

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 415/2015

Date of institution ..... 07.05.2015

Nadar Khan S/o Doran Khan, R/o Quarter No. 74 C, Gulshan Rehman Colony, Kohat Road, Peshawar.

VERSUS

Accountant General, Khyber Pakhtunkhwa, Peshawar and two others.

ORDER  
23.06.2021

Mr. Amjid Nawaz, Advocate, representing legal heirs of the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

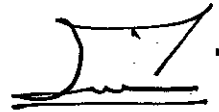
Learned counsel for legal heirs of the appellant stated at the bar that as per instructions of legal heirs of the appellant, he wants to withdraw the instant appeal. In this respect, his written endorsement obtained at margin of the order sheet as token of proof.

In view of the above, the appeal in hand stands dismissed as withdrawn. Parties to bear their own costs. File be consigned to the record room.

ANNOUNCED  
23.06.2021



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

I want to withdraw appeal. 23-06-21

24.03.2021

Counsel for the appellant and Addl. AG for the respondents present.

Learned counsel for the legal heirs of the appellant states that the issue of abatement of appeal on the death of a civil servant has been laid to rest by the Apex Court through a recent judgment. He undertakes to provide copy of the same on next date of hearing. Adjourned to 23.06.2021. Learned counsel for the parties are expected to address their respective arguments on next date.

(Atiq-ur-Rehman Wazir)  
Member(E)

Chairman


Postscript

26.05.2021

The order dated 24.03.2021 was written but could not be signed by the D.B including the then Chairman who due to unforeseen reason could not attend the office in coming days. He died in the meantime and the order sheet was left unsigned. To bring the proceedings of appeal on track, it is become expedient for ex-post facto completion of the order sheet. The unsigned order dated 24.03.2021 is reproduced below which be given effect accordingly:-

"Counsel for the appellant and Addl. AG for the respondents present.

Learned counsel for the legal heirs of the appellant states that the issue of abatement of appeal on the death of a civil servant has been laid to rest by the Apex Court through a recent judgment. He undertakes to provide copy of the same on next date of hearing. Adjourned to 23.06.2021. Learned counsel for the parties are expected to address their respective arguments on next date."

  
(Atiq-ur-Rehman Wazir)  
Member

  
Chairman

Nadar

29.01.2021

Counsel for the appellant and Addl. AG alongwith M/S Naseeb Khan Section Officer, Zakiullah Senior Auditor and Mehran Manan Assistant for respondents present.

Learned AAG provided copy of letter address<sup>ed</sup> to Accountant General Khyber Pakhtunkhwa on 30.12.2020 alongwith some other documents. Placed on file. It is noted in the letter that disputed amount of Rs. 373385/- be waived off.

Learned counsel for the appellant requests for time to go through the documents and prepare the arguments in fight thereof.

12.03.2021 Counsel for the appellant and Addl. AG alongwith M/S Naseeb Khan, S.O. for respondents No. 2, 3 and 4. Adjoined to 24.03.2021, before D.B. Present. Nemo for respondents No. 1 & 4.

Mr. Atiq Ur Rehman Wazir, Advocate states that he is acting as a Legal Advisor of respondents No. 2, 3 & 4, who are representing respondents No. 1 & 4. Chairman Member(E)

(Signature)

(Signature)

28.08.2020

Due to summer vacation, the case is adjourned to  
23.10.2020 for the same as before.

Reader

23.10.2020

Junior to counsel for the appellant and Mr.  
Muhammad Jan, DDA for the respondents present.

The Bar is observing general strike, therefore, the  
matter is adjourned to 14.12.2020 for hearing before the  
D.B.

(Mian Muhammad)  
Member

Chairman

14.12.2020

Junior to counsel for the appellant alongwith Mr.  
Zeeshan, Legal Heir of the appellant present.

A request for adjournment is made on the ground  
that Mr. Numan is one of the legal heirs of the  
appellant and is well conversant with case, <sup>but</sup> is not  
available today due to some family bereavement.

Adjourned to 27.01.2021 for hearing before the  
D.B but as last chance.

(Mian Muhammad)  
Member(E)

Chairman

26.02.2020

Zeshan son of the appellant on behalf of appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Son of the appellant submitted application for adjournment. Adjourn. To come up for arguments on 01.04.2020 before D.B.

  
Member

  
Member

01.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 24.06.2020 before D.B.

  
Reader

24.06.2020


Due to public holiday on account of COVID-19, the case is adjourned for the same on 29.08.2020 before D.B.

  
Reader

29.08.2019


Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 13.11.2019 before D.B

  
Member

  
Member

13.11.2019


Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 15.01.2020 before D.B.


  
Member

  
Member

15.01.2020

Appellant absent. Learned counsel for the appellant absent. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 26.02.2020 before D.B. Appellant be put to notice for the date fixed.

  
Member

  
Member

20.03.2019 Clerk of counsel for the appellant and Addl. AG for the respondents present.

Due to general strike on the call of Bar Council, learned counsel for the appellant is not in attendance.

Adjourned to 10.05.2019 before the D.B.

  
Member

  
Chairman

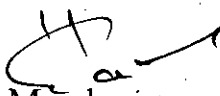
10.05.2019 Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 11.07.2019 before D.B.

  
Member

  
Member

12.07.2019 Junior to counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Junior to counsel for the appellant submitted list of legal heirs of the deceased appellant. Adjournment requested. Adjourn. To come up for arguments on 29.08.2019 before D.B.

  
Member

  
Member

23.11.2018

Junior to counsel for the appellant and Mr. Ahmed Paindakhel Assistant Advocate General for the respondents present. Junior to counsel for the appellant requested for adjournment. Last opportunity is granted. Adjourn. To come up for arguments on 08.01.2019 before D.B.

  
Member

  
Member

09.01.2019

Clerk of the counsel for appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Due to general strict of the bar, the case is adjourned. To come up for arguments on 21.02.2019 before D.B

  
Member

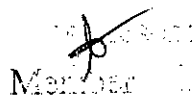
  
Member

21.02.2019

Mr. Nouman Ahmed son of deceased appellant and Mr. Kabirullah Khattak learned Addl; AG for the respondents present.

Son of the deceased appellant requests for time to provide complete list of legal heirs of the appellant for impleadment in the appeal.

Adjourned to 20.03.2019.

  
Member

  
Chairman



06.07.2018


Counsel for the appellant present. Mr. Sardar Shioukat Hayat, Addl: AG for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 17.08.2018 before D.B.

  
(Muhammad Amin Kundi)  
Member

17.08.2018

Learned counsel for the appellant and Mr. Kabir Ullah khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.10.2018 before D.B.

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

10.10.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 22.11.2018 before D.B.

  
Member

  
Member

22.11.2018

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment. The present case pertains to the year 2015 hence adjourned for tomorrow. To come up for arguments tomorrow i.e. on 23.11.2018 before D.B..


Member

  
Member

06.02.2018


Counsel for the appellant present. Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.03.2018 before D.B.


  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

12.03.2018

Junior counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 23.04.2018 before D.B.

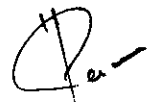
  
(Muhammad Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

23.04.2018


Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.06.2018 before D.B.


  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member

21.06.2018

Counsel for the appellant and Adll: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.07.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

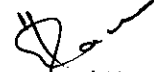
Service Appeal No. 415/2015

08.08.2017

Clerk of the counsel for appellant present. Mr. Zakiullah, Senior Auditor alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments could not be heard as lawyer community is on general strike. Adjourned. To come up for arguments on 29.08.2017 before D.B.



(Muhammad Amin Khan Kundi)  
Member (J)



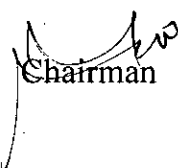
(Muhammad Hamid Mughal)  
Member (J)

29.08.2017

Counsel for the appellant and Addl. AG alongwith Zakiullah, Senior Auditor for the respondents present. Counsel for the appellant submitted list of legal heirs of the appellant and informed the court that thje appellant has died. To come up for arguments on the point whether legal heirs can be made party in this appeal or not. To come up for arguments on this point on 15.12.2017 before the D.B.



Member




Chairman

15.12.2017

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 06.02.2018 before D.B



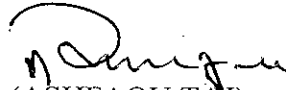
(Gul Zeb Khan)  
MEMBER



(Muhammad Hamid Mughal)  
MEMBER

14.12.2016


Counsel for the appellant and Mr. Zakiullah, Senior Auditor alongwith Mr. Muhammad Jan, GP for respondents present. Rejoinder submitted. To come up for arguments on 20.04.2017 before D.B.

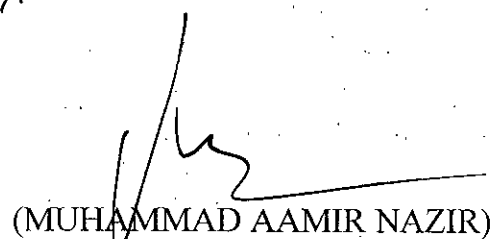
  
(ASHFAQU TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

17.03.2017

Appellant in person and Mr. Zakiullah, GP alongwith Mr. Zakiullah, Senior Auditor for respondents present. Appellant requested for adjournment. To come up for arguments on 14.6.2017.

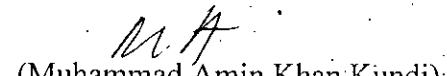
  
(ASHFAQU TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

14.06.2017

Agent to counsel for the appellant and Mr. Zaki Ullah, Senior Auditor alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Agent to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 08.08.2017 before D.B.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

25.1.2016

Counsel for the appellant and Addl: A.G for respondents present. Written reply by respondent No. 2 submitted according to which he relies on the same written reply on behalf of respondent No. 1. Learned Addl: AG relies on the written statement of respondent No. 1 on behalf of respondent No. 3 as well. The appeal is assigned to D.B for rejoinder and final hearing for 4.5.2016.

  
Chairman

04.05.2016

Counsel for the appellant and Mr. Ansar Ahmad, AAO alongwith Addl: AG for respondents present. Counsel for the appellant requested for time to submit rejoinder. To come up for rejoinder and arguments on 09.08.2016.

  
Member

09.08.2016

Appellant in person and Mr. Ziaullah, GP for respondents present.

To come up for rejoinder and arguments on 14-12-16.

  
Member

  
Member

3

13.05.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the respondents have directed recovery of Rs. 373385/- from the pension of the appellant without any factual and lawful justification. That the appellant preferred departmental appeal against the said recovery on the same date i.e 13.1.2015 which remained un-responded and hence the instant service appeal on 7.5.2015.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 11.8.2015 before S.B.

Appellate Proceedings  
Security  
Process Fee

  
Chairman

4

11.08.2015

Counsel for the appellant and Mr. Ansar Ahmed, AAO for respondent No. 1 alongwith Assistant A.G for all respondents present. Requested for adjournment. To come up for written reply/comments on 13.10.2015 before S.B.

  
Chairman

13.10.2015

Counsel for the appellant and Mr. Ansar Ahmed, AAO for respondent No. 1 alongwith Addl: A.G for respondents present. Written reply on behalf of respondent No. 1 submitted while request for adjournment was made on behalf of respondents No. 2 and 3. Last opportunity granted. To come up for written reply/comments on behalf of respondents No. 2 and 3 on 25.01.2016 before S.B.

  
Chairman

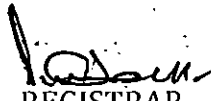

Form- A

FORM OF ORDER SHEET

Court of

Case No.

415/2015

S.No.	Date of order Proceedings	Order of order proceedings with signature of judge or Magistrate
1		3
1	07-05-2015	<p>The appeal of Mr. Nadir Khan presented today by Mr. Saadullah Khan Marwat Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>13-5-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

S.A No. 415 /2015

Nadar Khan

Versus

A.G & others

**I N D E X**

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Admission Form, 22.08.1961	"A"	4-5-6
3.	Service Book, 1975	"B"	7
4.	CNIC,	"C"	8
5.	Order, 10.01.2014/Correction in SB.	"D"	9-10
6.	Retirement Order, 12.05.2014	"E"	10
7.	Deduction of Pension, 13.01.2015	"F"	12
8.	Representation, 13.01.2015	"G"	13-14

Appellant

Through



Dated: 07.05.2015

(Saadullah Khan Marwat)  
Advocate  
21-A Nasir Mension,  
Shoba Bazar, Peshawar.  
Ph: 0300-5872676



**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**S.A No. 415 /2015

Nadar Khan S/o Doran Khan, R/o Quarter  
No.74 C, Gulshan Rehman Colony, Kohat Road,  
Peshawar. .... Appellant

A.W.P. Province  
Service Tribunal  
Diary No. 464  
Dated 07-5-2015

Versus

1. Accountant General, KP, Peshawar.
2. Secretary, Government of KP, Finance  
Department, Peshawar.
3. Secretary, Government of KP, Home  
Department, Peshawar ..... Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974**  
**AGAINST OFFICE ORDER NO. PN/PEN(M)/N-**  
**20/2014-15/708-09, DATED 13.01.2015 OF R. NO. 1**  
**WHEREBY PENSION OF APPELLANT WAS DEDUCTED**  
**RS. 373385/- INSTEAD OF RS. 3,94,651/- FOR NO**  
**LEGAL REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth:**

1. That on 22.08.1961, appellant got admission in Govt. Primary School No. 1, Panyala, D.I. Khan and his date of birth was recorded as 08.07.1954. (Copy as annex "A")
2. That in the year 1975, appellant was appointed as Naib Qasid in Home Department, Peshawar and his date of birth was recorded as 04.03.1953 presumptively, however, the authority corrected the same as 08.07.1954 by omitting his date of birth in the Service Book. (Copy as annex "B")
3. That in the CNIC, the date of birth of appellant was recorded as 1954. (Copy as annex "C")

Filed to-day

Registrar

7/5/15

4. That on 10.01.2014, R. No. 3 accorded Ex-Post facto sanction in date of birth i.e. 08.07.1954 in respect of appellant in light of GFR 116-117 in consultation with Finance Department, Govt. of KP letter No. BO-III/FD/2-4/2013-14, dated 11.10.2013. (Copy as annex "D")
5. That on 12.05.2014, appellant was retired from service w.e.f 07.07.2014 at the date of birth, 08.07.1954. (Copy as annex "E")
6. That thereafter pensionary papers for grant of pension were submitted to R. No. 1, yet on 13.01.2015, the Account Office (Pension) of AG Office, Peshawar wrote letter to Drawing and Disbursing Officer of Home Department wherein his pension was calculated as Rs. 394651/- but Rs. 373385/- were deducted, meaning thereby that appellant would get Rs. 21266/- of 38 years rendered service. (Copy as annex "F")
7. That on 13.01.2015 appellant submitted representation before the authority for payment of pension of Rs. 394651/- but without any response till date. (Copy as annex "G")

Hence this appeal, inter alia, on the following grounds:-


**GROUND S:**

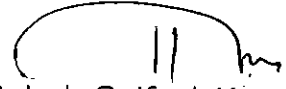
- a. That appellant rendered meritorious services for the last 38 years without any complaint.
- b. That as per the rendition of A.G Office, total pension of appellant comes to Rs. 394651/- which is must to be paid to him.
- c. That no over and above then the required one was calculated by A.G Office regarding pensionary benefits of appellant. What services have been rendered i.e. 38 years, he is entitled for the same.

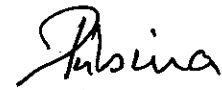
- d. That actual date of birth of appellant as per School Leaving Certificate/record, in National Identity Card, Pay Slips and other documents is 08.07.1954 and not 1953.
- e. That the wrong entry in the Service Book was corrected by the authority as 08.07.1954, meaning thereby that actual and correct date of birth of appellant was/is 08.07.1954.
- f. That as and when date of birth of appellant was corrected by the competent authority, R. No. 1 was not vested with powers to alter or to deduct pensionary benefits.
- g. That the deduction of Rs. 373385/- from pensionary benefits of appellant is not only illegal but is also against the rendered services spread over 38 years, such action is based on malafide and is against the judgment of the apex Supreme Court of Pakistan wherein authority was not allowed/empowered to make deduction from pensionary benefits.

It is, therefore, most humbly prayed that on acceptance of the appeal, order/letter dated 13.01.2015 of R. No. 1 be set aside and appellant be paid pensionary benefits as Rs. 394651/- for the 38 years rendered services, with such other relief as may be deemed proper and just in circumstances of the case.

Dated:07.05.2015

Through  Appellant  
Saadullah Khan Marwat

  
Arbab Saif-ul-Kamal

&   
Miss Robina Naz,  
Advocates,

10-11-15  
Abdul

+	1956	1955	1954	1954	1955	1955	1955	1955
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INPA  
GTS  
VIC  
PARTIA D.K.M.B

26-5-2015

2020

4

A

آب کلاں

روز	تاریخ	مکان	نوع	مقدار	ملاحظات	تعداد	ملاحظات
پنجشنبہ	18.05.81	ادارہ	کھجور	18 $\frac{4}{5}$	ادارہ	1	
جمعہ	19.05.81	ادارہ	کھجور	21 $\frac{2}{5}$	ادارہ	1	
ہفت روزہ	20.05.81	ادارہ	کھجور	16 $\frac{7}{5}$	ادارہ	1	
پنجشنبہ	21.05.81	ادارہ	کھجور	31 $\frac{2}{5}$	ادارہ	1	
جمعہ	22.05.81	ادارہ	کھجور	15 $\frac{6}{5}$	ادارہ	1	
ہفت روزہ	23.05.81	ادارہ	کھجور	18 $\frac{5}{5}$	ادارہ	1	
پنجشنبہ	24.05.81	ادارہ	کھجور	18 $\frac{4}{5}$	ادارہ	1	
جمعہ	25.05.81	ادارہ	کھجور	19 $\frac{1}{5}$	ادارہ	1	
ہفت روزہ	26.05.81	ادارہ	کھجور	16 $\frac{5}{5}$	ادارہ	1	
پنجشنبہ	27.05.81	ادارہ	کھجور	18 $\frac{4}{5}$	ادارہ	1	
جمعہ	28.05.81	ادارہ	کھجور	19 $\frac{3}{5}$	ادارہ	1	
ہفت روزہ	29.05.81	ادارہ	کھجور	18 $\frac{4}{5}$	ادارہ	1	
پنجشنبہ	30.05.81	ادارہ	کھجور	18 $\frac{4}{5}$	ادارہ	1	
جمعہ	31.05.81	ادارہ	کھجور	18 $\frac{4}{5}$	ادارہ	1	

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تاریخ

Amul

1. نام و نام خانوادگی: محمد علی  
 2. پیدائشی تاریخ: 16-5-1967  
 3. تعلیم: پہلے  
 4. پیشہ: کاشتکار  
 5. رہائشی پتہ: گورنمنٹ کالج پوربھار  
 6. تعلیمی پتہ: گورنمنٹ کالج پوربھار  
 7. دیگر پتہ: گورنمنٹ کالج پوربھار  
 8. دیگر پتہ: گورنمنٹ کالج پوربھار  
 9. دیگر پتہ: گورنمنٹ کالج پوربھار  
 10. دیگر پتہ: گورنمنٹ کالج پوربھار

1	2	3	4	5	6	7	8	9	10

1. نام و نام خانوادگی: محمد علی  
 2. پیدائشی تاریخ: 16-5-1967  
 3. تعلیم: پہلے  
 4. پیشہ: کاشتکار  
 5. رہائشی پتہ: گورنمنٹ کالج پوربھار  
 6. تعلیمی پتہ: گورنمنٹ کالج پوربھار  
 7. دیگر پتہ: گورنمنٹ کالج پوربھار  
 8. دیگر پتہ: گورنمنٹ کالج پوربھار  
 9. دیگر پتہ: گورنمنٹ کالج پوربھار  
 10. دیگر پتہ: گورنمنٹ کالج پوربھار

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 10. دیگر پتہ: گورنمنٹ کالج پوربھار

B

7

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

1. Name... .. *Nadir Khan ✓*

2. Race... .. *Utakhel (Marwat)*

3. Residence... .. *Village & P.O. Panyala, Mchallah  
Hingrawala Khan, Tehsil & Distt. Dikhan*

4. Father's name and residence... .. *Duran Khan ———*

5. Date of birth by Christian era as *4.3.1953 ✓*  
nearly as can be ascertained *(Fourth March, Ninety-five three)*

6. Exact height by measurement... .. *5' — 3"*

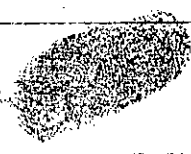
7. Personal marks for identification... .. *A black mole on the left  
side of neck.*

8. Left hand thumb and finger impression  
of (non-gazetted) officer

Little Finger.



Ring Finger.



Middle Finger.



Fore Finger.



Thumb



9. Signature of Government servant... .. *OKBAR JA*

10. Signature and designation of the Head  
of the Office, or other Attesting  
Officer

*Re-Attested*

*OKBAR JA*

RESEARCH OFFICER,  
Government of N.W.F. Province,  
Home & Tribal Affairs Department,  
(Tribal Affairs Research Cell).

*Attested*  
*OKBAR JA*

C

8

حکومت پاکستان  
قومی شناختی کارڈ  
17301-5201890-9

نام: نادر خان  
جنس: مرد  
والد کا نام: درتے  
شناختی ادارت: گورنمنٹ برائیس  
تاریخ پیدائش: 1954

نادر خان  
دستور نام کارڈ

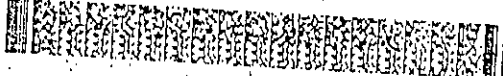
سليم حسن  
دستور جسران جنرل

شناختی نمبر: 17301-5201890-9  
تادم نام نمبر: SG4977  
14954350560

گورنمنٹ برائیس، گورنمنٹ کالونی کراچی، روڈ پشاور کھٹ، کھٹس و سٹیٹ بینک

سیکنڈ ہریڈ ملٹر سٹریٹ، بان، پیپل، کھٹس پانڈورا سٹی ڈیڑھ اسامیل ٹان

تاریخ اجراء: 07/10/2004  
تاریخ ترمیم: 30/09/2014  
گورنمنٹ برائیس کھٹس پانڈورا سٹی



نادر خان  
h  
نادر خان





D 9 10-1-14

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the January 10, 2014

**ORDER**

**No. E & A (HD) 2-20/77/PF:** The Competent Authority has been pleased to accord Ex-Post Facto sanction for date of birth i.e. 08-07-1954 in respect of M. Nadar Khan, Naib Qasid of this department in light of GFR-136(1)7 in consultation with the Finance Department Government of Khyber Pakhtunkhwa letter No. BO-III/FD/2-4/2013-14 dated 11-10-2013.

Home Secretary,  
Govt. of Khyber Pakhtunkhwa.

Endst: No& date even:

Copy to: -

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Budget Officer-III, Finance department w/r to his letter No. referred above for information.
3. PA to Deputy Secretary (Admn), Home Department
4. Bill Assistant, Home Department.
5. Official concerned.

Section Officer (General)

Attested  
\_\_\_\_\_

1. Name: Nadir Khan  
 2. Race: Ufa Khel (Mansat)  
 3. Residence: Village & P.O. Panjala, Mchhal  
 Hingrawala Khan, Tehsil & Distt. J

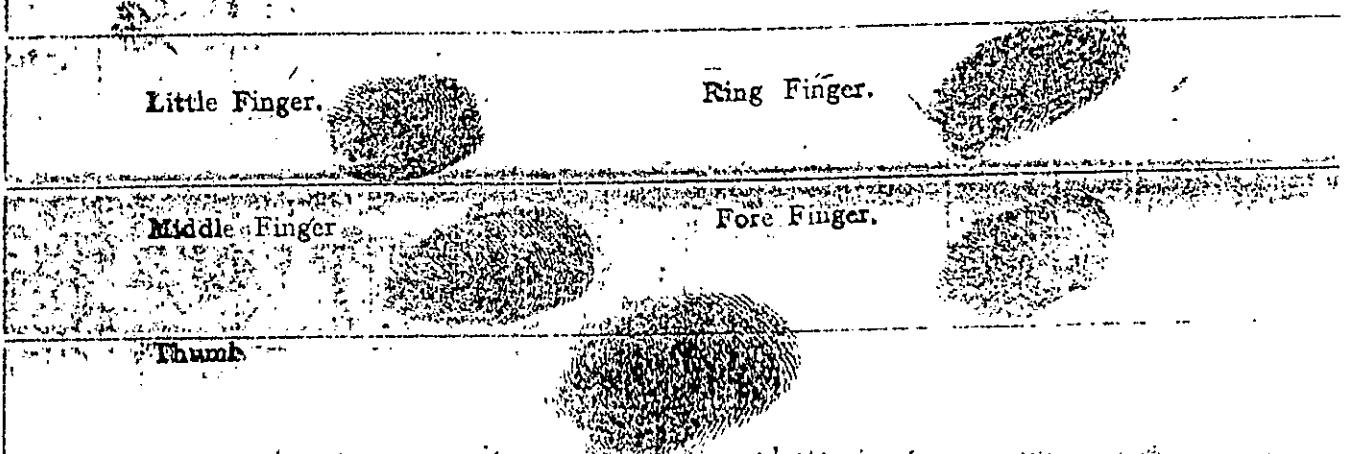
4. Father's name and residence: Duran Khan

5. Date of birth by: 08-07-1954  
 nearly as can be ascertained as: 4-3-1953  
 (Fourth March, Nineteen fifty three)  
 EIGHT SEVEN NINETEEN FIFTY FOUR

6. Exact height by measurement: 5-3"

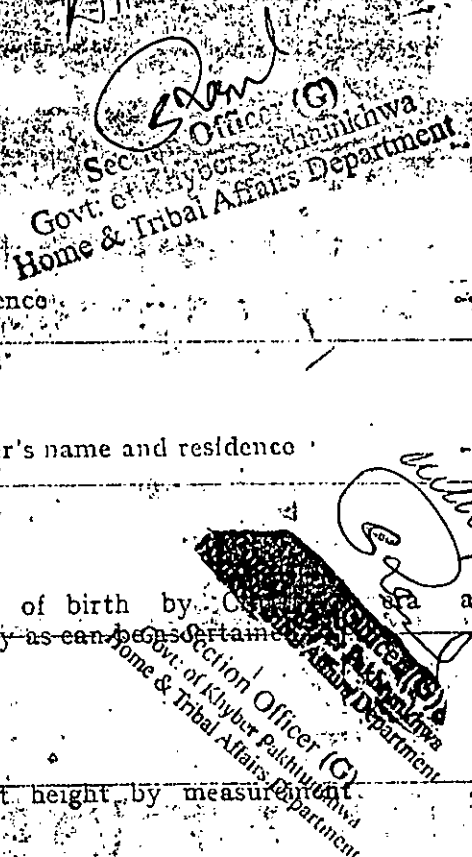
7. Personal marks for identification: A black mole on the left  
 side of neck.

8. Left hand thumb and finger impression of (non-gazetted) officer



9. Signature of Government servant: [Signature]

10. Signature and designation of the Head of the Office or other Attesting Officer: [Signature]  
 RESEARCH OFFICER,  
 Government of N.W.F. Province,  
 Home & Tribal Affairs Department,  
 (Tribal Affairs Research Cell).



[Handwritten signature]



E 10 12-5-14  
GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the May 12, 2014

ORDER

No. E & A (HD) 2-20 /1977/PF. Mr. Nadar Khan Naib Qasid hereby retires from service with effect from 07/07/2014 (AN) on attaining the age of superannuation of sixty (60) years. His date of birth is 08/07/1954. ✓

Sanction is also hereby accorded to the grant of encashment of 365 days pay in lieu of LPR in respect of the aforesaid official in pursuance of Finance Department Notification No. SOFR/FD/5-92/2005/ Vol-V dated 13/12/2012.

Deputy Secretary (Admn)  
Home & T. As Department

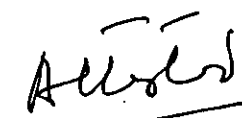

No. E & A (HD) 2-20 /1977/PF

Dated 12/05/2014

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Bill Assistant, Home Department
3. Official Concerned.

  
(SAID RASOOL)  
Section Officer (General)

F

12

OFFICE OF THE  
ACCOUNTANT GENERAL  
KHYBER PAKHTUNKHWA, PESHAWAR.

No. PN- PEN(M) / N - 20 / 2014-15 / 708-C9

Dated 13-01-15

To  
The Drawing & Disbursing Officer,  
GOVT. OF KPK HOME & TRIBAL AFFAIRS DEPARTMENT  
SECTION OFFICER (GENERAL)

Sub:- SEALED COMMUTATION AUTHORITY IN R/O  
NADIR KHAN S/O DURAN KHAN

Please refer to your letter No. E&A(HD)2-20/77/PF  
Dated 05.12.2014 forwarding there in pension case in respect  
of above named officer / official.

2. You are hereby authorized to submit a bill for Rs. 394651.00  
(Rupees: THREE HUNDRED NINETY-FOUR THOUSAND SIX HUNDRED FIFTY-ONE)  
at the counter of this office for issuance of cross cheque in favour  
of Mr. Mrs. Miss. Mst. NADIR KHAN S/O DURAN KHAN

(Per.No : 00089969)

NIC.NO 1730152018909 on account of Commutation of pension.

Bank Name : NBP  
A/c No : 8172-9

*Mohat Rd Pesh.*

53373

3. The amount involved in charged / other than charged  
and debit to the Federal Govt. under the following head  
of accounts:-

- |                               |                                     |
|-------------------------------|-------------------------------------|
| 01 - General Administration.  | A04 - Transfer payment.             |
| 0112 - Fiscal administration. | A041 - Pensionary benefits.         |
| 011210 - Pension.             | A04102 - Commuted value of pension. |
|                               | A04103 - Gratuity value of pension. |

Withheld amount

Amount Payable:	
Amount With Held:	394,651.00
Amount Paid:	0.00
	394,651.00

Recoveries OF O/PAYMENT OF PAY & ALL: RS. 373385 U/HEAD C02243

Note:- This authority letter may please be attached with the bill in original  
along with the Office order/notification of retirement. Vendor No, Name of Bank  
and A/c No of payee may also be recorded on the bill

Remarks:-

Copy for information to :-  
Mr. Mrs. Mst. Miss. NADIR KHAN S/O DURAN KHAN  
Q, NO. 74.C GULSHAN REHMAN COLONY PESHAWAR

*[Signature]*  
ACCOUNTS OFFICER (PENSION)

ACCOUNTS OFFICER (PENSION)

*[Signature]*  
*[Signature]*

⑦

بخدمت جناب ڈپٹی / اکاؤنٹنٹ جنرل خیبر پختونخوا پشاور  
اپیل بابت غیر قانونی کٹوتی از پنشن

جناب عالی:

ذیل عرض ہے۔

1. یہ کہ سائل نے گورنمنٹ پرائمری سکول نمبر اپنیالہ، ڈی آئی خان میں داخلہ مورخہ 08.1961.22 کو لیا جس میں سائل کی تاریخ پیدائش 08.07.1954 درج کی گئی ہے (نقل لف ہے)۔
2. یہ سائل سال 1975 میں ہوم ڈیپارٹمنٹ پشاور میں بحیثیت نائب قاصد بھرتی ہوا اور فرضی طور پر سروس بک میں تاریخ پیدائش 04.03.1953 درج کی۔ جسکی بعد ازاں اتھارٹی نے تصحیح و تصدیق کر کے 08.07.1954 درج کی اور پہلی تاریخ پیدائش کو مٹایا۔
3. یہ کہ قومی شناختی کارڈ میں سائل کی تاریخ پیدائش 1954 درج ہے (نقل لف ہے)۔
4. یہ کہ سائل کو مورخہ 07.07.2014 کو سروس سے بمطابق تاریخ پیدائش مورخہ 08.07.1954 کو ریٹائر کیا گیا۔
5. یہ کہ سائل کے پنشن کے کاغذات زیر تجویز تھے کہ کہ مورخہ 13.01.15 کو اکاؤنٹ آفیسر (پنشن)، اے جی آفس پشاور نے ڈرائنگ اینڈ ڈسبرنگ آفیسر ہوم ڈیپارٹمنٹ کو خط لکھا کہ سائل کی کل پنشن مبلغ تین لاکھ چورانوے ہزار چھ سو اکیاون روپیہ (394,651) بنتی ہے لیکن اس سے مبلغ تین لاکھ تہتر ہزار تین سو پچاس روپیہ (373,385) کاٹ / منہا کریں کیونکہ سائل نے 38 سال بحیثیت خدائی خدمتگار کے کی ہے۔
6. یہ کہ مبلغ تین لاکھ چورانوے ہزار چھ سو اکیاون روپیہ سائل کا بمطابق اے جی آفس حساب کتاب پنشن بنتا ہے۔ اور سائل کو اسکی ادائیگی لازمی ہے۔

7. یہ کی اے جی آفس پنشن نے غلط حساب کتاب لگایا ہے۔ سائل کو کوئی زائد ادائیگی نہیں ہوئی بلکہ جتنا سروس کیا ہے اسکا وہ حق دار ہے۔
8. یہ کی سائل کی اصل تاریخ پیدائش بمطابق سکول چھوڑنے سرٹیفکیٹ / ریکارڈ قومی شناختی کارڈ اور دیگر دستاویزات میں مورخہ 08.07.1954 ہے نہ کہ 1953۔
9. یہ کہ سروس بک میں اتھارٹی نے بھی غلط تاریخ پیدائش کی تصحیح و تصدیق کر کے 08.07.1954 درج کی ہے۔
10. یہ کہ مذکورہ بالا کٹوتی نہ صرف غیر قانونی و غیر اخلاقی ہے بلکہ مبنی بر بدعتی بھی ہے۔ نیز بمطابق فیصلہ جات سپریم کورٹ پنشن کی کٹوتی کوئی اتھارٹی کرنے کا مجاز نہ ہے۔
- استدعا ہے کہ سائل سرانجام کردہ فرائض کی مکمل پنشن مبلغ -/3,94,651 روپیہ عطا کرنے کا حکم صادر کیا جائے۔ مشکور رہونگا۔

العارض

نادیہ خان  
نادر خان ولد دوران خان  
ساکن محلہ مقرب خان، پنیالہ ڈی آئی خان  
حال کوارٹر نمبر C/74 گلشن رحمان کالونی کوہاٹ روڈ پشاور  
13.1.2015

Ry No. 1121  
dt 13-1-15

استدعا  
مادر خان

۱۱

۱۲۱

Nadar Khan  
۱۳۱۲

۹  
۵۱  
۱۱  
۱۱

بنام خداوند عالم  
 در این روزگار که همه چیز در حال تغییر است و هر روز شاهد تغییرات و تحولات جدیدی هستیم  
 در زندگی ما نیز باید تغییرات و تحولات جدیدی را بپذیریم و با آنها سازگار شویم  
 به همین دلیل در این کتاب سعی شده است تا با روشی نو و کاربردی به شما در این زمینه کمک کند  
 و با مطالعه آن بتوانید تغییرات مثبتی در زندگی خود ایجاد کنید و به سوی آینده روشن حرکت کنید  
 امیدوارم این کتاب برای شما مفید و کاربردی باشد و بتواند به شما در رسیدن به اهداف و آرزوهای خود کمک کند  
 نویسنده: [نام نویسنده]

کتابخانه

کتابخانه

۱۳۱۲  
 ۱۱  
 ۱۱

کتابخانه

# Before the Service Tribunal Khyber Pakhtunkhwa Peshawar

Appeal No.415/2015.

Nadir Khan.....Appellant.

V/S

Accountant General Khyber Pakhtunkhwa,  
Peshawar, and others.....Respondents.

(Reply on behalf of respondent No. 1)

## Preliminary Objections.

- 1) That the appellant has no cause of action.
- 2) That the appellant has no locus standi.
- 3) That the appeal is time barred.
- 4) That the appellant has not come to this court with clean hands.
- 5) That the appeal is not maintainable.
- 6) That identical case, appeal No.1377/08 titled Naseeb Khan v/s Executive District Officer, Elementary and Secondary Education & others has already been dismissed by the Service Tribunal Peshawar on 26.05.2009, (Annex-A).

## Respectfully Sheweth:-

- 1:- Incorrect, that the date of Birth of the appellant was clearly mentioned on the first page of his Service Book as 04.03.1953. (Annex-B).
- 2:- Correct, to the extent that in light of para 116 of GFR Vol. 1 read with S&GAD (Regulation wing) Notification No.SOR.11 (S&GAD)5(40)87, dated 15.02.1989, the Administrative Department of the appellant has no power to make alteration in the recorded date of birth at any belated stage.

Resultantly a letter No. E&A(HD)2-20/77/PF, dated 05.12.2014 has been issued by the Home & Tribal Affairs Department Peshawar with the views that recovery may be made from the appellant. (Annex C & D).



Annex-A

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1377/2008

Date of Institution. .. 23.8.2008  
Date of Decision .... 26.5.2009



Naseeb Khan S/O Allah Khan, R/O village Dhand Bakhtawara,  
Post office Shahkandara Tehsil and Distt. Kohat. ...

(Appellant)

VERSUS

1. The Executive District Officer, Elementary & Secondary Education Kohat.
2. The Director Schools & Literacy, NWFP Peshawar.
3. The District Accounts Officer, Kohat.
4. The Accountant General NWFP Peshawar. .. (Respondents)

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNALS ACT, 1973 (ACTUALLY 1974) TO THE EFFECT THAT STOPPAGE OF PAY/REFUSAL IN CORRECTION IN DATE OF BIRTH IS ILLEGAL AND AGAINST THE LAW AND RESPONDENTS ARE BOUND TO RELEASE THE PAY AND MADE CORRECTION IN DATE OF BIRTH.

MR. M. AMIN KHATTAK LACHI,  
Advocate. ...

For appellant.

MR. ZAHID KARIM,  
Addl. Government Pleader, ...

For respondents.

MR. JUSTICE (R) SALIM KHAN,  
MR. ABDUL JALIL KHAN,

CHAIRMAN  
MEMBER.JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.- The appellant contended that he was appointed as Chowkidar (BPS-1) in Government Primary Schools Jamal Mela on 24.12.1987, and he took charge of his post. The date of birth of the appellant was inadvertently written as 23.12.1939 in his service book, pay and allowances were paid to the appellant upto 30.6.2007 according to the date of birth (01.7.1947), that the pay and allowances of the appellant have been stopped w.e.f. 01.7.2007. The appellant filed appeal against the wrong entry which was allowed and sanction was granted by the EDO through letter dated 06.9.2007. The District Accounts Officer, Kohat has objected over the correction order that it should have been made within two years of service and not at belated stage. The appellant

ATTESTED

EXAMINER

LICE.

498-505

RE-EMPLOYMENT OF PENSIONERS.

CHAPT. XXI

Police, appointed and may be either wholly or

506. The pension admissible to an officer, is determined by the rules which apply to ordinary service, except that service rendered after the completion of twenty years of age, and declared by this Chapter to be qualifying, is treated as Superior service.

VICE.

mentioned in Article 494, the Force, qualifies.

1. If the officer was promoted from the rank of Police constable and loses by promotion any benefit as to pension which he would have enjoyed had his pay remained unchanged, his pension may be regulated as if he had not received the promotion.

Previous Class IV Service

re enlistment in the

tment qualifies.

al Military Police  
ps, and Pakistani  
Border Military  
as follows:--

507. If part of an officer's continuous service qualifies for pension under the general rules, but does not qualify under the rules in this Chapter he may elect to receive, in lieu of the pension admissible under this Chapter, such pension as is admissible to him under Article 398 and 481 to 483 for the whole of his service, both class IV and Superior (see Article 460).

508. Deleted.

for pension under  
ary and Police  
in the Military  
service in the  
Military scale  
of his service

Calculation of Pension

If his service in

509. Pension is to be calculated upon the net pay, i.e., the pay actually received by the officer, and not upon the gross pay, i.e., the pay from which were deducted the subscriptions to the Superannuation Funds [see concluding sentence of Note 1 to Article 499].

the foregoing rules  
discharged without

CHAPTER XXI.—RE-EMPLOYMENT OF PENSIONERS

SECTION I.—GENERAL

determined  
(X for the  
service in

509-A. No officer, Civil or Military, may retire with the view of being reemployed, and drawing pension in addition to pay, whether in the general service or in the service of any Local Fund.

510. When a person who was formerly in the civil or military employment of any Government in Pakistan obtains re-employment, whether temporarily or permanently, in Government service or in the service of a local Fund, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or pension granted to him in

respect of the previous employment. The authority re-appointing him shall specifically state in the order of re-appointment whether any deduction is to be made from pension or salary required by the rules of this Chapter and shall communicate a copy of the order to the Audit Officer.

*NOTE.*—[The principle of this article applies in the case of continued employment on retirement from Government service. The amount of the pension to be declared, is the sanctioned originally, i.e., it shall be inclusive of any amount that may have been commuted (vide Articles 524-B and 524-C.)]

510-A. The attention of every officer who is re-employed should be specially called to the provisions of this Chapter by the authority re-employing him, and, whether he becomes aware of such an appointment, by the Audit Officer; but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the regulations contained in this Chapter.

510-B. Notwithstanding anything contained in the rules in this chapter, a wound or other extraordinary pension sanctioned under Chapter XXXVIII of these Regulations and a wound or injury or disability pension or a disability addition to pension awarded under the military rules shall continue to be drawn by a retired Government servant, civil or military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension or continued employment.

*NOTE.*—[Where the military pension is consolidated and service and disability elements are not explicitly differentiated, the total pension may be split up in the following manner. The service portion of the pension will be represented by the service pension earned or, if no service pension has been earned, by the proportionate service pension calculated with reference to the minimum ordinary pension admissible for the rank and the actual length of service rendered. In calculating this service element, an amount of 2 annas and over shall be taken as a whole rupee, amount of less than 8 annas being ignored. The disability portion of the pension will be the balance.]

## SECTION II.—CIVIL PENSIONERS

### Re-employment after Compensation Gratuity

511. An officer who has obtained a Compensation gratuity, if re-employed in qualifying service, may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service.

512. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly instalments of not less than one-third of the officer's salary, and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given. The right to count his former service does not revive till the whole amount is refunded.

*NOTE.*—[The equity of this rule is based upon the consideration that so long as the refund of the gratuity is postponed, the officer avoids the risks and the possibility of the gratuity lapsing absolutely to the public treasury by the death of the officer. A subsequent refund of a gratuity, even with compound interest, does not compensate the State for the loss of this possibility meanwhile.]

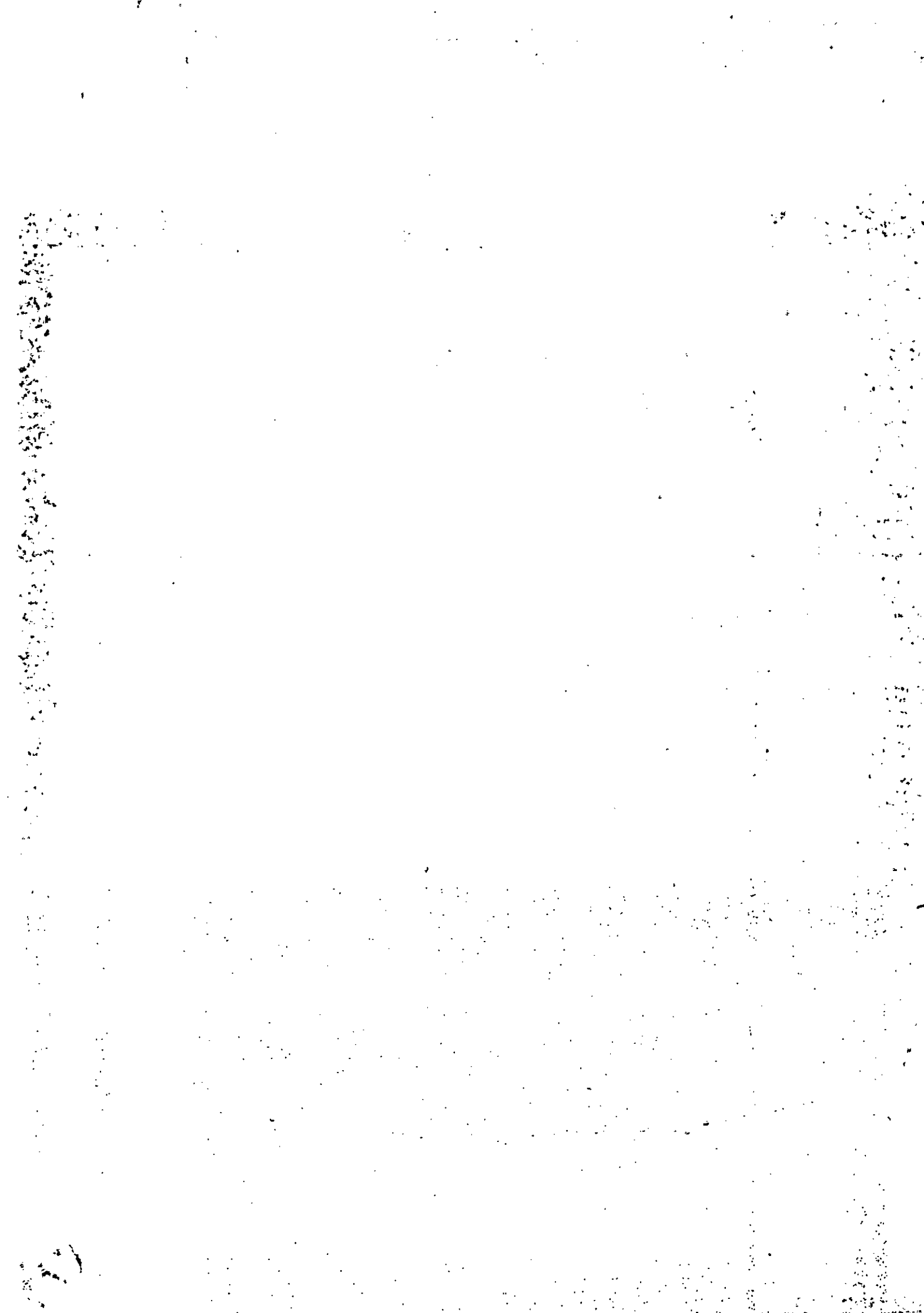
513. (See Article 310-A.)

514. (1) employed, if he is re-emp remain who pay on re-charge that his initial p discharge. the above c increments further con so fixed be employed i temporary allow the total of pa discharge.

(a)<sup>2</sup> employed, is re-empl remain w initial pay discharge his initial discharge with the of incren a further pension i re-emplo temporal in cases : who con may allc sum tot discharge

Not paid fr fluctuati on wor No deduct

No obtaine permar author the



## TRANSFER OF OFFICE

114. Every transfer of charge of a gazetted officers should be reported by post on the same day to the Accountant General. The report should be made in Form TR. I unless any other form has been duly authorized and should simultaneously be sent to the head of the department or other Controlling authority concerned.

115. In cases in which the transfer of charge involves assumption of responsibility for cash, stores, etc., the following instructions should be observed:—

- (i) The cash book or imprest account should be closed on the date of transfer and a note recorded in it over the signature of both the relieving and the relieving officers, showing the cash and imprest balances, and the number of unused cheques, if any, made over and received by them respectively.
- (ii) The relieving officer in reporting that the transfer has been completed should bring to notice anything irregular or objectionable in the conduct of business that may have come officially to his notice. He should examine the accounts, count the cash, inspect the stores, count, weigh and measure certain selected articles in order to test the accuracy of the returns. He should also describe the state of the account records.
- (iii) In the case of any sudden casualty occurring or any emergent necessity arising for an officer to quit his charge, the next senior officer of the department present will take charge. When the person who takes charge is not a gazetted officer, he must at once report the circumstances to his nearest departmental superior, and obtain orders as to the cash in hand, if any.

*Note 1.*—The special procedure to be followed when there is a change in the incumbency of independent charge of a treasury is laid down in Rule 44 of the Treasury Rules.

*Note 2.*—The additional procedure to be followed by an Accountant General, etc., in making over charge of his function in connection with the Charitable Endowments and other Trust Accounts is laid down in Appendix 16.

## 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 order of the Local Administration.

*Note 1.*—Ministries/Division of the Federal Government exercise the powers of a Local Administration for the purpose of this rule.

*Note 2.*—Heads of departments are authorised to exercise this power in the case of non-gazetted Government-servants under their control.

117. (1) If a Gov birth but can state the ye of the month, respectively

(2) If he is only ab assumed to be the corre representing his age from

(3) When a person employed in a Civil de employment should be t at the time of enrolm deducted with reference para (2) above.

*Note.*—Cases in which or enrolment by any other m

118. Subject to ar authority, all application authority concerned on

## ANNUAL RETURN

119. Deleted.

120. The detailed contained in the Supple of the Audit Code.

121. (1) At a fixe taken up for verification that the services of the in each service book, shc his signature

“service verified tion is made

*Note.*—The verification qualifying for pension wheth

(2) The head of the should, in the case of ar records, distinctly state t in writing by the Govern contemporaries, is attach

When, however, a one office to another, employed should record verification of service, wi of the whole period dur him, before forwarding transferred.

Annex-D



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. E & A (HD) 2 - 20 / 77 / PF  
Dated Peshawar the December 5, 2014

To,

The Accountant General,  
Khyber Pakhtunkhwa, Peshawar.

Subject:- PENSION PAPER/ CORRECTION OF DATE OF BIRTH

Dear Sir,

I am directed to refer to your letter No. Pension/HM/2014-15/176 dated 29.09.2014 (copy enclosed) wherein observations were made on the pension case of Mr. Nadir Khn, Ex- N/Q regarding correction his date of birth which was referred to Establishment Department Government of Khyber Pakhtunkhwa as per your observation. The Establishment Department has now intimated (copy-enclosed), which is also reproduced below.

*"That the instructions of Provincial Government issued in 1989 in this regard are quite clear which provides that date of birth is required to be declared by the employee on his induction into service, which is recorded in his service. An entry so made can be altered, however, within a period of two years only, if the Government servant applies for it within two years from the date of his entry into Government service, that too after proper inquiry in the matter. No alteration in the recorded date of birth can be made at any belated stage. Therefore, request of the official in the instant case may not be entertained at this belated stage that too after retirement on superannuation".*

Keeping in view of the above position, the pension case of the above named ex-official may be processed and necessary recovery may be made from his total pension accumulation.

(Service Book/ Pension Paper alongwith its enclosure of the ex-official are enclosed).

Yours faithfully

  
(SAID RASOOL)

SECTION OFFICER (GENERAL)

Copy to:

1. PS to Special Secretary Home, Khyber Pakhtunkhwa.
2. PA to Deputy Secretary (Admn), Home Department.
3. Mr. Nadir Khan, ex- N.Q Home Department.

  
SECTION OFFICER (GENERAL)

MINUTES OF THE MEETING HELD ON 13-12-2012 AT 10:30 AM IN THE  
 OFFICE OF THE ADDITIONAL SECRETARY, REGULATION  
 ESTABLISHMENT DEPARTMENT, GOVERNMENT OF NWFP,  
 PESHAWAR.

The meeting was held in the office of Additional Secretary

(Regulation), Establishment Department under the Chairmanship. The

following attended the meeting:-

1- Mr. Ishaq Hussain Bengash,  
 Deputy Secretary,  
 Law Department.

2- Mr. Hussain Zada,  
 Deputy Secretary,  
 Irrigation Department.

3- Mr. Asif Shahab Khan,  
 Section Officer (SIR-II),  
 Finance Department.

4- Mr. Malik Mazhar,  
 Executive Engineer,  
 Mechanical Irrigation Division,  
 Peshawar.

5- Mr. Masood Parvez Qureshi,  
 Executive Engineer,  
 Kohat Irrigation Division,  
 Kohat.

6- Mr. Jawad Mir,  
 S.D.O. Tubewells Irrigation Sub-Division,  
 Peshawar.

7- Mr. Nayyaf Khan,  
 S.D.O. Hydrology Irrigation Sub-Division,  
 Peshawar.

The issue of collection/over-riding of the dates of birth in

the relevant Service Books of about 52 employees (non-gazetted of

Irrigation Department) discussed at length. From perusal of the cases, it

*Annex-E*

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...and that no further investigation is involved in the impugned corrective measures.

3- As per the background of the case, most of these employees were appointed by the WAPDA SCARP Projects and on expiry of the Project period, the WAPDA handed over the infrastructure (Tubewells etc) alongwith the employees to Irrigation Department. Since these employees were previously work charged under Wapda, their service record was, therefore, not maintained. On transfer to the Irrigation Department, their Service Books were opened. Medical Examination was conducted through Medical Board and Medical Certificates obtained. As such the original record of the employees were prepared.

4- However due to clerical mistakes, the dates of birth in respect of these employees were recorded wrongly. The same was later-on corrected either on the basis of Medical Certificates or in cases of 'Iternic employees' according to their Academic Certificates. In some other cases, however, no Academic or Medical Certificates were available and the dates of birth of such employees were therefore based on National Identity Cards.

5- After examination of all relevant papers produced before the meeting and exhaustive discussion in the matter in light of the relevant rules, the participants unanimously agreed to the following points:-

- i) The dates of birth corrected/modified according to the Medical Certificates or Educational Record may be authenticated by the Head of Administrative Department as



per requirements of the SAC Policy Director (1050-1 (S&GAD)5140/87, dated 15-1-1989 (Flag-P))

(ii) The date of birth in respect of the employees, based on the National Identity Card, may not be authenticated. The concerned District Officer shall be directed to trace out their Medical Certificates, if any, and record the date of birth on the basis thereof accordingly. duly authenticated by the Administrative Secretary as required under GFR-115 read with Policy Instructions (Flag-P)

(iii) All the officers/officials responsible for not keeping the record accurate and for bringing the said modification/correction in the cases of birth into the notice of Competent Authority in time may be proceeded against under the relevant law under intimation to the Establishment Department

(iv) In terms of GFR 116, the dates of birth in respect of the employees whose exact date and month cannot be assessed but the year of the birth can be verified from the authenticated documents, their dates of birth be recorded as 1<sup>st</sup> July of the year in question and not of the date of Medical Examination etc.

(v) All the correction to be made in the above matter required under the relevant law, who may affix his signature and office-stamp under the said corrected entry in the original record

(v) In case of employees whose record of academic or medical certificates are not available, their dates of birth may be got verified from the record maintained by the EDO (I) (M/DHC) or from the Hospital Corporation of

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12-11-02

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Municipal Commission as the case may be and the dates of birth in their Service Books recorded on the basis thereof with due authentication by the Administrative Secretary.

Further action in the matter may be taken by the Irrigation Department accordingly.

1- (Ishaq Hussain Bangash)  
Deputy Secretary,  
Law Department

2- (Asif Shahab Khan)  
Section Officer(SO-II)  
Finance Department

3- (Hussain Zada)  
Deputy Secretary,  
Irrigation Department

4- (Malak Mazhar)  
Executive Engineer,  
Mechanical Irrigation Division,  
Peshawar.

5- (Masood Pervez Qureshi,  
Executive Engineer,  
Kohat Irrigation Division,  
Kohat.

6- (Javed Mir)  
S.D.O Tubewells & Sub Divn.  
Peshawar.

7- (Inayatullah Khan)  
S.D.C Hydrology Irrigation Sub Division,  
Peshawar.

(GHULAM JILAN ASIF)  
Additional Secretary (Regulation)  
Establishment Department  
Government of NWFP.

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

Service Appeal No. 415/2015  
Mr. Nadir Khan, Naib Qasid(Retired)  
Home & Tribal Affairs Department.

...

**Appellant**

**VERSUS**

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.


...

**Respondents**

**REPLY ON BEHALF OF SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, FINANCE DEPARTMENT (RESPONDENT No.2).**

**Respectfully Sheweth.**

Secretary to Government of Khyber Pakhtunkhwa, Finance Department (Respondent No.02) do hereby relies on the Parawise Comments already filed in the Honourable Service Tribunal by Respondent No.1(Accountant General, Khyber Pakhtunkhwa, Peshawar). The Parawise Comments of Respondents No.1 may be considered as reply of Respondent No.2 (Secretary Finance) also.



**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA,  
FINANCE DEPARTMENT  
(RESPONDENT NO.2)**

  
30/01/15

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A. No. 415/2015

Nadir Khan versus Accountant General, KP &amp; Others

**REJOINDER****Respectfully Sheweth,****PRELIMINARY OBJECTIONS:**

All the 6 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appellant has no cause of action, locus standi, time barred, unclean hands and maintainable. As for as appeal of Naseeb Khan is concerned, the same is not identical with the appeal of appellant as the former appeal was against stoppage of pay, correction of date, etc.

**ON FACTS:**

1. Not correct. The date of birth in the Service Book was fictitious which was not verified by Medical authority, while in GPS No. 1 punyala, the same was recorded as 08-07-1954.
2. Admitted correct by the respondents regarding alteration of date of birth which was corrected by R. No. 3 (Home Secretary) vide order dated 10-01-2014. As and when such order was issued then no one was competent to change the same. This order was issued in light of GFR 116-117 in consultation with Finance Department KP, letter dated 11-10-2013, which is still intact. Alteration was also made in Service Book recording the same as 08-07-1954.

3. Not correct. When the Establishment department decided on 15-08-2002, this date has no concern with the date of appellant. On 12-05-2014 Home Department also issued order where in date of birth of appellant was shown as 08-07-1954 after sanctioning the same in pursuance of Finance department notification dated 13-12-2012.
4. Not correct. As and when the date of birth of appellant was corrected, there was no need to issue subsequent letter because appellant was not confronted with the letters already issued. Show cause notice and inquiry was required in such a situation.
5. Not correct. When appellant was due for retirement on 03-03-2013, then respondent should issue such order well within time but in order dated 12-05-2014 Annex "E" he was retired from service on 07-07-2014 with date of birth as 08-07-1954.
6. Admitted correct by the respondents. The rules and judgment of apex court are to not make recovery from pensionary benefits. Appellant rendered 38 years service to the department but on retirement, he was paid Rs. 21266/- instead of Rs. 3, 94,651/- which is not justified in any manner.
7. Not replied to the contents of the Para of the appeal regarding submission of representation for payment of pension, Rs. 3, 94,651/-.

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

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are again adopted.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

نادر خان  
Appellant

Through

سید سادولہ خان ماروات

Saadullah Khan Marwat

Advocate,

Dated: 14-12-2016

**AFFIDAVIT**

I, Nadir Khan appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect. )

I reaffirm the same on oath once again to be true and correct as per the available record.

نادر خان  
DEPONENT

**ATTESTED**

سید شفیق احمد  
Shafiq Ahmad Advocate 13/12/16  
(Notary Public)  
District Courts Peshawar