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

Civil Suit No.	35/1 of 2025
Date of Institution:	21.05.2025
Date of Decision:	13.09.2025

**Mst. Saifoora Jana w/o Hafiz Ur Rehman, BPS-04, Ex-Caller GPS
Samana, Orakzai**

.....(Plaintiff)

VERSUS

District Account Officer, District Orakzai.

.....(Defendant)

**SUIT FOR DECLARATION AND MANDATORY
INJUNCTION**


JUDGEMENT:

13.09.2025

This order is to decide instant suit filed by Mst. Saifoora Jana, the plaintiff, for declaration and mandatory injunction to direct the defendants to process her pension.

Pleadings:

The claim as recounted in the plaint reads that the plaintiff, Mst. Saifoora Jana was an employee of the education department and she was appointed as caller on 13.07.1993 and retired after 30 years. In her service book, the entries in respect of her age have been over written. Defendant is reluctant to process the case for pension. She requests for grant immediate appropriate and adequate relief.

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Defendant was summoned but he did not appear before the court despite service, therefore, placed and proceeded ex-parte. Thereafter, plaintiff was allowed to produce her ex-parte evidence accordingly.

After submission of list of witnesses, plaintiff produced 03 witnesses in support of her claim and closed her witnesses

Witnesses/Exhibits:

Mr. Khan Wada s/o Noor Zada appeared as PW-01, Mr. Habib Ur Rehman s/o Mewa Gul appeared as PW-02 and Mr. Waqas District Orakzai Pension Incharge appeared as PW-03 They have exhibited the following documents;

- a) Copy of CNIC of PW-01 as Ex.1/1
- b) Special power of attorney as Ex.PW-1/2.
- c) Copy of service book of plaintiff (consist of 7 pages) as Ex.1/3.
- d) Copy of CNIC of plaintiff as Ex.PW-1/4.
- e) Retirement documents (consist of 12 pages) as Ex.PW-1/5.
- f) Copy of CNIC of PW-02 as Ex.PW-2/1.

Reasons:

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[Signature]

Since the claim was tried ex-parte there is nothing in rebuttal of pleadings or evidence. In the service book the plaintiff, in the

section of date of birth there are signs of over-writing. The defendants, citing GFR 116, have declined to process her pension until the controversy around her date of birth in the service record is sorted out.

The issue before the court is to determine whether the overwriting is a substantial discrepancy and afford a sufficient cause to defendant 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 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.

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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, 10th 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. Mst. Nabila SDEO appeared and testified as CW-01. She
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. she further informed that at

no point during the career of the plaintiff was her age altered in the record by her or the department. That her age 1967 is the same as recorded at the time of her appointment.

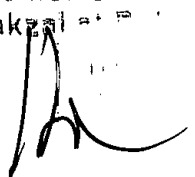
III. The fact that the department has verified and attested it further adds to the point that it was a correction effected by the department, rather than an alteration introduced by the late employee.

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. All these circumstances taken together inclines the court to hold that the over-writing on the service book in the column of age has not affected the age rather it was a calligraphic emphasis.

Respected SDEO has confirmed that age of the plaintiff was 1967

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from the day of her appointment till her retirement. A confusion or controversy would have arisen had there been two different dates on record. 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.


Issue is decided for the plaintiff.

Ruling:

Defendant is directed to process plaintiff's case for pension as per law. 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.

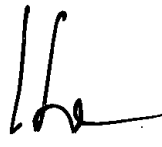
Case file be consigned to the record room after its necessary completion and compilation.

Announced
13.09.2025


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

CERTIFICATE

Certified that this judgment of mine consists of Six (06) pages, each has been checked, corrected where necessary and signed by me.


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