

**ORDER**

25.07.20241

Learned counsel for the appellant present. Mr. Syed Asif Masood


Ali Shah, learned Deputy District Attorney for respondents present.

2. For what has been discussed above, we are unison to setaside impugned orders and reinstate appellant into service, however intervening period be consider as leave without pay. Costs shall follow the event. Consign.

3. *Pronounced in camp court at Abbottabad and given under our hands and seal of the Tribunal on this 25<sup>th</sup> day of July, 2024.*

  
(FAREEHA PAUL)

Member (E)  
Camp Court, Abbottabad


  
(RASHIDA BANO)  
Member (J)  
Camp Court, Abbottabad


*applies of it within two years from the date of his entry into government service."*

So, any claim with respect to date of birth of a civil servant later than his induction into service could not be legally entertained. Therefore, claim of the appellant is barred by limitation as he kept mum for long about 30 years.

8. For what has been discussed above, the appeal in hand is dismissed having no force in it. Costs shall follow the event. Consign.

9. *Pronounced in camp court at Abbottabad and given under my hand and seal of the Tribunal on this 25<sup>th</sup> day of July, 2024.*

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

  
(RASHIDA BANO)  
Member (J)  
Camp Court, Abbottabad

6. Admittedly, appellant was appointed on 28.04.1994 as Constable, where he after serving for about 14 years appeared for ASI post examined with the permission of his high ups and qualified the same. Let for sake of arguments it is presumed that mistakenly or inadvertently in 1994 at the time of his first induction in Police Department his date of birth was written as 04.10.1971. Then again appellant himself mentioned his date of birth as 10.04.1971 on 08.08.2008, when he filled forms for ASI post exam. At the time of first induction date of birth of the appellant was not inadvertently motioned as 10.04.1971 because at that time he produced identity card to the respondents from which his date of birth was written in his service documents. Respondents annexed copy of manual identity card of the appellant having his date of birth as 10.04.1971.

7. Furthermore, as per rule No. SOR/II(S&GAD)5(40)87 dated 15.02.1989 any request for change or alteration in the date of birth record in government service may only be entertained, if a civil servant within two years of his appointment applied for such correction or alteration the same is reproduced for ready reference;

*“In future request for an alteration in the recorded date of birth of government servant may only be entertained by the appointing authority in the case of officers in BS-17 and above and by the Administration Department in the case of civil servants in BPS-16 and below, after special enquiry and only if the government servant*



**graciously be order to be corrected as 10.04.1973 instead of 20.04.1974. Any other relief which this hon'ble deems fit proper in the interest of justice and fair play."**

2. Brief facts of the case are that appellant was appointed as Constable in Police Department vide order dated 28.04.1994. Appellant alleged that at the time of appointment, inadvertently his date of birth was mentioned as 20.04.1971. As per school and NADRA record his correct date of birth is 10.04.1973. He requested the respondents to make correction in the service record through departmental appeal which was rejected, hence the instant service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellant and learned District Attorney for the respondents.

5. Perusal of record reveals that appellant was appointed in respondent department on 28.04.1994 and at the time of his appointment his date of birth was mentioned as 20.04.1971. while as per school record his date of birth is mentioned as 10.04.1973. In the NADRA record also appellant date of birth is mentioned as 10.04.1973. Now appellant want to get corrected his date of birth in his service record in accordance with his CNIC and school record.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT CAMP COURT ABBOTTABAD**

Service Appeal No.1384/2020

**BEFORE: MRS. RASHIDA BANO ... MEMBER (J)**  
**MISS FAREEHA PAUL ... MEMBER (E)**

**Muhammad Javid S/O Akbar Khan R/O Sir Syed Colony House No. 17  
Street No. 2 Abbottabad.**

.... (*Appellant*)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary Home and  
Tribal Affairs Department, Peshawar.

.... (*Respondents*)

Mr. Shad Muhammad Khan  
Advocate

... For appellant

Mr. Asif Masood Ali Shah  
Deputy District Attorney

... For respondents

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Date of Institution.....09.06.2023  
Date of Hearing.....25.07.2024  
Date of Decision.....25.07.2024

**JUDGMENT**

**RASHIDA BANO, MEMBER (J):** The instant appeal instituted under  
section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the  
prayer copied as below:

**“On acceptance of this appeal, order dated 05.07.2022 passed by  
respondent No.2 be declared illegal, unlawful, void ab-initio and be  
set aside and date of birth of appellant in the service record may**

