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**IN THE COURT OF ASGHAR SHAH**  
**DISTRICT JUDGE, ORAKZAI (AT BABER MELA)**

CIVIL APPEAL NO. : 20/13 OF 2021  
DATE OF INSTITUTION : 06.04.2021  
DATE OF DECISION : 16.04.2021

ISLAM BADSHAH S/O MUKHTAR GUL, R/O CASTE ALI KHEL,  
TAPA AIMAL KHAN KHEL, PO GHILJO, TEHSIL UPPER, DISTRICT  
ORAKZAI

.....(APPELLANT)

-VERSUS-

CHAIRMAN NADRA ISLAMABAD AND TWO OTHERS

..... (RESPONDENTS)


**Present:** Abid Ali Advocate for appellant.  
: Syed Farhat Abbas, representative of respondents

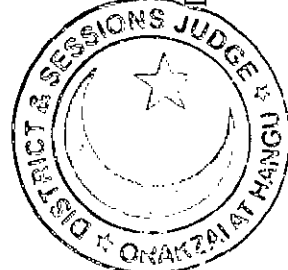
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**JUDGEMENT**  
16.04.2021

In the suit before the trial court, appellant/plaintiff claimed the correction of his date of birth from 1961 to 1970 in the record of the respondents/defendants. The learned trial court after full trial dismissed the suit vide impugned judgement and decree dated 08.03.2021, hence the appeal in hand.


- (2). Arguments heard and record perused.
- (3). From the arguments and record available on file, it reveals that as per record produced in the trial court, the appellant/plaintiff was initially appointed in the Khasadar police which is now converted to regular police and as such the appellant/plaintiff is a civil servant. The requested correction in the date of birth of the appellant/plaintiff is part and parcel of the terms and conditions of the civil servants for which the proper

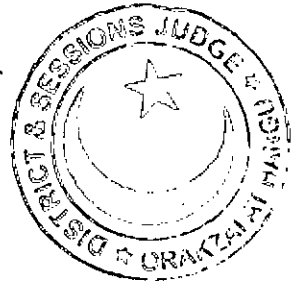
  
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forum is the service tribunal. As such, the appellant/plaintiff has wrongly approached the civil court for the subject claim.

(4). On merits, appellant/plaintiff in support of his claim produced medical certificate Ex. PW 3/1, appointment order dated 18.12.1996 Ex. PW 3/2 and service book Ex. PW 3/3. However, the medical certificate prepared in the year 1996 having no report of the radiologist for determination of the age besides in the date of birth column of the said medical certificate, the year 1970 was entered by the appellant/plaintiff himself and same is the case with his appointment order and service record wherein entries of his year of birth was entered upon his submissions. The record produced by the NADRA authorities is showing that initially the appellant/plaintiff was issued manual ID card through Ex. DW 1/3 in the year 1981, and thereafter as per Ex. DW 1/2, the computerized identity card was issued to him in year 2011 and in both the said record, the year of birth of the appellant/plaintiff is entered as 1961. Thus, no evidence is available to support the stance of the appellant/plaintiff rather the evidence produced negates his version. Most importantly, the period of limitation under article 120 of the Limitation Act for such like suits is 06 years from the date when such right is denied whereas for government servants it is two years from the date of appointment. In the instant case, the cause of action accrued to the appellant/plaintiff firstly in the year 1981 when manual ID card was issued to him and secondly in year 1996 when he was

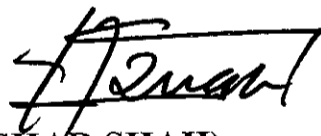
  
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appointed in Khasadar force and lastly in the year 2011 when computerized CNIC was issued to him. The appellant/plaintiff approached the trial court in the year 2019 i.e., after 38 years of issuing manual ID card, after 23 years of his appointment and 08 years after making computerized CNIC. As such, the suit of the appellant/plaintiff is badly time-barred, having no merits, thus rightly dismissed by the learned trial court.

(5). In the light of above, no misreading or non-reading of evidence or any other legal infirmity on the part of trial court was pointed out to justify the interference of the present court, therein. Accordingly, the impugned judgement and decree of the trial court alongwith findings on the suit issues are upheld and the appeal in hand resultantly stand dismissed being meritless. No order as to cost. File of the trial court be returned while file of this court be consigned to Record Room after its completion and compilation.

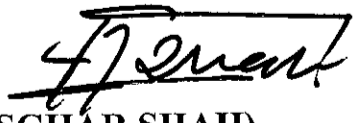
Announced  
16.04.2021

  
(ASGHAR SHAH)  
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CERTIFICATE

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

Dated: 16.04.2021

  
(ASGHAR SHAH)  
District Judge, Orakzai  
at Baber Mela

