



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
SINDH, KARACHI.
No. AIGP/Legal/CPO/S.A/21074-77/19
Dated: 30.12.2019.

To,

✓
The AIGP/Establishment,
CPO, Sindh Karachi. (Atten: OS/E-I)

**Subject: SERVICE APPEAL NO. 590 / 2019, FILED BY SOHRAB KHAN
VS THE INSPECTOR GENERAL OF POLICE SINDH.**

Please find enclosed herewith certified copy Judgment dated:
24.12.2019, received from the Honorable Sindh Service Tribunal at Karachi, on
the subject cited above.

2- I am directed to request you to please look into the matter personally
and communicate/ circulate Honorable Sindh Service Tribunal, Judgment
with direction to maintain the Every Police personnel seniority list with taken over
original service book nominate focal person each District /region to save custody
and intimate to the office quarterly basis concerned Establishment unit / branch
to peruse the court proceeding matter pertaining to Date of birth & Retirement.

3- That the DIGP/SRP also to be required initiate departmental action
against DSP Sohrab Khan under the recommendation of IGP Sindh due to
male practice, with department filling aforesaid service appeal.

Encl: (05 Leave)

(Mazhar Hussain Alvi) SP
AIGP/Legal-III
For Inspector General of Police,
Sindh Karachi.

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Copy submitted to the Registrar Honorable Sindh Service Tribunal
at Karachi, for the favor of kind information.

Copy submitted to the Addl. Advocate General of Sindh, Karachi, for the favor
of kind information.

Copy submitted to the DIGP/SRP Sindh, for the favor of kind information.

IGP ESTT: BY, CPO
SINDH, KARACHI.

Diary No: 20811-
Dated: 31-12-19.

BEFORE THE SINDH SERVICE TRIBUNAL AT KARACHI

PRESENT:

JUSTICE (R) MUHAMMAD SADIQ LEGHARI, CHAIRMAN
MR. IQBAL AHMAD SOOMRO, MEMBER

APPEAL NO. 590 OF 2019

Sohrab Khan
S/o Muhammad Hanif Khan,
Presently posted as Deputy Superintendent of Police,
SRP Base-I, Baldia, Karachi R/o House No.3/721,
Shah Faisal Colony, Karachi.....APPELLANT

VERSUS

The Inspector General of Police Sindh,
Central Police Office (C.P.O.) I.I. Chundrigar Road,
Karachi.....RESPONDENT

Date of hearing: 24.12.2019.

Date of Judgment: 24.12.2019.

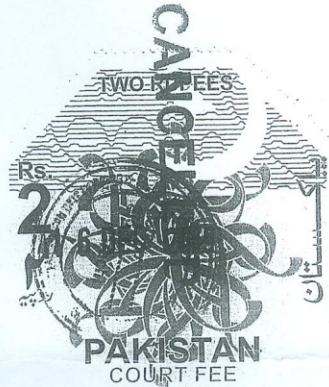
Mr. M.M. Aqil Awan, advocate for the appellant alongwith appellant.

Mr. Ali Safdar Depar, Asst. AG Sindh alongwith Mr. Mazhar Hussain Alvi, AIGP/Legal-III, CPO Sindh Karachi, Mr. Saghir Ahmed Shaikh, SP SRP Base-I, Baldia, Karachi, PI Muhammad Nawaz Minhas and ASI Muhammad Imran for the respondents.

J U D G M E N T

JUSTICE (R) MUHAMMAD SADIQ LEGHARI, CHAIRMAN: Issue in this matter is about date of appellant's retirement.

2. The facts in the background are that appellant Sohrab Khan was appointed as Assistant Sub-Inspector (ASI) in Sindh Reserve Police (SRP) on 01.01.1987. He was then promoted to the rank of Sub-Inspector. He managed his transfer from SRP to Regular Police where he was promoted to the rank of Inspector. From there he penetrated into Anti-Corruption Establishment on deputation and performed there as Enquiry & Investigation Officer for few years. (Few years are mentioned as the details of his performance there have not come on the record.) In 2014 when final seniority list of Inspectors



was prepared appellant Sohrab Khan got seniority on the basis of age. His date of birth according to the seniority list was 01.01.1960. On the basis of that seniority the appellant got promotion to the rank of DSP on 24.03.2014. He continued enjoying it.

3. It was only after 26.12.2018, when AIGP/Establishment issued a list of 67 DSPs mentioning therein the dates of their retirement. The appellant was among them. His date of birth was shown to be 01.01.1960. After that, on 05.03.2019 appellant Sohrab Khan DSP made a representation to the IGP Sindh Karachi stating therein that in his service book his date of birth was mistakenly mentioned as 01.01.1960 which was later on corrected as 01.01.1965 by the Superintendent of Police, SRP Karachi. He prayed for his retirement orders treating 01.01.1965 as his date of birth instead of 01.01.1960.

4. On 01.07.2019 the appellant filed present service appeal with prayer to set-aside letter dated 26.12.2018 and treat 01.01.1965 as his (appellant's) date of birth instead of 01.01.1960.

5. The IGP Sindh Karachi was put on notice requiring him to file written statement. In his written statement it was pleaded that in fact the appellant's date of birth according to record is 01.01.1960 and date of his retirement shown in the letter dated 26.12.2018 has been issued rightly.

6. The Tribunal asked the parties to produce all the relevant service record of the appellant and also retrieved his original service book.

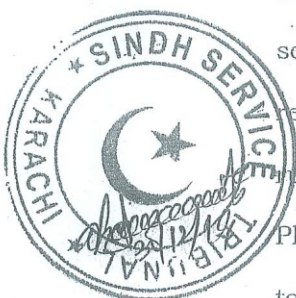
7. Although the appellant's learned advocate argued much about the actual date of birth of the appellant referring to his educational testimonials, NIC etc., but the issue was simplified when the learned Assistant Advocate General Sindh took the rostrum. He straightaway stated that on examination of the record, he agrees to



the contention that date of birth of the appellant shown in the record was 01.01.1965. He however, contended that it is the forgery committed by the appellant himself in the entry of the date of birth making 60 in place of 65 for getting age based seniority over his batchmates. According to him, after tampering with the entry, the appellant placed on record Photostat of the first page of his service book. On the basis thereof, he got seniority in the provisional and final seniority list of the Inspectors. Consequently, he got promotion as DSP on the basis of that seniority. He continued enjoying the fruits of his foul act and felt disturbed only on issuance of the date of his retirement. He further contended that the present position of the page of the service book proves that after release of the date of retirement, appellant again tampered with the entry and made it 65. About the date and year written in words, he states that those have been written afterwards. In support of his words, he has placed on record the Photostat of the page 1 of appellant's service book, said to have been produced by the appellant himself for taking undue advantage.

8. After these arguments, the appellant's learned advocate simply said that after admission, the entry in the service book is to be given its face value and date of the appellant retirement calculated on the basis thereof. In support of his contention, he referred to the judgment reported in *2011 SCMR 21 and 1998 SCMR 1302*.

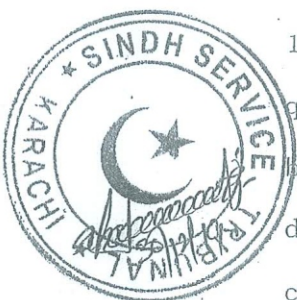
9. Undisputedly, the service book remains in custody of the concerned officer himself. A glance at the first page of the appellant's service book shows crude treatment to it specially the column relating to the date of birth. Rough overwriting upon the digits, rubbing and additional writing are clear. If this page and its Photostat produced before the departmental authorities, are looked together many things become more clear. The year has been made 65



in place of 60 appearing in the Photostat and the date of birth in words is written after the Photostat.

10. The service book which has been tampered with cannot be brought at par with the service books discussed in the cases referred to by the appellant's learned advocate. It is only the custodian of the service book and the beneficiary of these interpolations who can be held responsible for the activity. These entries first showing the date of birth as 01.01.1960 and afterwards 01.01.1965, plus the date of birth written in words are used by the appellant himself before the departmental authorities and this Tribunal, therefore, he is to be held responsible for that and none else. He cannot get himself absolved of all the responsibility by pleading before IG that 01.01.1960 was shown as his birth date through mistake, after taking much benefit of it. He would not have admitted the existence of 01.01.1960 in the column of his date of birth but was compelled for the reason that he had taken much benefit of that date. Further, he himself had been claiming 01.01.1960 to be date of birth. The annual evaluation report of his performance when he worked as Enquiry and Investigation Officer proves that he himself had shown his date of birth 01.01.1960. It is in the part-I of the Form which is to be filled in by the officer reported upon. It is commonly called the face sheet. The face sheet in two forms contains his date of birth to be 01.01.1960. These two reports are part of the C.R dossier of the appellant produced before the Tribunal by the respondents.

11. After the above discussion and conclusions, the material question for consideration is as to whether the prayer of the appellant be granted treating 01.01.1965 as his date of birth or matter be disposed of by some other legal order warranted in the circumstances.



12. As discussed and concluded above, it is the appellant who is responsible for converting the original entry from 1965 to 1960 and then from 1960 to 1965 plus writing of date of birth in words. Since the appellant took benefit of his date of birth shown to be 01.01.1960, enjoyed it for years, he is now estopped from praying to treat 01.01.1965 as his date of birth. It may have been entered originally in his service book but after interpolations and taking benefit thereof, the application of law of estoppel is fully warranted. The appellant is estopped from claiming benefit of subsequent change replacing 01.01.1960 with 01.01.1965.

13. In the light of above discussions and conclusions, the appellant is not entitled to the grant of relief prayed for. His appeal is therefore, dismissed.

The service book and C.R dossier be kept in safe custody by the Registrar.

Pronounced in open Court.

Sd/-

(JUSTICE (R) MUHAMMAD SADIQ LEGHARI)
CHAIRMAN

Sd/-

(IQBAL AHMAD SOOMRO)
MEMBER



*Mansoor Latif

COPY APPLIED FOR ON 26.12.2018
FEE DEPOSITED ON 28.12.2018
STAMPS SUPPLIED ON 28.12.2018
COPIES DELIVERED ON 30.12.2018

COPYING FEE RS. 15/-
URGENT FEE RS. 15/-
COPIES FEE RS. 1/-
PAID AMOUNTS RS. 1/-
TOTAL RS. 31/-

T. BY Photo GPM
COMPLETED BY

CERTIFIED TRUE COPY
ISSUED THIS THE 30th
DAY OF December 2018

REGISTRAR