

HIGH COURT OF SINDH, KARACHI

C.P No.D-812 of 2014


Before

Mr. Justice Mohammad Ali Mazhar
Mr. Justice Abdul Maalik Gaddi

Asif Hussain, Petitioner through : Mr. Sanaullah Noor Ghouri, advocate
Respondents, through : Mr. Farmanullah Khan, advocate
Date of Hearing : 24-11-2016
Date of Order : 24-11-2016

ORDER

MOHAMMAD ALI MAZHAR---J., The petitioner claims that his date of birth is 01.03.1957 in view of birth certificate issued in the year 2004 which is available at page 29 of the case file while learned counsel for the respondents relied upon the employment form which was filled in by the petitioner and his date of birth is mentioned as 01.03.1954. The respondents have also attached Secondary School Certificate of the petitioner which shows his same date of birth as 01.03.1954. No suit for declaration was filed for correction of age in the record of the Board. In view of these two conflicting and contradictory documents it is quite apparent that the factual controversy is involved which cannot be decided in the writ jurisdiction and require evidence to be led. The petitioner counsel further submit that in the Year 2003, 2011 and 2014, applications were filed to the management for correction of age in the official record but no action was taken while the counsel for the respondent pleads that no application was filed.



After arguing at some length learned counsel for the petitioner submits that the petitioner will approach the Civil Court for the appropriate relief as in order to resolve the controversy evidence is required. In view of the above statement the petition is disposed of accordingly. Interim orders are vacated.

Learned counsel for the petitioner requests that the petitioner is performing his duties so short time may be granted to approach Civil Court till such time no coercive action shall be taken against the petitioner. In the interest of justice one week time is granted thereafter the respondents may be at liberty to pass any appropriate order.


Judge


Judge