

order was passed, was an entry of Service book, which are usually made by the concerned civil servant himself, therefore, the entries of date of birth in the Patwar Register and the Matric Certification would be having precedence over the entries of service book. Besides, the appellant failed to agitate the matter well in time because he has admittedly received pension etc. somewhere in the year 2007 but made departmental representation on 19.11.2019.

06. This being so, this appeal being devoid of any merits, is dismissed. Consign.

07. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 30<sup>th</sup> day of October, 2023.*



**KALIM ARSHAD KHAN**  
Chairman



**SALAH-UD-DIN**  
Member (Judicial)

\*Adnan Shah, P.A.\*

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

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

05. Although, the respondents did not bother to file any reply yet, the Tribunal directed the learned AAG to contact Commissioner and Deputy Commissioner, Peshawar for production of record. Mr. Lutfur Rehman, Additional Assistant Commissioner had put appearance on their behalf and brought some record. The same has been perused. The appellant relies on the self made entry of his date of birth in the service book and says that the Deputy Commissioner had issued retirement order on 19.09.2016, wherein, the date of birth of the appellant was shown to be 19.09.1956, but in the pension slips etc. the date of birth of the appellant was written as 23.02.1955 and the date of retirement as 23.02.2015. The Additional AC present before the Tribunal produced copy of Register Patwar, wherein, the date of birth of the appellant was written as 23.05.1955 and his qualification was written as Matriculate. When confronted, the appellant confirmed that the date of birth in his Matric Certificate was also written as 23.02.1955. The Matric Certificate and the Register Patwar are public documents while the document relied upon by the appellant on the basis of which, retirement



## JUDGMENT

**KALIM ARSHAD KHAN CHAIRMAN:** According to the memorandum and grounds of the appeal the appellant was inducted in service vide order dated 01.04.1990; that he served his duties with unblemished record; that accordingly, he got retired from service age of superannuation i.e. 60 years allegedly w.e.f 18.09.2016 vide order dated 19.09.2016 and allegedly, his date of birth the service and CNIC was 19.09.1956; that after retirement, the appellant submitted his documents related to his service before the concerned authority for issuing/granting of his pension and the same had been released/issued to the appellant from the date of his retirement; that on 24.08.2017, a letter was issued to the DDO concerned from the office of Accountant General Khyber Pakhtunkhwa, regarding recovery of Rs.3,95,257/- which had already been recovered from the appellant and further order for recovery of Rs.2,50,528/- which to be recovered from the monthly pension of the appellant; the same recovery had allegedly made from the appellant by changing the retirement order of the appellant as 23.02.2015 in the pension slip dated 05.10.2017; that feeling aggrieved, he filed departmental appeal, which was not responded, hence, the instant service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. But they failed to appear and submit reply/comments, therefore, vide order dated 20.06.2022, their right for submission of comments was struck off.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**SALAH-UD-DIN ... MEMBER (Judicial)**

*Service Appeal No.2037/2020*

Date of presentation of Appeal.....18.03.2020  
Date of Hearing.....30.10.2023  
Date of Decision.....30.10.2023

**Mr. Muhammad Ali Jan, Ex-Patwari, Office of the Deputy Commissioner, Peshawar .....Appellant**

Versus

1. *The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.*
2. **The Commissioner, Peshawar Division, Peshawar.**
3. **The Deputy Commissioner, Peshawar.**
4. **The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.**
5. **The Accountant General, Khyber Pakhtunkhwa, Peshawar.**
6. **The District Accounts Officer, Peshawar.....(Respondents)**

Present:

Mr. Mir Zaman Safi, Advocate.....For the appellant  
Mr. Asad Ali Khan, Assistant Advocate General .....For respondents.

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**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ACTION OF THE RESPONDENT NO. 3 BY MODIFYING/CHANGING THE DATE OF RETIRMENT OF THE APPELLANT AS 23.02.2015 AND AGAINST THE IMPUGNED RECOVERY OF RS.6,45,896/- FROM THE PENSION OF THE APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

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