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**IN THE COURT OF BAKHT ZADA,**  
**SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No.: 49/1 of 2024  
Date of Original Institution: 24.04.2024  
Date of Transfer In: 21.05.2024  
Date of Decision: 03.07.2024

**Muhammad Khalid s/o Muhammad Rafique, R/O Qoum Sheikhan,**  
**Village Armar, Tehsil Central, District Orakzai.**  
**(Plaintiff)**

**VERSUS**

**1. District Education Officer, District Orakzai at Baber Mela**  
**2. Accounts Officer District Orakzai at Baber Mela**  
**(Defendants)**

**SUIT FOR DECLARATION**

**SUMMARY JUDGEMENT:**

**03.07.2024**

1. Brief facts of the case in hand are that the plaintiff **Muhammad Khalid** has brought the instant suit for declaration against the defendants, to the effect that plaintiff was recruited as watchman in the education department in the year 2001 and that his correct date of birth according to service book, medical certificate and CNIC is 1978 and the same has been correctly entered in all his above-mentioned record. That according to his service record, his personal number is 00433726, but the defendants are sending his salary to wrong account number by mentioning wrong parentage, wrong CNIC number and wrong date of birth i.e 01.01.1964 in his salary slip. He alleged that he was

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receiving his salary from the year 2001 till 2009 on correct personal number, but later on wrong personal number, wrong CNIC number was entered in his service record and now his salary has been sent to wrong personal number i.e 0026364 instead of his correct personal number i.e 00433726. He further alleged that due to the said mistake of the defendants, his salary has been stopped. He prayed for correction of his record and release of salary by mentioning his correct personal number and other particulars as mentioned in his record and CNIC.

2. Defendants were summoned, defendant No. 01 appeared on 29.04.2024 and he submitted his written statement on 16.05.2024 while defendant No. 02 through superintendent of District Account Office Orakzai along with district attorney appeared and submitted written statement.
3. Today, during the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in the instant case is very petty in nature, which can be decided through summary judgement as per relevant law. To this effect notice was given to the parties that why not the case in hand be decided on the basis of available record without recording lengthy evidence, as the primary

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aim and objective of Amended Management Rules in CPC is,  
 "to enable the court to-

- a. Deal with the cases justly and fairly;
- b. Encourage parties to alternate dispute resolution procedure if it considers appropriate;
- c. Save expense and time both of courts and litigants; and
- d. Enforce compliance with provisions of this Code."

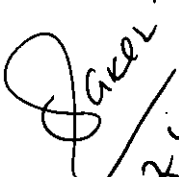
Learned counsel for plaintiff, representative for defendants and learned district attorney were heard and record gone through.

4. Record reveals that plaintiff through instant suit is seeking declaration to the effect that his correct name and parentage is Muhammad Khalid s/o Muhammad Rafique. That he was recruited as watchman in the education department under defendant No. 01 in the year 2001. That as per service record and NADRA record, the correct date of birth of the plaintiff is 12.04.1978, his personal number is 00433726 and his correct CNIC number is 21601-2161850-5 and the plaintiff was receiving salary on the said correct CNIC and personal number since 2001 till 2009, but after the year 2009, the personal number of someone else was wrongly mentioned in his salary slip due to which now his salary has been stopped. Defendant No. 01 vide his letter No. 10011, dated: 24.12.2019 has admitted that correct personal number of the plaintiff is 00433726 instead of 00426364 and has requested

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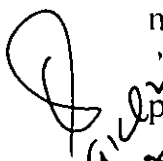
defendant No. 02 for correction of the same, but they turned deaf year to the request of the plaintiff and his parent department.

5. The perusal of CNIC and service record of the plaintiff, the copies of which are available on the case file clearly shows that father name of the plaintiff Muhammad Khalid is Muhammad Rafique and his date of birth is correctly mentioned as 1978 and his CNIC. The perusal of 1<sup>st</sup> page of service book of the plaintiff also clearly shows his name and date of birth as Muhammad Khalid and 1978 respectively. This page of the service book has been attested by the Agency Education Officer Orakzai Agency at Hangu at the time of joining service by the plaintiff in the year 2001. His appointment order issued on 31.07.2001 by the Agency Education Officer vide endorsement No. 5097-5. The said order is also available on the case file and clearly shows the name of the plaintiff as Muhammad Khalid s/o Muhammad Rafique. The medical certificate issued by the Agency Surgeon Orakzai at Hangu on 07.08.2001 is also available on the case file which also support the version of the plaintiff and clearly shows that father name of the plaintiff is Muhammad Rafique and his date of birth is 12.04.1978. Defendant No. 02 has raised the same objection in his written

  
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statement which was previously raised by him in the payroll System Amended Form/Source Form, that as per GFR 116 and 117, alteration in date of birth was required to be made within 02 years from the date of appointment, the said objection of District Account Office (defendant No. 02) is not sustainable in the eyes of law because the plaintiff is not seeking alteration in his date of birth and other particulars, rather he has requested defendant No. 02 to correct the clerical mistake made by them in shape of allotting the personal number of someone else whose name is also Muhammad Khalid s/o Mir Aslam Khan and his personal number is 00426364. The personal number and salary slip of said Muhammad Khalid s/o Mir Aslam was being wrongly issued to the plaintiff and there should be no hurdle in correction of inadvertent mistake made by the defendants and the plaintiff has been suffering due to the same for the last so many years. The bare perusal of documents annexed with the complaint reveals that the plaintiff's record of salary and personal number etc has been inadvertently exchanged with someone else with the same name of Muhammad Khalid, but his father's name, date of birth etc are totally different from that of the plaintiff and the plaintiff should not suffer anymore due to the mistake of the defendants. There is no

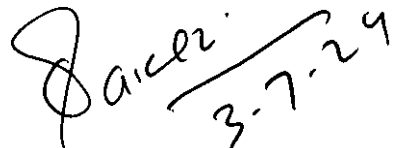
  
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legal hindrance in the way of correction of the salary record which is prepared by the defendants; therefore, suit of the plaintiff is hereby **summarily decreed** as prayed for with no order as to cost.

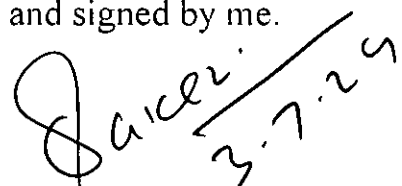
6. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
03.07.2024

  
(Bakht Zada)  
Senior Civil Judge,  
Orakzai (at Baber Mela)

**CERTIFICATE**

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

  
(Bakht Zada)  
Senior Civil Judge,  
Orakzai (at Baber Mela)