5. Mathematics (Elect) | |
| 3. Islamiyat | 6. Physics & Chemistry. | |

Date of Birth Thirtieth March One thousand
nine hundred and Fifty-four (30-3-1954)

Sadruddin
SECRETARY

31st July, 1971

ATTESTED

Examiner

6/3/13

منتهی
میں
میں
۴۵۷
⑨



IN THE COURT OF CIVIL JUDGE-III,
DERA ISMAIL KHAN.

Suit No. 44/1 2011

DPD VERSUS فتات احمد

۲۹-۰۸-۱۲
۲۴-۵-۱۲
فتیہ ارمین و معروفہ صاحبہ - ٹائٹل و مرٹیکل کا وٹا

بیان ۱۷-۱۲-۱۱ شہر نواز ۳-۱۱-۱۱ جی ڈا اس کا قتل شدہ
قتل برائے بقایا شدہ عدالت میں زبان مورخ
۱۲/۵/۱۲ کو پیش ہو

Handwritten signature

۳۰-۰۸-۱۲
۳۱-۵-۱۲
فتیہ ارمین و معروفہ صاحبہ - ٹائٹل و مرٹیکل کا وٹا

مشاورت میں قتل ہو کر قتل شدہ - قتل برائے

ٹائٹل و مرٹیکل کا وٹا مورخ ۱۳/۶/۱۲ کو پیش ہو

Handwritten signature

۳۱-۰۸-۱۲
۱۳/۰۶/۱۲
فتیہ ارمین و معروفہ صاحبہ - ٹائٹل و مرٹیکل کا وٹا

مشاورت میں قتل ہو کر قتل شدہ - قتل برائے

ٹائٹل و مرٹیکل کا وٹا مورخ ۱۳/۶/۱۲ کو پیش ہو

SYED ISHARAT ULLAH
Civil Judge-III
D.I.Khan

ATTESTED
Examiner

Handwritten signature
6/3/13

۵۸-32

21-6-12

حضرت مولانا محمد رفیع صاحب - دانشجو عدلیہ کالج لاہور

فرمان عدالت کے تحت، ان کے عدالت کے تحت

عدالت کے احکامات کے مطابق سربراہ عدالت

صفحہ 28/6/12 کو پیش ہو

SYED ISRAR ALI SHAH
Civil Judge-III / JM
D.I.Khan

۵۸-37

28-6-12

حضرت مولانا محمد رفیع صاحب - دانشجو عدلیہ کالج لاہور

وکیل عدالت کے تحت، ان کے عدالت کے تحت

عدالت کے احکامات کے مطابق سربراہ عدالت

SYED ISRAR ALI SHAH
Civil Judge-III / JM
D.I.Khan

44

۱۱۱-۲۷

۵-34

30-6-12

فرمان عدالت کے تحت، ان کے عدالت کے تحت

عدالت کے احکامات کے مطابق سربراہ عدالت

صفحہ 30/6/12 کو پیش ہو

عدالت کے احکامات کے مطابق سربراہ عدالت

صفحہ 30/6/12 کو پیش ہو

عدالت کے احکامات کے مطابق سربراہ عدالت

SYED ISRAR ALI SHAH
Civil Judge-III / JM
D.I.Khan

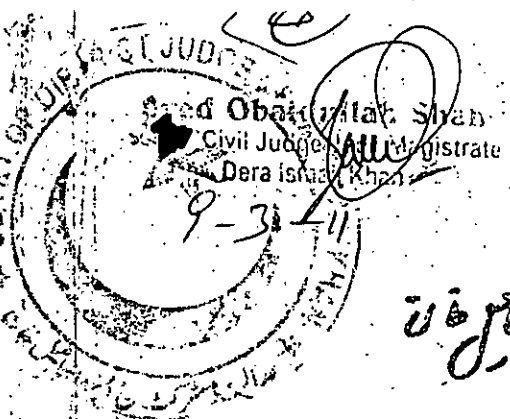


ATTESTED
[Signature]

30-6-12

سید محمد
8

سید محمد 3 ص 1/3



لعبہ خانہ - سید محمد ج 3 - ڈیرہ اسماعیل خان

مفتیان آف فوڈ و ہاربر ڈپارٹمنٹ ڈیرہ اسماعیل خان

نام (ادھی)

560 ڈیرہ اسماعیل خان

سید محمد ج 3 - پور ڈپارٹمنٹ ڈیرہ اسماعیل خان
ڈیرہ اسماعیل خان - پور ڈپارٹمنٹ ڈیرہ اسماعیل خان
ڈیرہ اسماعیل خان - پور ڈپارٹمنٹ ڈیرہ اسماعیل خان
ڈیرہ اسماعیل خان - پور ڈپارٹمنٹ ڈیرہ اسماعیل خان

560
560
560
560

دعا و استغاثہ میں قرار دار کے لئے لادیت فارم بھی

پیدائش جب ریکارڈر حلقہ دست 560 ڈیرہ اسماعیل خان
دور 157 ہے۔ جب ریکارڈر و سرٹیفیکٹ

1957
میرٹھ میں اندراج تاریخ پیدائش عند کوبر 30/5

دور 157 ہے۔ جو من میں من عند اندراج

کو بر میں علی کے پیش نظر کاندھت میں دور

157 ہے۔ حقوق من میں پریفٹ نوٹ ہے۔

جب عدالت کاندھت ریکارڈر من عند کا تاریخ

پیدائش لادیت کے پابند و ذمہ دار میں

اور ریکارڈر میں دیت تاریخ پیدائش 157

کا اندراج کر کے علی لادیت کر میں۔

عدہ عدالت و قضا میں دیت تاریخ عدالت کو

ریکارڈر جو میں دیت تاریخ من میں تاریخ

پیدائش 157 دور میں۔ اور من

آئی جی ایف آئی
ڈیرہ اسماعیل خان
12/12/2011
12/12/2011

ATTESTED
Examiner

پروگرام ترقی تازہ شیخ پیدائش فورم 2073 و
درصد رد میں (30 مارچ 1954)

خارجی
مدعی ذیل عرض کرتا ہے

1. یہ مدعی سکول میں ڈیڑھ ڈیڑھ سال سے اور اس وقت
حکومتی اسکول میں لکچر ہے۔

2. یہ مدعی کا درست نام پیدائش حسب القاعدہ دستاویزوں میں
157/57 ہے۔ جبکہ عدلیہ کی بنیاد پر مندرجہ ذیل نام پیدائش
دوسری القاعدہ کے پاس القاعدہ میں ہے 2073 درج تحریر جلی آر میں
جو باقی عرصہ سے بعد من مریں کا درست نام پیدائش بنا رہا
ہے۔ 157/57 ہے۔

3. یہ مدعی نے ابتدائی تعلیم گورنمنٹ اسکول سے حاصل کی ہے اور
پھر گورنمنٹ اسکول میں پڑھا اور پھر گورنمنٹ اسکول میں پڑھا۔
پھر گورنمنٹ اسکول میں پڑھا اور پھر گورنمنٹ اسکول میں پڑھا۔
اس کے دوران میں 2073 درج تحریر ہو گیا ہے۔

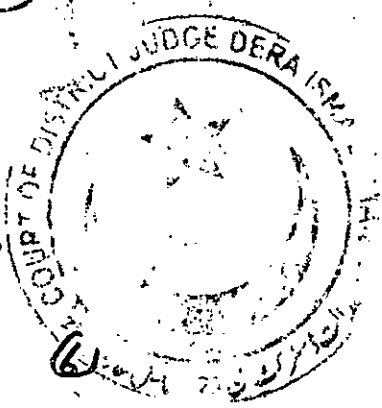
4. یہ مدعی کو مذکورہ پروگرام کے تحت تازہ پیدائش فورم 2073
کا علم ایک دفعہ قبل پیدائش کے تحت سے تھا۔ جو کہ علم ہونے
پر وہ خود اپنی شناخت اور القاعدہ کی شناخت سے عوام کو علم ہونے
کو کہتا تھا۔ اس وقت اس کی شناخت اور القاعدہ کی شناخت سے
اس کے لئے وہ اس کے لئے رہے ہیں۔ اس وقت حسب القاعدہ
پیدائش اور من ڈیڑھ سال سے اس وقت پیدائش کے فوراً بعد انڈیا
جاتا تھا۔ تازہ پیدائش کے لئے بنیاد پر اس کے قابل قبول انڈیا
لکچر کیا گیا ہے۔ تازہ پیدائش کا انڈیا اس کے لئے یا غیر مذکورہ

ATTESTED
Examiner

منسٹری

(9)

۱) یہ کہ برصغیر میں گونا گوں و مسلوں کی آمد و رفت کا ریکارڈ جو زمین
میں ہونے کی تاریخ پیدائش خوردگی 157 کا اندراج اس کا ثبوت
ہو گیا ہے۔ اس کے علاوہ اس کے ثبوت کے
صدا کے مطابق ہے۔



۲) یہ کہ اس کے علاوہ عیضاً ڈیڑھ لاکھ روپے کا ایک زمین کا ریکارڈ
میں اس کا اندراج تاریخ پیدائش پید ہو گیا ہے۔ جو اس کے
علاوہ اس کا ریکارڈ اس کے ساتھ ساتھ اس کے ساتھ
یہ کہ اس کے ساتھ اس کے ساتھ اس کے ساتھ اس کے ساتھ
جو اس کے ساتھ اس کے ساتھ اس کے ساتھ اس کے ساتھ

۳) یہ کہ اس کے ساتھ اس کے ساتھ اس کے ساتھ اس کے ساتھ
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تاریخ خوردگی 8/2

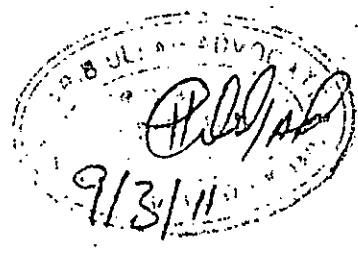
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تاریخ خوردگی 8/2
منسٹری

منسٹری آف

منسٹری

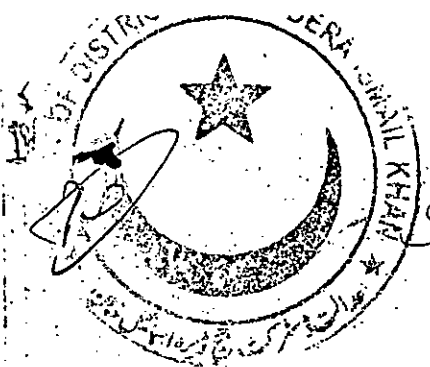
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منسٹری آف



ATTESTED
3/13
Examiner

منسٹری آف



عدالت خرابہ سول جج صاحب
ڈیڑہ تحصیل

فتان احمد
محمد نام
دعویٰ استغاثہ

21-8

جواب دعویٰ بجانب مدعا علیہ نمبر 5

MUSTAFA ADIRFAN
Civil Judge-1, District Judge
Jera Mail Khan

حاصلاتی :- جواب دعویٰ بجانب مدعا علیہ نمبر 5 درج ذیل ارضیوں میں
عذرات ابتدائی :-

1. دعویٰ کو کوئی بناء دعویٰ بصورت وجود پر صدف بنا مدعا علیہ حاصل نہیں ہے
2. دعویٰ اپنے قول و طریق عمل سے پہلے دعویٰ ہوا ہے
3. یہ کہ مدعی کو ضمانت دعویٰ حاصل نہیں ہے اور نہ ہی دعویٰ درمیانی اندر فیصلہ ہے
4. یہ کہ مدعی نے خود لوفت حصولی کا ڈسٹریکٹ منسٹر و کمپوٹر خود ایسی نمبر کا اندراج کرایا ہے
5. یہ کہ دعویٰ درمیانی طرف حقیقت میں نہ ہو سکتا ہے۔ مدعی نے دعویٰ ہوا ارضیوں کے لئے فریب دینے کیلئے دائر کیا، تاکہ ایسی نمبر کر سکے۔
6. دعویٰ مدعی نامیال پیش وقت دیا گیا اور ہے۔

عذرات واقعاتی :-

1. یہ کہ فوہ در دست تسلیم ہے
2. یہ کہ فوہ ہے تسلیم نہیں ہے۔ ایک اور دفتر میں مدعا علیہ نمبر 5 کے مدعی نے خود لوفت حصولی منسٹر شامی کا ڈسٹریکٹ منسٹر نمبر 54-030865-149 جاری شدہ سال 1974 ڈسٹریکٹ شامی کا ڈسٹریکٹ منسٹر نے حاصل کر سکتے تھے۔ 08-10-2001 خود فارم دفتر میں مدعا علیہ درج کیا گیا۔ مدعی نے خود ایسی تاریخ پیدائش 30-03-1954 درج کی ہے

یہ کہ فوہ نمبر 3 سے تعلق میں مدعا علیہ نہیں ہے۔ اس لئے کہ مدعی نے خود لوفت حصولی کا ڈسٹریکٹ منسٹر کا ڈسٹریکٹ منسٹر میں ایسی تاریخ پیدائش کا اندراج

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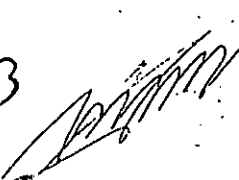
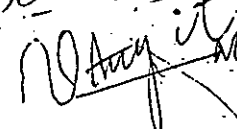
Examiner

6/3/17

مدعی کی اسناد کرایا ہے

6 فتوہ 7 سلیم ہے۔ اعداد میں مدعا علیہ میں خود مدعی نے اول سال 1976ء میں اپنی
 تاریخ پیدائش کا اندراج اس وقت کر لیا جب مدعی نے سینول کالج کالج میں کالج
 میں دن گذر کر عمر 149-54-030865 مدعی کے کمپوٹر کارڈ پر بھی درج ہے۔ جو کہ
 سینول کالج سال 1976ء میں حوالہ مدعی کیا گیا تھا۔ مزید بھی مدعی کی تاریخ پیدائش
 30-03-1955 درج تھی۔ مدعی کو درج شدہ تاریخ پیدائش کا علم سال 1976ء
 سے ہے۔ اور جو خود مدعی نے فرم 2001-12-02 کو برائے صوبائی کمپوٹر کالج کالج
 دفتر میں مدعا علیہ کے ایسا نام خود داخل کیا۔ جس میں مدعی نے 29 اپنی تاریخ پیدائش
 30-03-1955 درج کی۔ اور ایسا سینول کالج کالج میں درج کیا۔ جس میں مدعا علیہ نے 29
 بالکل درست طریقے کا ذکر کیا کرتے حوالہ مدعی لے۔ جس پر اس میں دعویٰ مدعی کو
 اعتراض نہ رہے۔ اور بجانب مدعی اس بابت کوئی درخواست (دعویٰ نہیں کیا گیا
 و لگاؤ دفتر میں مدعا علیہ میں درج شدہ تاریخ پیدائش مدعی کے خود مدعی کی تحریر کردہ
 و مطابق تعلیمی اسناد ہے۔ جس میں مدعا علیہ نے اپنی کسی قسم کی تبدیلی نہ تو کیا۔ نہیں
 اور نہ عیار۔ اور نہ کہ مدعی ایک کو لیکچرر آدھی ہے۔ بجانب مدعی اپنے یہ کیا کہ اس کو
 درج شدہ تاریخ پیدائش کا علم ایک لیکچرر میں ہوا ہے۔ تسلیم نہیں ہے
 یہ کہ ہونہ بڑی تسلیم نہیں ہے۔ جسے کمپوٹر کالج میں رضی ہے۔
 یہ کہ حقہ عہدہ تسلیم نہیں ہے۔ مدعی کو بتائے دعویٰ حاصل نہیں ہے۔ اور یہی دعویٰ مدعی
 و تہذیب و تہذیب۔ مدعی کو درج شدہ تاریخ پیدائش کا علم سینول کالج کالج
 کے وقت یا مدعی کے جب بزرگ پاس میں درج رہے۔ دعویٰ مدعی اندر فیصد نہیں ہے
 قابل احوال، قابل وقت ہے۔ اور عدالت حضور اللہ کو دعویٰ مدعی خارج
 کرانے کے وسیع اختیارات حاصل ہیں۔

7 بہ فتوہ 7 قانونی ہے جواب کی قدرت نہیں ہے۔
 ہذا عدالت حضور اللہ سے استدعا ہے کہ دعویٰ مدعی بلا فریاد کارروائی
 فرمائے جانے سے خارج فرمایا جائے۔

10-11-2011
 المدعا علیہ کو 5 غائب ہو گیا ہے
 ATTESTED
 6/3/13
 Examiner





لہذا صاب صبر سہولت خ صہب ذہرہ اسماعیل خان

مشتاق احمد خان ولد امین بخش

11

تاریخ 05-05-2013
31/03/2013

لکھنؤ 44/1
ایڈمیشن گورنمنٹ ہائی سکول لاہور

جواب دہی از طرف پرنسپل گورنمنٹ ہائی سکول لاہور

MUHAMMAD IRFAN
Principal

دعا کلمہ ہمہ درجہ ذیل جواب دہی میں ہے

- 1- یہ کہ فقہہ ہمہ کا لکھن دہی عملہ ہمہ ہے
- 2- یہ کہ فقہہ ہمہ سہولت ہذا کے مطابق دہی میں تاریخ پیدائش 30-3-1954 درج ہے۔ جو کہ دہی میں فراہم کردہ پرائمری کی سرٹیفکیٹ کے مطابق درج ہے (رہنما دہی میں تاریخ ہے)
- 3- یہ کہ فقہہ ہمہ عملی مازہ در خود دہی ہے
- 4- یہ کہ فقہہ ہمہ اگر معزز عورتیں حکم نہ دے تو دہی عملہ ہمہ تاریخ پیدائش کو درست کرتے ہیں اور اعتراف نہ ہوگا۔
- 5- یہ کہ فقہہ ہمہ اپنے تہذیبیاتی بیان عملہ ہے
- 6- یہ کہ فقہہ ہمہ قانونی ہے
- 7- یہ کہ فقہہ ہمہ قانونی ہے

PRINCIPAL
Govt. Higher Secondary
School No.3 D.I.Khan

پرنسپل گورنمنٹ ہائی سکول لاہور

ATTESTED
Examiner

6/3/13

IN THE COURT OF SYED ISRAR ALI SHAH CIVIL
JUDGE/JUDICIAL MAGISTRATE-III, DERA ISMAIL KHAN

Civil suit No-----44/1
Date of Institution----10-03-2011
Date of Decision-----30-06-2012

Mushtaq Ahmad S/o Malik Illahi Bakshsh Caste Thukna
R/O Basti Dewala, Distt D.I.Khan. (Plaintiff)

VERSUS

D.P.O, D.I.Khan and 04 Others.

(Defendant)

SUIT FOR DECLARATION/PERPETUAL INJUNCTION

JUDGMENT

30-06-2012

Plaintiff Mushtaq Ahmad has brought the present under the head of declaration against the defendants for correction of his date of birth. Besides declaration, there is also prayer for permanent mandatory injunction to the effect that the defendants be directed to correct the plaintiff's date of birth.

Concise facts of the present case as per averments of plaint are that the plaintiff is a serving DSP in Police Department. The exact date of birth of plaintiff as per DHO Office, DIKhan is 15-03-1957, but involuntarily/ wrongly it has been entered as 30-03-1954 in the academic and service record of the plaintiff, which is unproductive upon the rights of the plaintiff and is liable to be corrected.

It is additionally averred in the plaint, that the defendants were asked frequently to correct the plaintiff's date of birth, but of no reward, hence the plaintiff was

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Mushtaq
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compelled to knock at the door of this law court, via present suit.

Defendants were summoned, amongst whom only defendant No.05 contested the suit by filing written statement, wherein claim of the plaintiff was defied on many legal as well as factual grounds.

Out of the deviating pleading of the parties, following issues were generated.

ISSUES:

1. Whether the plaintiff has got the cause of action?
2. Whether the plaintiff's date of birth according to the birth register of DHO is 15/03/1957?
3. Whether the correct date of birth of plaintiff is 15/03/1957, as his other class fellow's date of birth is in between 1956 to 1957?
4. Whether the plaintiff is entitled to the decree as prayed for?
5. Relief:
6. Additional issue. Whether this Court has got the jurisdiction to entertain the present suit?

30/6/12

Mushtaq Ahmad

Parties were asked to produce evidence on which the plaintiff produced and examined Abdur Razaq Junior Clerk EDO Health DIKhan as PW-1, Mubashir Nawaz Junior Clerk Govt High School No.03 as PW-2, Muhammad Ishaq Senior Clerk DPO, DIKhan as PW-03, Plaintiff Mushtaq Ahmad himself came to the witness box and recorded his statement as PW-04, Syed Hashmat Ali Shah S/o Syed Abbas Ali Shah as PW-05 and Rizwan-ul-Islam S/o Ali Mashkoor Khan

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Examiner

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MUSHTAQ AHMAD.VS. DPO

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Muhammad
Umer
Ahmed

was examined as PW-06, where-after plaintiff closed his evidence.

From the defendant's side Umer Hayat Representative of defendant No.05 recorded his statement as DW-1.

After concluding the evidence, arguments were heard and record was perused, where after issue wise findings of this court are as under.

ISSUE NO 6:

At the outset, before dealing with the other issues, it has to be seen, that, whether this court has got the authority to entertain the current suit?

It is stated in the plaint that plaintiff is a serving DSP in Police Department. The correct date of birth of the plaintiff as per DHO Office, DIKhan is 15-03-1957, but inadvertently/erroneously it has been entered as 30-03-1954 in the educational and service documents of the plaintiff, which is fruitless upon the rights of the plaintiff and is liable to be rectified.

The overhead averments of plaint demonstrate, that plaintiff is not only praying for correction of his date of birth in the academic documents, but also in his Service/departmental record. Thus it is apparent from bare reading of the plaint, that plaintiff is a civil servant. Though, plaintiff has introduced the present suit under the head of declaration and this court has got the jurisdiction U/S 42 of Specific relief Act, to entertain the suit for declaration, nevertheless, this court lacks jurisdiction to entertain the suits of civil servants for correction/change in their date of birth. Accordingly, under article 212 of

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Constitution of Islamic Republic of Pakistan 1973, change of date of birth of a civil servant is part of terms and conditions of service. Therefore, only the Service Tribunal has the jurisdiction to adjudicate upon the matter.

This court is also well conversant with a precedent of Lahore High Court Multan bench, reported in NLR 1997 S Page 11, whereby the current view has already been sustained. The relevant portion is reproduced as below,

(a) Constitution of Pakistan, 1973.....

Art.212 Change of date of birth of a Civil Servant is part of terms and conditions of his/her service. Civil Court would have no jurisdiction under Art.212 (2) to entertain and decide seeking change of date of birth of a Civil Servant.

Consequently, it is reiterated that this court has got no jurisdiction to entertain the present suit. Issue is decided accordingly.

ISSUES NO 1, 2, 3 & 4:

In view of the detailed discussion on issue No 6 vis-à-vis lack of jurisdiction, this court may not give any finding on the present issues. Hence, decided accordingly.

RELIEF:

As per comprehensive debate on issue NO 6, it is already held, that this court has got no jurisdiction to entertain the present suit. So the provision of order 7 rule 10 CPC is clearly attracted which is replicated as below,

Order 7 Rule 10 civil procedure code

10. Return of plaint. (1) The plaint shall at any stage of the suit be returned to be presented to the Court, in which the suit should have been instituted.

30/6/12
[Signature]

AS ORDERED

[Signature] 6/3/13

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MUSHTAQ AHMAD.VS. DPO

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Murid
Law

Resultantly, in view of explicit provision of order 7 rule 10 CPC, the plaint is hereby returned. Plaintiff can seek his remedy from the concerned forum (if he so desire). Parties shall bear their own cost.

Muharir is directed to do the need full in this regard.

ANNOUNCED IN OPEN COURT:

30-06-2012

(Handwritten signature)

(Syed Israr Ali Shah)
Civil Judge-III, D.I.Khan



CERTIFICATE

Certified, that this judgment of mine, consist upon (05) pages. Each has been read over, corrected and signed by me.

(Handwritten signature)

(Syed Israr Ali Shah)
Civil Judge-III, D.I.Khan

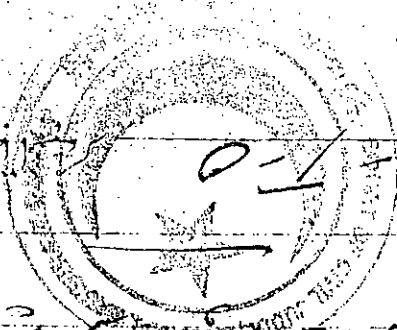
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Examine
District And Sessions Judge
D.I. Khan

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06/3/13

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6/3/13

CMJ Judge-III, Judicial Magistrate
Dera Ismail Khan

(Signature)

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مستند رقم 13/3/13

1- ...	✓	1- ...	✓
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3- ...	✓	3- ...	✓
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7- ...	✓	7- ...	✓
8- ...	✓	8- ...	✓
9- ...	✓	9- ...	✓

مستند رقم 13/3/13

CMJ Judge-III, Judicial Magistrate
Dera Ismail Khan

(Signature)

مستند رقم 13/3/13
 30-6-212
 34-05-212
 ...

To:- The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

*Mirza
Jawid*

Ameli P.
(18)

THROUGH PROPER CHANNEL

Subject:- PRESENTATION FOR RECTIFICATION OF DATE OF BIRTH

Respected Sir,

It is submitted as under:-

1. Petitioner officer correct date of birth as per the entries made in the birth register maintained by the DHO DIKhan is 15.03.1957 (copy enclosed). But subsequently at the time of admission in school at Primary level, the date of birth was erroneously entered as 30.03.1954 and the same entries were later on made up to SSC. After getting the notice of about erroneous/wrong entries of date of birth. A Civil Suit, for the correction of the date of birth in the school record determination of a question of fact was instituted in the Civil Court matter. The suit was decided on 30.6.12 and the plaint was returned for lack of Civil Court jurisdiction.

2. The order of learned Civil Judge-III, DIKhan was challenged in appeal before District Judge DIKhan. However the same was decided on 23.2.13 the only question of jurisdiction of the Civil Court. Again against the concurrent finding a Revision was preferred before Honourable Peshawar High Court Bench DIKhan. But the same was dismissed vide order dated 1.7.13 to the effect that the change of date of birth of Civil Servant comes within the ambit of terms and condition of service, so hence the remedy rest with competent forum/department i.e. Police department.

3. That the department has already considered such like matters of correction of date of birth of different police officers in recent past because change of date of birth comes within the ambit of terms and condition of service.

It is, therefore, requested that correct of date of birth in the record be made as 15.03.1957 instead of 30.03.1954 because the matter within the ambit of department i.e. Police Department at the earliest possible time.

I shall very thankful to you for this act of kindness.

Your's obediently

Dated 04.07.2013

[Signature]
Malik Mushtaq Ahmad
Deputy Superintendent of Police,
Paharpur Circle, D.I.Khan

From: The District Police Officer,
Dera Ismail Khan.

To: The Regional Police Officer,
Dera Ismail Khan.

No. 15841 / dated DIKhan the 10 - 7 - 2013

Subject: PRESENTATION FOR RECTIFICATION OF DATE OF BIRTH

Memo:

Mr. Malik Mushtaq Ahmad DSP Paharpur Circle DIKhan has submitted a presentation addressed to Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar is submitted herewith for favourable consideration and onward submission to CPO, KPK, Peshawar please.


District Police Officer,
Dera Ismail Khan

Mushtaq
10/7/13

Mushtaq

(19)

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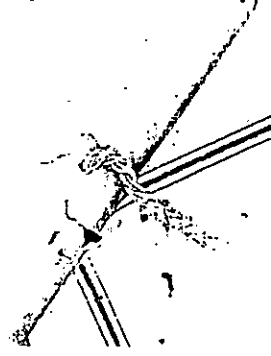
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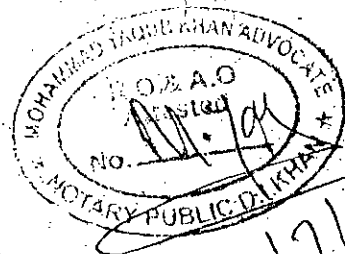
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بیان

حکومت پاکستان ریاستی راجہ محمد
درست ہیں۔ کوئی اور نام نہیں
کے لئے شہادت دیا گیا ہے۔
محمد حسن علی صاحب
زیر نون ہے

محمد حسن علی



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SESSIONS JUDGE

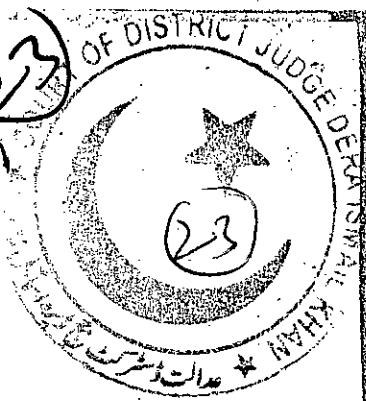
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IN THE COURT OF
SADIA ARSHAD ADDITIONAL DISTRICT
JUDGE-II,
DERA ISMAIL KHAN

Mushtaq Ahmad son of Malik Illahi Bakhsh, Caste
Thakna, r/o Basti Dewala, Tehsil & District D.I.Khan.

(Appellant)

VERSUS.

District Police Officer D.I.Khan and four others.

(Respondents)

Regular Civil Appeal No.91/2012.

Date of Institution --- 17.07.2012.

Date of Decision --- 23.02.2013.

JUDGMENT.

This appeal is directed against the judgment and decree dated 30.06.2012 passed by Learned Civil Judge-I, D.I.Khan whereby, he returned the plaint of appellant under Order VII Rule X Civil Procedure Code.

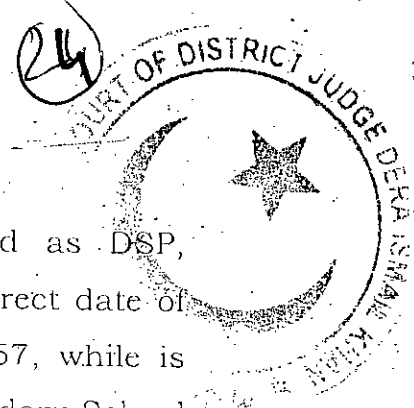
2. Precise facts of the matter in issue are that appellant (herein after to be referred as appellant /plaintiff) has brought a Civil suit before the trial court to obtain a declaration to the effect that his correct date of birth according to the record of DHQ, hospital D.I.Khan was 15.03.1957 but the same has wrongly been recorded as 30.03.1954 in his matriculation Certificate and Service record. According to him, he is resident of Basti Dewala

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Law



Dera Ismail Khan and is presently posted as DSP, Headquarter, Dera Ismail Khan. That his correct date of birth, according to DHO record is 15.03.1957, while is wrongly recorded on 30.03.1954 in his Secondary School Certificate and other record as well as in service record. That appellant plaintiff got knowledge about this wrong entry about one week ago after scrutiny of documents and defendants (herein referred as defendants/respondents) were asked to make correction in documents but of no avail, therefore, he instituted suit before trial Court.

3. The respondents/defendants were summoned, out of which only respondent/defendant No.5 turned up and contested the suit of appellant/plaintiff by filing written statement.

4. Learned trial court framed the following issues.

1. Whether plaintiff has got a cause of action?
2. Whether the plaintiff's date of birth according to the birth register of DHO is 15.03.1957 ?
3. Whether the correct date of birth of plaintiff is 15.03.1957 as his other class fellow's date of birth is between 1956 to 1957?
4. Whether the plaintiff is entitled to the decree as prayed for ?
5. Relief.

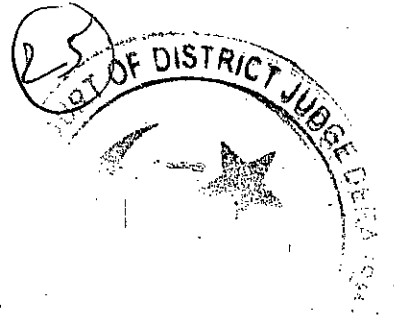
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DISTRICT JUDGE - II
DERA ISMAIL KHAN.

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ADDITIONAL ISSUE.

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

5. Parties led their respective evidence. Learned trial court heard arguments and vide its judgment and decree dated 30.06.2012, proceeded to decide question of jurisdiction first and vide its findings under Issue No.6 held that it has got no jurisdiction and resultantly returned the plaint of appellant/plaintiff under Order VII Rule X CPC. Feeling aggrieved from the said judgment and decree the appellant/plaintiff filed the present appeal.

6. Arguments of learned counsel for the parties heard. File perused.

7. Learned counsel for the appellant/plaintiff contended that the correct date of appellant/plaintiff is 15.03.1957 but was wrongly mentioned as 30.03.1954 in his educational record. That as per school record, the date of birth of ^{his class} ~~and~~ fellows of the appellant/plaintiff is either 1956 or 1957 which fact also supports the contention of appellant/plaintiff. That the suit of the appellant/plaintiff has not been decided on merits but was returned by learned trial court for want of jurisdiction which view of the learned trial court is not based on proper appreciation of law on the subject as the suit of the appellant/plaintiff was for declaration and the civil court has got the jurisdiction to decide such matter. It is therefore, prayed that either the suit in hand may kindly be remanded to trial court for

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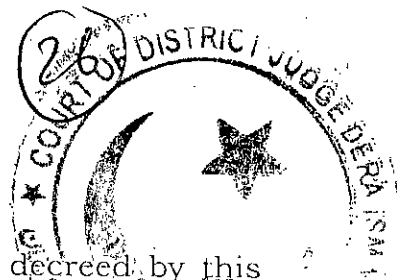
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deciding it on merits or the same may be decreed by this Court on the basis of evidence on record.

8. While strongly opposing the arguments of appellant's counsel, Learned counsel for the respondents/defendants rebutted that the findings of the learned trial court are very much proper and according to law on the subject. That the appellant/plaintiff is a government servant, who wants to make change in his date of birth in order to increase his length of service. That the suit of the appellant/plaintiff is not only beyond the jurisdiction of civil court but is badly time barred.

9. The claim of the appellant/plaintiff in his suit was that his correct date of birth according to District Health Office (DHO) record is 15.03.1957, while is wrongly recorded as 30.03.1954 in his metric Certificate, other educational record as well as his service record. Before this Court, appellant/plaintiff has asked for either remanding of case back to trial Court for deciding on merit or in alternate decreeing the same by this Court.

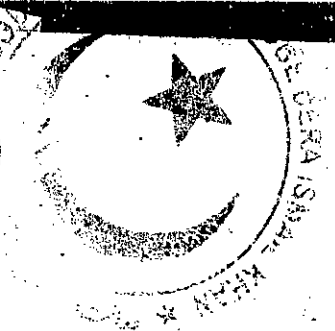
10. From available record, it is an admitted fact that appellant/plaintiff is Civil Servant and presently serving as DSP in Police Department. Through his suit for declaration filed on 10.03.2011, he has asked for correction/change in his educational record as well as in his service record. There is no denial to the fact that a Civil Court has the jurisdiction to entertain and decide a suit for declaration but here matter is different. Though appellant/plaintiff has instituted declaratory suit but main

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purpose and intent of his claim is with respect to correction/change in his service record.

11. Correction/change in date of birth of an ordinary man and of a Government/Civil Servant has two different implications. For regulating the different matters pertaining to the service of a Civil servant, according to article 212 of Constitution of Islamic Republic of Pakistan 1973 (which is the basic statute), Special forum in the form of Service Tribunal has been established while under Article 212 (2) of Constitution, the jurisdiction of Civil Courts or any other courts is barred in respect to the matters relating to the terms and conditions of civil servant, which action could only be challenged before the service tribunal.

12. From the above referred basic law provisions as well as the dictum of superior courts with respect, it is crystal clear that Civil Court has no jurisdiction under Article 212(2) of Constitution of Islamic Republic of Pakistan 1973, to entertain and decide any suit which relates to the terms and conditions of a civil servant. Though nowhere explicitly change or correction in date of birth is listed as to be part of terms and conditions of service but it is concurrent view of Superior Courts of our country that it is part of terms and condition of Service because it is evident that prayer of appellant/plaintiff is if allowed, net result would be that date of his retiring will be automatically postponed/changed. This part of his prayer, thus directly pertained to the terms and conditions of appellant/plaintiff as civil servant and as discussed above, in this respect law is very much clear that civil court has

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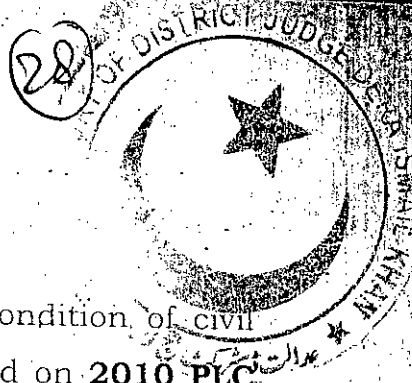
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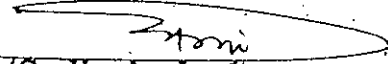


no jurisdiction in respect of terms and condition of civil servant. Reliance in this respect is placed on 2010 PLC (C.S) 943, NLR 1997 Service 11, 2007, SCMR 66.

13. For the above given reasons, it is held that findings of learned trial court are well reasoned and proper who has rightly returned the plaint of appellant/plaintiff under Order 7 Rule 10 CPC, consequently, instant appeal stands dismissed being merit less. No order as to costs.

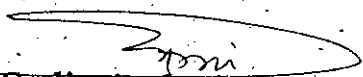
14 Record of trial court be returned forthwith while file of this Court be consigned to Record Room after its completion.

ANNOUNCED
Dated. 23.02.2013.


(Sadia Arshad)
Additional District Judge- II,
Dera Ismail Khan.

CERTIFICATE

Certified that this judgment consists of (06) pages, each page has been read, corrected wherever it was necessary and signed by me.


(Sadia Arshad)
Additional District Judge- II,
Dera Ismail Khan.



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District And Sessions Judge
Dera Ismail Khan

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Application Received On 5-3-13
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Date of Copying 5-11-13
Date of Delivery 5-3-13
No of Words 5-3-13
Copying Charges 2400
Urgent Charges 121
Total Charges 121
Name of Copies 121
Copying Delivery Date 5-3-13
Nature of Exam 5-3-13

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, DIKHAN BENCH.

C.R.No. 63 /2013

Amber I

(29)

Mushtaq Ahmad s/o Malik Ilahi Bakhsh Caste Thakna DSP/Head Quarter Dera Ismail Khan..... (Petitioner)

Versus

1. The District Police Officer, Dera Ismail Khan.
2. Secretary BISE, Peshawar.
3. Controller Exam BISE, Peshawar.
4. Head Master Govt: High School No.3 DIKhan.
5. District Registration Officer, DIKhan.

(Respondents)



CIVIL REVISION UNDER SECTION 115 CPC AGAINST THE JUDGMENT AND DECREE DATED 23.02.2013 PASSED BY THE LEARNED ADDITIONAL DISTRICT JUDGE-II, DIKHAN IN APPEAL AND JUDGMENT AND DECREE DATED 30.06.2012 PASSED BY LEARNED CIVIL JUDGE-III, DIKHAN VIDE WHICH THE SUIT OF THE PETITIONER PETITION AND APPEAL WAS DISMISSED UNDER 07 Rule 10 CPC

PRAYER

ON ACCEPTANCE OF THIS REVISION PETITION TO SET-ASIDE THE IMPUGNED JUDGMENT/DECREE OF THE COURT BELOW AND THE KINDLY DECREE THE SUIT OF THE PETITIONER WITH COST.

BRIEF FACTS

1. That the Petitioner/Plaintiff filed a Civil Suit for declaration and perpetual injunction to the effect that as per record of D.H.O Office DIKhan mentioned in the birth register for the year 1957, the exact/actual date of birth of the Petitioner is 15.03.1957 and not 30.03.1954. At the time of birth of the petition the date of birth was recorded in the birth register as 15.03.1957, while at the time of admission in the School (Primary) wrong date of birth was recorded which was later on entered in S.S.C (Copy of Plaint is Annexure "A").

The Respondents/Dependants appeared and submitted their written statement. The learned Trial Court after the submission of written statement by Respondent/defendants No. 4 & 5 while the other Respondents/Dependants were placed ex-party due to non appearance despite service of notices, framed different issues and an additional issue pertaining to jurisdiction was also framed later on. Copy of Written Statement is Annexure "B" and Issues is Annex "C".

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EXAMINOR
Peshawar High Court
Dera Ismail Khan Bench

15/7/13

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3. That the Petitioner/Plaintiff and Respondents/Dependants recorded led the pro and contra evidence. The Petitioner/Plaintiff produced as many as many 6-P.Ws, got produced the register of Birth through PW1 and the photocopy of the register was exhibited as Ex-PW3 wherein the date of birth of the Petitioner has been shown as 15.03.1957. Coy of evidence and exhibits are Annex "D & E".
4. That after the close of evidence and after hearing pro-contra arguments of the parties the learned Trial Court returned the plaint under the provision of 07 Rule 10 C.P.C to the Petitioner/Plaintiff through its impugned judgment/decree dated 30.6.12. Copies of impugned Judgment/Decree are enclosed as Annex "F & G".
5. That feeling aggrieved from the impugned Judgment and Decree dated 30.6.12 passed by learned Trial Court, the Petitioner preferred a regular Civil Appeal before the learned District Judge DIKhan which was marked to the learned ADJ-II DIKhan for disposal. Copies of memo and grounds of appeal are enclosed as Annex "H & I".
6. That the learned Additional District Judge-II, DIKhan after hearing pro and contra arguments was pleased to Dismiss the appeal of the Petitioner/Plaintiff, through his impugned Judgement/Decree dated 23.2.13. Copies of impugned Judgments/Decree passed by the learned ADJ-II, DIKhan are enclosed as Annex "J".
7. That not contented with both the impugned pronouncement of the learned two Courts below, the Petitioner/Plaintiff most humbly approach this Honourable Court for seeking redressal of his grievances on the following amongst other grounds..

GROUNDS

1. That the impugned Judgment and Decree of the learned two Courts below are against law, facts of the case and the material available on record, hence not maintainable in the eyes of law.
2. That the impugned Judgment and Decree of the learned two Courts below are the result of mis-reading and non reading of evidence, hence liable to be reversed.
3. That the learned two Courts below have erred in law by drawing a wrong conclusion about the jurisdiction of the Civil Court.

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4. That determination of the question about the correct date of birth comes within the ambit of question of fact and the matter pertaining to question of facts always comes under the jurisdiction of civil Court. (91)
5. That a question of fact is always determined through a process laid down under the provision of C.P.C by recording the evidence etc, by exhibiting the relevant documents.
6. That the view of the Trial Court, that the question of determination of date of birth is within the jurisdiction of Service Tribunal is incorrect because the procedure usually adopted by The Service Tribunal, the important question of fact cannot be determined, hence the proper forum for the determination of issue in question regarding the determination of correct and exact date of birth, the jurisdiction of Civil Court is *only available*
7. Counsel for the Petitioner may please be allowed to raise more grounds at the time of arguments.

PRAYER

It is therefore most humbly prayed that on acceptance of instant Civil Revision Petition, this Honourable Court may pleased to set-aside both the impugned judgments and Decree of the learned Trial Courts below and to decree the Suit of the Petitioner/Plaintiff as prayed for.

(Petitioner)

[Signature]
Malik Mushtaq Ahmad

Through Counsel

[Signature]
Jahanzeb Ahmad Chughtai
Advocate, High Court,
D.I.Khan. 14/4/13

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15-4-2013
ATTEST

EXAMINOR
D.I. Khan
9/7/13

AFFIDAVIT:

I, Malik Mushtaq Ahmad, the Petitioner hereby solemnly affirm and declare on oath that contents of the petition are true and correct to the best of my knowledge, belief and per the official records. Also, that nothing is willfully kept or concealed from this Hon'ble Court.

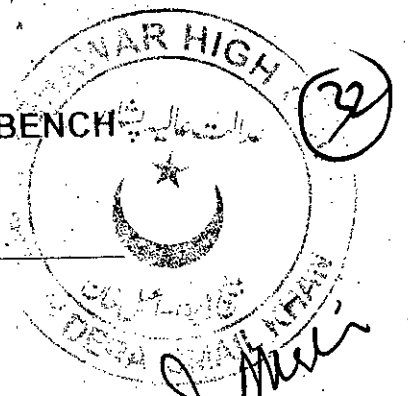
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(Malik Mushtaq Ahmad)
Petitioner

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)



C.R. No. 63 of 2013

JUDGMENT

Date of hearing 1-7-2013

Appellant-petitioner Mushtaq Ahmad Ilyasi M/s Rustam Khan Khali,
Saleemullah Khan Ranjani + Johanzoh Ahmad Chughtai Advocates

Respondent DPD 2013) by Mr. Khan Wali Khan Khali
Adv. A. G.

ABDUL LATIF KHAN, J.- Through the instant revision petition, the petitioner has called in question the judgment and decree dated 23.02.2013 passed by learned Additional District Judge-II, D.I.Khan vide which his appeal filed against the judgment and decree dated 30.6.2012 of learned Civil Judge-III, D.I.Khan was dismissed.

2. Precise facts leading to the instant revision petition are that the petitioner/plaintiff filed a suit for declaration and perpetual injunction to the effect that his correct date of birth, according to the record of DHQ, hospital, D.I.Khan was 15.3.1957 but it was wrongly recorded as 30.3.1954 in his S.S.C and service record.

3. The suit was contested by respondent/defendant No.5 by submitting his written statement. The

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Peshawar High Court
D.I. Khan Bench

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learned trial Court framed issues arising out of the pleadings of the parties. The parties produced their respective evidence as they wished to adduce. After hearing the arguments of learned counsel for the parties, learned Civil Judge-III, D.I.Khan returned the plaint to the petitioner under Order VII Rule 10 C.P.C.

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4. Aggrieved of the same, the petitioner preferred an appeal which was dismissed by learned Additional District Judge-II, D.I.Khan vide judgment and decree dated 23.02.2013, hence the instant revision petition.

5. Learned counsel for the petitioner contended that the Courts below have misread the evidence and the impugned judgments have been passed on incorrect appreciation of evidenced available on file regarding the issue of jurisdiction. He contended that Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 is not applicable to the instant case and under section 9 C.P.C, the civil Court has got ample powers to adjudicate the matter. He contended that the case of the petitioner has been wrongly dealt with under Order VII Rule 10 C.P.C.

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6. As against that, the learned A.A.G appearing on behalf of the respondents contended that Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 excludes the jurisdiction of civil Court as well as

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EXAMINOR

Presiding Judge
Civil Court

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constitutional jurisdiction of this Court and the Courts below have rightly returned the plaint to the petitioner.

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7. I have given my deep thought to the arguments of learned counsel for the parties and perused the record with their able assistance.

8. The simple question involved in this case is that the petitioner being a civil servant working as DSP in police department has sought declaration to the effect that his date of birth is 15.3.1957 whereas 30.3.1954 has wrongly been entered in his service record and Secondary School Certificate. He filed the suit on 08.02.2011, after about 59 years of his birth and 56 years in case of date of birth given by him is taken as correct, which shows that on the eve of superannuation, he has filed the suit simply to gain time.

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9. Change of date of birth through correction by a civil servant is an altogether different legal implication than that of a private person. Cause of action to this effect for filing suit for declaration accrued to the petitioner firstly at the time of S.S.C when, as per his allegation, his date of birth has wrongly been mentioned in S.S.C and then at the time of joining service, wherein he himself put in the contents and that record is being maintained by the police department and now is debarred

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High Court

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by taking U-turn to say that the entry in the service has been wrongly made, because it is he who made the entries and not anybody else. Moreover, for suit under section 42 of the Specific Relief Act, a period of six years has been provided under Article 120 of the Limitation Act and as such the suit is hopelessly time barred.

Muhammad
Ismail
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10. For the sake of convenience, Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 is reproduced below:-

"Administrative Courts and Tribunals---(1) *Notwithstanding anything hereinbefore contained, the appropriate Legislature may by Act provide the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of---*

(a) *matters relating to the terms and conditions of persons who are or have been in the service of Pakistan, including disciplinary matters;*

(b) *matters relating to claims arising from tortuous act of Government, or any person in the service of Pakistan, or of any local or other authority, empowered by law to levy any tax or cess and any servant of such authority acting in the discharge of his duties as such servant, or*

(c) *matters relating to the acquisition, administration and disposal of any property which is deemed to be enemy property under any law.*

(2) *Notwithstanding, anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1), no other Court shall grant an injunction, make any order or entertain any proceeding in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and*

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all proceedings in respect of any such matter which may be pending before such other Court immediately before the establishment of the Administrative Court or Tribunal, other than an appeal pending before the Supreme Court shall abate on such establishment.

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Provided that the provision of this clause shall not apply to an Administrative Court or Tribunal established under an Act of a Provincial Assembly unless, at the request of that Authority made in the form of a resolution, Majlis-e-Shoora (Parliament) by law extends the provisions to such a Court or Tribunal.

(3)

Change of date of birth of a civil servant comes within the ambit of terms and conditions of service and the civil Courts including High Court have no jurisdiction to entertain a suit or petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 in this regard.

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11. Section 4 of Service Tribunals Act, 1973 is reproduced below for ready reference:-

"Appeals to Tribunals..(1) Any civil servant aggrieved by any order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal."

Likewise, Rule 12-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 is reproduced below:-

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Answer High Court
D. K. Singh

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"Alteration in the date of birth.. The date of birth once recorded at the time of joining Government service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible."

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Date of birth of petitioner was reduced into writing and filled by the petitioner at the time of joining service and now at the edge of superannuation, the petitioner wanted to get the same changed in the garb of correction, cannot be permitted under the law. The remedy available to the petitioner under section 4 of the Service Tribunals Act, 1973 read with Rule 12-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 rests with the Service Tribunal and once entry made at the time of joining service to government department, the entry would remain final and cannot be changed in any eventuality. The petitioner was unable to point out any infirmity or legal flaw in the impugned judgments.

12. For the reasons mentioned above, the revision petition being bereft of any merit is hereby dismissed.

Announced:
Dt:01.7.2013.

[Signature]
JUDGE

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بیان ازاں عبد الرزاق جو بیرون ملک
عمر 57 سال

1-PW
24-5-12

حلفاً بیان کیا کہ میں اپنے پیر اور صاحب سرائی
سال 1957ء کو لاکھپور جو کہ تقانہ چھاوی
کے متعلق سے اس وقت کے سربراہ نے 13/6/57
کی سرائی کے متعلق اندراج جو بورڈ سے لاکھ
پور سے لے کر ملتان تک فوٹو سٹیٹ مانی
پر اس وقت EXPW سے لے کر EXPW کے
تحت مدعی کا کارڈ سرائی 15/3/57 سے
تحت 2 نمبر اور صاحب سرائی کے وقت لاکھ

دکھائی
تحت مدعی کے متعلق صاحب سرائی
30/6/57
112

سید عزیز حسین

سول جج III ڈیرہ اسماعیل خان
dt 24.5-12

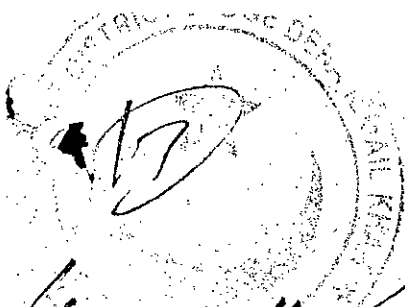
6/3/13
Examiner

6/3/13

[Handwritten signature]

Application Received On 6-3-13
 Date of Copying 6-3-13
 Date of Delivery 6-3-13
 No. of Vols. 3200
 No. of Pages 151
 Original Cost 187
 Total Cost 187
 Name of Copyist AF 100
 Copying Date 6-3-13
 Name of Examiner [Signature]

2325



مستحق آئی ایم ڈی ۵۰

۱ (2) A

بیان ازاں فیشن نوڈز جو نمبر کلر کے گورنمنٹ کے اسٹیٹس کے تحت
دسمبر ۱۹۶۹ء

2-2
24.5-2

حلفاً بیان کیا کہ میں اپنے ہمراہ رجسٹرڈ داخل خانہ
حصہ صافی گورنمنٹ کے ایسی ملک کے 3 ہمراہ لیا ہوں

فیس
1974

رجسٹرڈ 2 از 30/4 تا 17/9 1974 کا برت
32 کی فوٹو کاپی میں کمرتا ہوں جس کے سلسلہ نمبر
245

یہ عدلی کا اندراج موجود ہے فوٹو سٹیٹ کاپی
میرت 32 قبل از میں مثل یہ موجود ہے

جس کے پاس Exp سے جو مطابق ریکارڈ
جو کہ عدالت میں پیش کیا ہے ریٹس سے

1/16

اسٹریٹ میں سلسلہ نمبر 1752 سے 1856
کا اندراج رجسٹر میں کمرتا ہوں جو کہ متذکرہ آفیسر
یہ موجود ہے اور Exp سے

جو کہ مطابق رجسٹر فوٹو سٹیٹ کاپی
Exp سے ریٹس میں

6/3/13

3 (41)

(37)

صالحہ ڈپو

(18)

بیان از اس امر احقاق سنٹر ملٹر کے DPo آفس کے بارے میں

Pw-3

24.5-12

حلفاً بیان کیا کہ میں میٹروں کے بارے میں کوئی

بابت دعویٰ نہیں کر رہا ہوں جس سے مجھے کوئی

میں اس وقت DSP کے طور پر تعینات ہے

اور اسکی پوسٹنگ میٹروں کے بارے میں نہیں

کا اصل بہت جسر دعویٰ کا ابتدائی میٹروں کے بارے

میں کوئی نہیں کرتا ہوں جسکی فوری

3/3 Exp کو جاتی ہے اصل اول بہت میٹروں کے

سے ملنے والے اس کے بارے میں اس وقت کہ

SP کی تعداد شدہ ہے 3/3 Exp کے مطابق

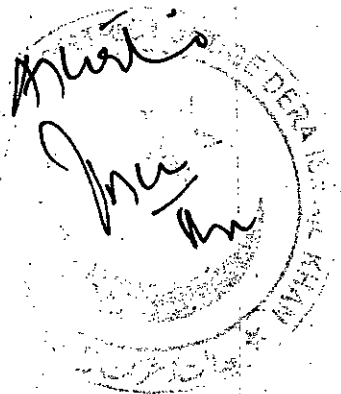
دعویٰ کا تاریخ پیدائش 30/5/12 ہے

تبرہ نداد رہتا ہے جب تک کہ وہ رہتا ہے

سنٹر ملٹر کے بارے میں

سول جرنل 111/3/12

dt 24-5-12



RECEIVED
Examiner

6/3/13

دینا کورٹ میں
3

4
22
42

حیرت نادر فیاضی کی قیادت میں
24-5-12

میرزا محمد

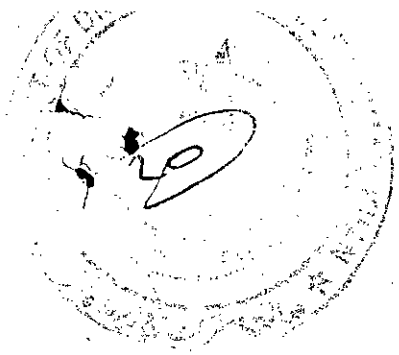
24
24-5-12



Mulani
Khan
Adnan

Examined

6/3/13



مستاقانہ بیگ DPo

(43)

1

بیانہ ازاں مستاقانہ بیگ

4-1957

31-5-12

حلفانہ بیان لیا کہ یہی درست تاریخ ہے

مورخہ 15³/₁₉₅₇ سے اور یہی اندر ان یوقت

Adm

Adm

Adm

تاریخ دفتر DPo حال EDO

میں اندر ان سے جبکہ ریکارڈ DPo آفس

EXPW 1/1 سے جبکہ میں اندر انی تعلیم

کے لئے سکول میں داخل ہوئے تو میں تاریخ دفتر

غلطی سے 30³/₅₄ اندر ان ہوئی اور آئی اندر ان

کے مطابق سے دفتر کی سرٹیفکیٹ سال 1971

میں جاری ہوئی ہے اس میں میں تاریخ دفتر

غلطی سے 30³/₅₄ اندر ان ہوئی ہے

ووٹسٹ کالی میں سرٹیفکیٹ EXPW 4/1

میں تاریخ میں نے جبکہ سال 1976 میں

تعلیم بولیں میں سرٹیفکیٹ کی تو اس میں یہی

Handwritten signature or mark.

Examined

6/3/13

متعلق آئرمینیم DPO سے

(44) 2

(2)

تاریخ سیدائش $30 \frac{3}{54}$ کا اندراج ہوا حالانکہ ریاست

تاریخ سیدائش $15 \frac{3}{1957}$ سے حکام ریاست

مستند

طور پر DHO کے آفس میں سال 1957 میں

مستند
Date

روز ہوا جو ریاست بالکل ریاست سے

میں جو کلاس فیلو کے ان کی کہیں تاریخ سیدائش

سال 1956، 1957 سے اس بارے میں

برائے ثبوت اندراج رجسٹر وافلہ خارج ہے

برائے ثبوت $EXPW \frac{1}{2}$ سے رجسٹرڈ فیلو

کی تاریخ سیدائش کا 1956، 1957 سے

(Handwritten signature)

معلوم ہونے پر ریاست DHO لکھنا چاہیے

تاریخ سیدائش کی غلطی کا علم ہوا تو میں نے رجسٹر

درج کیا میں نے رجسٹرڈ فیلو کے رجسٹر

کی سرٹیفکیٹ سال 1971 میں کرنا ہوا جو کہ

$EXPW \frac{1}{2}$ سے اس وقت اس کے اندراج کا $EXPW \frac{1}{4}$

کے سال 1824 پر روز سے میرا رجسٹر بالکل ریاست

سے رجسٹر سے کہ حسب عنوان کے رجسٹر

6/3/13

(3) (45) متعلقہ آئینہ نم ۵۰ DPO

22

میرا رجسٹرڈ فرمایا جائے

xx حر و فنانس ڈیپارٹمنٹ

نیشنل
جرنل
آفس

پیرس میں ۱۹۵۶ء میں جب میری پیدائش ہوئی تو اس وقت میرے پیدائش کے DHO آفس میں میری تاریخ پیدائش کا اندراج کر دیا چونکہ اس وقت DHO آفس میں پیدائش کا اندراج کیا جاتا تھا پیرس میں سے کہ شناختی کارڈ میں تاریخ پیدائش $30 \frac{3}{54}$ ۱۹۵۶ء ہو کر غلط ہے اور DHO کے دفتر کا رجسٹرڈ حکم قانونی حیثیت حاصل ہے وہ اندراج پیرس میں

سٹیٹ رجسٹر ڈیپارٹمنٹ

سول جج ایف ڈی ایچ
dt 31-5-62

REGISTERED

Signature

06/3/13

ملک مشافقہ اکر نیچ DP 0

46

23

بیان ازاں سر مشافقہ علی شاہ صاحب مولانا سر علی شاہ
سید چاہ سر قنور شاہ مولانا سر علی شاہ

Pw-5
31-5-12

حلقہ بیان کیا کہ میں اس وقت بطور اسٹڈنٹ
ریزیگنیشن کوکٹ ڈوٹرن لائنات میں مدتی
ملک مشافقہ اکر نیچ شروع سے ملک مشافقہ
میں نے ~~ملک مشافقہ~~ ملک مشافقہ لکھ
کو مشافقہ کی سکول نے 3 ~~ملک مشافقہ~~ میں حاصل کی

مشافقہ
Pw-5

میں تاریخ پیدائش 20/4/1956 سے اور اس سال

میں Pw-5 کے سرٹیفکیٹ 1785 میں
4290

میں تاریخ پیدائش کا لٹریچر سے مدتی کو

میں عمر راز سے جانتا ہوں ہم ملک مشافقہ

کہا رہے ہیں اور حکم پورس میں لائنات

میں اور مدتی کی درست تاریخ پیدائش 3/15/1957

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TESTED
Examiner

6/3/17

مستحقانہ رقم DP 0 ہے

(47)

(5)

XX حیرت مخانیہ علیہ السلام

محکمہ علم ہند میں سے کہہ دیں کہ حکمہ شناختی کارڈ میں
تاریخ پیدائش کا اندراج کیا ہے اور فور کیا کہہ دیں
کی تاریخ پیدائش $15 \frac{3}{1957}$ ہے جو کہ اس وقت
اور یہ ریکارڈ حکمہ DHA کے اندراج میں ہے

شکریہ
J. M. Khan

شکریہ مستقیم کیا

سول جے ایچ ڈی ہسپتال خان

dt 31-5-12

بیان ازان درمیان للاسلام ولد علی شکر خان محلہ
گوسیانوالہ ڈیڑھ ہسپتال خان
Pw-6
31-5-12

حلفاً بیان کیا کہ میں نے کو جاننا ہوں جو کہ میرا والد ہے
اور میری تاریخ پیدائش $4 \frac{4}{1956}$ ہے جبکہ حکمہ
میں تاریخ پیدائش $15 \frac{3}{1957}$ ہے اور اس کا اندراج

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Examiner

07/20/03

مستحق آؤر فری DPo دعوہ

(6) (48)

سال 1957 میں DHo سے دفتر میں بکلی موجود ہے

اس کے Expenses کے سہیلے 1837 سے 4274 -

Amir
Jan
dt

XX جر 2 مقابہ مکتوبہ

محکمہ علم شہادہ کے دفتر میں کافی کارڈ پر تاریخ پیدائش

30 ³/₅₄ سے بحال ہوئی کی ریسٹ تاریخ

پیدائش حسب ریکارڈ DHo 15 ³/₅₇ ہے



مکتوبہ دستخط

حاجہ III کے دفتر
dt 31-5-12

بیان ازاں مکتوبہ مستحق آؤر فری

حلفاً بیان کیا کہ یہ سب سچا ہے

مکتوبہ مستحق آؤر فری

دستخط

شہادت وکیل حاجنہ بیجان حفصہ بیگم کے دفتر

مکتوبہ دستخط

دستخط

6/3/12

CPH dt 31-5-12

26

1

49

DW-1
13/6/12
بیان از ان عمر صباٹ کاٹھہ مد علیہ
میرزا

نتیجہ



صرف بیان کیا کہ میرا انتقال نہیں ہے

میں نے اس میں مشن ہے جو کہ Ex DW ہے

اس لیے میرا کہہ سکتا ہوں کہ میری

ساری ساری چیزیں مدعی نے خود

28/10/2001 کو میرا کے حصول میں شہینہ کارڈ

دستور میں مدعا علیہ میں داخل کیا گیا ہے جو Ex DW ہے

پہر مدعی نے اپنے منقولہ شہینہ کارڈ

کی نمبر 149-54-030865-5 کے ساتھ منقولہ کارڈ

مدعی نے سال 1974ء میں حاصل

کیا ہے۔ یہ دونوں کارڈوں پہر مدعی

نے خود دستخط کوائف کے ساتھ اپنی

تاریخ پیدائش 30/03/1954ء درج کی ہے

میں مدعا علیہ نے پہلے سال 1974ء

میں منقولہ کارڈ اور سال 2001ء

میں CNIC حاصل کیا ہے۔ اس طرح پہر مدعی

915

ATTESTED

6/3/13

(5)

درج شدہ کوائف حوالہ مدعی کی ہے جس پر قبل از یہ
 مدعی کوئی اعتراض نہ رہا۔ ایک اور ڈیفنڈنٹ
 سے مدعا علیہ نے درج شدہ تاریخ پیدائش
 نہ صرف خود مدعی کی اپنی تحریر کردہ ہے
 بلکہ اس کا بھی تعلیمی اسناد مدعی ہے۔ جو کہ
 مدعی اندر مسجود ہے۔ اب مدعی اپنے
 تاریخ پیدائش 15/03/1571 یا 15/03/1572
 ایک اور ڈیفنڈنٹ سے مدعا علیہ میں درج شدہ
 تاریخ پیدائش کو کسی قسم کی حقیقت کی
 حاکمیت نہیں کہہ سکتا۔ وہاں SOP کی
 مطابق تعلیم یافتہ در فورسٹ ریٹائرمنٹ کی تاریخ
 پیدائش اندر جوہ سال در اسٹیٹ کالافٹ
 سے مدعا علیہ کو ہے اس کے عدالت فورسٹ
 مدعی کی تعلیمی اسناد میں در اسٹیٹ
 کے حکم سے در فورسٹ کے حکم عدالت
 کے تحت Revise نیا سرٹیفکیٹ
 سے مدعا علیہ کی در اسٹیٹ پیرا 27(1) میں
 در فورسٹ کے تحت پیدائش مدعی کی
 تاریخ پیدائش کا اندراج جو ڈیفنڈنٹ DH میں

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6/3/13
Examiner

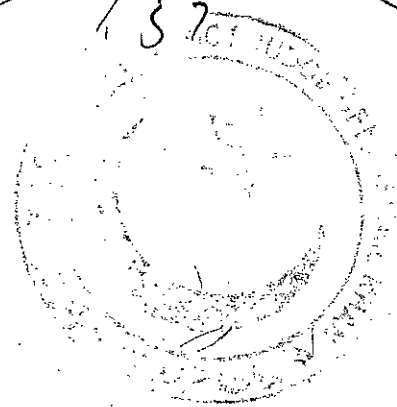
(50)

(40)

(3)

Handwritten text in Urdu, possibly a title or subject name, including the date 15/03.

Handwritten signature or name, possibly "Mick".



Handwritten signature or name at the top left.

CJ-111, O.D. Khan
13/06/12

Handwritten text in Urdu, possibly a date or reference number, including 13/6/12.

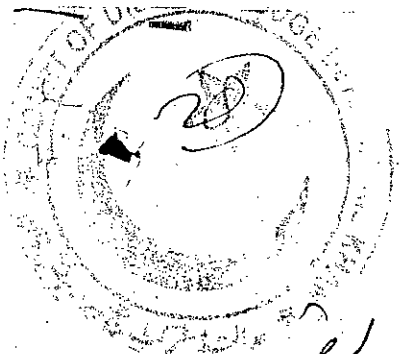
Handwritten text in Urdu, possibly a signature or name.

Handwritten signature or name in the lower middle section.

CJ-111, O.D. Khan
13/06/12

ATTESTED
Examiner

Handwritten date: 6/3/13



51

مستردگی دہلی فرسٹ

30/06/12

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حضرت مولانا ابوبکر اسد علی دہلوی
مفتی صاحب دہلی
مفتی صاحب دہلی
مفتی صاحب دہلی
مفتی صاحب دہلی
مفتی صاحب دہلی

Handwritten notes and signatures on the right margin, including 'دہلی' and 'مفتی صاحب'.

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Handwritten signature

CJ-111, D.I.R. Lam.
30/06/12

ATTESTED

Examiner

Handwritten signature and date 6/3/13

29

(52)

(422)

171

Certificate

It is to be certified that
this Register contains Two Hundred
and Twenty Four pages and
begins with Admission No 11752.
15 fish ah

Counter signed

1/11/52

M
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گورنمنٹ ہائی اسکول (حصہ ہائی)

رقبہ	نام طالب علم	تاریخ پیدائش (انٹرنل ایڈ)	ذاتی	قوم یا ذات	زراعت
1752 3434	ظہیر الحسن	25.5.1954 ظہیر الحسن	اور حسین شاہ		زراعت
1753 3579	رافیل گنگو	30.9.1953 ظہیر الحسن	رافیل گنگو		زراعت
1754 3418	محمد رحمان	11.8.1953 ظہیر الحسن	محمد رحمان		زراعت
1755 3425	ظہیر حسن	23.5.1955 ظہیر حسن	ظہیر حسن		زراعت
1756 3432	محمد علی	17.8.1956 ظہیر حسن	محمد علی		زراعت
1757 3434	محمد شہد علی	5.5.1958 ظہیر الحسن	محمد شہد علی		زراعت
	محمد علی	8.4.1958 ظہیر الحسن	محمد علی		زراعت

نمبرہ اسمائیل

نمبرہ اسمائیل

نمبرہ اسمائیل

فراج ڈیڑھ ایسٹیل خان

3

43

53

لیفٹ	ڈیڑھ ایسٹیل خان کے لئے	ڈیڑھ ایسٹیل خان	ڈیڑھ ایسٹیل خان	ڈیڑھ ایسٹیل خان	ڈیڑھ ایسٹیل خان	ڈیڑھ ایسٹیل خان
			3/50	50	9/10A	
			3/50	50		
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			3/50	50		
			3/50	50		

Muhammad

ڈیڑھ ایسٹیل خان

ڈیڑھ ایسٹیل خان

ڈیڑھ ایسٹیل خان

275
 118
 465

275
 118
 465

275
 118
 465

3/50 50

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۵۶
 راجستری تعلیمات
 حیدرآباد

تاریخ و نام	نام طالب علم	تاریخ پیدائش (لفظوں اور ہندسوں میں)	ولایت	قوم یا ذات
1857 4234-8	ذکر الکریم	5. 1. 1950 تاریخ جنوری ۵ ۱۹۵۰	مکھوان	
1858 4236	محمد علی	1. 2. 1953 یکم فروری ۱ ۲ ۱۹۵۳	ملتان	
1859 4241	الہی بخش	8. 8. 1954 آٹھ اگست ۸ ۸ ۱۹۵۴	امام بخش	
1860 4245	حشاق لہڑ	30. 3. 1954 تیس مارچ ۳۰ ۳ ۱۹۵۴	الہی بخش	
1861 4251	کرن	15. 4. 1953 پندرہ اپریل ۱۵ ۴ ۱۹۵۳	سندھ	
1862 4260	جس لہڑ	13. 10. 1954 تیرہ اکتوبر ۱۳ ۱۰ ۱۹۵۴	شرف لہڑ	
1863 4266	عبدالرشید	8. 2. 1953 آٹھ فروری ۸ ۲ ۱۹۵۳	عسکری	

5-0
31.3.20

PRUHAN
C/A J...
Dere...

Principal
Govt. Higher Secondary
School No. 2, D. Khan.

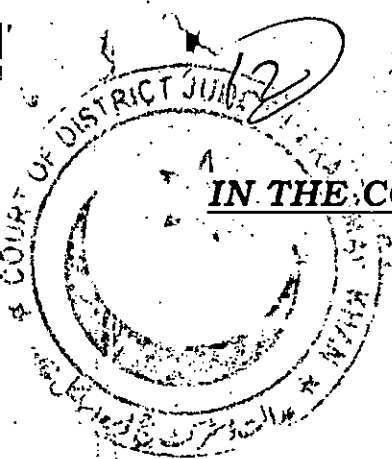
درجہ اول

کونسل
 69
 ڈیپارٹمنٹ
 (45)

کمیٹی duplicate certificate	اساتذہ کے دن	اساتذہ کی فیس	اساتذہ کی سہولت	اساتذہ کی دیگر سہولت	اساتذہ کی دیگر سہولت
AF 27/12 150/62 + 41 5/12	29/6	10th c	3/50	9th c	
0-5 31/3/200	29/12	10th c	3/50	100	
S.L.C. 29/11-12			100	3/50	100
			100	3/50	100
			100	3/50	100
			100	3/50	100
			100	3/50	100

سکول
 (55)
 Maria
 Khan

Principal
 Govt. Higher Secondary
 School Was. D.I. Khan.



Issues J

(56)

IN THE COURT OF CIVIL JUDGE-III, DERA ISMAIL KHAN

CIVIL SUIT No.44/1 OF 2011

Mushtaq Ahmad VS D. P. O

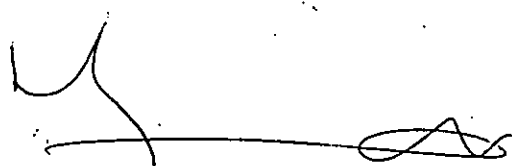
SUIT FOR DECLARATION

Mushtaq
D.P.O

ISSUES

1. Whether plaintiff has got a cause of action?
2. Whether the plaintiff's date of birth according to the birth register of DHO is 15/03/1957?
3. Whether the correct date of birth of plaintiff is 15/03/1957, as his other class fellow's date of birth is in between 1956 to 1957?
4. Whether plaintiff is entitled to the decree as prayed for?
5. Relief?


Dated: 02/04/2012

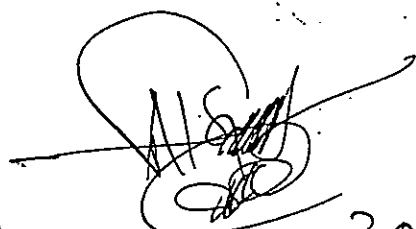

CIVIL JUDGE-III, DIKHAN.

Additional issue:

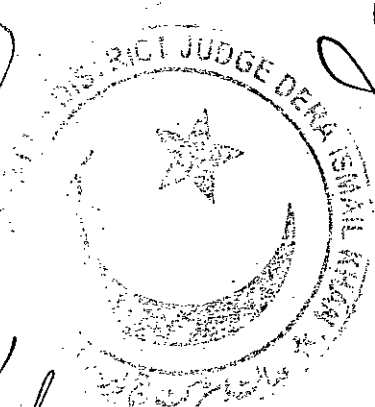
6: Whether this court has got the jurisdiction to entertain the present suit?

ATTESTED
Examined


6/3/13


30/6/12

20
05-15
26-9-2011



National Database & Registration Authority (NAD) District Registration Office Qasim Road, D.I.Khan Telephone No. (0966) 9280277 No.Regn-11/5/10-DIK (Tech)

To, MUHAMMAD IRFAN Civil Judge-I, Dera Ismail Khan
Muhammad Irfan
محمد عرفان

16-09-2011

EXDWI

CJ-11, DIK
13/06/12

Subject: Authority Letter
Sir,

The following officials of DRO, D.I.Khan are hereby directed to visit the honorable Court of Muhammad Irfan to attend, defend or compromise the case of D.P.O. Case No. 10/11

- 1) Mr. Pervez Ahmad, S.A.
- 2) Mr. Nazir Ahmad, R.C.
- 3) Mr. Umar Hayat, R.C. ✓
- 4) Mr. Munir Khan, LDC.
- 5) Mr. Alamgir Khan, RC.
- 6) Mr. Muhammad Aslam Rana, RC.

Yours Obedient Servant

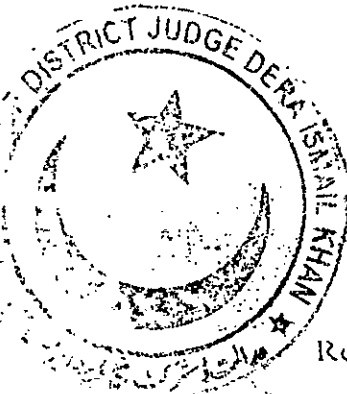
Ali Raza

District Registrar,
District Registration Office
D.I.Khan

ATTESTED

Examiner

6/3/13



Muhammad
Imam
(99)

S. No. 120193

Roll No. 24427

Board of Intermediate & Secondary Education
PESHAWAR (PAKISTAN)



Ex QWY
3/15/12

SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION 1971
ANNUAL

This is to certify that Muazzam-ul-Islam
son/daughter of Abdus Salam
and a student of Government High School, No.3 D.I.Khan.
passed the Secondary School Certificate Examination of the Board of
Intermediate and Secondary Education, Peshawar held in April, 1971
in the Second Division.

The candidate passed in the following subjects :-

- | | | |
|--------------|-------------------------|-------------|
| 1. English | 4. Social Studies | 7. Drawing. |
| 2. Urdu | 5. Mathematics (Elect) | |
| 3. Islamiyat | 6. Physics & Chemistry. | |

Attested
(Signature)
By: Supdt.
City Circle

Date of Birth Twelfth February One thousand
nine hundred and Fifty-seven (12-2-1957)

(Signature)
SECRETARY

31st July 1971

ATTESTED

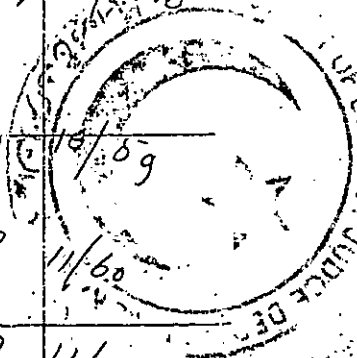
Examiner

6/3/13

1	2	3	4		5	6	7	8	9
			روز	وقت					
6/55	14-3-57	رام	1	1	علی محمد درویش	علی محمد درویش	علی محمد درویش	علی محمد درویش	علی محمد درویش
7/56	15-3-57	حکمت سولانی	1	1	اکرم درویش	اکرم درویش	اکرم درویش	اکرم درویش	اکرم درویش
8/57	18-3-57	عبد اللہ	1	1	رضی الرحمن	رضی الرحمن	رضی الرحمن	رضی الرحمن	رضی الرحمن
9/58	20-3-57	ربور	1	1	احمد درویش	احمد درویش	احمد درویش	احمد درویش	احمد درویش
10/59	2-3-57	خان پرواز	1	1	سیدان درویش	سیدان درویش	سیدان درویش	سیدان درویش	سیدان درویش
11/60	10-3-57	علی محمد	1	1	میرزا زورنگار	میرزا زورنگار	میرزا زورنگار	میرزا زورنگار	میرزا زورنگار
12/61	11-3-57	لوریاں	1	1	علی محمد	علی محمد	علی محمد	علی محمد	علی محمد
	15-3-57	مشتاق احمد	1	1	ایمان محمد	ایمان محمد	ایمان محمد	ایمان محمد	ایمان محمد

6/55

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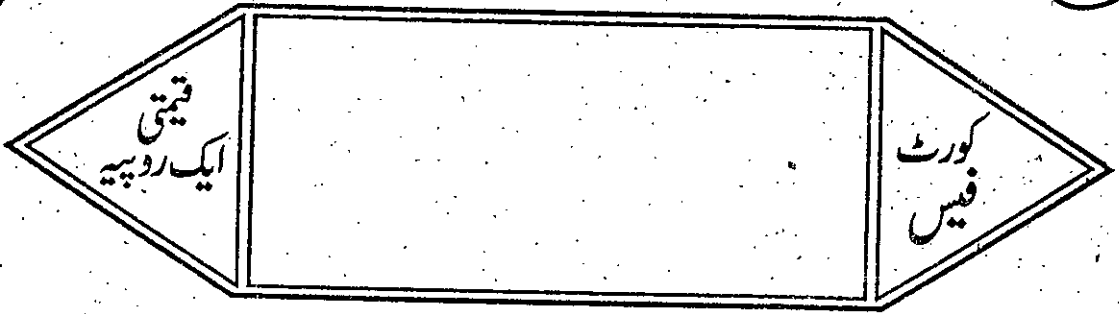
ATTENDED
Examiner

Handwritten date: 10/3/57

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وکالت نامہ



Before Service Tribunal 1st

Peshawar

منجانب

Peshawar

Muhammad Ahmad

Govt of K.P.K etc

عدالت

دعوی یا جرم

Peshawar for recovery of

دعا کی تفصیل

دعا کی تفصیل

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات ہی برائے پیشی یا تصفیہ مقدمہ تمام

Jahan Zeb Ahmad Chughli Adhik

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ دہا ہونے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اتانے ڈگری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ بزور بیرون از پکھری صدر بیرونی مقدمہ بزور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا مستثنی ڈگری یک طرفہ یا درخواست حکم اتانہ یا ترقی یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ایسی علیحدہ علیحدہ بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معائنہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواہ پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروا نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہو گا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

22 مارچ 1910

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
Jahan Zeb Ahmad

Signature
Adhik