

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**CAMP COURT SWAT.**

Service Appeal No. 1400/2022

BEFORE: MR. SALAH-UD-DIN ... MEMBER (J)  
 MISS FAREEHA PAUL ... MEMBER (E)

**Mr. Muhammad Rehman, Constable No. 3301, Police Lines Dir Lower at Timergara. .... (Appellant)**

Versus

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer, District Dir Lower.
4. The District Accounts Officer, District Dir Lower. .... (Respondents)

Mr. Umar Farooq Mohmand,  
 Advocate ... For appellant

Mr. Asad Ali Khan,  
 Assistant Advocate General ... For respondents

Date of Institution..... 19.09.2022  
 Date of Hearing..... 08.11.2023  
 Date of Decision..... 08.11.2023

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 22.08.2022 whereby departmental appeal of the appellant for correction of his date of birth was rejected. It has been prayed that on acceptance of the appeal, the impugned order dated 22.08.2022 might be set aside and the date of birth of the appellant be corrected/alterd in the service record as 15.01.1992 instead of 01.01.1986, alongwith any other remedy which the Tribunal deemed fit and appropriate.



2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was initially appointed in the Police Department vide order dated 09.12.2011 on contract basis. The respondent department regularized his service, alongwith his other colleagues, vide order dated 08.05.2020. The date of birth of the appellant was erroneously recorded as 01.01.1986 in the Service Roll and other official record i.e. service book etc. at the time of enlistment in the Police Department. As per CNIC and academic record, the correct date of birth of the appellant was 15.01.1992, which was also recorded in the service card of the appellant, while in the service roll and service book it was erroneously recorded as 01.01.1986. After regularization of service, the appellant approached the quarter concerned for correction of his date of birth in the service record but the authorities concerned were not willing to do so. Feeling aggrieved, the appellant preferred departmental appeal but the same was rejected vide order dated 22.08.2022; hence the instant service appeal.

3. Respondents were put on notice who submitted their reply/comments on the appeal. We heard the learned counsel for the appellant as well as the learned Assistant Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the appellant was not treated in accordance with law and rules and the respondents violated Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan. He further argued that the services of the appellant were regularized vide order dated 08.05.2020, therefore, he was fully



entitled for alteration in the service record as per law and rules. He further argued that as per Rule 116 of the General Financial Rules, the appellant was fully entitled for the correction/alteration in his date of birth but the respondent department denied his request for no good ground. He requested that the appeal might be accepted as prayed for.

5. Learned Assistant Advocate General, while rebutting the arguments of learned counsel for the appellant, argued that the notification regarding regularization of service of the appellant was issued on 08.04.2020. His date of birth was recorded as 01.01.1986 at the time of enlistment on the basis of CNIC provided by him and medical certificate issued by Medical Superintendent, DHQ Hospital, Timergara. He further argued that the departmental appeal of the appellant was rejected on the ground that change in the date of birth was only applicable within two years of joining the service whereas the appellant applied for correction in his date of birth after long years of contractual service and more than 02 years after his regularization. He requested that the appeal might be dismissed.


6. Through the instant service appeal, the appellant has requested for correction of his date of birth. Arguments and record presented before us shows that the appellant was appointed in the Provincial Police in 2011 on contract basis. As stated by the learned Additional Advocate General, at that time he was possessing the CNIC issued to him on 18.08.2008, which was valid upto 31.07.2016, and according to that CNIC, his date of birth was 01.01.1986. The appellant, in his appeal, annexed a copy of CNIC, issued to him on 27.11.2012, according to which his date of birth is 15.01.1992. The




copy of CNIC produced by the appellant shows that it was issued to him after he got inducted in the provincial police. This further shows that he got his date of birth altered while applying for a new CNIC, and that too well before the date of expiry of the previous card, which was valid upto 31.07.2016. During the arguments, when he was confronted with the copy of CNIC bearing his date of birth as 01.01.1986 and asked whether he did not produce the same at the time of his appointment on contract basis in 2011, the appellant admitted that it had been provided by him.

7. In view of the above discussion, there is no doubt that the CNIC produced by the appellant in 2011 bore his date of birth as 01.01.1986. If there was any error, it had to be corrected in the first two years of his appointment in the provincial government. Any change at a later stage is not acceptable as per the rules. The appeal is, therefore, dismissed. Costs shall follow the event. Consign.

8. *Pronounced in open court at Camp Court, Swat and given under our hands and seal of the Tribunal this 08<sup>th</sup> of November, 2023.*

  
**(FAREEHA PAUL)**  
**Member (E)**  
**Camp Court, Swat**

  
**(SALAH-UD-DIN)**  
**Member (J)**  
**Camp Court Swat**


*\*Fazle Subhan, P.S\**


S.A 1400/2022

08<sup>th</sup> Nov. 2023 01. Mr. Umar Farooq Mohmand, Advocate for the appellant present and Wakalatnama submitted which is placed on file. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 04 pages, the appeal is dismissed. Costs shall follow the event. Consign.

03. *Pronounced in open court at Camp Court, Swat and given under our hands and seal of the Tribunal on this 08<sup>th</sup> day of November, 2023.*

  
(FAREEHA PAUL)  
Member (E)  
Camp Court, Swat

  
(SALAH-UD-DIN)  
Member (J)  
Camp Court, Swat

*\*Fazle Subhan, P.S\**