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**IN THE COURT OF IJAZ MAHSOOD,**  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No.	18/1 of 2025
Date of Institution:	26.02.2025
Date of Decision:	19.07.2025

**Sahib Gul Vs Hazrat Gul, R/O Qoum Mishti, Tappa Haider  
Khel, Tehsil Central, District Orakzai.**

.....(Plaintiff)

**VERSUS**

- 1. District Education Officer, District Orakzai.**
- 2. District Account Officer, District Orakzai.**

.....(Defendants)

**SUIT FOR DECLARATION OF ENTITLMENT AND  
CORRESPONDING INJUNCTIONS.**

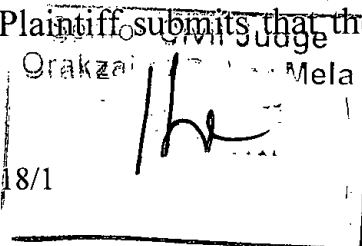
**JUDGEMENT:**

19.07.2025

This order is to decide instant suit filed by Mr. Sahib Gul, legal heir of deceased employee Mst. Bas Marjana, for declaration of his entitlement to the receipt of pension of his late wife and corresponding injunctions.

**Pleadings:**

The claim as recounted in the plaint reads that wife of the plaintiff, Mst. Bas Marjana was an employee of the education department, defendant no 01. She died during employment on 25<sup>th</sup> March 2019. In her service book, the entries in respect of her age have been over written. Defendants, labelling it as a discrepancy, have withheld pension of his late wife. Plaintiff submits that the overwriting



has been attested and verified by the competent authority, yet defendant no 02 is reluctant to process the case for pension. He requests for grant immediate appropriate and adequate relief.

In addition to regular objections to the legal fitness of the suit and forum, defendant no 01 has attempted to rebut the claim and assertions of the plaintiff. The written statement holds that the controversial over-writing in the service book was done by the late Mst. Bas Marjana herself, who had the custody of the record. It further denies the claim that the overwriting has been verified and attested by the department. It is further submitted that pension matters pertain to defendant no 02.

Defendant no 02 has simply denied all the assertions contained in the plaint. In respect of Para 05, it is contended that section 116 of the General Financial Rules prohibits cutting/overwriting of service book.

Differences between the sides were distilled and reduced into the following issues.

**Issues:**

1. Whether the suit is legally fit i.e. limitation, joinder etc, and the forum is competent to try it?
2. Whether the case for pension of late Mst. Bas Marjana is admissible despite there being cutting and overwriting in the entry regarding her age in her service book?

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*[Signature]*

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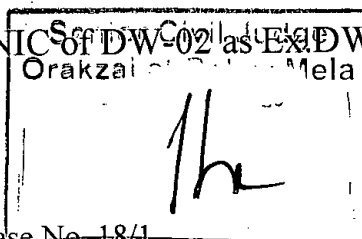
3. Whether plaintiff is entitled to a relief as prayed for in the plaint?

Thereafter, both sides were invited to produce their respective evidence.

**Witnesses/Exhibits:**

Mr. Sahib Gul, the plaintiff himself appeared as PW-01, Mr. Muhammad Usman s/o Khana Gul appeared as PW-02, Mr. Waqas Ahmad, sub-accountant appeared as DW-01 and Mr. Mehboob Khan, Budget and Account Officer appeared as DW-02. They have exhibited the following documents;

- a) Copy of CNIC and Service Card of Mst. Bas Marjan as Ex.PW-1/1 and Ex.PW 1/2.
- b) Copy of CNIC of PW-01 as Ex.1/3.
- c) Death Certificate of deceased bas Marjan as Ex.PW-1/4.
- d) Family Tree as Ex.PW-1/5.
- e) Copy of CNIC of PW-02 as Ex.PW-2/1.
- f) Copy of DFR-116 as Ex.DW-1/1.
- g) Letter for correction of date of birth as Ex.DW-1/2.
- h) Copy of service book of deceased Bas Marjan as Ex.DW-1/3.
- i) Copy of CNIC of DW-01 as Ex.DW-1/4.
- j) Copy of CNIC of DW-02 as Ex.DW-2/1.



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**Reasons:**

Issue wise reasoning and decision of the court are as follows:

**Issue No 02:**

In the service book of the deceased wife of the plaintiff, there is cutting and overwriting in the column of her date of birth. The issue before the court is to determine whether the overwriting is a substantial discrepancy and afford a sufficient cause to defendant no 02 to suspend the process for pension.

It is commonplace knowledge that change in date of birth of government employee affects his/her terms of service. Thus, being a matter of a specialized workgroup, the mandate is assigned to a special tribunal i.e. Service Tribunal.

***General Financial Rules*** at section 116 provides as follows:

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

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*book, or any other record once recorded, it cannot be altered, except in the case of a clerical error, without the previous orders of the local administration.*

The Apex Court in the same vein has observed:

*"Change in date of birth can only be possible within two years of joining of service."* **2006 SCMR 453**

To summarize, an employee is required to declare his/her date of birth at the time of joining the service, and can lawfully alter it within two years by applying to the local administration i.e. department.

Clerical errors form the only exception to the stipulation set above. They can be rectified at any time by the competent body. Apparently Resort to the definition of clerical error seems inevitable at this point:

*"An error resulting from a minor mistake or inadvertence and not from a judicial reasoning or determination. . . . A court can correct clerical error in the record at any time, even after judgment has been entered."* **Black's Law Dictionary, 10<sup>th</sup> Edition.**

**Alteration Vs Correction:**

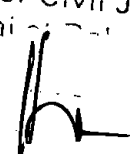
- I. Given that alteration beyond two years is not allowed, and correction of clerical errors is allowed at any time, it is for the court to see whether the over-writing was alteration or correction.

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- II. Witness for defendant no 02 concedes that inscription on the page on which the overwriting is done is true and correct. The education department did indeed verify and attest the over-writing etc.
- III. The fact that the department has verified and attested it further adds to the point that it was a correction effected by the department, rather than an alteration introduced by the late employee.
- IV. Correction of clerical errors as used in GFR 116 implies that the competent authority erred in recording accurately the date supplied to it by the employee, and proceeded to correct it suo-motto. There is no conceivable ground for the employer to alter the date of birth of an employee unless moved for it by the latter. It is only when it is reported to it that the date originally supplied is wrong, that a department could be expected to agree to alter it.
- V. The over-written date is 01-07-1973, while the new date is merely 1973. The age of the deceased employee stood increased by a period of approximately 06 months. Generally, increase in age in service record affects none adversely but the employee himself. His juniors get closer to the benefits of the seat he/she is holding. Anyone in custody of his service record, if inclined to tamper

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his/her age would do to benefit his/her career rather than shorten it.

- VI. All these circumstances taken together inclines the court to hold that the date of birth was a clerical error set right by the department. GFR 116 does not prohibit correction of date of birth to bring it in line with date originally supplied by an employee. It bars alteration of date at the behest of the employee after two years of service. Obviously, such alterations are often motivated by the desire of self-gain, and are seldom based on truth.
- VII. The deceased employee returned to her maker while being employed with defendant no 01. The overwriting in her service book is duly endorsed by the competent authority mandated with maintenance of her service record. The alleged tampering would have caused loss to her career rather than benefit it, thus, the court sees no reason for her to have done it. The court understands that the state owes her the courtesy of getting her pension case smoothly so her legal heirs could benefit from it. Issue is decided for the plaintiff.

**Ruling:**

Defendant no 02 is directed to admit for processing the case for pension of plaintiff's deceased wife, and effectively proceed with it in accordance with law. Defendant no 01 shall extend all due and


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required assistance in the matter. Any willful obstruction or delay caused in the matter shall be treated as contempt of court. Copy of this order be shared with defendant no 01 for information and compliance. Costs shall follow the event.

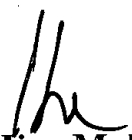
Case file be consigned to the record room after its necessary completion and compilation.

**Announced**  
**19.07.2025**

  
**(Ijaz Mahsood)**  
Senior Civil Judge,  
Orakzai (at Baber Mela)

**CERTIFICATE**

Certified that this judgment of mine consists of eight (08) pages, each has been checked, corrected where necessary and signed by me.

  
**(Ijaz Mahsood)**  
Senior Civil Judge,  
Orakzai at (Baber Mela)