

Service Appeal No.618/2023 titled "Irshad Vs. Secretary Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar and others"

ORDER

1st Sept. 2023

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present and heard.

2. This appeal is for seeking correction in date of birth of the appellant from 01.01.1970 to 03.02.1975. Learned counsel submits that the appellant was born on 03.02.1975, as per educational record. That before filing of this appeal, a civil suit was filed by him, which was decreed against NADRA and in the record of NADRA, his date of birth was accordingly entered as 03.02.1975. That the appellant approached the respondents to enter his date of birth in the official record according to record of NADRA and Education Department but they did not, hence, this appeal.

3. It is admitted fact that the appellant was appointed on 04.05.2015 but since then, he did not make any attempt to get entered the desired date of birth (03.02.1975) in the service record even until filing of departmental representation on 16.11.2022, he never made any request to the department to get entered the desired date of birth. According to General Financial Rules, (GFR-116), the date of birth once entered in the service record, whether right or wrong, could not be corrected after two years of entry into service. The relevant provision is reproduced below.

"DATE OF BIRTH

116. Every person newly appointed to a service or a post under Government should at the time of the appointment declare the date of



his birth by the Christian era with as far as possible confirmatory documentary evidence such as matriculation certificate, municipal birth certificate and so on. If the exact date is not known, an approximate date may be given. The actual date or the assumed date determined under para.117 should be recorded in the history of service, service book, or any other record that may be kept in respect of the Government servant's service under Government and once recorded, it cannot be altered, except in the case of a clerical error, without the previous orders of the Local Administration."

When confronted with the above provision, learned counsel for the appellant could not controvert it. Therefore, the instant service appeal is dismissed. Consign

4. Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 1st day of September, 2023.



(Kalim Arshad Khan)
Chairman