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Order-08
06/12/2021

Plaintiff present in person.

Ex-parte arguments on question of jurisdiction already heard and record gone through.

Perusal of the record reveals that plaintiff through instant suit is seeking declaration and permanent injunction to the effect that his correct date of birth is 01.03.1997, which has been correctly mentioned in his CNIC as well as in his educational record on the basis of decree of Civil Judge-VII, Kohat dated 25.04.2018. However, defendant has erroneously recorded the date of birth of plaintiff as 01.01.1992 in the service book of plaintiff, which is ineffective upon the rights of plaintiff and liable to be corrected.

From the plaint, it is evident that plaintiff is serving in police department of District Orakzai. It is also clear from the plaint that plaintiff is seeking correction of his date of birth in his service record only. Being such position and without touching the merit of case, this court shall confine itself to the question of jurisdiction only and to see that whether matter in issue is of a civil nature or whether the same pertains to the service matter? Admittedly plaintiff through instant suit is seeking correction of his date of birth in his service record and he has sought his relief only against his department. Any change in date of birth of plaintiff would have direct effect on his date of retirement from service. Retirement is indeed one of the Term and Condition of service of any civil servant. Being such position, it can safely be concluded that matter in issue in the instant case relates to the Terms and Conditions of service. To resolve any issue related to the Terms and Conditions of service is purely the domain of Service Tribunal and thus the civil court

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lacks the jurisdiction to decide such matters. Reliance in this regard is placed on 2003 SCMR 444 and 2004 PLC (C.S) 1162.

In view of above discussion, it is held that this court has got no jurisdiction to entertain suit in hand, hence plaint is returned in original while remaining file be consigned to the record room after its completion and compilation.

Announced
06.12.2021

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.