

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1435/2023**

Date of Institution.....31.05.2023  
Date of Hearing.....24.09.2024  
Date of Decision.....24.09.2024

**BEFORE: MR. AURANGZEB KHATTAK ... MEMBER (Judicial)**  
**MRS. RASHEEDA BANO ... MEMBER (Judicial)**

Muhammad Javid Ali S/O Ali Sher Khan R/O Kababyan Warsak Road,  
Peshawar, serving as Constable (DFC) at City Traffic Police, Peshawar.

.... (Appellant)

**VERSUS**

1. SSP/Chief Traffic Officer, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Capital City Police Officer, Police Line, Peshawar.
4. Commandant FRP, Peshawar.

... (Respondents)

Mr. Kashif Ahmad Tarakai  
Advocate

... For appellant

Mr. Asif Masood Ali Shah  
Deputy District Attorney

... For respondents

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**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, the order dated 05.05.2023 be set aside and the correct date of birth 13.03.1965 be inserted**




**in his salary book by deleting 19.10.1963 with all back/service consequential benefits in the interest of justice.”**

2. Brief facts of the case are that the appellant was appointed as Constable in Police Department in the year 1991. Appellant alleged that his correct date of birth is 13.03.1965 but in the record of respondent department it was mistakenly written as 19.10.1963. The appellant approached the concerned quarters within the permissible time (within two years of his appointment for correction of his date of birth) wherein after considering the record, his date of birth was corrected by the Service Roll Clerk Branch on 10.10.1992 but the same was not corrected in service book of the appellant. The appellant filed departmental appeal on 30.03.2023, which was rejected vide order dated 05.05.2023, 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 Deputy District Attorney for the respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy

 District Attorney controverted the same by supporting the impugned orders.

6. Appellant through instant service appeal seeks correction of his date of birth. Record reveals that appellant was appointed as constable in respondent department on 01.12.1991 and at the time of his appointment his date of birth has been noted as 19.10.1963. He alleged that his correct date of birth is 13.03.1965 and the same is allegedly mentioned in all the necessary documents i.e CNIC, school record, medical certificate payroll, etc.

7. Furthermore, rule No. SOR/II(S&GAD)5(40)87 dated 15.02.1989 and General Financial Rule Vol I and II (G.F.R) 116 stated that 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 are 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 applies of it within two years from the date of his entry into government service."*

*"116. Every person newly appointed to a service or a post under Government should at the time of the appointment declare the date of his birth by the Christian era with as far as possible confirmatory documentary evidence such as matriculation*

*R.*

*certificate, municipal birth certificate and so on. If the exact date is not known, an approximate date may be given. The actual date or the assumed date determined under para. 117 should be recorded in the history of service, service book, or any other record that may be kept in respect of the Government servant's service under Government and once recorded, it cannot be altered, except in the case of a clerical error, without the previous orders of the Local Administration."*

8. So, any claim with respect to date of birth of a civil servant later than two years of 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 33 years.

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

10. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 24<sup>th</sup> day of September, 2024.*


  
(AURANGZEB KHATTAK)  
Member (Judicial)


  
(RASHIDA BANO)  
Member (Judicial)

23<sup>rd</sup> Sept, 2024

Appellant alongwith his counsel present. Mr. Noman, S.I (Legal) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 24.09.2024 before the D.B. Parcha Peshi given to the parties.


  
(Rashida Bano)  
Member (Judicial)


  
(Aurangzeb Khattak)  
Member (Judicial)

\*Naeem Amin\*

**ORDER**

- 24.09.2024
1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney alongwith Noman Khan, S.I for the respondents present.
  2. Vide our detailed judgment of today placed on file, the appeal in hand is dismissed having no force in it. Costs shall follow the event. Consign.
  3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 24<sup>th</sup> day of September, 2024.*

  
(AURANGZEB KHATTAK)  
Member (Judicial)

  
(RASHIDA BANO)  
Member (Judicial)

\*Kaleemullah