

Appeal No. 956/2014
Mr. Farid Sheikh.

13.10.2014

Appellant alongwith his counsel present and submitted an application for withdrawal of the appeal. Application is allowed and the appeal is dismissed as withdrawn in limine. File be consigned to the record.

ANNOUNCED
13.10.2014.


Member

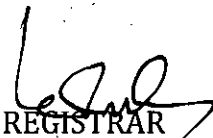

3.
F84
13.10.2014

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 956/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/07/2014	<p>The appeal of Mr. Fazal Shah resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	18-7-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>13-10-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Fazal Shah son of Muhammad Afzal Sub-Inspector of Police received today i.e. on 09.07.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of rejection order of departmental appeal is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.

No. 1056 /S.T,

Dt. 09/7 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

giv

Resubmitted M. As far as rejection order of rep. is concerned, Annex J, P-15 is clear. PPO, KP, marked the same to DIO, Mardan for disposal. Thereafter, DIO marked the same to PPO, Nowshera & he then marked the same to SP, Investigation on 11.7.14 & then to appellant on 14.7.14, meaning thereby that matter was ended/ finalised & in such like situation order dt 3.7.14 of PPO, KP, became final. No further proceeding in the matter was left. Submitted M.

Copy of the aforesaid proceeding is attached as 15/7/14
"M" at the end of the appeal. Further affidavit in this respect is also attached.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 956 /2014

Fazal ShahAppellant

Versus

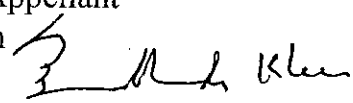
Provincial Police Officer, KP, Peshawar.....Respondents

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1.	Memo of appeal		1-5
2.	Matric certificate 2.7.73	A	6
3.	Copy of NIC	B	7
4.	Medical certificate.	C	8
5.	Entry in service book.	D	9
6.	Salary slip dated 8.10.57	E	10
7.	Representation dt.19.6.2014	F	11
8.	Letter to DPO dt.19.6.2014	G	12
9.	Letter of respondent No.3 to Respondent No.2 dt.20.6.2014	H	13
10.	Letter of respondent No.2 to Respondent No.1 dt.24.6.2014	I	14
11.	Rejection/ return order dt.3.7.2014	J	15
12.	Police Rules 9.7	K	16
13.	Order of Tribunal dt.2.7.2012	L	17-20
14.	Wakalatnama.		21

Dated: 9 /07/2014

Appellant
Through


Saadullah Khan Marwat
Advocate,

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 956 /2014

975
09/7/2014

Fazal Shah son of Muhammad Afzal

Sub Inspector 345-P, District Police, Nowshera.....Appellant

Versus

- 1) Provincial Police Officer, KP, Peshawar
- 2) Deputy Inspector General of Police,
Mardan Region-I, Mardan.
- 3) District Police Officer, Nowshera..... Respondents

APPEAL U/S 4 OF THE SERVICE
TRIBUNAL ACT 1974 AGAINST OFFICE
ORDER NO.1197/E-III, DATED 03.07.2014
OF RESPONDENT NO.1 WHEREBY DATE
OF BIRTH OF APPELLANT WAS NOT
CORRECTED.

9/7/14

Respectfully Sheweth;

- 1) That appellant passed S.S.C. examination in 1st Division in
Session 1973. He was issued his certificate on 02.07.1973 and
his date of birth was recorded therein as 08.10.1957. (Copy as
Annex: "A").

re-submitted to
and filed.

15/7/14

- 2) That in the National Identity Card (NIC), date of birth of appellant was also recorded as 08.10.1957. (Copy as Annex: "B").
- 3) That appellant was recruited in police force on 20.07.1973 and his date of birth, after medical report, was assessed as 12.07.1954 which was subsequently entered in his Service Book as such. (Copies as Annex: "C and D").
- 4) That in the monthly, salaries slips, the date of birth of appellant was also recorded as 08.10.1957. (Copy as Annex: "E").
- 5) That appellant was called for by the office of Respondent No.3 to finalize pensionary papers as he was going to be retired from service on 12.07.2014. Appellant checked his service record where he found his date of birth as 12.07.1954.
- 6) That thereafter, on 19.06.2014, appellant submitted representation before Respondent No.2 for correction of the date of birth as 08.10.1957 through proper channel which was forwarded by Superintendent of Police Investigation, Nowshera to Respondent No.3 on 19.06.2014 and then to Respondent No.2 on 20.06.2014. Respondent No.2 remitted it to Respondent No.1 on 24.06.2014 to pass necessary orders on the representation of appeal. (Copies as Annex: "F,G,H & I").
- 7) That Respondent No.3 returned the representation of appellant to respondent No.2 on 03.07.2014 to dispose of the

same in light of Police Rules 9.7 as well as of Govt. of KP (S&GAD) letter meaning thereby that the request of appellant was not acceded to but was rejected/ filed. (Copy as Annex: "J").

8) That Police Rules, 9.7 is reproduced as under:-

"9.7 Alteration in age:- (I) The date of birth shown in the character roll or corresponding record, can be altered only with the sanction of the Inspector General of Police, on production of proof to his satisfaction. If the recorded age does not tally with that certified by an invaliding medical office, board or committee, and the discrepancy affects the title to pension or liability to superannuation, the matter should be reported and the officer should not be discharged till the orders of the Inspector General have been received. In the case of an office whose year of birth or year and month of birth only is known, but not the exact date, the 1st July of the year or 16th of the month respectively should be treated as the date of birth for the purpose of calculation of pension, - vide note under article 283 of the Audit code, volume I. The date of birth of all officers enrolled before the 1st October 1933 may be allowed to remain as already recorded.

(2) Further orders as to the conditions under which alterations of age may be sanctioned are contained in letter No.20076 (Home Gazette) of 4th July 1938 from the Chief Secretary to Government, Punjab. According to these orders, an alteration

may only be made, after special enquiry, if applied for within two years of the applicant's entry into Government: service. The Provincial Government may, however, make a correction in the recorded age of a Government servant at any time, if it is satisfied that age has been incorrectly recoded with the object that the Government servant may derive unfair advantage.

(Copy as Annex: "K").

- 9) That similar question of fact came under consideration before the hon'ble Tribunal in A.No.2781/2010 and after hearing, the same was accepted vide judgment/ order dated 02.07.2012. (Coy as Annexure "L").

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

GROUNDS

- A. That in SSC, NIC and pay slips, date of birth of appellant was recorded as 08.10.1957, so the same is much authentic than other documents i.e. Service Book. Such version is supported by the judgments of the apex Supreme Court of Pakistan.
- B. That date of birth recorded in the Service Book is presumptive/ probable and not authentic and no one can be punished for presumption.
- C. That the authority was legally bound to issue clear cut order on the representation of appellant and not to turn down the same in flimsy manner.

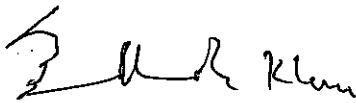
- D. That at the time of recruitment, appellant surrendered SSC to the department as SSC was necessary condition for recruitment.
- E. That the impugned order is neither a speaking one nor a judicial order, so is based on ulterior motive.

It is, therefore, most humbly prayed that on acceptance of this appeal, order dated 03.07.2014 of Respondent No.1 be set aside and the entry recorded in Service Book as 12.07.1954 be corrected/ altered to 08.10.1957 with all service benefits.

Dated: 9/07/2014



Appellant

Through 

Saadullah Khan Marwat
Advocate,

A

60

s. No 152546

Roll No. 26802

Board of Intermediate & Secondary Education
PESHAWAR (PAKISTAN)



SECONDARY SCHOOL CERTIFICATE EXAMINATION
SESSION 1973
ANNUAL

This is to certify that FAZIL SHAH

son/daughter of MOHAMMAD AFZAL and a student
of GOVT. HIGH SCHOOL GHAZNI KHEL (BANNU)

passed the Secondary School Certificate Examination of the Board
of Intermediate and Secondary Education, Peshawar held in
March, 1973 in the FIRST Division.

The candidate passed in the following subjects :—

- | | | |
|--------------|-------------------------|-----------------------|
| 1. English | 4. SOCIAL STUDIES | 7. PHYSIOLOGY HYGIENE |
| 2. Urdu | 5. MATHEMATICS (ELECT.) | |
| 3. Islamiyat | 6. PHYSICS & CHEMISTRY | |

Date of Birth EIGHTH OCTOBER One thousand
nine hundred and FIFTY SEVEN (8.10.1957)

2nd July, 1973

B=

Attest
my

Sada J. Khan



SECRETARY

G.P.

B

7



حکومت پاکستان
 قومی شناختی کارڈ
 11201-7172148-5

نام: لائل شاہ
 جنس: مرد
 والد کا نام: کریم بخش
 شناختی صوبہ: پنجاب
 تاریخ پیدائش: 08/10/1957

دستخط: *لائی شاہ*
 دسٹور: *لائی شاہ*

شناختی نمبر: 11201-7172148-5
 تاریخ: 31/05/2018

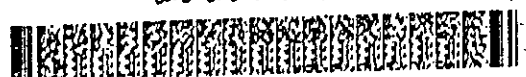



15687400544
 29/06/2004

مجموعہ پبلک سروس کمیشن، اسلام آباد
 تاریخ: 29/06/2004

مجموعہ پبلک سروس کمیشن، اسلام آباد
 تاریخ: 31/05/2018

مجموعہ پبلک سروس کمیشن، اسلام آباد
 تاریخ: 31/05/2018



لائی شاہ
by

C

~~8~~

BETTER COPY

POLICE DEPARTMENT

CERTIFICATE

I do hereby certify that I have examined Fazil Shah s/o Muhammad Afzal for employment in the Police Department and cannot discover that he has any disease, conspituational effection or bodily infirmity, except

I do not consider this disqualification for employment in the office or Police Department.

His age is according to his own statement 18 years and by appearance about 19 years.

Dated 12.07.73

sub/—
Civil Surgeon, Bannu

Ahsan
Ay

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

1. Name: Fazal Sakh

2. Race: Moham

3. Residence: Village Matara P.S. Chagan
Peli Distt. Laki machal

4. Father's name and residence: Muhammad Afzal

5. Date of birth by Christian era as nearly as can be ascertained: 12-7-1954

6. Exact height by measurement: 5-9 1/4

7. Personal marks for Identification: A small mole on the left side of nose.

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: [Signature]

10. Signature and Designation of the Head of the Office, or other Attesting Officer: Attested

Attested by

[Signature]
Verifying Officer



GOVERNMENT OF PAKISTAN
 ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
 DISTRICT Nowshera
 PAY ROLL SYSTEM

SH: 37

PAYMENT ADVICE

F. Sec: 001 Month: December 2013
 NR4219 - NR4011 Investigation, Nowshera
 Min: Home & Tribal Affairs
 NTN:
 GPF #: PDL00033130
 Old #: 99994203189

Pers #: 00141400 Buckle:
 Name: FAZIL SHAH
 Dsg: SUB-INSPECTOR
 GPFBS arrest Applied

DEPTT CODE

Active Temporary NR4219

PAYS AND ALLOWANCES:				
0001-Basic Pay				18,980.00
1000-House Rent Allowance				1,476.00
1210-Convey Allowance 2005				3,720.00
1300-Medical Allowance				1,000.00
1547-Ration Allowance				681.00
1567-Washing Allowance				100.00
1646-Constabulary R Allowance				500.00
1901-Shift Allowance (Police)				3,380.00
1970-Misc Relief Allow 2011				1,593.00
Gross Pay and Allowances				41,073.00
DEDUCTIONS:				
HT Pension	1,511.50	Deducted	1,737.00	TAX: (3609) 303.00
GPF Balance	378.41			Subtr: 1,372.00
3511-Group Insurance				13.00
3604-Group Insurance				115.00

2011

10 Deductions

NET AMOUNT PAYABLE 1,803

QUALIFYING SERVICE
 MON 03 5
 12 Months 12 00

LEP Gucca.
 Payment through 000.

40 - 11 - 25

Handwritten signature

بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس مردان ریجن ون مردان

عنوان: اپیل برائے تصحیح تاریخ پیدائش

جناب عالی!

گزارش ہے۔۔۔۔

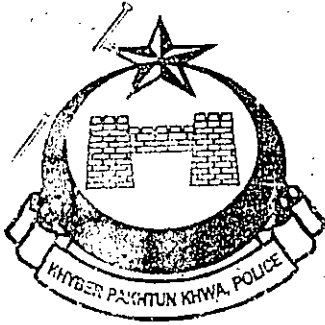
1. یہ کہ سائل مورخہ 20.07.1973 کو محکمہ پولیس میں کنسٹیبل بھرتی ہوا تھا اور رفتہ رفتہ ترقی کر کے اب بحیثیت سب انسپکٹر جناب کے زیر سایہ خدمات سرانجام دے رہا ہے۔
 2. یہ کہ سائل کا تاریخ پیدائش میٹرک سرٹیفیکیٹ میں جو کہ ہر لحاظ سے صحیح اور مستند ہے۔ مورخہ 08.10.1957 درج ہے جبکہ سروس ریکارڈ میں بمطابق میڈیکل رپورٹ 12.07.1954 درج ہے۔
 3. یہ کہ سائل عنقریب سروس سے ریٹائرڈ ہونے والا ہے۔ لہذا درستگی تاریخ پیدائش از حد ضروری ہے کیونکہ سائل کو نہ صرف ریٹائرمنٹ میں بلکہ پنشن کے حصول میں بھی مشکلات درپیش ہونے کا قوی امکان ہے۔
 4. یہ کہ سپریم کورٹ نے اپنے متعدد فیصلوں میں تاریخ پیدائش درج شدہ میٹرک سرٹیفیکیٹ مستند قرار دیا ہے۔ لہذا استدعا ہے کہ ریٹائرمنٹ سے قبل سائل کی تاریخ پیدائش بمطابق میٹرک سرٹیفیکیٹ 08.10.1957 سروس ریکارڈ میں درج کر کے مورخہ 08.10.2017 سے ریٹائرڈ کرنے کا حکم صادر فرمائیں۔
- سائل تاحیات دُعا گور ہے گا

تحریر 19.06.2014

العارض

Altaf
Khan

آپکا خادم سب انسپکٹر فاضل شاہ 345/P ضلع پولیس نوشہرہ



OFFICE OF THE SUPERINTENDENT OF POLICE
INVESTIGATION NOWSHERA

Tel: 0923-9220233, Fax: 0923-644102

No. 3308 /H.C, dated Nowshera the 19/06/2014

To The District Police Officer,
Nowshera.


Subject: - APPLICATION

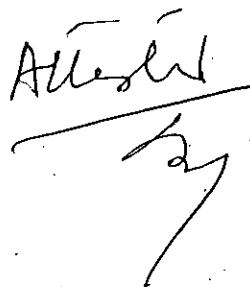
Memo: -

Enclosed kindly find herewith an application submitted by SI Fazil Shah No. 345/P of this unit of Police for correction date of birth in his service record according to the School Leaving Certificate.

Original Service Roll and Service book are submitted herewith for doing the needful please.

Encl: (2)


Superintendent of Police,
Investigation Nowshera:



14

13



**OFFICE OF THE DISTRICT POLICE OFFICER
NOWSHERA**

TEL: 0923-9220102, FAX: 0923-9220103

No. 7371 /EC, Dated Nowshera, the 20/6 /2014.

To: -

The Deputy Inspector General of Police,
Mardan Region-I, Mardan.

Subject:

APPLICATION

Memo:

SP Investigation, Nowshera vide his office memo: No. 3308/HC, dated 19.06.2014 has forwarded the self explanatory application of SI Fazil Shah No. 345/P of Investigation Wing, Nowshera is sent for favour of consideration, please.

Encl: S. Book = 1
S. Recd = 1
Application = 1

No.

/EC,

Copy to SP Investigation Nowshera for information with reference quoted above.

**District Police Officer,
Nowshera.**

**District Police Officer,
Nowshera.**

Attested
by

I

14

Government of Khyber Pukhtunkhwa
Office of the Deputy Inspector General of Police
Mardan Region-I, Mardan.
Phone No. 0937-9230113, Fax No. 0937-9230115

From: The Deputy Inspector General of Police,
Mardan Region-I, Mardan.

To : The Provincial Police Officer,
Khyber Pukhtunkhwa, Peshawar.

No. 3301 ~~08~~, dated Mardan the 24/06 /2014.

Subject: APPLICATION IN RESPECT OF SI FAZIL SHAH NO. 345 OF
NOWSHERA DISTRICT.

Memo:
Enclosed please find herewith an application filed by SI Fazil Shah No. 345 of
Nowshera District submitted by District Police Officer, Nowshera vide his office Memo: No.
7371/EC, dated 20.6.2014 which is self explanatory.

It is therefore, requested that in this regard necessary orders may kindly be issued.

Encl: (Original Service Book)

Deputy Inspector General of Police,
Mardan Region-I, Mardan. 6

No. 3302 /GB,

Copy to District Police Officer, Nowshera for information w/r to his Memo:
No. 7371/EC, dated 20.6.2014.

Deputy Inspector General of Police,
Mardan Region-I, Mardan. 4

Ausef
ky

Subject: APPLICATION IN RESPECT OF SI FAZIL SHAH NO. 345 OF NOWSHERA DISTRICT.

Memo:

Please refer to your office Memo: No. 3301/SB, dated 24.06.2014 on the

subject noted above.

Service documents in r/o SI Fazil Shah No.345 are returned herewith for disposal in light of Police Rules 9-7 as well as Govt. of KPK (S&GAD) letter.

(Photocopies Enclosed).

[Signature]
REGISTRAR
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

(FARHAD ALI)

[Signature]
Attested

[Signature]
for necessary action
3/4
For D/O Mardan
No: 4709/ES
dt: 4.7.2014

From: The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

To: The Deputy Inspector General of Police,
Mardan Region, Mardan.

No. 1197 /E-III, dated Peshawar the 3/7/2014.

15
J

Accountant-General.—vide Article 908 The Civil Service Regulations, but if this is not possible, the procedure described above should be followed.

(6) The pension claims of police officers of rank not higher than head constables, who are permitted by the Provincial Government to count their former military service towards civil pension under Article 356 of the Civil Service Regulations, should be treated under the ordinary rules, and the statement of service in Form 24 forwarded to the officer incharge, Pension Branch, Accountant-General's Office, Lahore, for verification of their claims to pension six months before their retirement as required by Article 907 (b) and (c) of the Civil Service Regulations.

9.7. Alteration in age.—(1) The date of birth shown in the character roll or corresponding record, can be altered only with the sanction of the Inspector-General of Police, on production of proof to his satisfaction. If the recorded age does not tally with that certified by an invaliding medical officer, board or committee, and the discrepancy affects the title to pension or liability to superannuation, the matter should be reported and the officer should not be discharged till the orders of the Inspector-General have been received. In the case of an officer whose year of birth or year and month of birth only is known, but not the exact date, the 1st July of the year or 16th of the month respectively should be treated as the date of birth for the purpose of calculation of pension, vide note under article 283 of the Audit Code, Volume I. The date of birth of all officers enrolled before the 1st October, 1933 may be allowed to remain as already recorded.

(2) Further orders as to the conditions under which alterations of age may be sanctioned are contained in letter No. 20076 (Home Gazette) of 4th July, 1928 from the Chief Secretary to Government, Punjab. According to these orders, an alteration may only be made, after special enquiry, if applied for within two years of the applicant's entry into Government service. The Provincial Government may, however, make a correction in the recorded age of a Government servant at any time, if it is satisfied that age has been incorrectly recorded with the object that the Government servant may derive unfair advantage.

COMMENTARIES

Civil servant who was a police officer was retired after attaining age of superannuation. Civil servant challenged his date of birth as entered in his service record on basis of Medical Certificate produced by him at the time of his appointment. Civil servant who could get this date of birth changed on furnishing adequate documentary evidence within two years of his employment, remained silent for more than 30 years and did nothing to agitate against such entry despite it being within his conscious knowledge. Civil servant who had slept over his right for about 30 years, could not be

allowed to agitate dead issue at such belated stage. 1994 SCMR 1633 ref. 1995 PLC (C.S.) 1067(b).

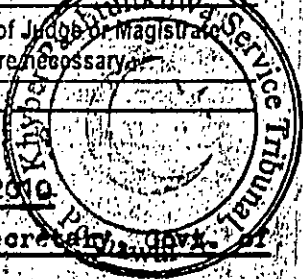
Civil servant was appointed as Foot Constable in the Department and his date of birth was fixed according to certificate issued by Medical Officer after his physical examination. Civil servant produced School Leaving Certificate after about two years from his appointment which showed his date of birth different to date of birth entered in his service record on basis of Medical Certificate. Medical Certificate according to which date of birth of civil servant was fixed and School Leaving Certificate showing different date of birth, both remained on service record of civil servant, but he despite having full knowledge of different dates of birth, did not take any step whatsoever for fixation of his correct date of birth and slept over for forty years and agitated matter for correction of his date of birth at the time of his retirement. Civil servant, who failed to take action within stipulated period of two years of his appointment as provided in R. 97 of Police Rules, 1934, had missed the opportunity and it was too late for him to have agitated for correction of his date of birth on the eve of his retirement. 1994 SCMR 1633 ref. 1996 PLC (C.S.) 477.

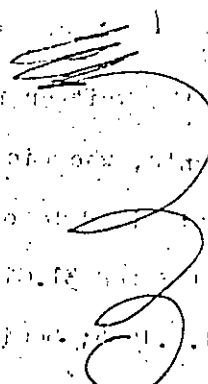
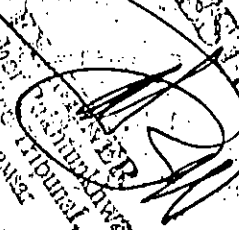
Date of birth shown in character roll or corresponding record of police official can be altered only with sanction of I.G. Police on production of proof to his satisfaction. Under proviso (2) to Rule 9.7, such an alteration may only be made after special inquiry if applied within two years of entry of police official into service. Police official is required to approach the forum under Rule 9.7 for correction of his date of birth. Appeal filed before Service Tribunal seeking correction of appellant's date of birth without approaching forum under Rule 9.7 dismissed as incompetent. 2008 TD 451.


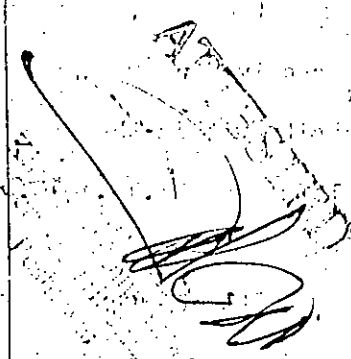
9.8. Classes of pensions.—Pensions admissible to police officers and menial servants are detailed below.

9.9. Invalid pension.—An invalid pension proportionate to the length of service is awarded to a police officer who by bodily or mental infirmity is permanently incapacitated for further service in the police. If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the authority by whom the pension may be granted to decide what reduction should be made on this account (Articles 441, 454 and 474, Civil Service Regulations). If the length of the invalid's service is less than ten years a gratuity only will be admissible. (Article 474 (a), Civil Service Regulations). Superintendents are required to be on their guard against endeavours to retire on invalid pension by officers who are capable of serving longer.

9.10. Invaliding rolls.—Police officers whose cases fall under the above rule shall be sent to the District Health Officer with a letter in Form

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
	<p>02.07.2012</p>	<p style="text-align: right;">  </p> <p style="text-align: center;"> <u>Appeal No. 2781/2010</u> <u>(Bahar-ud-Din Khan vs Chief Secretary, Govt. of KPK, Peshawar and another).</u> </p> <p>Appellant with counsel and Mr. Khawas Khan S.I (legal) for respondents with Mr. Arshad Alam, AGP present. Representative of the respondents furnished service record/service book of the appellant, copies whereof are placed on file. Arguments heard and record perused.</p> <p>The appellant, Bahar-ud-Din Khan, a Police Officer, has brought this appeal for correction of his date of birth in the service record/service book as 31.8.1954 instead of 30.11.1953, which, according to the appellant, has incorrectly been recorded though his Secondary School Certificate contained the correct date of birth i.e 31.8.1954. In his appeal, the appellant alleged that at the time of first entry into service, he was possessing the SSC, which was made available to the department, and is still available on his service record/service book. He further alleged that for age relaxation/correction of date of birth, he moved application to the Provincial Police Officer, KPK, Peshawar (Respondent No.2), which was not accepted, against which he preferred appeal to the Chief Secretary, Government of KPK, Peshawar (Respondent No.1) and when received no response from the appellate authority within the statutory period, this appeal was lodged on 12.11.2010.</p> <p>The respondents resisted the appeal on several grounds including the plea that at the</p>


ATTESTED

 REGISTRAR
 Khyber Pakhtunkhwa Service Tribunal
 Peshawar

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
		<p>time of recruitment the date of birth of the appellant was recorded as 30.11.1953 and that the appellant was raising the issue after 40 years though he was bound under the law to raise the issue within two years of joining of service. The respondents admitted the fact that relaxation in minimum age was granted in number of cases but the notification did not contain the name of the appellant. The respondents categorically denied this fact that the appellant had produced his SSC at the time of recruitment for recording his date of birth in his service record.</p> <p>The appellant also filed rejoinder to the written reply/comments of the respondents, wherein, he also mentioned the fact that his date of birth in the seniority list 'F' dated 31.01.2010 was also recorded as 31.8.1954; besides refuting the allegations of the respondents and reiterating the stance taken by him in the appeal.</p> <p>The case of the appellant is that in his service record/service book his date of birth has incorrectly been recorded as 30.11.1953 while his actual date of birth was 31.8.1954, as recorded in the Secondary School Certificate, made available to the department at the time of his entry into service and still available on his</p> 

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3

-3-

service record/service book. The respondents disputed claim of the appellant on the ground that he did not produce the SSC at the time of recruitment or pointed out date of birth mentioned therein.

In order to arrive at a correct conclusion regarding the actual date of birth of the appellant, his service record/service book was requisitioned, wherein, not only his SSC was ^{found} available showing his date of birth as 31.8.1954, but the service book also showed some tampering with the date of birth, recording the same as 30.11.53.

In addition to the above, the appellant has also brought on record seniority list of Inspectors and Sub-Inspectors of list dated 31.01.2010, showing the name of the appellant and his date of birth as 31.8.1954. The learned AGP raised objection to the appeal on the ground that if plea of the appellant is accepted, his age at the time of entry into service would be less than 18 years; but he lost sight of the fact that in this area a large number of police officers were granted condonation in lower age limit.

Additionally, for recording date of birth at the time of entry into service, the date of birth recorded in the SSC is taken into consideration under the rules; whereas in this case despite availability of the SSC,

SP-02, P.O. [Signature]

ATTESTED

Sub-Inspector
Khyber Pakhtunkhwa
Service Tribunal
Peshawar [Signature]

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order of other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
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-4-

the date of birth in the service record/ service book has been over written/tampered with, for which there appears no basis whatsoever.

In view of the above, the appeal is accepted and by setting aside the impugned order of the PPO, KPK, Peshawar (Respondent No.2), the actual date of birth of the appellant is directed to be recorded as 31.8.1954 instead of 30.11.1953 in his service record/service book. There shall, however, be no order as to costs.

ANNOUNCED

02.07.2012

(Signature)
 (Qalandar Ali Khan)
 Chairman
 Camp Court Swat

(Signature)
 (Sultan Mahmood Khattak)
 Member

Certified to be true copy
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Attested by
(Signature)

Date of Presentation of Application: 26-9-2012
 Number of Warrants: 1000
 Copy fee: 10
 Urgent: 2
 Total: 12
 Name of Copy: 12
 Date of Completion: 26-9-2012
 Date of Delivery of Copy: 26-9-2012

"M"

Received today
on 11-7-2014 (BY HAND)
JHC
11/7

From The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

To The Deputy Inspector General of Police,
Mardan Region, Mardan.

No. 1197 /E-III, dated Peshawar the 317 / 2014.

Subject: APPLICATION IN RESPECT OF SI FAZIL SHAH NO. 345 OF NOWSHERA DISTRICT.

Memo:


Please refer to your office Memo: No. 3301/SB, dated 24.06.2014 on the subject noted above.

Service documents in r/o SI Fazil Shah No.345 are returned herewith for disposal in light of Police Rules 9-7 as well as Govt. of KPK (S&GAD) letter.

(Photocopies Enclosed).

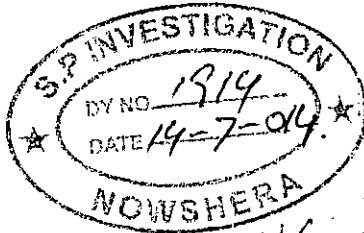
Sir
- Pds
attached.

D. P. O Nowshera.
for necessary action


(FARHAD ALI)
Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

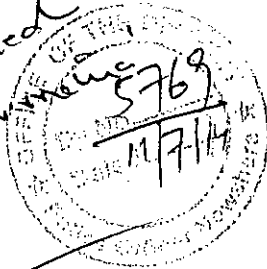
By Hand
D. P. O Mardan

No-4704/ES
dt-4-7-014.




HC
BC

Official concerned
For info & informed

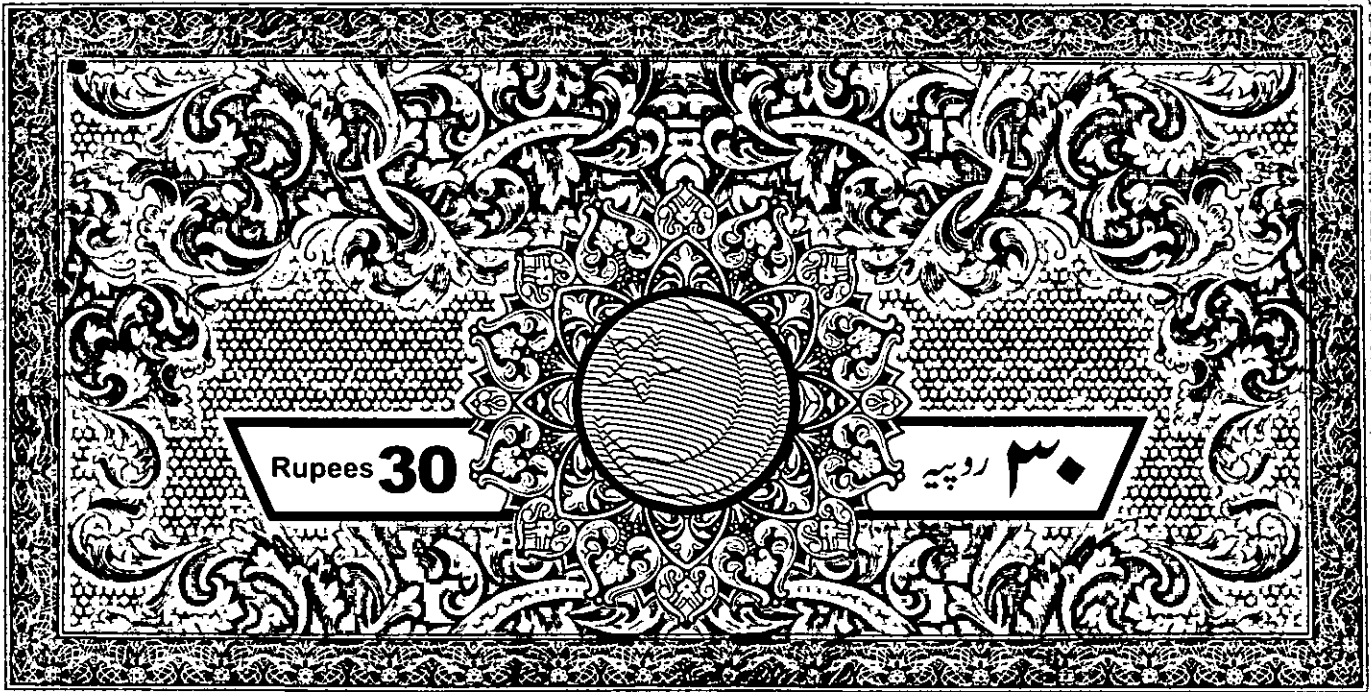


SP Inv:
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DP O HSR.
11-7-2014


SP Inv
Nowshera
14-7-014.

Attended
by



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خدمتِ جاہِ جبرین سربراہِ جبرین FPK

فاضلہ (یا) حکم دہی

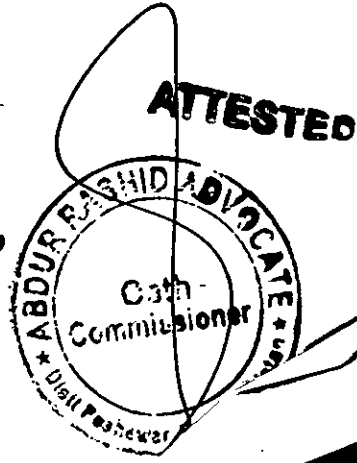
کہ فاضلہ، ولدہ افضل منہ بڑا منیر میرٹ سے انڈیا حکم دہی
صفا میں کہیں سے منہ جانے ڈیپارٹمنٹ میں مدد ۱۹۶۶
کو دفتر صفا

یہ سہ نکاح لہر (۱۱۹) مدد ۳۷/۱۹ (۱۹۶۶) اسناد چکر
دائیں سر سے لہر مدد، مدد میں اسناد اسناد
جب ۱۹۶۷ کو مدد میں اسناد اسناد اسناد اسناد
اسد میں اسناد اسناد اسناد اسناد

۱۲ مرتبہ دست
۱۵/۱۹

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فاضلہ
— دستِ حکم دہی —
FPK، نوٹس

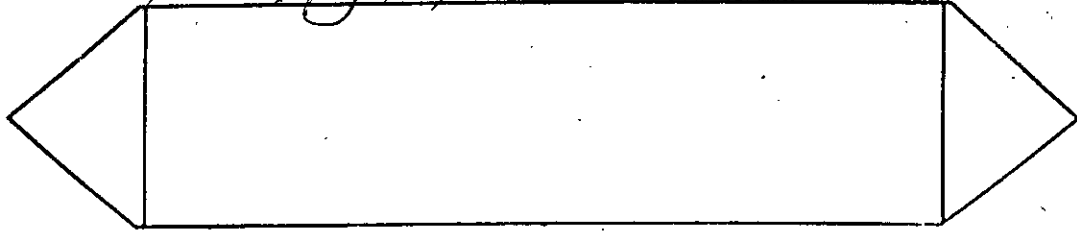


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بعدالت سرس ٹریڈنگ کمپنی



2014ء منجانب اسٹیبلشمنٹ
فاضل شاہ بنام حکم کورس

مورخہ 2014-7-9

مقدمہ

دعویٰ - اپیل

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے لیے سید انور حسین کے نام سے روایت نام کو
وکیل مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 9 - ماہ جولائی 2014

العب وواہ الع

بمقام کے لئے منظور ہے۔

Advocates
فاضل شاہ

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تجدید صفا - در صورتی که در صورتی که در صورتی که در صورتی که

مقتول عام حکم اولی

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السلام

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