

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT D.I.KHAN.

Service Appeal No. ~~105/2015~~

Date of Institution... 28.01.2015

Date of decision... 11.09.2018

Dilawar Khan S/o Nasrullah Jan.  
Caste Kundi, Village Pai Tehsil and District Tank,  
Teacher in the Govt. Primary School (Male)  
Aurangabad Pai Tehsil and District Tank.

... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Education Peshawar and five others.

.... (Respondents)

----

MR. SHAIKH IFTIKHAR-UL-HAQ

Advocate

... For appellant.

MR. ZIAULLAH,

Deputy District Attorney

... For respondents.

MR. AHMAD HASSAN,

... MEMBER

MR. MUHAMMAD AMIN KHAN KUNDI,

... MEMBER

JUDGMENT

AHMAD HASSAN, MEMBER: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. Brief facts of the case are that the appellant was appointed as Primary School Teacher by the office of DEO (Male) D.I.Khan vide order dated 07.07.1985. That the appellant submitted departmental appeal on 30.09.2014 for correction of his date of birth which was not responded within the stipulated period, hence, the instant service appeal.

## ARGUMENTS

3. The learned counsel for the appellant argued that his date of birth recorded by his father in the official record was 05.01.1961. Inadvertently, while studying in Middle Level wrong date of birth i.e 05.01.1959 was recorded in his SSC certificate. When the appellant applied for loan he came to know about his date of retirement in 2019 and submitted departmental appeal, which was not decided by the respondents within time. Reliance was placed on case law reported as 2003 SCMR 444 and 2014 MLD 440.

4. On the other hand, the learned Deputy District Attorney for the respondents argued that his correct date of birth was recorded in the official record. That there was no original or appellate order impugned in the present appeal by the learned counsel for the appellant, so it was not in accordance with Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, hence, not maintainable. He further argued that the appellant being educated person and serving as PTC was well aware of his date of birth. He remained silent ever since his appointment and challenged the anomaly of date of birth in 2014, so, the present appeal was badly time barred. Such cases are dealt with under GFR 11-6.

## CONCLUSION.

5. The present appeal is badly time barred, hence, is not maintainable. Even on merit of the case it is not worth consideration.

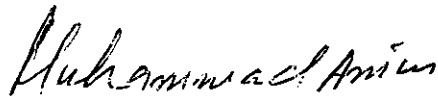
6. The appeal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.



(AHMAD HASSAN)

Member

Camp Court D.I.Khan



(MUHAMMAD AMIN KHAN KUNDI)

Member

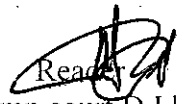
Camp Court D.I.Khan

ANNOUNCED

11.09.2018

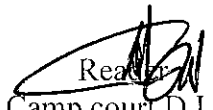
25.04.2018

Tour is hereby cancelled, Therefore the case is adjourned for the same on 30.07.2018 before D.B.

  
Reza  
Camp court D.I khan


30.07.2018


None present on behalf of the appellant. Tour is hereby cancelled. Therefore the case is adjourned for the same on 10.09.2018 before D.B.

  
Reza  
Camp court D.I khan

10.09.2018

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on tomorrow i.e 11.09.2018 before D.B at Camp Court D.I.Khan.

  
(Ahmad Hassan)  
Member  
Camp Court D.I.Khan

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

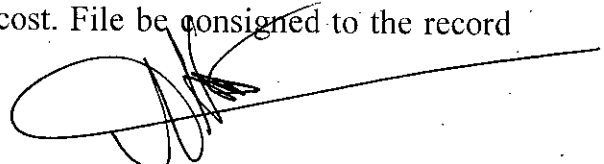
11.09.2018


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Mehmood Azam, ADO for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today placed on file, The present appeal is badly time barred, hence, is not maintainable. Even on merit of the case it is not worth consideration. The appeal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.

ANNOUNCED

11.09.2018


  
(AHMAD HASSAN)  
MEMBER  
CAMP COURT D.I.KHAN

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
CAMP COURT D.I.KHAN

Service Appeal No. 105/2015

25.01.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Gul Nawaz, ADO for respondents No. 1, 2, 4 & 5 also present. None present on behalf of respondents No. 3 & 6 despite issuance of notice hence, proceeded ex-parte. Written reply on behalf of respondents No. 1, 2, 4 & 5 already submitted. Adjourned. To come up for rejoinder and arguments on 20.02.2018 before D.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

20.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Appellant is also directed to submit spare copy of the instant appeal. Adjourned. To come up for rejoinder and arguments on 14.03.2018 before D.B

  
(AHMAD HASSAN)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER  
Camp Court D.I.Khan

14.03.2018


Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 25.4.2018 before the D.B at camp court, D.I.Khan.

  
Member

  
Chairman  
Camp court, D.I.Khan


23.08.2017

Counsel for the appellant present. Mr. Mehmood Azam, ADO (litigation) alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present. Written reply on behalf of respondents No. 1, 2, 4 & 5 has already submitted. Representative of respondents No. 3 & 6 are not in attendance, therefore, notice be issued to the respondents No. 3 & 6 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 3 & 6 30.11.2017 before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

30.11.2017


Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Mahmood Azam, ADO (litigation) for respondents No. 1, 2, 4 & 5 also present. Written reply on behalf of respondents No. 1, 2, 4 & 5 already submitted. Representative of respondents No. 3 & 6 is not in attendance therefore, notice be issued to respondents No. 3 & 6 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on behalf of respondents No. 3 & 6 on 25.01.2018 before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I. Khan

105/2015

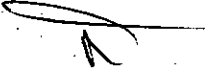
25.10.2016

Counsel for the appellant and Mr. Muhammad Farooq, SST alongwith Mr. Farhaj Sikandar, Government Pleader for the respondents present. Written reply on behalf of respondents No. 3 and 6 not submitted. Fresh notice be issued to the said respondents for submission of written reply by way of last chance. Written reply on behalf of respondents No. 1, 2, 4 and 5 has already submitted. To come up for written reply/comments on behalf of respondents No. 3 and 6 on 24.02.2017 before S.B at Camp Court D.I.Khan.

  
Member  
Camp Court D.I.Khan

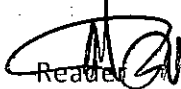
22.02.2017

Clerk counsel for appellant and Mr. Farhaj Sikandar, Government Pleader for respondents present. Written reply by respondents No 3 and 6 not submitted. Written reply by respondents No. 1,2, 4 and 5 has already submitted. Fresh notice be issued to respondents No. 3 and 6 for submission of written reply. To come up for written reply/comments on behalf of respondents No. 3 and 6 on 26.04.2017 before S.B at Camp Court D.I.Khan.

  
(ASHFAQUE TAJ)  
MEMBER  
Camp Court D.I.Khan

26.04.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 23.08.2017.

  
Reader


25.2.2016

Counsel for the appellant present and submitted that the date of birth recorded as 05.1.1959 recorded in service book of the appellant is wrong. According to primary school record of the appellant it is 05.1.1961 and that the Tribunal is having jurisdiction in the matter. Reliance was placed on 2003-SCMR-444.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. Case to come up for written reply at camp court, D.I.Khan on

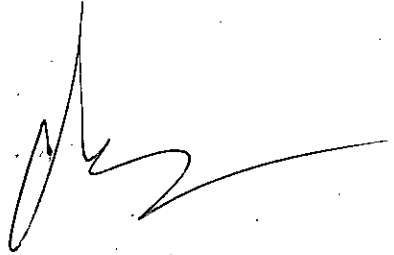
24.5.16

Appellant Deposited  
Security & Process Fee

  
MEMBER  
Camp court, D.I.Khan

24.05.2016

Appellant in person and Mr. Abdul Saleem, Litigation Incharge alongwith Farkhaj Sikandar, GP for respondents present. Written reply on behalf of respondents No.1,2,4 and 5 submitted. To come up for written reply of the remaining respondents on 25.10.2016 at camp court D.I. Khan.

  
Member  
Camp Court D.I.Khan

105/15


23.11.2015

Counsel for the appellant and Farhaj Sikandar, GP for the respondents present. During the course of arguments, learned counsel for the appellant requested for adjournment that he will argue the case on the next date in the light of case/laws and Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Request is accepted. To come up for preliminary hearing on 27-12-15 at camp court, D.I.Khan.

  
MEMBER  
Camp Court, D.I.Khan

29.12.2015

Since tour to D.I.Khan for the month of December, 2015 has been cancelled, therefore, case is adjourned to 26-1-2016 for the same.

  
~~Camp Court, D.I. Khan~~

26.01.2016

Counsel for the appellant and Mr. Farhaj Sikandar, GP with Abdul Saleem, Litigation Incharge for the respondents present. Counsel for the appellant requested for adjournment. To come up for preliminary hearing at camp court, D.I.Khan on 23.2.16

  
MEMBER  
Camp court, D.I.Khan



27.4.2015

Appellant with counsel and Muhammad Shafiq, SDM with Farhaj Sikandar, SDM for the respondents present. Mr. Asad Aziz Advocate also sent Wakaltnama on behalf of the respondents. Counsel for the appellant is not prepared for arguments and submitted that he will considered case-laws on the point that a civil service can come to this Tribunal for correction of date of birth beyond the period of two years after his appointment in government service. To come up for preliminary hearing on 26.5.2015 at camp court, D.I.Khan.

  
MEMBER  
Camp Court, D.I.Khan.


26.05.2015

Appellant in person present. Due to general strike of the legal fraternity, counsel for the appellant is not available. To come up for ~~P.H.~~ on 27.07.2015 at camp court, D.I.Khan.

  
MEMBER  
Camp court, D.I.Khan


27.07.2015

Junior to counsel for the appellant and Farhaj Sikandar, GP for the respondents present. The Bench is incomplete, therefore, case to come up for ~~P.H.~~ on 25-08-2015 at camp court, D.I.Khan.

  
MEMBER  
Camp court, D.I.Khan

27.10.2015

Clerk of counsel for the appellant and Mr. Farhaj Sikandar, GP for the respondents present. The learned counsel for the appellant requested for adjournment. Therefore, case to come up for preliminary hearing at camp court, D.I.Khan on 23.11.15.

  
MEMBER  
Camp court, D.I.Khan

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 105/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.02.2015	<p>The appeal of Mr. Dilawar Khan resubmitted today by Shaikh Iftikharul Haq Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	13-2-15	<p>This case is entrusted to Touring Bench D.I.Khan for preliminary hearing to be put up thereon <u>24-2-2015</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
3-	24-2-15	<p><i>counsel for the appellant present and heard partly. Pre-admission notices be issued to G.P. as well as respondents for further preliminary hearing at Camp Court, D.I.Khan on 27-4-2015.</i></p> <p style="text-align: right;"><i>[Signature]</i> Member Camp Court, D.I.K.</p>

The appeal of Mr. Dilawar Khan son of Nasrullah Khan Caste Kundi Village Pai Tehsil and Distt. Tank received to-day i.e. on 28.01.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Law under which appeal is filed is not mentioned.
- 2- Heading of the appeal is incomplete which may be completed.
- 3- Addresses of respondent No. 5 and 6 are incomplete which may be completed according the Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 105 /S.T,

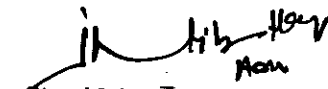
Dt. 29/1/2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Shaikh Iftikharul Haq Adv.  
High Court D.I. Khan.

Respected Sir,

- 1: All the aforementioned Objections have been removed positively.  
Thus resubmitted please.

  
( Shaikh Iftikharul Haq )  
Advocate High Court.

BEFORE THE PESHAWAR HIGH COURT BENCH D.I.KHAN.

S.T.A No. 105 2015

Dilawar Khan V/S Govt of K.P.K etc

Index.

S.No.	Particulars of documents.	Annexure	Pages.
1.	Memo and Grounds of Appeal	-	1-4
2	Copy of Service Book	A	5-6
3.	Copy of Dakhil Kharij of Primary School and Middle School	B & B/1	7-10
4.	Copy of S.S.C of the Appellant	C	-11-
5.	Copy of Departmental Appeal	D	-12-
6.	Wakalatnama.		-13-

Your Humble Appellant.

Dilawar Khan

through Counsel.

(Shaikh Iftikharul Haq )  
Advocate High Court.

Dated. 24.1.2015.

BEFORE THE HON'BLE SERVICE TRIBUNAL K.P.K. PESHAWAR.

S.T.A No. 105 2015

H.W.P. Peshawar  
69  
28-21-2015

Dilawar Khan S/O Nasrullah Jan..  
Caste Kundi, Village Pai  
Tehsil and Distt: Tank.

(Teacher in the Govt Primary School (Male)  
Aurangabad Pai Tehsil and Distt:  
Tank.

Appellant.

- ✓ 1. Govt of K.P.K through Secretary Education Peshawar.
- ✓ 2. Director Education (Ele: & Secondary) KPK Peshawar.
- ✓ 3. Chairman Board of Intermediate and Secondary Education Peshawar.
- ✓ 4. Headmaster Govt High School Pai Distt: Tank.
- ✓ 5. Govt Primary School Pai (Male - I) Distt: Tank Now - I Pai.
- 6. Manager NADRA Office District Tank. (Situated main City Tank)

Respondents.

Service Appeal under Section 4 of Khyber Pakhtunkhwa  
Service Tribunal Act, 1974.

Prayer.

On acceptance of the instant Service Appeal the  
Wrong entries in the Column of Date of Birth of Service b..x  
may kindly be rectified/corrected as 5.1.1961 instead  
of 5.1.1959, which have been wrongly entered /incorporated  
as evident from the Dakhil Kharaj of Primary School .

Respectfully Sheweth,

- 1. That the Appellant was appointed as P.T.C vide order  
D.E.O (M) D.I. KHAN endorsement No. 10-04/11-AE dated. 7.7. 1985.

Filed to-day  
28/1/15

As-submitted to-day  
and filed.

Registrar  
12/2/15

Copy of the Service Book of the Appellant is enclosed as Annexure -A.

2. That the Appellant at the time of Admission in the Government Primary School Pai No.1 . The Father of Appellant had registered/entered the date of birth as 5.1.1961 . It is also pertinent to mention that all his Classfellows/Colleagues date of birth are 1961. Copy of Bakhil Kharaj of Primary School Pain (No.1) is enclosed as Annexure B.

3. That after promoting to Middle Standard and High Standard the Date of Birth of the Appellant have been carry over to next forum. But due to some oversight /inadvertantly the date of birth have been wrongly mentioned in Board Examination as 5.1.1959 and thus S.S.Certificate have been issued at the wrong date of birth i.e. 5.1.1959/ Copy of the S.S.C is enclosed as Annexure C.

4. That as the Government declared loan facility to the Employees of the Education Department/Govt Servants. Thus the Appellant submitted documents for obtaining loan .Whereas the Official concerned informed the Appellant that he is going to<sup>be</sup>retired in the years 2019 . Thus the Appellant came to know about his wrong date of birth in the service Record.

5 That the Appellant immediately on the next day submitted departmental Appeal before the Highups of the Education Department for correction of Date of birth of the Appellant. Copy of the Departmental appeal alongwith postal receipt is enclosed as Annexure D. The Response of which is not received upto date.

*Handwritten signature/initials*

6. That the Appellant feeling aggrieved having no other adequate remedy except instant Service Appeal inter alia before this Hon'ble Tribunal on the following grounds.

G R O U N D S .

1. That the impugned entry /wrong date of birth of the Appellant in Service record is illegal , unlawfull and without lawfull authority. Which is required to be rectified/corrected in the Service Record of the Appellant.
2. That the Appellant was firstly admitted by his father in Govt Primary School Psi (Now Called No.1 Psi) and his date of birth was entered/registered as 5.1.1961.
3. That thereafter the Appellant was promoted to the next Middle and High Forum and during carrying over his School Record the date of birth of the Appellant have been wrongly recorded/mentioned in the Board Examination by the School Staff and thus Wrong date, of birth in the S.S.C Certificate have been shown .
4. That the act and omission of the Respondent are against law , facts . They were required to correct /rectified the date of birth of the Appellant in the Service Record keeping inview the First Admission in the School by his father.
5. That the Counsel of the Appellant may also be allowed to raise additional grounds during Course of hearing.

*J. K. Hilkey  
Adv.*

In wake of submissions made above it is humbly Prayed that the date of birth of the Appellant may kindly be rectified/corrected as well as in the S.S.C and Nadra record.

Your Humble Appellant.

*Dilwar Khan*  
Dilwar Khan

through Counsel.

*Shaikh Iftikharul Haq*  
(Shaikh Iftikharul Haq )  
Advocate High Court.

Dated.20.1.2015.

Affidavit.

I, Shaikh Iftikharul Haq Advocate High Court Counsel for the Appellant do hereby solemnly affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

*Dilwar Khan*  
Deponent.

Identified by  
*Shaikh Iftikharul Haq*  
Sh: Iftikharul Haq



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

1. Name *M. Dilawar Khan*

2. Race *... Kundi ... (Pakistani)*

3. Residence *vill: Pan Teh; Tank Dist: D.I. Khan*

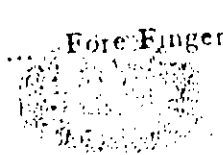
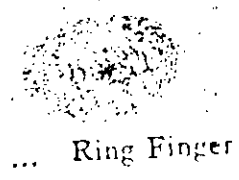
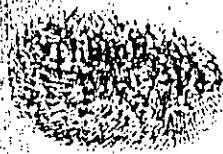
4. Father's name and residence *M. Nasrullah Khan*

5. Date of birth *5-1-1959* (Christian era as nearly as can be ascertained) *(Fifteenth Jan 1959)*

6. Exact height by measurement *5-6* (Males) *(H. H. & fifty nine)*

7. Personal marks for identification *... A scar mark near the right eye*

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



9. Signature and Government servant

*[Signature]*

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

*[Signature]*  
Head of the Office  
D.I. Khan

Attested to be true copy  
*[Signature]*  
Asst.

Passed the SSC Exam in the year 1977 (A) from the B.S. Education, Peshawar securing 386/400 marks (Certificate Serial No. 240472)

Passed C.T. short term conductance course Session 1990 from G.H.S. No. 1 Tank under Roll No. 958 securing 259 marks in 2nd division. The result was declared by R.D.E. Pesh. on 14.3.91.

Verification Roll No. \_\_\_\_\_

Sub Div: Education  
Officer (Male) Tank  
Distt. D. I. Khan

received back

Passed the SSC Exam in the year 1977 (A) from the B.S. Education, Peshawar securing 359/400 marks (Certificate Serial No. 240472)

14-2-91  
All  
Circled 14

Qualifications	Date	Qualifications	Date
Passed the Pakistan Studies in the session 1982 (A) from the B.S. Education, Peshawar securing 27/25 marks (Certificate Serial No. 1027153)		First Arts	
Urdu		Pleadership examination	
Plan-d-awing		Training School final examination	
Finger print		Other qualifications—	
Drill instructing	Passed P.T. Exam	1988 from Registrar	
Court duties	Departmental Exam	Education Department	
Reserve duties	N.W.F.P. Peshawar	Roll No. 549	
	obtained 568 marks out of 1200		
	Result was declared on 26-8-89		

N.B. A line to be drawn under the qualification possessed.

Completed C.T. short term course under Roll No. 23 from 21 July 1990 to 15-10-90 at G.H.S. No. 1 Certificate Attendance certificate issued on 15.10.90.

Sd/- Basim Ahmad  
S.D.O. (M) Tank

Signature and designation of the head of the office or other attesting officer in attestation of column 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	LEAVE		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or award of praise of the Government
				Nature and duration of leave taken	Allocation of periods of leave on average pay up to four months for which leave salary is payable to another Government		
Shri B. S. ... S.D.E.O. (M) TANK	30.11.86	No. Incr. due to ...	...				
...	...	Transfer	...				Appointed as ... P.T.C. vide ...
...	5.10.86	Transfer	...				Relaxation of upper age limit ...
...	30.11.86	No. Incr. due to ...	...				...
...	30.11.86	No. Incr. due to ...	...				...
...	30.11.86	No. Incr. due to ...	...				...
...	31.87	...	...				Sub-Div. Education ...
Shri B. S. ... S.D.E.O. (M) TANK	...	No. Incr. due to ...	Shri B. S. ... S.D.E.O. (M) TANK				...
Shri B. S. ... S.D.E.O. (M) TANK	...	...	Shri B. S. ... S.D.E.O. (M) TANK				...
Shri B. S. ... S.D.E.O. (M) TANK	...	...	Shri B. S. ... S.D.E.O. (M) TANK				...
Shri B. S. ... S.D.E.O. (M) TANK	...	...	Shri B. S. ... S.D.E.O. (M) TANK				...
Shri B. S. ... S.D.E.O. (M) TANK	...	...	Shri B. S. ... S.D.E.O. (M) TANK				...
Shri B. S. ... S.D.E.O. (M) TANK	...	...	Shri B. S. ... S.D.E.O. (M) TANK				...
Shri B. S. ... S.D.E.O. (M) TANK	...	...	Shri B. S. ... S.D.E.O. (M) TANK				...

65  
59  
26

S.D.E.O.  
(MALE) TANK

Attested  
to copy

Shri B. S. ...  
S.D.E.O. (M)  
TANK

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or temporary	Whether appointment of the holder is made under Act 37, C.S.R.	Pay in substantive Post	Additional Pay for educating	Grants & Allowances falling under the term 'Pay'	Grade of appointment	Signature of Government Officer

SPS Lashar Talab (clerk) Temp Rs 560/- P.M. 1.12.85

Muhammad Ghani Jabeel  
14-2-85  
Abdullah All  
Tamm

do Temp Rs 560/- P.M. 1.12.85

G.P.S. Kot Mustaza do Rs 560/- P.M. 3.6.86

G.P.S. Mohammad Akbar do Rs 560/- P.M. 5.10.86

do do Rs 560/- P.M. 1.12.86

do do Rs 750/- P.M. 1.12.87

with Mr. Q.M. Gaisani Rs 750/- P.M. 1.12.88

Rs 750/- P.M. 1.12.88

of the Accountant General N.W.F.P. Peshawar Rs 750/- P.M. 26.8.89

of Rs..... in the revised Pay Scale 19  
@ Rs. 750/- P.M. W.E.F. 1.12.1987  
with next increment on 1.12.1987

Accounts Officer  
Pay Fixation Party  
N.W.F.P. Peshawar

پرائمری سکول

7  
جسٹریڈ اور فنکارانہ

تاریخ داخلہ	نمبر سلسلہ	طالب علم کا نام	تاریخ پیدائش سن عیسوی سے (فقولہ اور ہندسوں میں)		
			سن	ماہ	تاریخ
2/66	678	گل بار شاہ	1958	1	1
23/4/1966	679	سید خان	1961	فروری	2
23/4/66	680	محمد الرحمن	1961	فروری	2
23/4/66	681	محمد جان	1961	اپریل	3
23/4/66	682	موسم خان	1961	فروری	2
23/4/66	683	زرور خان	1961	اپریل	3
23/4/66	684	روح اللہ خان خواجہ	1961	اپریل	3
25/4/1966	685	عباس اللہ	1961	اپریل	4
25/4/1966	686	دلادور خان	1961	جنوری	3
25/4/1966	687	خان	1961	فروری	1
25/4/66	688	روح اللہ خان خواجہ	1961	اپریل	2
			1961	اپریل	4

Attested to be  
true  
محمد انور خان  
مدرسہ اسلامیہ

سن 1961 میں اگر تغیر و تبدل ہو تو اس پر پیدائش کے دستخط ہونے چاہئیں اور خانہ کیفیت میں کسی اور پر لکھنی چاہیے

کیفیت	کس تاریخ کو	کس جماعت سے	فیس کا درجہ	کس جماعت میں داخل ہوا	مستویں	بایں کا پیشہ	آراء و رائے
سرمد علی بیگ	1/9/66	سوم	-	دوم	✓	مدرسہ	مدرسہ
محمد علی بیگ	10/4/71	پہلے		پہلے	✓	پہلے	مدرسہ
محمد علی بیگ	3/11/66	اول		اول	✓	پہلے	مدرسہ
محمد علی بیگ	9/11/69	پہلے		اول	✓	پہلے	مدرسہ
محمد علی بیگ	16/11/67	اول		اول	✓	پہلے	مدرسہ
محمد علی بیگ	16/11/67	پہلے		اول	✓	پہلے	مدرسہ
محمد علی بیگ	10/4/71	پہلے		اول	✓	پہلے	مدرسہ
محمد علی بیگ	10/4/71	پہلے		اول	✓	پہلے	مدرسہ
محمد علی بیگ	10/4/71	پہلے		اول	✓	پہلے	مدرسہ
محمد علی بیگ	10/4/71	پہلے		اول	✓	پہلے	مدرسہ
محمد علی بیگ	10/4/71	پہلے		اول	✓	پہلے	مدرسہ

دستخط سرمد علی بیگ

Attested by  
Muhammad Ali

مدرسہ

Annexure B

حصہ اول خانہ

سلسلہ نمبر	طالب علم کا نام	تایخ پیدائش انفولوں اور ہندسوں میں	باپ کا نام	قوم یا ذات	زراعت پیشہ غیر زراعت پیشہ	تایخ داخلہ	نمبر سلسلہ
پانچ	عزت خان	یوم سیر ایس ڈی اسکول (1.7.1961)	عزیز الدین خان	گڑھی	زراعت پیشہ	5.4.71	1299
پانچ	عزیز الرحمن	گیارہ فروری 1961	زمان خان	گڑھی	غیر زراعت پیشہ	8.5	1300
پانچ	شوکت علی خان	یکم مئی 1962	غلام محمد خان	گڑھی	"	8.5	1301
پانچ	عبدالعزیز	چودھویں اپریل 1962	میل سلطان	گڑھی	"	8.5	1302
پانچ	سرفراز	باج جنوری اسکول (1.1.1960)	سیرین	گڑھی	"	8.5	1303
پانچ	سیح اللہ	پانچ مئی 1962	سیح اللہ	گڑھی	"	8.5	1304
پانچ	سید بادشاہ	تین مارچ 1959	سیح اللہ	گڑھی	"	8.5	1305
پانچ	ممتاز خان	تین مارچ 1961	محمد خان	گڑھی	"	8.5	1306
پانچ	بیت خان	دو فروری 1961	محمد خان	گڑھی	"	8.5	1307
پانچ	اصل خان	تین مارچ 1961	افتخار اللہ	گڑھی	"	6.4.71	1308
پانچ	غلام تسلیم خان	یکم فروری 1960	محمد خان	گڑھی	"	8.5	1309
پانچ	رحمت اللہ خان	دو اپریل 1961	مب اللہ خان	گڑھی	"	7.4.71	1310
پانچ	میرام شاہ	پانچ جنوری 1961	عبد اللہ خان	گڑھی	"	8.4.71	1311
پانچ	دلدار خان	پانچ فروری 1957	عبد اللہ خان	گڑھی	"	8.5	1312
پانچ	سید بادشاہ	یکم جنوری 1960	رحیم داد	گڑھی	"	8.5	1313
پانچ	سرفراز خان	پانچ اپریل 1960	محمد خان	گڑھی	"	8.5	1314

As stated to be true copy in the presence of the undersigned

واقع

منسلح

کیفیت	مدرسہ چھوڑنے کے دن لکھا گیا		کس تاریخ پر مدرسہ چھوڑا	کس جہاز سے مدرسہ چھوڑا	فیس کا راجہ	کس جہاز میں داخل ہوا	سکونت
	فیس	نقد					
			31-3-74	سٹیج	X	سٹیج	مدرسہ
			14-4-75	سٹیج	X	سٹیج	پائی
			26-5-74	سٹیج	X	سٹیج	پائی
			31-3-76	سٹیج	X	سٹیج	پائی
			31-3-76	سٹیج	X	سٹیج	پائی
			14-4-75	سٹیج	X	سٹیج	پائی
			30/4/75	صغیر	X	سٹیج	پائی
			14-4-75	سٹیج	X	سٹیج	پائی
			14-4-75	سٹیج	X	سٹیج	پائی
			30-9-74	سٹیج	X	سٹیج	پائی
			31-3-74	سٹیج	X	سٹیج	پائی
			14-4-75	سٹیج	X	سٹیج	پائی
			8-5-73	سٹیج	X	سٹیج	پائی
			14-4-75	سٹیج	X	سٹیج	پائی
			25/1/73	سٹیج	X	سٹیج	پائی
			31/3/74	صغیر	X	سٹیج	پائی

Table SLCE  
20/4/95

20/4/95

محمد ابراہیم

Attested  
[Signature]



(11) Annam-e

No. 10472

Roll No. 37606

Board of Intermediate And Secondary Education  
PESHAWAR, N.W.F.P. (PAKISTAN)



Secondary School Certificate Examination  
SESSION 1977 (ANNUAL)

This is to certify that Dilawar Khan,  
Son/Daughter of Nasrullah Jan,  
and a student of Govt High School, Paj, (D. I. Khan).  
has passed the **SECONDARY SCHOOL CERTIFICATE EXAMINATION** of  
the Board of Intermediate and Secondary Education, Peshawar held in June, 1977  
as a regular candidate. He/She obtained 359 Marks out of 900/1000,-  
and has been placed in Grade E Representing Satisfactory.

The Candidate passed in the following Subjects:

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

He/She has been awarded Grade C on the basis of Internal  
assessment by the Institution concerned.

Date of birth according to admission form is Fifth January,  
one thousand nine hundred and Fifty Nine ( 5-1-1959 ).

15th October, 1977.

Asstt. Secretary

SECRETARY

This certificate is issued without alteration or erasure.

*[Handwritten signature]*  
A.S. 14

Attested to  
be true copy  
in file  
Shir Johi Murad  
A.S.

To: The Director,  
Elementary and Secondary Education,  
Peshawar.

Annexure - D

Subject: Departmental Appeal/Representation  
for Correction of Age (Date of Birth)  
in Service Record.

Respected Sir,

That the Applicant has obtained the Primary Education from Government Primary School Pai. His Date of birth was correctly mentioned/recorded as 05.01.1961. But later on due to upgradation in Middle and High Classes the date of birth of Applicant have been wrongly and incorrectly mentioned as 5.1.1959 by the Schools authorities. Thus the wrong and incorrect date of birth have been recorded /mentioned in the S.S.C Certificate.

That as the Applicant is P.T.C. Teacher but his date of birth is not correct and needs its correction in Service record.

That the matter in question needs perusal and enquired from the First admission in the School in the Government Primary School Pai Tehsil and District Tank.

It is, therefore humbly prayed that that an order may kindly be issued to enquire the dispute in question and the date of birth of the Applicant may kindly be corrected as 5.1.1961 instead of 5.1.1959.

Your Humble Applicant.

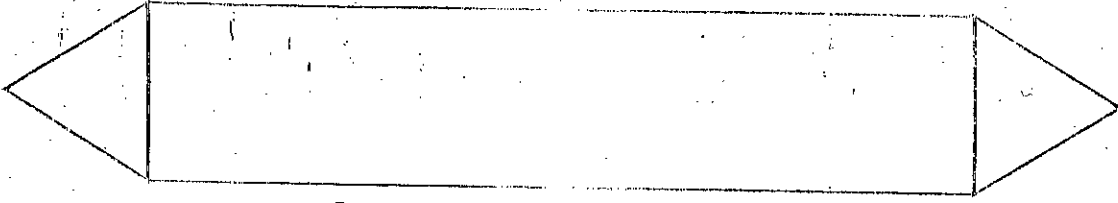


(Dilawar Khan)  
S/O Nasrullah Jan R/O Pai  
Tehsil and Distt: Tank.

Dated. 30/9/2014

Attested to be true copy  
in this  
Sms. J. J. Khan

بعد ازاں



مورخہ  
مقدمہ  
دک اور خان  
نام  
پیر منیر احمد شاہ

دعویٰ

مزموم

## باعث تحریر نامہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن  
مقام سروس سٹیجیوں کے لئے اس کے سربراہ اور سربراہ محترم امی، خان  
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ وکیل صاحب کو دعویٰ  
جواب دعویٰ دائر کرنے کا اختیار ہوگا تاہم وکیل صاحب بلاخریری اذیت اقبال دعویٰ دینے یا راضی نامہ کرنے کا مجاز  
نہ ہوگا۔ بصورت ڈگری کرنے اجراء اور وصولی چیک، روپیہ اور عرصہ دعویٰ اور درخواست ہر قسم کی تصدیق ذراں پر  
دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرف فریاد اہل کی برآمدگی اور منسوخی نیز دائر کرنے اہل  
گرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور  
وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات  
حاصل ہوں گے اور اس کا ساختہ پرواخذہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے  
ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی  
مقام دورہ پر دیا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ وہ اس پر مقرر کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

20/5

المرقوم 27 مارچ 2015ء

الغیہ  
گواہ  
الغیہ

D.O.K کے لئے منظور ہے

برقلم

Accepted

CHAIRMAN  
BOARD OF INTERMEDIATE &  
SECONDARY EDUCATION, PESHAWAR

SECRETARY  
BOARD OF INTERMEDIATE &  
SECONDARY EDUCATION, PESHAWAR

## ہدایات برائے بورڈ وکلاء

- (۱) وکیل موصوف وکالت نامہ ملنے کے بعد باقاعدگی سے ایمانداری کیساتھ مقدمہ اپیل/نگرانی کی تیاری کریگا اور کسی طور بھی مقدمہ کی تیاری میں کسی قسم کی کوتاہی نہیں کریگا۔
- (۲) اگر مقدمہ اپیل/نگرانی میں پہلے سے منجانب بورڈ اپنی وکیل مقرر ہو تو وکیل موصوف اس وکیل کا نام بورڈ کو فراہم کرتے ہوئے یہ وکالت نامہ بورڈ کو واپس کرنے کا پابند ہے۔
- (۳) اگر مقدمہ اپیل/نگرانی میں وکیل صاحب کو کسی بھی مرحلہ یا شہادت کے وقت بورڈ نمائندہ یا ریکارڈ وغیرہ کی ضرورت ہو تو وکیل صاحب تاریخ مقررہ سے ۷ یوم قبل اس بابت اطلاع جمعہ کرائف لیگل سیکشن کو تحریری طور پر فراہم کریگا۔
- (۴) وکیل موصوف کسی طور بھی بلا تحریری اجازت مقدمہ میں اقبال دہلی یا اقبالی بیانی دینے کا مجاز نہیں ہے۔
- (۵) مقدمہ اپیل/نگرانی کا فیصلہ بورڈ کچھلاف ہونے کی صورت میں وکیل صاحب فوراً مقدمہ نقل کیلئے درخواست دائر کرنے اس بابت اطلاع جمعہ ضروری معاونت لیگل سیکشن کو اندر سے یوم فراہم کریگا۔

ذکورہ ہدایات کی خلاف ورزی کی صورت میں وکیل موصوف بورڈ سے پیشوا رہا نہیں جائے گا اور اس کی وصولی کا حقدار نہ ہوگا اور اسکے خلاف متعلقہ بار کونسل میں کارروائی کیلئے رجوع کیا جائیگا۔

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**D.I.KHAN BENCH**

S.A. No. 105/2015

Dilawar Khan

(Appellant)

Versus

Govt: Of Khyber Pakhtunkhwa through Secy:

E&SE Pakhtunkhwa Peshawar & etc

(Respondents)

**PARAWISE REPLY ON BEHALF OF  
RESPONDENTS NO. 1,2,4 & 5**

**RESPECTFULLY SHEWTH**

Respondents humbly submit as under:-

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly time barred, as the appellant was appointed as PST on 07-07-1985, while he submitted civil suite before the Civil Judge Tank on 14-02-2012.
2. That the appeal is not maintainable and incompetent
3. That the appellant estopped due his own conduct.
4. That the appellant has got no cause of action and locus standi.
5. That the appellant has not come to the Tribunal with clean hands.
6. That the appeal is bad for misjoinder / non-joinder of necessary parties.
7. That the appellant has concealed the material facts from Honourable Tribunal.
8. That the Honorable Service Tribunal has no jurisdiction to entertain the instant appeal.

**BRIEF FACTS**

1. This para relates to record, hence no comments.
2. Incorrect, not admitted, no related documents of the colleagues have been obtained with the service appeal for reference.
3. Incorrect, not admitted. The Headmaster of Govt. Middle School Pai & also High School Pai was filled admission form according to the available record in the school, which is definitely 05-01-1959.
4. Incorrect, not admitted. The appellant an educated person and serving as PST in education department. When he was appointed as PST on 07-07-1985 and he took over

the charge when he resume the charge and put his signature on the first page of service book, where clear mentioned Date of Birth of the employee in figure and words (both). When he refused that the appellant obtaining loan and the bank employee inform him that is going to retirement in 2019.

5. The appeal of the appellant was badly time barred, in the light of the notifications of time to time, the provincial government issue for correction of Data of Birth. It is further added that according to the Civil Servants (Appointment/Promotion & Transfer) rules 1973. Rule 12-A alteration in the Date of Birth. The date of birth once recorded at the time of joining of Govt. service shall be final and there after no alteration in the date of birth of a civil servant shall be permissible, thus the respondent no. 2 seen & filed the said appeal.
6. Incorrect, that the instant appeal is not maintainable and the appellant concealed the material facts from this Honorable Court.

**GROUND:**

1. Incorrect, the said entry made according to the SSC Certificate, which is presented by the appellant and issued by the BISE Peshawar.
2. Incorrect, the detail of said para given in the above paras, hence no comments.
3. Incorrect, the detail of the said para is already given in the above paras.
4. The act of the respondents are according to the law & regulations and their jurisdiction & competency.
5. That the Counsel of the respondent No. 1,2,4 & 5 may also be allowed to raise additional grounds during course of hearing.

Hence it is humbly prayed that on acceptance of this parawise reply the instant appeal of the appellant may graciously be dismissed with cost.

Secretary  
E&SE Deptt:  
Khyber Pakhtunkhwa Peshawar  
Respondent No. 1

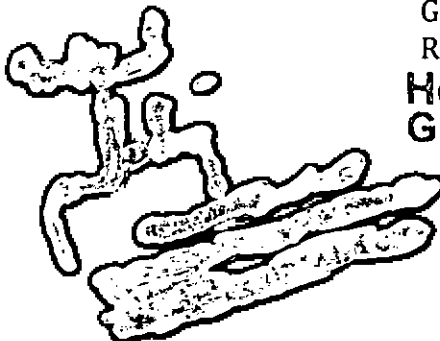
*14/4/2016*

Director  
E&SE Deptt:  
Khyber Pakhtunkhwa Peshawar  
Respondent No. 2

*14/4/2016*

Headmaster  
GHS Pai Tank  
Respondent No. 4

Headmaster  
G.H.S. Pai  
District Tank



Head Teacher  
GPS Pai No. 1 Tank  
Respondent No. 5  
Head Teacher  
G.P.S No.1, Pai  
Tank

*14/4/2016*


**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
D.IKHAN BENCH**

Service Appeal No. 105/2015

Dilawar Khan VS Government of Khyber Pakhtunkhwa and others

**AFFIDAVIT**

I Mr. Abdus Saleem Khan Headmaster BPS-17 Incharge Litigation o/o District Education Officer (Male) Tank do hereby solemnly affirm and declared on the oath that the Para wise comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable Court.


  
DEPONENT  
12201-1878437-9

**IDENTIFIED BY:**

---

**AUTHORITY LETTER**

Mr. Abdus Saleem Khan Headmaster BPS-17 Incharge Litigation o/o District Education Officer (Male) is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Bench D.I.Khan in connection with S.A. No. 105/2015 titled as Dilawar Khan Vs Govt. of Khyber Pakhtunkhwa & others" on behalf of the undersigned.


  
**Director**  
**Elementary & Secondary Education**  
**KPK Peshawar**

*14/4/2016*



**AUTHORITY LETTER**

Mr. Abdus Saleem Khan Headmaster BPS-17 (Litigation Incharge) is hereby authorized to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp D.I.Khan on behalf of District Education Officer (Male) Tank, in connection with the submission of parawise reply on behalf of respondents No. 4,5 for S.A No. 105/2015 titled as Dilawar Khan Vs Govt. of Khyber Pakhtunkhwa on behalf of Elementary Education Deptt: Khyber Pakhtunkhwa.

  
Headmaster,  
GHS Pai Tank  
Respondent No. 4

Headmaster  
G.H.S. Pai  
District Tank



Head Teacher,  
GPS Pai No. 1 Tank  
Respondent No. 5  
Head Teacher  
G.P.S No.1, Pai  
Tank