

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

SERVICE APPEAL NO.577/2024

Mr. Nasrullah Khan

.....

(Appellant)

VERSUS

Higher Education, Archives & Libraries Department,
Govt. of Khyber Pakhtunkhwa & others

.....

(Respondents)

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SECTION OFFICER (LITIGATION)
HIGHER EDUCATION DEPARTMENT

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. **7883**

12/11/24

Service Appeal # 577/2024

Mr. Nasrullah Khan

Appellant

Versus

Higher Education, Archives & Libraries Department,

Govt. of Khyber Pakhtunkhwa & others

Respondents

SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1.

Preliminary Objections:-

1. The Appellant has no locus standi to file the instant service appeal.
2. The Service Tribunal in bereft of jurisdiction as the case pertains to NADRA.
3. The Appeal in hand is lapsed by doctrines of daches.
4. The Appeal is based on assumptions as the same is not relevant to service matters.
5. The Applicant cannot invoke extra-ordinary jurisdiction of the Hon'ble Service Tribunal on the basis of apprehension.

Reply on Facts:-

1. Pertains to record.
2. Incorrect hence, denied. As is evident from the service record and NDRA's documents, the actual date of birth of the appellant is 01-04-1965.
3. Correct.
4. As admitted by the appellant himself that his date of birth in his credentials is 01-04-1965 according to the GFR-116, date of birth once entered into service record could not be altered except for clerical errors (**Annex-A**).
5. Incorrect. Respondent No. 1 has nothing to do with issuance of CNIC and other personal credentials of the appellant.
6. Does not pertain to R No. 1 hence, no comments.
7. As above.
8. Respondents No. 3 would be in better position to reply this para.
9. Pertains to record.
10. Correct. It is however, clarified that letter dated 21/03/2024, the appellant request was regretted on the ground that R-1 has no jurisdiction to entertain such like cases (**Annex-B**).
11. The Appeal being bereft of merit is not maintainable.

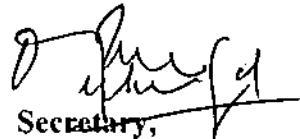
Reply on Grounds:-

- A. Incorrect hence, denied. The appellant was dealt within four-corners of law.
- B. Pertains to record.
- C. Pertains to R-3 hence no comments.

- D. Incorrect hence, denied. As per GFR-116, date of birth once entered into service record could not be altered except for clerical errors.
- E. As stated in the preceding paras.
- F. That Respondent may also be allowed to raise additional grounds at the time of arguments.

Prayer:-

The appeal being based on misconception, may please be dismissed with cost.



Secretary,

Higher Education, Archives
& Library Department

Govt. of Khyber Pakhtunkhwa

Capt (S) Kamran Ahmed Afridi

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 577/2024

Mr. Nasrullah Khan

.....

Appellant

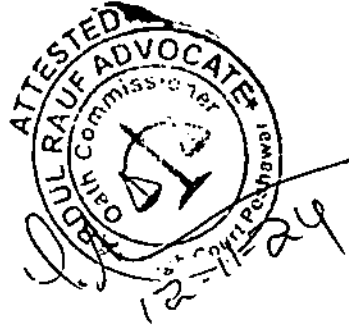
VERSUS

Higher Education, Archives & Libraries Department,
Govt. of Khyber Pakhtunkhwa & Others

Respondents

Affidavit

I, Capt (r) Kamran Ahmad Afridi Secretary, Higher Education, Archives & Libraries Department Government of Khyber Pakhtunkhwa as per instructions of the respondents do hereby solemnly affirm and declare that contents of the accompanying Joint Para-wise Comments are correct to the best of my knowledge and belief and nothing has been concealed therein from this Service Tribunal Khyber Pakhtunkhwa, Peshawar. Furthermore the respondents have neither been placed as ex-party nor right of defense struck-off.




(Capt (r) Kamran Ahmad Afridi)
Secretary,

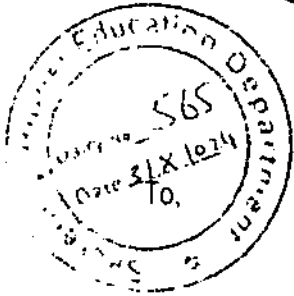
Higher Education, Archives,
Libraries Department

CNIC- 17301-3330519-7

Annex-10



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(Regulation Wing)



No. SOR-I(E&AD)1-2/2018
Dated Peshawar the 01st October, 2024

The Secretary to Govt. of Khyber Pakhtunkhwa,
Higher Education, Archives & Libraries Department.

Subject: - CLARIFICATION REGARDING CORRECTION NAME AND DATE OF BIRTH IN OFFICIAL RECORD.

Dear Sir,

I am directed to refer to your letter No. SO(C-I)HED/1-35/Nasrullah, Prof/2024 dated 16.09.2024 on the subject noted above and to state that the Administrative Department may examine the instant case in light of Policy Instructions issued vide letter No. SOR-II(S&GAD)5(40)/87 dated 15.02.1989 & letter No. SOR-III (E&AD)2-14/2003 dated 22.12.2006 and GFR-116 (copies enclosed).

Yours faithfully,



01-10-2024
(MUHAMMAD KALEEM JAN)
SECTION OFFICER (R-I)
Phone # 091-9210860

AS(A) / SO(C-I)

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ply obtain enclosures from
SO (R-I) 2/10-24
SC
31/10/24

Better Copy

No. SOR-II (S&GAD) 5 (40) /87
Dated Peshawar the 15th February, 1999

1. All Administration Secretaries to Government of NWFP.
2. Secretariat of Governor NWFP.
3. All Commissioners of NWFP.
4. All attached Department in NWFP.
5. All Heads of autonomous Semi-Autonomous Bodies in NWFP.
6. All Deputy Commissioners /Political agents in NWFP.
7. All District and Sessions Judges in NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Secretary, Board of Revenue. NWFP, Peshawar.
10. The Secretary NWFP Public Service Commission, Peshawar.
11. The Registrar NWFP Service Tribunal Peshawar.

Subject: CHANGE IN THE RECORDED DATE OF BIRTH OF THE CIVIL SERVANTS

Sir

I am directed to say that under the existing rules, immediate after his induction in service, every civil servant is required to declare certificate of his birth by the Christian era with as far as possible along with confirmatory / conclusive evidence such as matriculation certificate, municipal certificate and so on. This is supplemented by the opinion of the Civil Standing Medical Board. The Department after full satisfaction with on the basis of Medical Examination of the new entrant in the department enter the same in an authentic documents, i.e Service Book/History of service etc. The said document is maintained by the department / audit and is always checked periodically.

The date of birth of a civil servant as recorded in his service documents remains constantly in his knowledge. This is reentered in his ACRs and the seniority list is issued by the Department from time to time. The preparation of service record of an officer is an official and according to law. It is presumed to be correct GFR-116 also provides that the date of birth once recorded cannot be altered except in the case of clerical error, without the previous orders of the Local Administration. Despite this certain government servants are complacent with the state of affairs and sleep over their rights for decades. Knowing fully about their dates of birth entered in their service books etc. It would therefore be too much to accept such a belated claim from as civil servant that he has born on Departmental appeal date other than the one entered in his service documents and that the delay in representation was due to ignorance of the alleged entry. After all there is always attached finality to decisions taken by competent authorities.

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. All Commissioners in NWFP.
4. All Heads of Attached Departments in NWFP.
5. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
6. All Deputy Commissioners/Political Agents in NWFP.
7. All District and Sessions Judges in NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Secretary, Board of Revenue, NWFP, Peshawar.
10. The Secretary, NWFP Public Service Commission, Peshawar.
11. The Registrar, NWFP Service Tribunal, Peshawar.

SUBJECT:-

CHANGE IN THE RECORDED DATE OF BIRTH OF THE CIVIL SERVANTS.

Sir,

I am directed to say that under the existing rules, immediately after his induction into service, every civil servant is required to declare the date of his birth by the Christian era with as far as possible along with corroboratory/conclusive evidence such as matriculation certificate, municipal certificate and so on. This is supplemented by the opinion of the Civil Surgeon/Standing Medical Board. The department after full satisfaction with the report of the Standing Medical Board on the basis of medical examination of the new entrant in the department, enter the same in an authentic document, i.e. Service Book/History of the Officer etc. The said document is maintained by the Department/Audit and is always checked periodically.

The date of birth of a civil servant as recorded in his service documents remains constantly in his knowledge. This is reiterated in his ACRs and the Seniority Lists issued by the department from time to time. The presentation of service record of an officer is an official act and according to Law, it is presumed to be correct. GFR-116 also provides that the date of birth once recorded cannot be altered except in the case of clerical error, without the previous orders of the Local Administration. Despite this, certain Government Servants are complacent with the state of affairs and sleep over their rights for decades knowing fully about their dates of birth entered in their Service Books etc. It would therefore be too much to accept such a belated claim from a Civil Servant that he was born on a date other than the one entered in his service documents and that the delay in representation was due to ignorance of the alleged erroneous entry. After all, there is always attached responsibility to decisions taken by competent authorities.

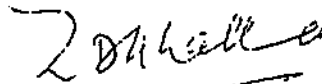
*Amended
Original*

108

I am, accordingly, directed to request that all concerned may please be informed in clear terms that in future a request for an alteration in the recorded date of birth of a Government servant may only be entertained by the Appointing Authority in the case of officers in B-17 and above and by the Administrative Department in the case of civil servants in B-16 and below, after special enquiry and only if the Government servant applies for it within two years from the date of his entry into Government service.]

4. Kindly acknowledge receipt.

Your Obedient Servant,

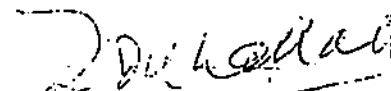


(ZARIN DAD KHATTAK)
Additional Secretary(Regulation)

Encls: No.SORII(S&GAD)5(49)/87, Dated Peshawar the 15th February, 1989.

Copy forwarded to Secretary to Chief Minister, NWFP,

etc. etc.

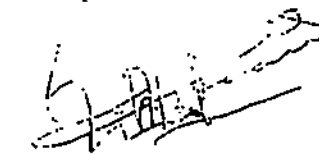


(ZARIN DAD KHATTAK)
Additional Secretary(Regulation)

Encls: No.SORII(S&GAD)5(49)/87, Dated Peshawar the 15th February, 1989.

Copy forwarded to:-

1. All Additional Secretaries in Services and General Administration Department.
2. All Deputy Secretaries in Services and General Administration Department.
3. Private Secretary to Chief Secretary, NWFP.
4. All Section Officers/Estate Officer in Services and General Administration Department.
5. Private Secretary to Secretary, Services and General Administration Department.
6. Librarian, Services and General Administration Department.



(GHULAM JILANI)
Section Officer(Reg-II)

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QUESTION

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(1) QUESTION

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(9) QUESTION

(Signature)

ہذا سرکاری دستخط ہے۔ کسی اور کو اس کا استعمال نہیں کرنا چاہئے۔

(2) مندرجہ ذیل کے تمام قواعد و ضوابط...

(1) درج ذیل کے تمام قواعد و ضوابط...

جس کا...

و اس کے تحت...

(2) اس کے تحت...

کے تحت...

و اس کے تحت...

(1) مندرجہ ذیل کے تمام قواعد و ضوابط...

(1) درج ذیل کے تمام قواعد و ضوابط...

جس کا...

و اس کے تحت...

(2) اس کے تحت...

جس کا...

و اس کے تحت...

(1) مندرجہ ذیل کے تمام قواعد و ضوابط...

جس کا...

و اس کے تحت...

(2) اس کے تحت...

جس کا...

و اس کے تحت...

(1) درج ذیل کے تمام قواعد و ضوابط...

جس کا...

و اس کے تحت...

(2) اس کے تحت...

Annex B (24)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

(82)

No.SO(C-I)/HED/1-35/Nasrullah Prof. / 4272-78 Dated 21/03/2024

To, Mr. Nasrullah S/O Abdullah Khan,
Chairman Board of Intermediate & Secondary Education,
Peshawar.

(3)

Subject: APPEAL/REPRESENTATION FOR CONRRECTION OF DATE OF BIRTH DUE TO UN-NATURAL GAP.

I am directed to refer your application No.Nil dated 07/03/2024 on the subject noted above and to state that this department has no jurisdiction to entertain such cases. Therefore, you are hereby adviced to take up the case with proper forum at your own level please.

[Signature]
SECTION OFFICER (COLLEGE-I)

Copy forwarded for information to:

1. Director, Higher Education, Khyber Pakhtunkhwa.
2. PS to Secretary, Higher Education Department.
3. Master file.

[Signature]
SECTION OFFICER (COLLEGES-I)

[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARY DEPARTMENT

AUTHORITY LETTER

Mr. Sohrab, Lecturer/Law Officer (BPS-17), Higher Education Department Khyber Pakhtunkhwa is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 577/2024 Titled Mr. Nasrullah Khan Versus Govt. of Khyber Pakhtunkhwa and others on behalf of official respondents till the final disposal of the case.

(Capt (R) Kamran Ahmed Afridi)

Secretary,
Higher Education, Archives,
Libraries Department

3007-4000
Govt. Of Khyber Pakhtunkhwa
Higher Education,
Archives & Libraries
Department