

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Mohammed iqbal v/s Irrigation Deptt.

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly pagged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Signature: _____

Dated: _____

The appeal of Mr. Muhammad Iqbal, Ex-Tube Well Operator, XEN Irrigation Division-I, Swabi received today i.e. on 29.03.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Copy of impugned order dated 13-07-2016 mentioned in the heading of appeal is not attached with the appeal which may be placed on it.
2. Annexures of the appeal may be attested.

No. 817 /S.T,

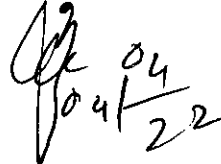
Dt. 30-3- /2022

Mr. Noor Muhammad Khattak
Advocate High Court Peshawar.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

01 :: Impugned Order dt.: 13-7-2016 was
attached as annexure - G" Page 22.

02 :: Re-submitted after completion.


04
22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 470 /2022

MUHAMMAD IQBAL

V/S

IRRIGATION DEPTT:

INDEX

S:N	DOCUMENTS	ANNEXURE	PAGE
0			
1	Memo of appeal	1-3
2	Affidavit	4
3	Coadunation of delay	4/A
4	Relevant page of service book	A	5
5	Service book & medical certificate	B	6-17/A
6	MNIC & CNIC	C & D	18-19
7	School leaving certificate	E	20
8	Pay slip	F	21
9	<i>Order dt: 13/7/2016, Plaint 3</i> <i>Order dt: 11-11-2015</i>	G. H. I	22-27/A
10	Memo of appeal & judgment dt: 13.06.2016	I	28-34
11	Departmental appeal	J	35
12	Wakalat Nama	36

Dated: ____ .03.2022

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE
0345-9383141

①

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

APPEAL NO. _____/2022

Mr. Muhammad Iqbal, Ex-Tube Well Operator (BPS-05),
Executive Engineer Irrigation Division-I, Swabi.

..... **APPELLANT**

VERSUS

- 1- The Superintending Engineer Irrigation, Swabi Circle at Swabi.
- 2- The Executive Engineer Irrigation Division-I Swabi at Swabi.
- 3- The District Account Officer, District Swabi.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 13.7.2016 WHEREBY THE
RESPONDENT NO.2 PREMATURELY RETIRED THE
APPELLANT W.E.F. 31.12.2013 INSTEAD OF W.E.F.
30.9.2017 AND AGAINST NO ACTION TAKEN ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE
SATURATOR PERIOD OF NINETY DAYS**

PRAYER:

That on acceptance of this appeal the impugned order dated 13.7.2016 may very kindly be set aside and the respondents may kindly be directed to retire the appellant 30.09.2017 with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant was initially appointed as Tube well operator in the respondents department on 20/09/1974. Copy of the relevant page of the service book is attached as annexure **A.**
- 2- That it is pertinent to mention here that the respondents have recroded the date of birth of the appellant as 01/10/1957 in the service book and other service record of the appellant. Copies of service book and Medical Certificate are attached as annexure **B.**

- 3- That the ibid entry of date of birth of the appellant is also mentioned/recorded in the MNIC and CNIC of the appellant. Copies of the MNIC and CNIC attached as annexure **C & D.**
- 4- That it is also important to mention here that the correct date of birth of the appellant is 01-10-1957 which had also been mentioned in his school leaving certificate which is true and correct. Copy of the school leaving certificate is attached as annexure **E.**
- 5- That astonishingly in the pay slip for the month of December, 2013 the respondents had illegally and unlawfully mentioned the date of birth of the appellant as 01.01.1954 which is incorrect and illegal. Copy of pay slip is attached as annexure **F.**
- 6- That on the basis of the ibid incorrect entry the respondents issued the impugned order dated 13.7.2016 whereby the appellant has been prematurely retired from service. That feeling aggrieved the appellant preferred departmental representation/appeal followed by a civil suit 53/1 of 2014 and the same was returned vide order dated 11.11.2015 by the learned trial court swabi. Copies of ~~order dt: 13/7/2016, Plaintiff's Order dt: 11.11.2015 are attached~~ as annexure **G & H, H/I.**
- 7- That the appellant challenged the order dated 11.11.2015 before the District Court, Swabi and vide order dated 13.06.2016 the appeal of the appellant was dismissed and finding of the learned trial court was maintained. Copies of the memo of appeal and judgment dated 13.06.2016 are attached as annexure..... **I.**
- 8- That appellant filed a departmental appeal dated 21-12-2021 against his pre-mature retirement on 13-07-2016 which is still pending and has not been decided till date within the statutory period of 90 days. Copy of the departmental appeal is attached as annexure **J.**
- 9- That feeling highly aggrieved from the inaction of the respondents and having no other remedy the appellant file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned order dated 13.7.2016 issued by the respondents by prematurely retiring the appellant and not retiring the appellant's w-e-f 30.09.2017 is against the Law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan-1973.
- C- That the respondents acted in arbitrary and malafide manner by retiring the appellant prematurely w-e-f 31.12.2013 and not w.e. from 30.09.2017.
- D- That as per GFR 116 the respondents are duty bound to retire the appellant as per the correct date of birth i.e. 01/10/1957.
- E- That the respondents violated the civil servant Act, 1973 read with APT rules 1989 by issuing the impugned order dated 13.7.2016.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 24-03-2022

APPELLANT

MUHAMMAD IQBAL

THROUGH:

NOOR MOHAMMAD KHATTAK
Advocate Supreme Court

UMAR FAROOQ
Advocate HC

Haider Ali
HAIDER ALI
Advocate

KAMRAN KHAN
Advocate HC

Advocate HC

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

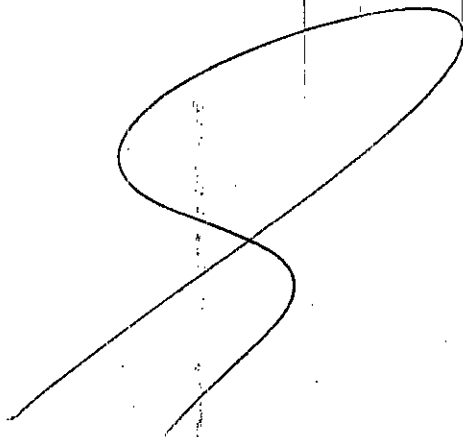
MUHAMMAD IQBAL

VS

IRRIGATION DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.




DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.


CERTIFICATION

(4/A)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

MUHAMMAD IQBAL

VS

IRRIGATION DEPTT:

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT


MUHAMMAD IQBAL

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

ANNEX A (5)

Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating state— (1) substantive appointment or (2) whether service counts for pension under Art. 171, C. S. R.	Pay in substantive post	Additional pay for officiating	Other emoluments falling under the term "Pay"	Date of appointment	Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of employees 1 to 8
L.W. operator at m/s. 2-3-156-EB-5-180	W/C	Rs. 120/-	Appointed as a T.W. operator at Marraji at the rate of Rs. 120/- in the N.P.S. NOL-3 vide XEN office order No. A-5/W-1/1998 dt 20.9.74 as reported on the same date.					
do	do	Rs. 123/-	Granted Annual Increment					
do	do	-	Rs. 126/-			1/12/76		Increment EXECUTIVE Tubewell Cons WAPDA
Pump operator 270-7-326/8-390 L.N.P.S-37	do		Rs. 270/-					Opted for revised NPS W.e.f. 1-5-77, notification No. A-5/F/B/Fac/10-136/A 8-16/6/77. Pay fixation

ATTESTED

66.9/99 No.
77

ANNEX B (6)

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

1. Name — MR. Mohammad ghal

2. Race — AFGHAN ✓

3. Residence — Village and P.O. Per male Tah Sarabi and Dist. Mardan

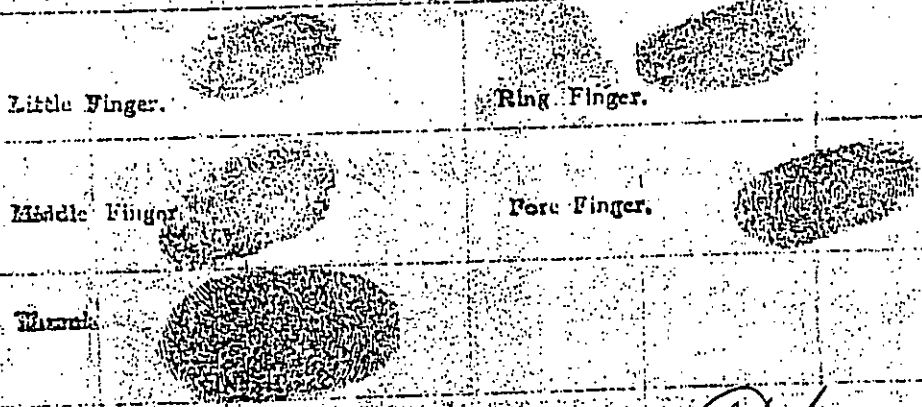
4. Father's name and residence — Abdul Habeeb ✓

5. Date of birth by Christian era as nearly as can be ascertained — 1-10-1957 ✓

6. Exact height by measurement — 5-6 ✓

7. Personal marks for identification — A mole on right side of face

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



9. Signature of Government servant — *[Signature]*

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

EXECUTIVE ENGINEER
Tuberc. O. & A. Division
CIVIL DEPARTMENT W. P. S. D.

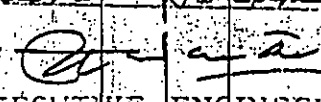




~~ATTESTED~~

8

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating state— (i) substantive appointment or (ii) whether service counts for pension under Art. 377, C. S. R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emoluments falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant	9 By Head or other officer of col
Operator 270-7-326/B-390 RNPS-3.	W/charged		277/ ✓			11/7/77 ✓		
— " —	— " —		277/ ✓			1-7-78		
— " —	— " —		277/ ✓			13/79		
— " —	— " —		284/ ✓			12/78		

~~ATTESTED~~

[Handwritten signature]

Signature of Government servant	Signature and designation of the head of the office or other attesting officer in attestation of columns 7 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	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 servant	Reference to any recorded punishment or censure, or reward or praise of the Government servant
			Annual Increment	 EXECUTIVE ENGINEER Tubewell Construction Division WAPDA, MARDAN. 26/12/77	Non-chargeable		
							Transferred to Irrigation Department along with Nurgu scheme w.e.f. 1/7/78 vide T/O letter No TW of W-4/1977-78/58 dt. 1/7/78
							EXECUTIVE ENGINEER Tubewell Construction Division Maslun Sarg (Baghidadu)
			Transferred from WAPDA	 Sub-Divisional Officer Tubewell Irrigation Sub-Division PABBI			Service for the period from 1.7.78 to 28.2.79 verified from V.P. etc.
		28.2.79	Service transferred to Irrigation Division, Sarg	 Sub-Divisional Officer Tubewell Irrigation Sub-Division PABBI			 Sub-Divisional Officer Tubewell Irrigation Sub-Division PABBI
		27/6/80	Annual Increment	 Sub-Divisional Officer Tubewell Irrigation Sub-Division PABBI			

~~TESTED~~

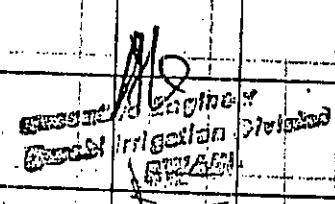
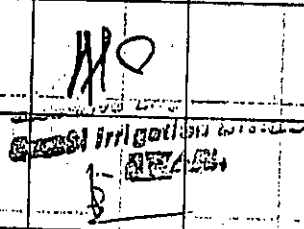
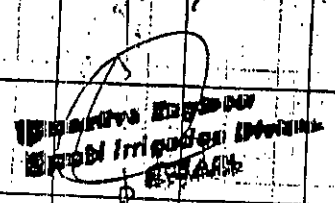
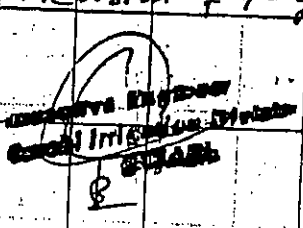
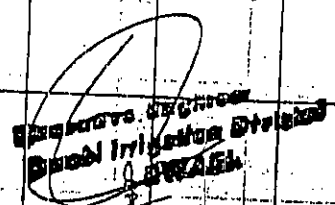
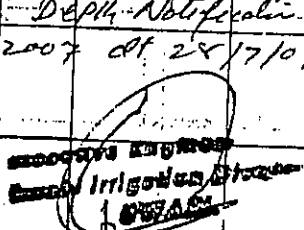
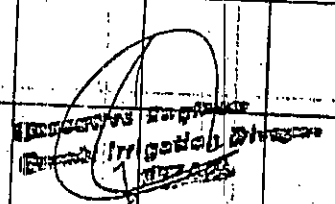
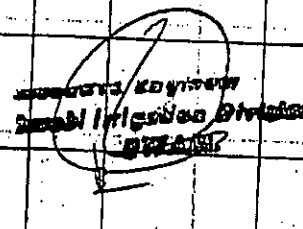
(11)

9	10	11	12	13	14	15
Signature and Designation of the head of the office or other attesting officer in attestation of columns 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	Nature and duration of leave taken Allocation of period of leave on average pay upto four months for which leave salary is payable in another department Period of Government to which payable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
03 FN	30/11/2003 A.P.	Annual Increment	<i>[Signature]</i>	Service to 20/11/03 Acq. R. of this	<i>[Signature]</i>	e.f. 1/1/2002 from the office recorded
<i>[Signature]</i>	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division Swabi,
FN	30/11/04 A.P.	Annual Increment	<i>[Signature]</i>		<i>[Signature]</i>	
<i>[Signature]</i>	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.
FN	30/6/05 AN	Revision of Pay	<i>[Signature]</i>		<i>[Signature]</i>	
<i>[Signature]</i>	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.
V	30/11/05 AN	Annual Increment	<i>[Signature]</i>		<i>[Signature]</i>	
<i>[Signature]</i>	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.	<i>[Signature]</i>	EXECUTIVE ENGINEER Swabi Irrigation Division SWABI.

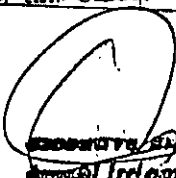
ATTESTED

1 Name of Post	2 Whether Substantive or officiating and whether permanent or temporary	3 If Officiating state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
<u>Operator B-4</u> 2345-600-5345	offg/temp		Rs. 4645/- PM			12/2006 FN	
<u>Operator B-4</u> 2710-115-6150	do		Rs = 5345/- PM			12/2007 FN	
<u>Operator B-5</u> 2780-135-6830	do		Rs = 5480/- PM			12/2007 FN	

~~ATTACHED~~

9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave Nature and duration of leave taken Allocation of period of leave on which pay upto four months for which leave salary is debitable to another Government Period Government in which debitable		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
	30/11/2006 AN			Annual Increment			
							
	30/6/2007 AN			Revision of pay			
							
	30/6/2007 AN			UPgradation of Basic Pay scale vide Finance Deptt. Notification No FD/150 (FR) 7-2/2007 dt. 28/7/07			
							
	30/11/2007 AN			Annual increment			
							
				Service Verified w.o. 1-12-2003 to 31-3-2007 from the Acq: Rolls & other office record of this office.			

~~ATTESTED~~


M.O.
Canal Irrigation Division
OSAR

1 Name of Post	2 Whether Substantive or officiating and whether permanent or temporary	3 If Officiating state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 37 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
<i>(Revised Service)</i>							
2780-135-6830	B/S-05/Year				Rs. 5615/- P.M.	1/19 07	
do					Rs. 5750/- P.M.	1/12 07	F1
3035-150-8140	B/S-05/Year				Rs. 6860/- P.M.	1/7 08	
do					Rs. 7020/- P.M.	1/12 08	
do					Rs. 7180/- P.M.	1/12 07	F1

~~ATTACHED~~

8 Signature of Government Servant	9 Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
					Nature and duration of leave taken	Allocation of period of leave on average pay, upto four months for which leave salary is debitable to another Government			
						Period			Government to which debitable
1/19 07 F.									
1/12 07 F.									
1/12 08									
1/12 08									
1/12 08									
1/12 09 F.									

I granted one s/l:
Adv: Government w/ef
1/9/07, vide FO 116(SR-1)
2-4/2008, ✓ = 4/4/2008.

A/Government

Revision of Reg

A/Government

[Signature]
EXECUTIVE ENGINEER
Swabi Irrigation Division
Swabi

[Signature]
EXECUTIVE ENGINEER
Swabi Irrigation Division
Swabi

[Signature]
EXECUTIVE ENGINEER
Swabi Irrigation Division
Swabi

[Signature]
EXECUTIVE ENGINEER
Swabi Irrigation Division
Swabi

Drawn Rs: 6086/- Area of Reg
Spl. Inoc: w/ef: 1/9/07 to 30/9/2010

[Signature]
DAO Swabi

3

~~RECEIVED~~

17/A

MEDICAL CERTIFICATE

Name of Official: Mohammad Iqbal

Caste or Race: Sheik

Father's Name: Abdul Halim

Residence: Village: Panchali Teh Swabi
District: Rawal

Date of birth: 10-1951

Exact height by measurement: 5-7

Personal mark of Identification: A brown spot on neck

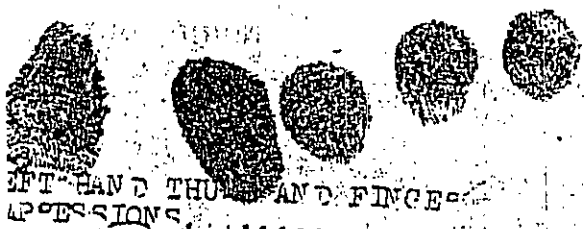
Signature of the Official: [Signature]

Signature of head of office: Converted into regular 1-5-83 F.N.

[Signature]
Executive Engineer
Swabi Irrigation Division
Swabi

I do hereby certify that I have examined Mohammad Iqbal
a candidate for employment in the Office of Vegetable Dept
and can not discover that he has any disease or physical
constitutional defect or bodily infirmity which would

I do not consider that Abdul Halim His age about 8-10-1951
office of the Vegetable Dept
is 25 years & by appearance about 25



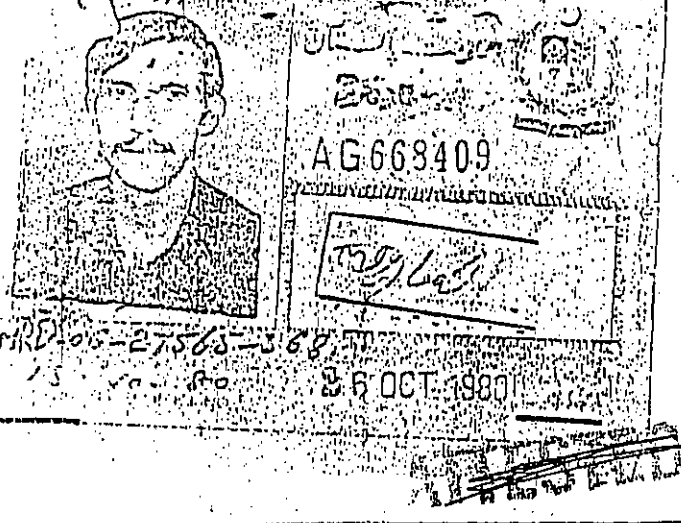
LEFT HAND THUMB AND FINGER
IMPRESSIONS

25/10/51
83

Medical Superintendent
D.H.O. Hospital Mardas

[Signature]

ANNEX C 18



AG 668409

Handwritten signature or name in Arabic script.

MRE-05-27568-368

6 OCT 1980

333 304 1980 57

فدائمی

محمد علی محمد

فلم بازبینی گماون و ڈاک خانہ ایرونی

بیتل گواہی

درمیں طرف پر دوں پر عمل کا مشیون

سماور خان

10.10.1987

سماور خان

71

ANNEX D

19

حکومت پاکستان
کارڈ
16202-5558342-3

01/10/1957

~~SECRET~~

TT61A0P 16202-5558342-3

سید احمد علی شاہ، پرنسپل، اسکول، حیدرآباد
سکول بہار، ایڈو، سکول، پرنسپل، اسکول، حیدرآباد

تاریخ اجراء: 16/04/2008
تاریخ: 31/03/2018



57049039

Government High School Nawankilli

Distt: Mardan.

School Leaving Certificate

Handwritten notes:
P.S. / P.O.
Nawankilli

Adm: No 3711 Certificate No. 8 File No 15

Name of Student Mahmood Jaffer Father Name Abdul Hakeem

Date of birth in figures 1-10-1957 in words first October 1957

Date of Admission 16-6-71 Date of withdrawl 31-3-1973

Attendances (Actual) 2 (Possible) 2

Class in which he was reading 10th Deptt High/Middle

Class to which he was promoted + Dues paid upto 9th

Agr/Non Agr :- Appeared in the S.S.C. (1973 Examination) and failed.

Rate of tuition fee Paid R/142 4303

Conduct during the School Good

Activities in which participated :- 1 2 3

Date of issue 5/12/76 Prepared by School

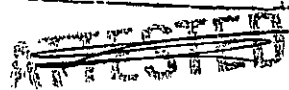
For Scholarship Holders

The above name student is a Scholarship holder drawing

and Scholarship drawn and paid upto

and is payable by

Signature:
Headmaster P.T.S 1 (394)
Govt. High School Nawankilli (Mardan)
Elewankilli (Mardan) 9/12/76



GOVERNMENT OF PAKISTAN
 GOVERNMENT GENERAL KHYBER PAKHTUNKHWA

ANNEX F

21

SA: 3740

FORM SYSTEM

PAYMENT ADVICE
 P. Sec: 002 HON. DEC 2019
 SU4258 Executive Engineer Swabi I
 Psn: Irrigation
 NTN: 0
 GPF #: IRRM001414
 Old #: 13057049037

Emps #: 00229721
 Name: MUHAMMAD IQBAL
 Dsg.: OPERATOR
 CNIC No. 13057049037

DEPTT CODE SU4258

GPF Interest Applied
 PMS 05 Active Permanent

PAYS AND ALLOWANCES:

0001-Basic Pay	12,640.00
1000-House Rent Allowance	1,002.00
1210-Convey Allowance 2005	1,040.00
1300-Medical Allowance	1,000.00
1748-Adhoc Allowance 2010@ 50%	3,070.00
1970-Adhoc Relief Allow 2011	1,101.00
2116-Adhoc Relief Allow (2012)	1,524.00
2146-152 Adhoc Relief All-2013	1,402.00

Grass Pay and Allowances

25,731.00

DEDUCTIONS:

GPF Balance 129,244.00	Subtr:	445.00
3501-Benevolent Fund		100.00
3511-Addl Group Insurance		7.00
3604-Group Insurance		67.00

Total Deductions

719.00

NET AMOUNT PAYABLE

25,012.00

QUALIFYING SERVICE

P.O.B

LFP Quota:

29 Years 06 Months 013 Day

01/01/1954

NBP, TORLANDAI BRANCYORLANDAI BRANCH SPS

ORIGINAL

NO 1564 /E-4

DATED SWABI 13/07/2016

OFFICE ORDER

Muhammad Iqbal Operator attached to SDO Gohati retired from Govt: Service on 31.12.20213 on attaining the superannuation age of 60 years his date of birth is retired in the DAO Office swabi is 01.01.1954.

Sanction to lea encashment of LPR 365 days leave preparatory to retirement in lieu of 365 days on full pay under the revised leave rules 1981 is hereby accorded.

Executive Engineer
Swabi Irr: Division -I Swabi.

Copy to the :-

- 1- District Accounts Officer Swabi for information and n/action please.
- 2- SDO Gohati for information.
- 3- DAO/K.C/E.C for information and N/action,

~~ATTESTED~~

NO
2

1564

---/---/---

Dated

Swabi the

13

10/7/2013

OFFICE ORDER

Mrs. Iqbal Operator attached to SDO G. Gohati retired from Govt Service on 31/12/2013 on attaining the superannuation age of 60 years. His date of birth is recorded in the DAO Office Swabi is 01/01/1954.

Sanction to cash encashment of LPH 365 days leave preparatory to retirement in lieu of 365 days on full pay under the revised leave rules 1981 is hereby accorded.

Executive Engineer
Swabi, Irr: Division-1 Swabi

Copy to:-

- 1/ District Accounts Officer Swabi for information and a/cion Please.
- 2/ SDO Gohati for information.
- 3/ DAO/M.C/E.C for information and a/cion.

Executive Engineer.

~~ATTESTED~~

بعدالت خواجه سیر مولیٰ صاحب صوابی

محمد اقبال ولد عبدالحکیم ساکن پیر مولیٰ تحصیل زرڑ ضلع صوابی
(مدعی)

بنام

ایگزیکٹو ایجوکیشن آفیسر صوابی ڈسٹرکٹ افسارٹ
Senior Civil Judge Swabi
صوابی سیکشن ہاؤس، پورہ، پیر مولیٰ سیکشن
(مدعی علیہ)

I- دعویٰ استقرار یہ ہیں مُراد مدعی کی درست اور صحیح تاریخ پیدائش
مورخہ 10/11/1957ء اور مدعی کی یہی تاریخ پیدائش سکول سرٹیفکیٹ
سروس ٹیکٹ، فن کارڈ اور دیگر مکمل سرٹیفکیٹ میں درج ہے مگر مدعی علیہ
نے بوقت تیار سازی Pay Slip مدعی کی درست تاریخ پیدائش کی جگہ
مدعی کی تاریخ پیدائش غلط طور پر مورخہ 10/11/1954ء درج کی ہے
جو کہ غلط، ناجائز، خلاف قانون، ضد واقعات اور سلفہ جوعہ
کئی وجہ سے ہرگز قابل عملی نہیں بلکہ قابل درستی ہے۔

II- بطور داد رسمی مستلزمہ اور دعویٰ صدور حکم ابتدائی تا کی مدعی بہرین مُراد
کہ مدعی علیہ کو درستی تاریخ پیدائش در نامور رجسٹر نامہ چنانہ مطلق ہے۔

ATTESTED
13/11/14
Examiner Copying Dept.
Sessions Court Swabi

ATTESTED



رقی یہ کہ در عالم نے برینہ غلط اندراج تاریخ پیدائش / Pay Slip
من مدعی کی تنخواہ جس روٹ کی ہے اس وجہ سے در عالم کو مدعی کی تنخواہ
روٹ سے برابر محدود رقم استغاثی دواچی سے رہا باز رکھنا چاہیے

رقی یہ کہ در عالم کو غلطی طور پر لیا گیا کہ مدعی کی تاریخ پیدائش دست کرار

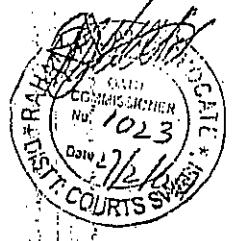
تنخواہ من مدعی ہند کی جائے گزروہ لیت ولس آئے انکھاری ہوئے
اس وجہ سے دعویٰ ہند کی ہند روٹ نہ من ہوئے
28-2-14
Senior Civil Judge Swabi

رقی بناءً دعویٰ ہند کی فائیت، ثابت مقدمہ فرہواقت، کلمات ہند کے عنوان
پہنچیں اور عدالت صوابی کو اس وقت کے حاکم سے

لذا استدعا ہے کہ اس کی ڈگری حسب شرح عنوان پر فرہواقت
حق مدعی پر حلف در عالم سے ہمارے فرہواقت سے

28/2/14

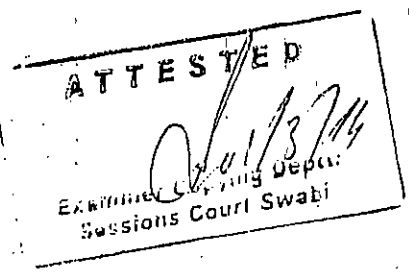
الس
خدا تعالیٰ و در عالم کے حکم



یاں

بذریعہ ولس
M. K. Khan

حلف بیانی ہوں
کہ جہد و تاب اور
صبر سے
خدا تعالیٰ



ATTESTED

لعدالت خراج سیر سولج صوابی

محمد اقبال نجم اذیکر ایگور اعظمی

08-2
28-2-14
Shah Faisal
Civil Judge-IV, JM
Swabi

استغرابہ

خدا تعالیٰ در دراستنا ہم از صہور حکم انسانی عاری محاسب مدعی نسبت ذیل
عزیز ہے۔

یہ کہ مقدمہ عنوان بالا دراج لعدالت حضور دراز کی جاتی ہے جس میں مزید تا دراج
معدی۔

یہ کہ مدعی نے مدعی کا دستا اور صہور تاریخ مورخہ ۱۰/۱/۱۹۵۷ کی جگہ مدعی کی تاریخ
پیدائش

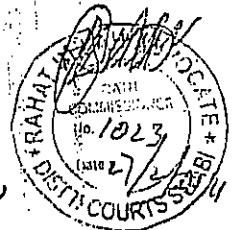
پیدائش غلط طور پر ۱۹۵۴ میں ۱/۱/۱۹۵۷ دراج کی اور مدعی کی

تفخواہ بندی ہے جس سے مدعی کو ناقابل تمدنی نقصان پہنچے گا احوال
ہے۔ (بین جملہ نہیں ہے)

یہ کہ بادی انظر میں مدعی جاہت و صہور مقدمہ نسبت ہے اور ترازن سہولت

معدی ہے۔

لذا استدعا ہے کہ صہور حکم انسانی عاری کی اصلاحات صادر فرمائیں۔



بیان ختمی

حلف نامی ہے
کہ جگہ مزاجت دراج
اور تاریخ صہور
ہے۔

ATTESTED
Examiner Copying Deptt.
Sessions Court Swabi.

محمد اقبال نجم اذیکر ایگور اعظمی

محمد اقبال نجم اذیکر ایگور اعظمی

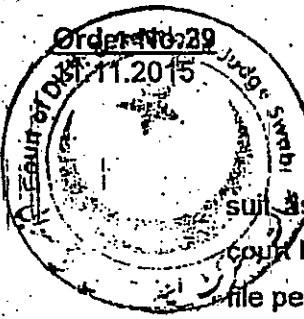
ATTESTED

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27/A

Handwritten signature and notes in Urdu script.

ANNEX H/1



Parties present.

My this order is directed to decide point of maintainability of suit as agitated by defendants in their written statement that civil court has got no jurisdiction, so on this point arguments heard, case file perused.

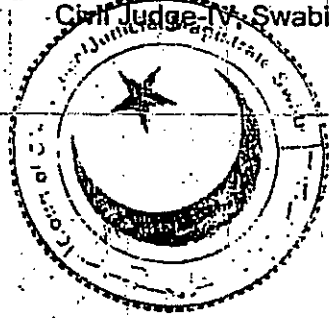
Perusal of file shows that admittedly plaintiff is serving as operator in irrigation department wherein, his date of birth has been recorded as 01-10-1957 in service book, ID card and Medical Certificate etc but in his pay slip, date of birth is recorded as 01-01-1954, so fact of the matter is that plaintiff intended to seek, right of declaration etc to get the requisite correction in line with the entries of his service record and not contrary to that but the Learned counsel for defendant argued that question is not about merit or demerit of the case, but it is related to the very jurisdiction of court so he relied upon 2004-PLC(C.S)-1162 and 2003-SCMR-444, wherein highlighted that suit by civil servant for correction of date of birth is not maintainable before civil court in view of bar contained in Article 212 of the constitution, and it is essential terms of condition of service.

Handwritten notes on the right margin: غریب, 53/3, جوید, 28/4, 11/15.

So in view of above it appears that since correction of date of birth of civil servant is involved in the present controversy, and it being essential terms of condition of service already provides that matter can not be adjudicated upon before civil court in view of bar contained under Article 212 of the constitution of Pakistan, and thus civil court has got no jurisdiction to adjudicate upon the subject matter of suit. Point of jurisdiction is accordingly resolved, plaint is returned to the plaintiff to present the same before proper forum if so advised, Muharrir to do the needful and the remaining record be consigned to record room. No order as to cost.

Announced 11th November 2015

(Abdul Salam Khan Sarkani) Civil Judge-IV Swabi



TESTED 12-11-15 Examiner Copying Deptt Sessions Court Swabi

TESTED

BEFORE THE DISTRICT JUDGE SWABI

Mohammad Iqbal son of Abdul Hakiam resident of village Parmoli
Tehsil Razar District Swabi.

----- {Appellant }

VERSUS

1. Executive Engineer Irrigation Swabi.
2. SE irrigation circle Swabi.
3. District Account officer Swabi .

----- {Respondents}

=====

APPEAL AGAINST THE ORDER / JUDGMENT OF LEARNED CIVIL
JUDGE SWABI ORDER NO.29/ JUDGMENT DATED 11.11.2015
WHEREBY THE LEARNED CIVIL JUDGE SWABI RETURNED THE
PLAINT OF PLAINTIFF/ APPELLANT WHICH IS ILLEGAL AGAINST
FACTS AND LIABLE TO BE SET ASIDE.

PRAYER IN APPEAL :-

On acceptance of this appeal the order /
judgment of learned lower court may kindly be set aside.

Respected Sir,

FACTS OF THE CASE

1. That the appellant /plaintiff filed a declaration suit to change the
date of birth in pay slip.

(Copy of judgment is attached as annexure "A")

2. That respondent No1, 2 submitted written statement.

(Copy is attached as annexure "B")

ATTESTED

3. That the Learned Lower Court passed order No 29 dated 11.11.2015 against the appellant.

(Copy of order attached as annexure "C")

GROUND S OF APPEAL:-

- A. That the order of Learned Civil Judge Swabi is against the law and facts of the case.
- B. That the Learned Civil Judge Swabi has totally ignored the evidence and record of the case.
- C. That the Learned Civil Judge Swabi has not gone through the suit of plaintiff. The plaintiff in suit has mentioned that his date of birth in Service Book, Medical certificate I.D Card and service card is 01/10/1957 and the respondent No.3 has wrongly mentioned written in pay slip 01.01.1954.
- D. That the case of appellant is to correct the wrong entry of date of birth in pay slip, the appellant is not changing the date of birth the lower court has not considered this important point of case.

E. That the Learned Lower Court Swabi has not framed issues and particularly the issue of jurisdiction and passed order that civil court has no jurisdiction.

F. That the respondent No.3 has not submitted written statement and the respondents has not submitted application that Learned Civil Judge Swabi has no jurisdiction to try the suit but on verbal request Learned Civil Judge Swabi passed the impugned order.

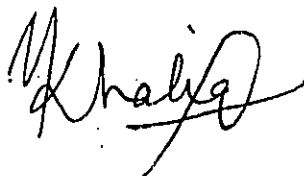
It is therefore requested the order of Learned Civil Judge Swabi may kindly be set aside and the suit of plaintiff /appellant may kindly be restored .

Dated : 14.11.2015

Appellant

Mohammad Iqbal

Through Counsel :

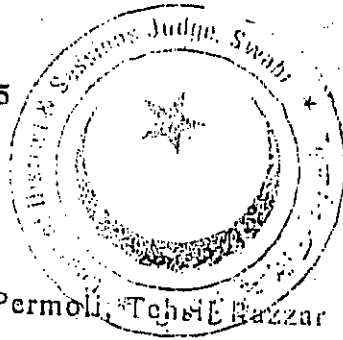


IN THE COURT OF MALIK AMJAD RAHIM,
ADDITIONAL DISTRICT & SESSIONS JUDGE-IV,
SWABI.

Civil Appeal No. 38/13 of 2015

Date of Institution: 16.11.2015

Date of Decision: 13.06.2016



Muhammad Iqbal S/O Abdul Hakim r/o Village Permol, Tehsil Bazzar
District Swabi(Appellant)

VERSUS

Executive Engineer Irrigation, Swabi & 02 others.....(Respondents)

CIVIL APPEAL AGAINST THE ORDER/JUDGMENT DATED 11.11.2015
OF THE LEARNED CIVIL JUDGE-IV, SWABI.

JUDGEMENT:

This civil appeal lies against the order/judgment of the learned Civil Judge-IV, Swabi, dated 11.11.2015, whereby suit of the appellant/plaintiff was returned to the appellant/plaintiff by holding that the Civil Court has got no jurisdiction to adjudicate upon the subject matter of the suit. The appellant/plaintiff feeling aggrieved of the said order/judgment, hence, has brought the instant civil appeal.

Brief facts of the matter in hand are that, the appellant/plaintiff brought a civil suit against the respondents/defendants for declaration to the effect, that his correct date of birth is 01.10.1957, which is correctly entered in his School certificate, service book, CNIC and in medical certificate, but the respondents/defendants during preparing of his pay-slip, have wrongly entered the same as 01.01.1954, which is wrong; illegal, against law and facts, therefore, same is not maintainable and liable to correction. In prayer-II of the plaint, appellant/plaintiff opted for permanent mandatory injunction, by requesting that, the respondents/defendants be bound to correct his date of birth in their record and they shall be restrained from blocking his salary on the basis of alleged wrong entry.

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[Signature]
Examiner Copying Deptt:
Sessions Court Swabi

~~ATTESTED~~

Respondents/defendants were summoned, who through their representative attended the court and resisted suit of the appellant/plaintiff by submitting their written statement.

After submission of written statement, from the divergent pleadings of the parties issues were framed and the case was fixed for evidence of appellant/plaintiff. During proceedings of the suit, on 18.09.2015, when the statement of PW-1 was recorded, the respondents/defendants questioned the maintainability of the suit and thereafter the case was fixed for arguments on the question of maintainability. After hearing arguments on maintainability, the learned trial court through the impugned order/judgment dated 11.11.2015, resolved the question of maintainability of the suit, and it was held that as the civil court has got no jurisdiction to adjudicate upon the subject matter of the suit, therefore, the plaint was returned to the appellant/plaintiff with the direction to present the same before proper forum, if so advised. Hence, the said order/judgment is now impugned before this court through the instant appeal.

Respondents were summoned, who through their representative attended this court and contested the instant civil appeal.

AR

Arguments heard and file perused.

It is admitted fact from the record on file, that the appellant/plaintiff is a government servant and the correction of his date of birth in pay slip and its subsequent consequential matter relates to terms and conditions of the service, which falls within the jurisdiction of Service Tribunal and not the civil court. IN this regard reliance is placed on case laws 2004 P L C 1162 and 2003 SCMR 444.

Moreover, the appellant/plaintiff has taken the plea, that in his service record and medical certificate his date of birth is 01.10.1957, but in his pay slip it is wrongly mentioned as 01.01.1954. The service book EX PW 1/1, page-4 reveals, that the appellant/plaintiff has been appointed as Tube Well operator vide XEN office order NO. E/W-1-1498 dated 20.09.1974. The service book entry of the appellant/plaintiff

ATTESTED
[Signature]
Clerk
District Court, [Location]

ATTESTED

33

reveals. that the appellant/plaintiff has joined his service on 20.09.1974, as Tube Well Operator Now. If we take into consideration. the alleged date of birth of the appellant/plaintiff as 01.10.1957. as claimed by him in the plaint and the date of his appointment as 20.09.1974, one can come to the conclusion, that at the time of joining service. his age was about 17-years which is the age of minority.

Under the law. a minor having less than 18-years age, cannot join a government service and legally no age relaxation is permitted, however, for an over age person, the competent authority has the power to permit age relaxation.

So keeping in view. the date of joining the government service on 20.09.1974, the court cannot legalize the alleged date of birth as 01.10.1957, which is entered in his service book.

The learned trial court has rightly returned the plaint to the appellant/plaintiff and there is no need of interference of this court, hence, it is maintained and the appeal is dismissed. Parties are left to bear their own costs.

File be consigned to record room after its compilation and necessary completion.

ANNOUNCED:
13.06.2016

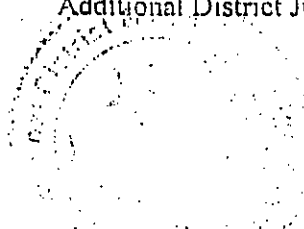
AR
MALIK AMJAD RAHIM,
Additional District Judge-IV Swabi

CERTIFICATE

Certified that this judgment consists of (03) pages. Each page has been read, checked, correct wherever necessary and signed by me.

AR
MALIK AMJAD RAHIM,
Additional District Judge-IV-Swabi

ATTESTED
AR
13-6-16
Deputy District Judge Swabi



ATTESTED
AR

77 1 4
13-6-16
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17-6-16
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AR

~~ATTESTED~~
ATTESTED

IN THE COURT OF MALIK AMJAD RAHIM, AD & SJ-IV SWABI
DECREE IN CIVIL APPEAL

Civil Appeal No. 38/13 of 2015
Date of Institution: 16.11.2015
Date of Decision: 13.06.2016

Muhammad Iqbal S/O Abdul Hakim r/o Village Permoli, Tehsil
Kazzar District Swabi(Appellant)

VERSUS

Executive Engineer Irrigation, Swabi & 02 others.....(Respondents)

Order No. 26.
13.06.2016

Parties present. Arguments already heard and file perused.

Vide my detail order/judgment of today, consisting of 03 pages, the
impugned judgment/decree of the learned trial court dated 11.11.2015 is
maintained and the appeal is dismissed accordingly.

Parties are left to bear their own cost.

File be consigned to record after its necessary compilation and
completion.

ANNOUNCED
13.06.2016

MA
MALIK AMJAD RAHIM
Additional District & Sessions Judge-IV
District Swabi

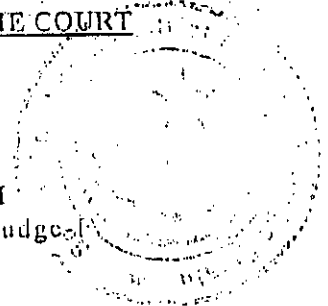
Cost of Civil Appeal

	Appellant	Respondents
1. Stamp for memorandum of petition		
2. Stamp for power of attorney.	Nil	Nil
3. Service of process	Nil	Nil
4. Pleading of pleaders fees	Nil	Nil
5. Miscellaneous	Nil	Nil

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT

This 24th day of May, 2016

MA
MALIK AMJAD RAHIM
Additional District & Sessions Judge
District Swabi



Dep'tt:
Swabi
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17-6-16

~~RECEIVED~~

محرمات جناب ایڈیٹر ایجنسہ پبلسٹیٹی ڈیپارٹمنٹ گلگت بلتستان

ANNEX 35

درخواست بھاری محکمہ تعلیمات و کونسل برائے تعلیمات و کونسل برائے تعلیمات

35

جناب عالی!

مورد بیان گزشتہ سٹیج کی حالت ہے کہ سائل آپ

کے زیر سوالیہ بطور ٹیوریل آئیڈیوٹری و ایڈیٹری کے مسائل

کے بارے میں ڈیپارٹمنٹ آف ایڈیٹری سے انجام دیے گئے مسائل

محکمہ خارج پبلسٹیٹی 1956-10-01 کو لاہور میں

کارڈ اور نئے شناختی کارڈ دونوں میں مخصوص طور پر

درج ہے مگر کون کون سی غلطیوں کی وجہ سے یہ

پے رول میں 1954 لکھا گیا ہے جس کی وجہ سے سائل

2016ء میں 2013ء سے ریٹائر ہو گیا ہے۔

اس لئے آپ صاحبان سے التماس

جانی ہے کہ میری ریٹائرمنٹ مافیکم نامہ

2017/03 سے ہی جائے

مسائل گزشتہ

الحرم 21/12/2021

محمد اقبال

سابقہ نیو بیلڈنگ آفیسر (BPS-05)

M. Iqbal

21-12-2021

RECEIVED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2022

Muhammad Iqbal (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Investigation Deptt (RESPONDENT)
(DEFENDANT)

I/We M. Iqbal
Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.
Dated. ___/___/2022

[Signature]
CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

[Signature]
UMER FAROOQ MOHMAND

[Signature]
KAMRAN KHAN

[Signature]
MOHAMMAD MAAZ MADNI

[Signature]
HAIDER ALI

[Signature]
MUJEEB UR REHMAN
ADVOCATES

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *Recd*

APPEAL No. *470* of 20*22*.

Muhammad Iqbal

Apellant/Petitioner

Versus

Superintending Engineer Irrigation, Swabi Circle at Swabi

RESPONDENT(S)

✓
Notice to Apellant/Petitioner

*Muhammad Iqbal, Ex-Tube
Well operator (BPS-05) Executive Engineer
Irrigation Division - I, Swabi*

Take notice that your appeal has been fixed for Preliminary hearing,
replication, affidavit/counter affidavit/record/arguments/order before this Tribunal
on *27/05/2022* at *9:00 am*

You may, therefore, appear before the Tribunal on the said date and at the s
place either personally or through an advocate for presentation of your case, f
which your appeal shall be liable to be dismissed in default.



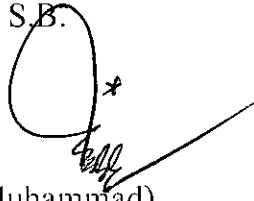
Regis
Khyber Pakhtunkh
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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 470/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/04/2022	<p>The appeal of Mr. Muhammad Iqbal resubmitted today by Mr. Noor Muhammad Khattak Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>27-05-2022</u> Notices be issued to the appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>27.05.2022</p> <p>Clerk to counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 19.07.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>
2-	<p>Noted of 6/4 22 Noor Mohd Khattak</p>	