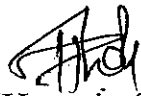
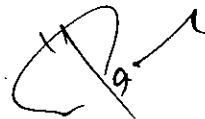


28.05.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Vide common/separate judgment of today of this Tribunal placed on file of service appeal bearing No.475/2018 filed by Rizwan Ahmad, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED
28.05.2019

29.01.2019

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nabi Gul, Superintendent (Litigation) for the respondents present and submitted written reply on behalf of the respondents No. 1 to 4. The appeal is assigned to D.B-I for rejoinder and arguments for 30.04.2019.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

30.04.2019

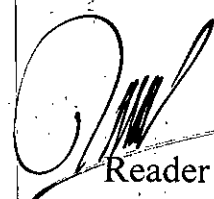
Appellant with counsel and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Arguments heard. To come up for order on 16.05.2019 before D.B.


Member


Member

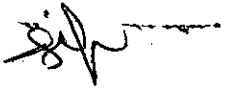
16.05.2019

Bench incomplete. To come up on 28.05.2019 before D.B.


Reader

11.09.2018

Appellant Deposited
Security & Process Fee



Mr. Amanullah Marwat, Advocate counsel for the appellant present. Security and process fee not deposited. Learned counsel for the appellant requested for some time to submit the same. He is directed to deposit security and process fee within 5 days, thereafter notices be issued to the respondents for submission of written reply/comments on 07.11.2018 before S.B.

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018. Written reply not received.


Chairman
READER


21.12.2018

Clerk to counsel for the appellant present. Nabi Gul Superintendent representative of the respondents present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 29.01.2019 before S.B.


Member

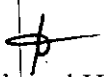
08.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 03.07.2018.


Reader

03.07.2018

Clerk to counsel for the present and seeks adjournment. Adjourned. To come up for preliminary hearing on 30.07.2018 before S.B.



(Ahmad Hassan)
Member.

30.07.2018

Mr. Amanullah Marwat, Advocate, counsel for the appellant present and heard in limine.

Contends that despite of completion of 10 years regular service, respondents are not promoted to him to the higher grade.

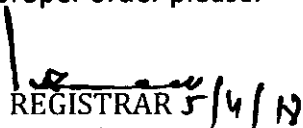


Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 11.09.2018 before S.B.


Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 469/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|------------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 05/04/2018 | <p>The appeal of Mr. Arbab Khan presented today by Mr. Amanullah Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5/4/18</p> |
| 2- | 06/04/18 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/04/18</u>.</p> <p style="text-align: right;"> MEMBER</p> |
| 16.04.2018 | | <p>Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 08.05.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p> |

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Appeal No. 469 /2018

Arbab Khan

.....Appellant

V E R S U S

Govt of Pakistan and others.....Respondents

I N D E X

| S.No | Description of Documents | Annex | Pages |
|------|--|---------|-------|
| 1. | Appeal | | 1-6 |
| 2. | Affidavit | | 7 |
| 3. | Addresses of Parties | | 8 |
| 4. | Application for condonation of delay along with affidavit | | 9-11 |
| 5. | Copy of appointment orders | A | 12 |
| 6. | Copy of Presidential Order dated 03.07.2009 | B | 13 |
| 7. | Copies of order dated 21.09.2010, 24.12.2010 and 21.01.2011 | C, D, E | 14-17 |
| 8. | Copy of order dated 07.02.2012 | F | 18-19 |
| 9. | Copy of order dated 25.09.2014 | G | 20 |
| 10. | Copy of application dated 09/05/2016 | G/1 | 21 |
| 11. | Copy of order dt.08.09.2016 | H | 22 |
| 12. | Copy of writ petition NO. 649/2017 along with order dated 08/03/2018 | I | 23-37 |
| 13. | Copy of order dated 01/04/2011 | | 38 |
| 14. | Copy of Departmental appeal | | 39-40 |
| 15. | Wakalat Nama | | 41 |

Appellant

Through

Amanullah Marwat
Amanullah Marwat

Advocate, Peshawar

Cell: 0344-9054585

Off: FR-1, 4th Floor, Balak

Sair Plaza, Saddar Road,

Peshawar Cantt

Date: 03-April-2018

BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Appeal No. 469 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 494

Dated 5/4/2018

Arbab Khan
Senior Teacher, Special Education Complex,
Phase-V, Hayatabad, Peshawar.....**Appellant**

V E R S U S

1. Govt of KPK through Chief Secretary
Civil Secretariat, Peshawar
2. Secretary Finance,
Govt of KPK, Civil Secretariat, Peshawar
3. Secretary Social Welfare Special Education &
Women Empowerment, Govt of KPK, Benevolent
Fund Building, Peshawar Cantt
4. Director Social Welfare & Special Education,
Opposite Islamia College,
University Road, Peshawar
5. Secretary Capital Administration & Development
department, D-Block, Pak Secretariat Islamabad
.....**Respondents**

**APPEAL AGAINST THE ORDER DATED
08/09/2016 PASSED BY RESPONDENT NO. 4,
WHEREBY APPELLANT WAS NOT
CONSIDERED FOR PROMOTION TO NEXT
HIGHER GRADE UNDER PRESIDENTIAL
ORDER DT.03.07.2009**

Filed to-day

Registrar

5/4/18

Respectfully Sheweth:

1. That addresses of the parties as given in the heading above are sufficient for affecting service upon the respondents.
2. That appellant was appointed under Directorate General of Special Education, Islamabad after fulfillment of all codal formalities by Federal Public Service Commission on 24/04/2006, since then, he is performing his duties upto entire satisfaction of his superiors and no complaint whatsoever has been made against him. (Copy of appointment order is Annexure "A").
3. That a Presidential Order was issued by the President of Pakistan vide order dated 03.07.2009 according to which those employees of Special Education Centers, who have completed their 10 years of service in the current grade be promoted in the next higher grade. (Copy of Presidential Order dated 03.07.2009 is Annexure "B").
4. That in the light of Presidential Order, a number of employees who were entitled for the said benefit, were promoted before devolution of ministry to the province through various orders dated 21.09.2010, 24.12.2010 and 21.01.2011 issued by the respondents. (Copies of order dated 21.09.2010, 24.12.2010 and 21.01.2011 are attached as Annexure "C, D & E").
5. That after devolution of employees through 18th Amendment, all employees have been transferred to province through Capital Administration &

Development Division. It is pertinent to mention here that the benefits of Presidential Order dated 03.07.2009 was also extended to the employees by respondent No.5 vide order dated 07.02.2012. (Copy of order dated 07.02.2012 is attached as Annexure "F").

6. That after completion of 10 years service, the appellant approached respondent No.5 for redressal of his grievances through application, which was turned down with the direction to approach an appropriate forum under the law. (Copy of order dated 25.09.2014 is attached as Annexure "G").

7. That thereafter, the appellant approached respondent No.4 through application dated 09.05.2016, which was disposed-off with the following observation:

"Hence the status of devolved employees is not determined, therefore, the employees may wait till the permanent absorption which is in pipeline and under consideration with Provincial Government after amendment in Civil Servants Act, 1973"

(Copy of order dt.08.09.2016 is Annexure "H").

8. That appellants preferred departmental appeal on 20/10/2016 which remained un-responded thereafter, filed a writ petition bearing No. 649/2017 for promotion of consideration under presidential order dated 03/07/2009. The writ petition was dismissed with the direction to the appellant to approach service tribunal for redressal of grievance so the instant service

appeal. (Copy of writ petition and order is attached as annexure I)

9. That the appellant seeks consideration for promotion and benefits under presidential order dated 03/7/2009 before this Hon'ble court inter alia on the following grounds:

GROUND S:

- A. That the order dated 08.09.2016 passed by respondent No.4, is against law and record of the case, hence not tenable.
- B. That respondents have extended benefits of Presidential Order dated 03.07.2009 issued by the President of Pakistan before and after devolution of employees to the province through 18th Amendment, so not considering the appellant to higher grade under the Presidential Order by the respondents, is illegal, without lawful authority and jurisdiction.
- C. That it is fundamental right of every citizen to enjoy the equal protection of law and to be treated in accordance with law. The respondents are duty bound to consider the appellant to next higher grade under the Presidential Order, such action of the respondents will amount to violation of Artic 4 & 9 of the Constitution of Pakistan, 1973.

- D. That respondents have extended the benefits of Presidential Order to other employees of the same department, which is evident from various orders dated 21.09.2016, 24.12.2010, 08.01.2011 and 07.02.2012. The appellant entitled and deserve the same treatment. So, action of the respondents by not extending the said benefit to the appellant being similarly placed persons, is illegal, void and based on discriminatory treatment, which is violation of Article 25 of the Constitution of Pakistan, 1973.
- E. That it is settled principle of law that no one should be suffered by the act of public functionaries. The appellant have been deprived from the benefits of Presidential Order due to inactiveness of the respondents.
- F. That the appellant has completed 10 years service on 08.05.2016, who is entitled to be promoted to the next higher grade under Presidential Order, so respondents are bound to extend the said benefits to him.
- G. That Presidential Order dated 03.07.2009 issued by the President of Pakistan is neither withdrawn, altered, replaced or changed, which is still in field. The respondents are required under the law to consider the appellant under the Presidential Order since his entitlement.
- H. That 18th Amendment was passed on 28.04.2010 and the appellant has become a rolling stone by the respondents. Such actions of respondents have deprived the appellant from his valuable

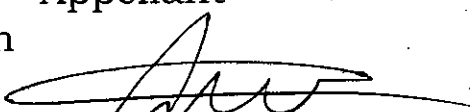
rights, accrued to him since his entitlement, under Presidential Order

- I. That any other ground may be taken at the time of arguments, with the kind permission of this Honourable Court.

It is, therefore, respectfully prayed that on acceptance of this appeal, the order dated 08/09/2016 may please be set aside and the respondents may please be directed to consider the appellant for promotion to next higher grade under the Presidential Order dt.03.07.2009 with all consequential benefits since their entitlement from their respective dates, being similarly placed persons under similarly placed circumstances.

Any other remedy, which is not specifically asked for, but deemed appropriate according to circumstances of the case, may also be granted.

Appellant
Through


Amanullah Marwat
Advocate, Peshawar

Date: 03/04/2018

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2018

Arbab Khan

.....Appellant

V E R S U S

Govt of Pakistan and others.....Respondents

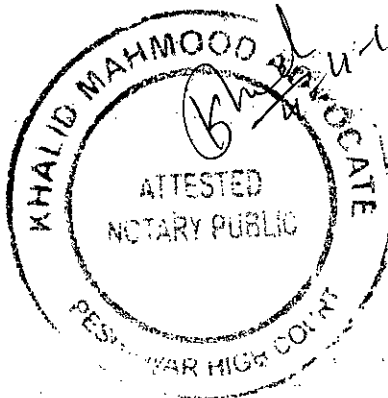
AFFIDAVIT

I, Arbab Khan Senior Teacher, Special Education Complex, Phase-V, Hayatabad, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:

Arbab Khan
DEPONENT

Amanullah Marwat
Amanullah Marwat
Advocate, Peshawar



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BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2018

Arbab Khan

.....Appellant

V E R S U S

Govt of Pakistan and others.....Respondents

ADDRESSES OF PARTIES

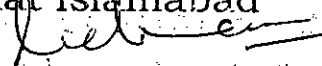
APPELLANT:

Arbab Khan


Senior Teacher, Special Education Complex,
Phase-V, Hayatabad, Peshawar

RESPONDENTS

1. Govt of KPK through Chief Secretary
Civil Secretariat, Peshawar
2. Secretary Finance,
Govt of KPK, Civil Secretariat, Peshawar
3. Secretary Social Welfare Special Education &
Women Empowerment, Govt of KPK, Benevolent
Fund Building, Peshawar Cantt
4. Director Social Welfare & Special Education,
Opposite Islamia College,
University Road, Peshawar
5. Secretary Capital Administration & Development
department, D-Block, Pak Secretariat Islamabad

Appellant 

Through


Amanullah Marwat
Advocate, Peshawar

Date: 03-April-2018

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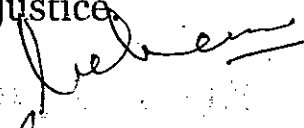
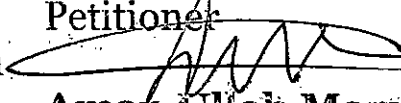
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which is available to him after denial of payment of each month.

4. That law favours adjudication on merit rather than on technical grounds as held by Supreme Court in various judgments from time to time. So the valuable rights of the appellant are involved in the case in hand so it needs adjudication on merit.
5. That it could be interest of justice, fair play & equity if the instant application is allowed.

It is, therefore, most humbly prayed that on acceptance of this application, the delay, if any, may please be condoned in the interest of justice.


Petitioner
Through 
Aman Ullah Marwat
Advocate, Peshawar

Date: 03-April-2018.

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

C.M No. _____/2018

IN

Appeal No. _____/2018

Arbab KhanAppellant

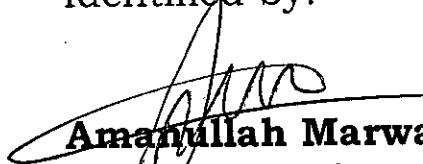
V E R S U S

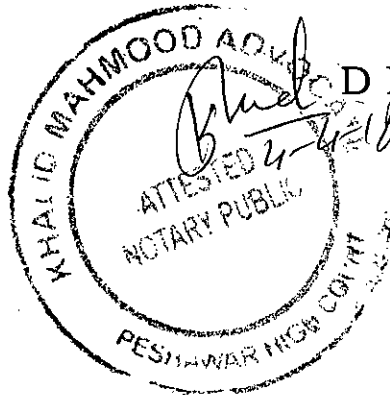
Govt of Pakistan and others.....Respondents

AFFIDAVIT

I, Arbab Khan Senior Teacher, Special Education Complex, Phase-V, Hayatabad, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:


Amanullah Marwat
Advocate, Peshawar





DEPONENT

TO BE PUBLISHED IN PART I OF THE
NEXT ISSUE OF GAZETTE OF PAKISTAN.

12 ~~12~~ A

Government of Pakistan
Ministry of Social Welfare and Special Education
Directorate General of Special Education

Islamabad, the 9th June, 2006

NOTIFICATION

No.PF.1060(AK)/A-II. Having been recommended by the Federal Public Service Commission and approved by the Competent Authority i.e Secretary, Ministry of Social Welfare & Special Education Mr.Arbab Khan is appointed as Senior Teacher (BS-17) under the Directorate General of Special Education, on regular basis and posted in the Special Education Centre for Hearing Impaired Children, Peshawar w.e.f. 24.04.2006.

2. The above named Senior Teacher is placed on probation for a period of one year with effect from the date of his appointment provided that if no order is issued on the expiry of the said period, the period of probation shall be deemed to have been extended for another period of one year. Provided further that in the absence of an order, the period of probation shall on the expiry of the extended period be deemed to have successfully been completed. This would be in accordance with the Clause-21 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 as amended from time to time and the appointment shall be deemed to be continued basis until further orders.

3. Mr.Arbab Khan has assumed the charge of the post of Senior Teacher (BS-17) in the Special Education Centre for Hearing Impaired Children, Peshawar w.e.f. 24.04.2006.

(M. MUSTAQUEEM SIDDIQUI)
DIRECTOR (ADMN)

The Manager,
Printing Corporation of Pakistan Press,
Karachi

Copy to:-

1. AGPR, Sub-Office, Peshawar.
2. Director(NR),DGSE, Islamabad.
3. Vice Principal, SEC(HIC), Peshawar.
4. Officer concerned.

notification to AGPR Peshawar

Seen. Mr. Arbab Khan a copy of

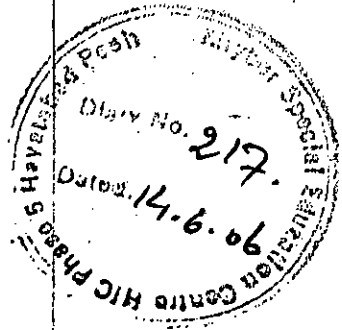
14/6/06

AGPR

14/6/06

AGPR

DIRECTOR (ADMN)



PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR

Subject: ANNOUNCEMENTS MADE BY THE PRESIDENT.

In the function of special children held in the Aiwan-e-Sadr, on 1st July 2009 arranged by the Ministry of Social Welfare & Special Education, the President was pleased to recommend following to the Government for consideration and orders at the earliest: -

- i. Each district headquarter must have at least one integrated Special Education Centre for all disabilities. To start with, buildings on rent can be hired till custom designed buildings are constructed.
 - ii. All employees as Teachers and Specialists in BS-17 or below in Special Education Centres with 10 years of service in the current grade may be promoted in the next grade. Consequently all teachers with 10 years of service in BS-17 may be promoted to BS-18.
 - iii. One normal school in each district may enroll special children also. Such schools may be selected and widely notified within 3 months. Such schools will be provided necessary equipment and support.
 - iv. Benazir Income Support Programme (BISP) may also include a category of People with Disabilities for financial help. BISP may examine and prepare proposals in this regard within 30 days.
 - v. Paintings by special children on display in Aiwan-e-Sadr (26 in Nos) may be purchased by the Government for presentation to the dignitaries.
 - vi. Ministry of Social Welfare and Special Education may be helped in its project of training of teachers in modern methods of special education. Economic Affairs Division may approach foreign governments and institutions for scholarships.
 - vii. The Ministry of SW&SE may be helped in the awareness campaign in the electronic media.
2. It was also desired that the President's House, from now on, would mobilize national and international support for the betterment of special children.

(Muhammad Ishaq Lashari)
Additional Secretary

Prime Minister's Secretariat (Mrs Nargis Sethi, P.S.M), Islamabad.
President's Secy's u.o. No. 14 (1) / Div (HD) / 07 Dated: 3rd July 2009

Attention:

To Secretary, M/o Social Welfare & Special Education

TO BE PUBLISHED IN PART I OF THE
NEXT ISSUE OF GAZETTE OF PAKISTAN

Government of Pakistan
Ministry of Social Welfare and Special Education
"Directorate General of Special Education"

Islamabad, the 21st September, 2010

NOTIFICATION

No.F.1-3/2009-Admin-IV. In pursuance of president Secretariat, Islamabad U.O.No.14(4)/Dir(HD)09 dated 3rd July, 2009 the following (BS-17) officers under DGSE are promoted to (BS-18) w.e.f. 1st July, 2009, on completion of ten (10) years service in current grade:-

| S. No. | Name & Designation | Place of Posting |
|--------|--|-----------------------------|
| 1. | Mr. Abdul Majeed (Late) Physiotherapist (BS-17) | SEC PHC, Faisalabad |
| 2. | Dr. Azhar Mehmood Medical Officer (BS-17) | NSEC MRC, Karachi |
| 3. | Dr. Ahmed Nadeem Medical Officer (BS-17) | NSEC HIC, Islamabad |
| 4. | Dr. Saim Ali Soomro Medical Officer (BS-17) | SEC MRC, Islamabad |
| 5. | Mr. Abid Saeed Naz Audiologist (BS-17) | SEC HIC, Lahore |
| 6. | Dr. Wasim Akhtar, Audiologist (BS-17) | NSEC HIC, Islamabad |
| 7. | Mr. Mehlub Ahmed, Social Case Worker (BS-17) | SEC MRC, Multan |
| 8. | Mr. Mohammad Zafar Iqbal, Social Case Worker (BS-17) | SEC HIC, Lahore |
| 9. | Mr. Aziz Ullah Khan Social Case Worker (BS-17) | SEC MRC, D.I.Khan |
| 10. | Dr. Alihar Khan Bhayo Audiologist (BS-17) | SEC HIC, Sukkur |
| 11. | Syed Manzoor Hassan Gardazi, Social Welfare Officer (BS-17) | VREDP, Islamabad |
| 12. | Mrs. Shahida Sarwar Social Case Worker (BS-17) | SEC VHC, Faisalabad |
| 13. | Mrs. Nareen Bashir Social Case Worker (BS-17) | SEC MRC, Karachi |
| 14. | Dr. Irfan Ahmed Audiologist (BS-17) | NSEC HIC, Islamabad |
| 15. | Dr. Ijaz Ahmed Audiologist (BS-17) | On deputation to M/o Health |
| 16. | Mrs. Firdous Begum Sr. Mobility Instructor (BS-17) | NM&ITC, Islamabad |
| 17. | Syeda Riffat Sultana Jafri Senior Teacher (BS-17) | NSEC HIC, Islamabad |
| 18. | Ms. Shaheena Malik Physiotherapist (BS-17) | IPHC, Lahore |
| 19. | Mrs. Tanveer Akhtar Social Case Worker (BS-17) | SEC VHC, Lahore |
| 20. | Mrs. Rehana Kausar Braille Press Manager (BS-17) | NBP, Islamabad |
| 21. | Mr. Muhammad Aslam Ismail Social Case Worker (BS-17) | SEC VHC, Karachi |

9-6-2005

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D

Government of Pakistan
Ministry of Social Welfare and Special Education
"Directorate General of Special Education"

Islamabad, the 24th December, 2010

NOTIFICATION

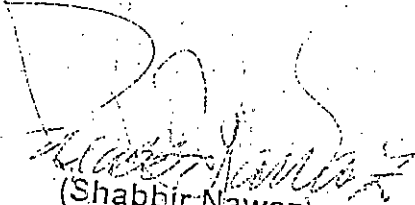
No.F.1-3/2009-Admin-IV. In continuation of Notification of even number dated 21st September, 2010 the following (BS-17) and (BS-16) officers under the DGSE are promoted to (BS-18) and (BS-17) respectively w.e.f. the date mentioned against their names in pursuance of President's Secretariat, Islamabad U.O.No.14(4)/Dir(HD)09 dated 3rd July, 2009 on completion of ten (10) years service in current grade:-

| S. #. | Name & Designation | Place of Posting | Higher BS Granted | Date for Grant of Next Higher Scale. |
|-------|---|-----------------------------------|-------------------|--------------------------------------|
| 1. | Mr. Suleman Arshad, Physiotherapist (BS-17). | IPHC, Lahore. | BS-18 | 29-6-2010 |
| 2. | Mr. Yasin Wali, Physiotherapist, (BS-17). | IPHC, Peshawar. | BS-18 | 29-6-2010 |
| 3. | Mrs. Rahila Arbibreen, SCW, (BS-17). | SEC for PHC Islamabad. | BS-18 | 19-7-2010 |
| 4. | Mrs. Naureen Sher Dad, Physiotherapist (BS-17). | SEC for PHC Islamabad. | BS-18 | 30-6-2010 |
| 5. | Mr. Islam Raziq, Physiotherapist (BS-17). | SEC for PHC Islamabad. | BS-18 | 30-6-2010 |
| 6. | Mr. Mohammad Amir, SWO, (BS-17). | NTCSP, Islamabad. | BS-18 | 23-9-2009 |
| 7. | Mr. Zulfikar Ahmad, Job Placement Officer, (BS-17). | On deputation to M/o Railways. | BS-18 | 4-11-2009 |
| 8. | Dr. Samina Zafar, Audiologist, (BS-17). | SEC for HIC, Islamabad. | BS-18 | 15-6-2010 |
| 9. | Mr. Muhammad Ashiq Ayaz, Assistant Director, (BS-17). | VREDP, Islamabad | BS-18 | 1-7-2009 |
| 10. | Syed Tahir Hussain, Admin. Office (BS-16). | DGSE, Islamabad. | BS-17 | 1-7-2009 |
| 11. | Mrs. Akhtar Suleman, Staff Nurse, (BS-16). | IPHC, Lahore. | BS-17 | 1-7-2009 |
| 12. | Mrs. Aqris Parveen, Staff Nurse, (BS-16). | SEC for PHC, Faisalabad. | BS-17 | 1-7-2009 |

(10)

2. The above mentioned officers are promoted to (BS-18) and (BS-17) against the posts already occupied by them on the following conditions:-

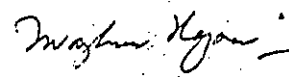
- i. The promotion to BS-18 and BS-17 will be personal to the incumbents.
- ii. On their transfer to other department or on their superannuation the post of (BS-18) & BS-17 held by them will automatically be down-graded to (BS-17) & (BS-16).


(Shabbir Nawaz)
Director (Admn)

The Manager
Printing Corporation of Pakistan Press,
Karachi

Copy to:-

1. A SPP, Islamabad.
2. A SPP, Sub Offices Lahore and Peshawar.
3. P.S. to Secretary, M/o SVI & SE for information.
4. District Accounts Office, Faisalabad.
5. Director (Coord), DGSE, Islamabad.
6. Director (NR), DGSE, Islamabad.
7. Director (CR), DGSE, Islamabad.
8. Director (SR), DGSE, Islamabad.
9. Regional Directors Sindh, Punjab, Khyber Pakhtoon Khaw.
10. Principal, NISE, Islamabad.
11. Director, VREDP, Islamabad.
12. Deputy Director, IPHC, Lahore.
13. Officer Incharge, SEC.(PHC), Faisalabad.
14. Officers concerned.
15. A.O(Admn.II), DGSE, Islamabad.
16. A.O(Admn.III), DGSE, Islamabad.
17. A.O(Hiring), DGSE, Islamabad.


(MAZAHR IQBAL KAYANI)
DY.DIRECTOR(A&C)

GOVERNMENT OF PAKISTAN
MINISTRY OF SOCIAL WELFARE AND SPECIAL EDUCATION
DIRECTORATE GENERAL OF SPECIAL EDUCATION

Islamabad, the 27th January, 2011.

NOTIFICATION

No. 1-3/2009/A-IV. In pursuance of President Secretariat Public No. 14 (4) / Dir (110) / 09
dated 3rd July, 2009, The Competent Authority i.e Secretary, M/o SW & SE has been pleased to promote the
following Physiotherapist (BPS-17) to (BPS-18) w.e.f the date mentioned against their names:-

| S.No. | Name & Designation | Place of Posting | Date of Grant of Next Higher Grade i.e. (BS-18) |
|-------|--|-------------------------|---|
| 1 | Mr. Guhram Jamali, Physiotherapist (BS-17) | IPHC, Quetta | 01-07-2009 |
| 2 | Mr. Sunil Komar, Physiotherapist (BS-17) | SEC for MRC, Karachi | 27-07-2010 |
| ✓ 3 | Mr. Sajjadullah Khan, Physiotherapist (BS-17) | IPHC, Lahore | 28-07-2010 |

3. The above mentioned officers are promoted to (BPS-18) against the posts already occupied by them on the following conditions:-

- The promotion to (BPS-18) will be personal to the incumbents.
- On their transfer to other department or on their superannuation the post of (BPS-18) held by them will automatically be down graded to (BPS-17).

Sdf
(SHABBIR NAWAZ)
DIRECTOR (A&C)

The Manager,
Printing Corporation of Pakistan Press,
Karachi.

Copy to:-

- AGPR, Sub-Office, Lahore, Karachi and Quetta
- Director (CR, SR) DGSE, Islamabad
- Regional Directors, Sindh and Punjab.
- All Principals, Vice Principals and Officer Incharges concerned
- ✓ All DDOs Concerned
- ✓ All concerned Officer (by name)
- A.O (A-II), DGSE, Islamabad
- A.O. (Hiring), DGSE, Islamabad
- A.O. (Admn-III), DGSE, Islamabad
- P.S to Secretary, M/o SW & SE, Islamabad
- P.S. to DG, (SE), Islamabad

J. Hussain
(SYED TAHIR HUSSAIN)
ASSISTANT DIRECTOR (ADMN.IV)

18

(F)

2009-5

TO BE PUBLISHED IN THE NEXT ISSUE OF GAZETTE OF PAKISTAN

Government of Pakistan
(Cabinet Secretariat)
Capital Administration & Development Division

Islamabad, the 7th February, 2012

NOTIFICATION

No. F.1-3/2009/A-IV. In pursuance of President Secretariat (Public), Islamabad U.O. No.14(4)/Dir(HO)/09 dated 3rd July, 2009, the following Senior Teachers (BS-17) of Special Education Centres devolved to the Provinces and working on deputation under Section-10 of Civil Servants Act, 1973 are promoted to (BS-18) w.e.f. the date mentioned against each on completion of ten (10) years service in current grade:-

| S.No. | Name | Place of posting | Date of promotion to the next higher grade i.e. (BS-18) |
|-------|---------------------------|-----------------------|---|
| 1. | Mr. Rahim Bux Bhutto | SEC HIC, Sukkur | 01.07.2009 |
| 2. | Hafiz Muhammad Ayub | SEC HIC, Sukkur | 01.07.2009 |
| 3. | Mrs. Aysha Hamdani | SEC MRC, Karachi | 09.08.2011 |
| 4. | Mr. Ishfaq Ahmad Khan | SEC VHC, Sialkot | 10.09.2011 |
| 5. | Mr. Ghulam Shabbir | SEC HIC, Sargodha | 16.08.2011 |
| 6. | Mr. Arifullah Khan | SEC MRC, D.I. Khan | 01.07.2009 |
| 7. | Mrs. Nuzhat Sultana | SEC MRC, Sahiwal | 01.07.2009 |
| 8. | Mrs. Kausar Naseem | SEC MRC, Lahore | 01.07.2009 |
| 9. | Mrs. Shabana Tabassum | SEC VHC, Karachi | 01.07.2009 |
| 10. | Miss Mehnaz Akhtar | IPHC, Lahore | 07.08.2011 |
| 11. | Mr. Muhammad Abdhu Shah | SEC HIC, Sargodha | 18.08.2011 |
| 12. | Mr. Muhammad Amjad | SEC MRC, Sahiwal | 20.08.2011 |
| 13. | Mr. Masood Ahmad Khan | SEC HIC, Sargodha | 05.09.2011 |
| 14. | Ms. Fouzia Akhtar | SEC VHC, Lahore | 13.08.2011 |
| 15. | Mr. Muhammad Mahroof | SEC PHC, Muzaffarabad | 09.08.2011 |
| 16. | Mr. Muhammad Arif | SEC VHC, Sialkot | 10.08.2011 |
| 17. | Mr. M. Zahid Akhtar Khaki | SEC VHC, Sialkot | 17.08.2011 |
| 18. | Mr. Haq Nawaz | SEC HIC, Sargodha | 11.08.2011 |
| 19. | Mr. Saeed Ahmad | SEC PHC, D.G. Khan | 27.08.2011 |
| 20. | Mr. Naseera Ahmad | SEC MRC, Bahawalpur | 15.08.2011 |
| 21. | Mr. Muhammad Ismail | SEC HIC, R.Y. Khan | 10.08.2011 |
| 22. | Syed Mehdi Hussain | SEC MRC, D.I. Khan | 15.08.2011 |
| 23. | Mr. Amjad Hussain | SEC HIC, Sargodha | 06.08.2011 |
| 24. | Mr. Abdul Harceed | SEC VHC, Sialkot | 06.08.2011 |
| 25. | Mr. Naseer Ahmad | NSEC, Lahore | 04.08.2011 |
| 26. | Mr. Ikhtlaq Ahmad | SEC MRC, Multan | 13.12.2011 |
| 27. | Mr. Rehana Tariq Soomro | SEC VHC, Karachi | 01.07.2009 |
| 28. | Mr. Fida Hussain | SEC MRC, D.I. Khan | 10.08.2011 |
| 29. | Mr. Saleemullah | NSEC, Lahore | 08.08.2011 |
| 30. | Syed Shahid Akram Shah | IPHC, Peshawar | 17.08.2011 |

22

| | | | |
|-----|--------------------------|---------------------|------------|
| 31. | Mr. Abdul Rahim | SEC HIC, Gilgit | 09.08.2011 |
| 32. | Mr. Nazir Shah | IPHC, Peshawar | 17.08.2011 |
| 33. | Mr. Azad Ali Shaikh | SEC MRC, Hyderabad | 01.07.2009 |
| 34. | Mr. Ahmad Bajr | SEC PHC, Abbottabad | 01.07.2009 |
| 35. | Miss Anila Musarrat | NSEC, Lahore | 10.09.2011 |
| 36. | Mr. Fazale Haq | SEC MRC, D.I. Khan | 01.07.2009 |
| 37. | Mr. Abdul Karim Sajid | SEC VHC, Gujrat | 01.07.2009 |
| 38. | Ms. Fouzia Khurshid | NSEC, Lahore | 01.07.2009 |
| 39. | Mr. Amanullah Jakhro | SEC VHC, Larkana | 01.07.2009 |
| 40. | Mr. Rasheed Ahmad Sahito | SEC HIC, Sukkur | 18.08.2011 |
| 41. | Mr. Hamid Ullah Khan | SEC HIC, Peshawar | 17.08.2011 |
| 42. | Mr. Muhammad Akram | SEC PHC, Nawabshah | 03.09.2011 |
| 43. | Miss Zaibun Nisa Chand | SEC MRC, Hyderabad | 30.08.2011 |

2. The above mentioned Senior Teachers are promoted to BS-18 against the post already occupied by them on the following conditions:-

- i. The promotion to BS-18 will be personal to the incumbents.
- ii. On their transfer to other department or on their superannuation the post of BS-18 held by them will automatically be down graded to BS-17.

3. This supersedes CA&DD's Notification of even number dated 30th January, 2012.

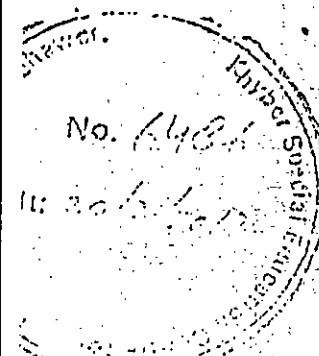
(WAZIR ISLAMABAD)
Deputy Secretary (SW&SE)

The Manager,
Printing Corporation of Pakistan Press,
Karachi.

CC:-

1. AGPR, Sub-Office, Lahore, Peshawar, Karachi and Gilgit.
2. District Accounts Offices concerned.
3. District Coordinator Officer concerned.
4. Director, Special Education, Lahore, Karachi and AJ&K
5. Director (Admin), DGSE, Islamabad.
6. Secretary, Special Education, Social Welfare, Zakar Ushar & Women Empowerment, Khyber Pakhtunkhwa.
7. All Principals/Vice Principals/Incharges concerned.
8. All officers concerned (By name).
9. All DDOs concerned.
10. A.D. (Admin-IV), DGSE, Islamabad.
11. A.O. (Hiring), DGSE, Islamabad.
12. A.O. (Admin-II), DGSE, Islamabad.
13. P.S. to Secretary, Capital Administration & Development Division.
14. P.S. to D.G., DGSE, Islamabad.
15. Personal files.
16. Office copy.

Deputy Secretary (SW&SE)



20

(S) "G"

No. F. 1-3/2009-A-IV.
GOVERNMENT OF PAKISTAN
CAPITAL ADMINISTRATION & DEVELOPMENT DIVISION
(DIRECTORATE GENERAL OF SPECIAL EDUCATION)

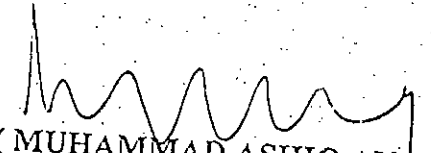
Islamabad, the 25 September, 2014.

To,
Sayed Sikandar Jalal Qasim,
Director,
National Special Education Complex, Hayatabad,
Peshawar.

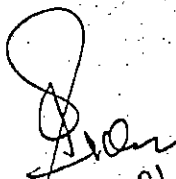
Subject: PROMOTION UNDER PRESIDENTIAL ORDERS.

I am directed to refer to your letter No.3-8/2010-NSEC/7382-3 dated 11th September, 2014 on the above mentioned subject.

- The concerned employees have been devolved to the provincial government under 18th Constitutional Amendment. Further on promulgation of Ordinance V of 2013, all devolved civil servants stand transferred to the province concerned.
- In view of above, the applicants may be advised to approach the appropriate forum for redressal of their grievances.
- This issues with the approval of Director General (SE).


(MUHAMMAD ASHIQ AYAZ)
Director (Administration)

*Pd inform all officers
& officials who have requested
for one step-up promotion to
Federal Government
AO Waddar
Asst
23/10/14*


2/10/14

21

67-1

~~28~~

To


Director
Special Education Complex phase V B/2 plot 5 Hayatabad
Peshawar.

SUBJECT: **PROMOTION UNDER PRESIDENTIAL ORDERS**

Please refer to the Presidential Orders No. U.O.14 (4) Dir (HD) 9 dated 03.7.2009 regarding Promotion of Employees of Special Education in next grade who have completed 10 years of service in current grade.

I have also completed 10 years continuous service in Special Education in BPS.17. Arrangements may kindly be made for my promotion to BPS.18 w.e.f 21.11.2014.

Date. 09.5.2016



Arbab Khan
Senior Teacher BPS. 17

22'

"H"



Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education
& Women Empowerment Jamrud Road,

No.DSW/AD/DI/GC/03/ 4830-81
Dated Peshawar the 8/09/2016

To

The Director,
Special Education Complex Hayatabad,
Peshawar.

Subject: PROMOTION UNDER PRESIDENTIAL ORDERS.

I am directed to refer to letter No.FF.3-8/2010/SEC/8015 dated 17-05-2016 on the subject noted above, and to state that hence the status of devolved employees is not determined, therefore the employees may wait till the permanent absorption which is in pipeline and under consideration with Provincial Government after amendment in Civil Servants Act 1973.

[Signature]
7/9/16

(Sareer Khan)
Assistant Director-DI

Copy for information to:

1. Section officer-VI Social Welfare, SE & WE Department Peshawar.
2. PA to DSW.

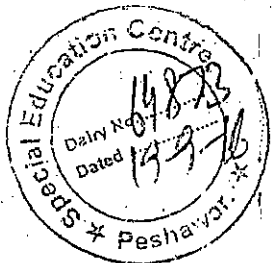
[Signature]

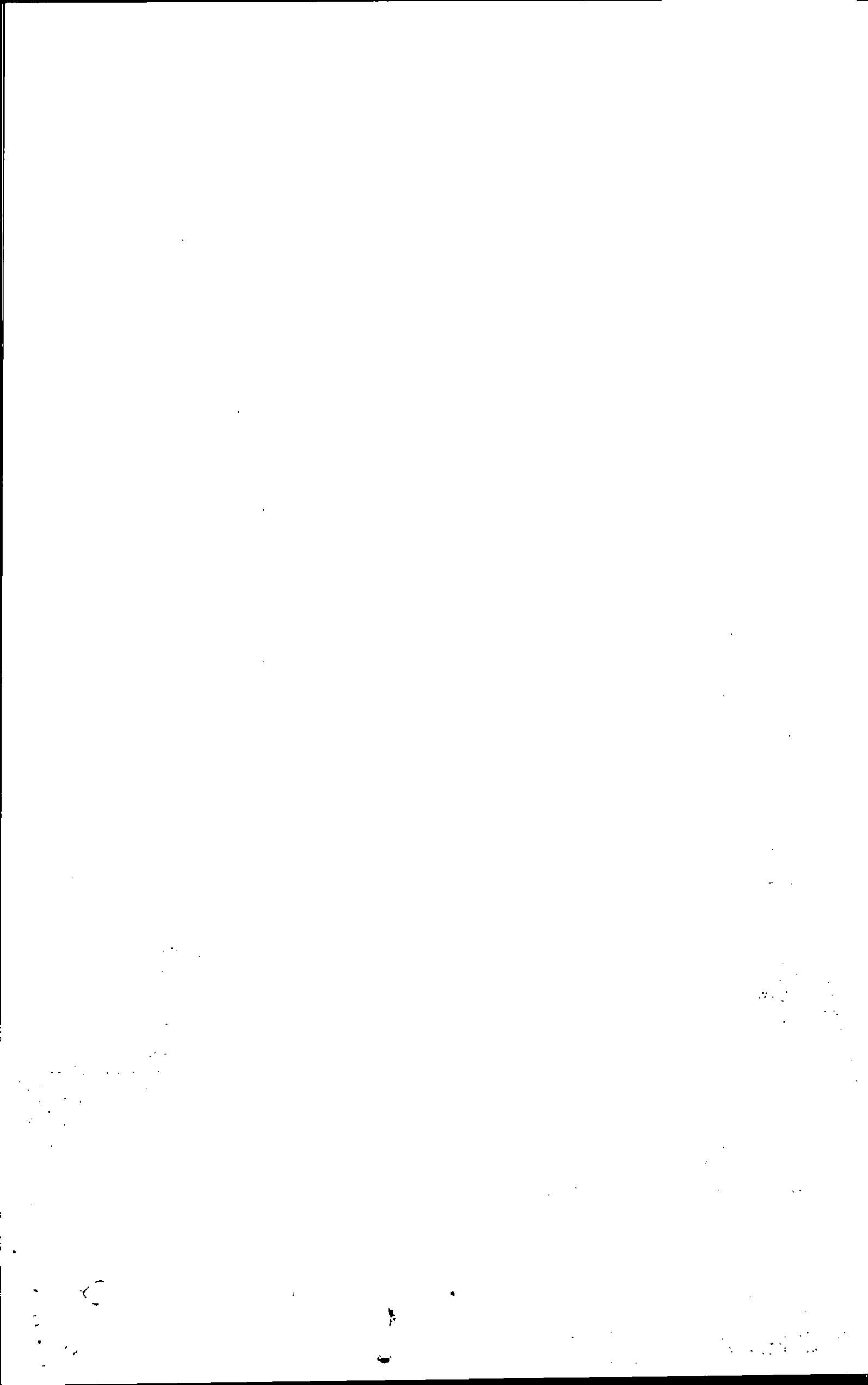
(Assistant Director-DI)

the Director

19/9

Abid-





213

a I³

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 649 /2017

1. Rizwan Ahmad S/o Khan Malook
Senior Teacher, Special Education Complex,
Phase-V, Hayatabad, Peshawar
2. Muhammad Karim S/o Nawab Din
Social Case Worker, Special Education Complex,
Phase-V, Hayatabad, Peshawar
3. Muhammad Sharafat Ali Khan S/o Aurangzeb
Physiotherapist, Special Education Complex,
Phase-V, Hayatabad, Peshawar
4. Arbab Khan S/o Usman Khan
Senior Teacher, Special Education Complex,
Phase-V, Hayatabad, Peshawar
5. Mst. Kiran Ghafoor D/o Saadat Hassan Khan
Senior Teacher, Special Education Complex,
Phase-V, Hayatabad, Peshawar
6. Muhammad Tariq Khan S/o Khanza Gul
Senior Teacher, Special Education Complex,
Phase-V, Hayatabad, Peshawar.....Petitioners

V E R S U S

1. Govt of Pakistan through Secretary Capital
Administration & Development Division
(Cabinet Secretariat), Pak Secretariat, Islamabad
2. Govt of KPK through Chief Secretary
Civil Secretariat, Peshawar
3. Secretary Inter Provincial Coordination,
Govt of KPK, Civil Secretariat, Peshawar
4. Secretary Finance,
Govt of KPK, Civil Secretariat, Peshawar

2. Govt of Peshawar
Sec. Social Welfare

26
28

5. Secretary Social Welfare Special Education & Women Empowerment, Govt of KPK, Benevolent Fund Building, Peshawar Cantt
6. Director Social Welfare & Special Education, Opposite Islamia College, University Road, Peshawar.....**Respondents**

**WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973**

Respectfully Sheweth:

1. That addresses of the parties as given in the heading above are sufficient for affecting service upon the respondents.
2. That petitioners were appointed under Directorate General of Special Education, Islamabad after fulfillment of all codal formalities by Federal Public Service Commission on 08.05.2006, 21.06.2003, 17.05.2004, 24.04.2006, 17.11.2005, 27.04.2006 respectively, since then, they are performing their duties upto entire satisfaction of their superior and no complaint whatsoever has been made against them. (Copy of appointment orders are Annexure "A").
3. That a Presidential Order was issued by the President of Pakistan vide order dated 03.07.2009 according to which those employees of Special Education Centers, who have completed their 10 years of service in the current grade be promoted to the next higher grade. (Copy of Presidential Order dated 03.07.2009 is Annexure "B").
4. That in the light of Presidential Order, a number of employees who were entitled for the said

25

benefit, were promoted before devolution of ministry to the province through various orders dated 21.09.2010, 24.12.2010 and 21.01.2011 issued by the respondents. (Copies of order dated 21.09.2010, 24.12.2010 and 21.01.2011 are attached as Annexure "C, D & E").

5. That after devolution of employees through 13th Amendment, all employees have been transferred to province through Capital Administration & Development Division. It is pertinent to mention here that the benefits of Presidential Order dated 03.07.2009 were also extended to the employees by respondent No.1 vide order dated 07.02.2012. (Copy of order dated 07.02.2012 is attached as Annexure "F").

6. That after completion of 10 years service, the petitioners approached respondent No.1 for redressal of their grievances through applications, which was turned down with the direction to approach an appropriate forum under the law. (Copy of order dated 25.09.2014 is attached as Annexure "G").

7. That thereafter, the petitioners approached respondent No.6 through applications dated 09.05.2016, which was disposed-off with the following observation:

"Hence the status of devolved employees is not determined, therefore, the employees may wait till the permanent absorption which is in pipeline and under consideration with Provincial Government after amendment in Civil Servants Act, 1973"

(Copy of order dt.08.09.2016 is Annexure "H").

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8. That feeling aggrieved from the said order, the petitioners having no other adequate remedy, invoke the extraordinary jurisdiction of this Honourable Court, inter alia, on the following grounds:

GROUND S:

- A. That the order dated 08.09.2016 passed by respondent No.6, is against law and record of the case, hence not tenable.
- B. That respondents have extended benefits of Presidential Order dated 03.07.2009 issued by the President of Pakistan before and after devolution of employees to the province through 13th Amendment, so not considering the petitioners to higher grade under the Presidential Order by the respondents, is illegal, without lawful authority and jurisdiction.
- C. That it is fundamental right of every citizen to enjoy the equal protection of law and to be treated in accordance with law. The respondents are duty bound to consider the petitioners to next higher grade under the Presidential Order, such action of the respondents will amount to violation of Artic 4 & 9 of the Constitution of Pakistan, 1973.
- D. That respondents have extended the benefits of Presidential Order to other employees of the same department, which is evident from various orders dated 21.09.2016, 24.12.2010, 08.01.2011 and 07.02.2012. The petitioners

(2) (5)

entitled and deserve the same treatment. So, action of the respondents by not extending the said benefit to the petitioners being similarly placed persons, is illegally, void and based on discriminatory treatment, which is violation of Article 25 of the Constitution of Pakistan, 1973.

- E. That it is settled principle of law that no one should be suffered by the act of public functionaries. The petitioners have been deprived from the benefits of Presidential Order due to inactiveness of the respondents.
- F. That the petitioners have completed 10 years service on 08.05.2016, who are entitled to be promoted to the next higher grade under Presidential Order, so respondents are bound to extend the said benefits to them.
- G. That Presidential Order dated 03.07.2009 issued by the President of Pakistan is neither withdrawn, altered, replaced or changed, which is still in field. The respondents are required under the law to consider the petitioners under the Presidential Order since their entitlement.
- H. That 18th Amendment was passed on 28.04.2010 and the petitioner have become a rolling stone by the respondents. Such actions of respondents have deprived the petitioners from their valuable rights, accrued to them since their entitlement, under Presidential Order
- I. That any other ground may be taken at the time of arguments, with the kind permission of this Honourable Court.

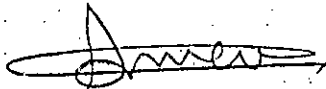
(28) (8)

It is, therefore, respectfully prayed that on acceptance of this writ petition, an appropriate writ may please be issued to the respondents to consider the petitioners for promotion to next higher grade under the Presidential Order dt.03.07.2009 with all consequential benefits since their entitlement from their respective dates, being similarly placed persons under similarly placed circumstances.

Any other remedy, which is not specifically asked for, but deemed appropriate according to circumstances of the case, may also be granted.

Petitioners

Through

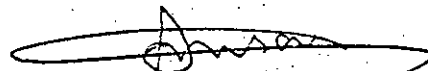


Amanullah Marwat
Advocate, Peshawar

Date: 15/02/2017

CERTIFICATE:

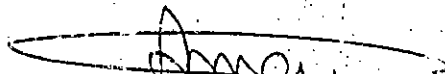
Certified on instructions of my clients that petitioners have not previously moved any petition to this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter. Further it is stated that the case may please be fixed with Division Bench of this Honourable Court.



ADVOCATE

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need



ADVOCATE

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IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. _____/2017

Rizwan Ahmad and others.....Petitioners

VERSUS

Govt of Pakistan and others.....Respondents

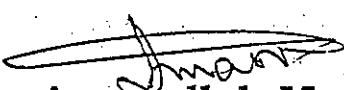
AFFIDAVIT

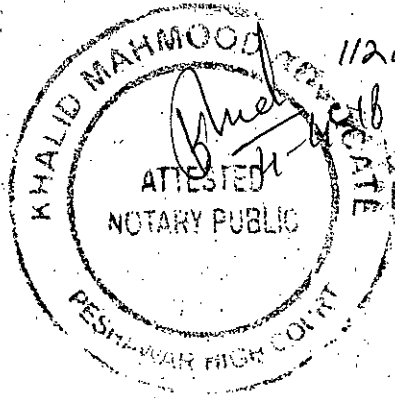
I, Rizwan Ahmad S/o Khan Malook, Senior Teacher, Special Education Complex, Phase-V, Hayatabad, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:


DEPONENT

11201-0401427-7


Amanullah Marwat
Advocate, Peshawar



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IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 1678 / 2017

Saima Haider D/o Ghulam Haider, Speech Therapist,
Special Education Complex, Phase-V, Hayatabad,
Peshawar.....**Petitioner**



V E R S U S

1. Govt of Pakistan through Secretary Capital Administration & Development Division (Cabinet Secretariat), Pak Secretariat, Islamabad
2. Govt of KPK through Chief Secretary Civil Secretariat, Peshawar
3. Secretary Establishment Govt of KPK, Civil Secretariat, Peshawar.
4. Secretary Inter Provincial Coordination, Govt of KPK, Civil Secretariat, Peshawar.
5. Secretary Finance, Govt of KPK, Civil Secretariat, Peshawar
6. Secretary Social Welfare Special Education & Women Empowerment, Govt of KPK, Benevolent Fund Building, Peshawar Cantt
7. Director Social Welfare & Special Education, Opposite Islamia College, University Road, Peshawar.....**Respondents**

WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.

FILED TODAY
13 APR 2017

ATTESTED
EXAMINER
Peshawar High Court

31
Judgment Sheet

IN THE PESHAWAR HIGH COURT,
PESHAWAR
JUDICIAL DEPARTMENT

W.P No. 1678-P of 2017

JUDGMENT

Date of hearing08.03.2018

Saima Haider

Vs

Govt: of Pakistan & another.



Petitioner by: Mr. Aman Ullah Marwat, advocate.
Respondent No.1 by: Mr. Mansoor Tariq, Assistant Attorney General.
Respondents No.2 to 4 by: Mr. Arshad Ahmad, AAG.

QAISER RASHID KHAN, J.- Through this single order we propose to dispose of the instant petition along with the connected WP No. 649-P of 2017 titled Rizwan Ahmad and others versus Government of Pakistan and others and W.P No. 697-P of 2017 titled Muhammad Ayaz and another versus Government of Pakistan and others as in all the three petitions common questions of law and facts are involved.

2. Succinctly stated facts are that the petitioners in all the three petitions were appointed on different posts in the Directorate General of Special education Islamabad through Federal Public Service Commission, and that after the 18th Amendment in the

ATTESTED
EXAMINER
Peshawar High Court
13 MAR 2018

Constitution of the Islamic Republic of Pakistan, 1973, their services were transferred to the provincial Government but the latter is reluctant to redress their grievance qua promotion and that is how they are before this court through the present petitions.

3. At the very outset, Mr. Mansoor Tariq, the learned Attorney General, raised the question of maintainability of the petitions and stated that the petitioners being civil servants cannot seek the redressal of their grievance through writ petitions.

In turn, when the learned counsel for the petitioners was confronted with the notifications regarding the appointments of the petitioners from which it is abundantly clear that the petitioners are civil servants and under the law, the remedy for them lies before the learned Service Tribunal, Khyber Pakhtunkhwa, he was not in a position to rebut the legal position.

4. In view of the fact that the jurisdiction of this court is specifically barred under Article 212 (2) of the Constitution of the Islamic republic of Pakistan in the matters which purely relate to the terms and conditions of service, the instant petition along with the two connected writ petitions being both not entertainable and maintainable are dismissed. The petitioners are, however, at liberty to

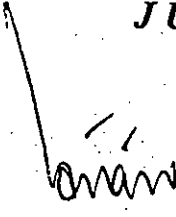
ATTESTED
EXAMINER
Peshawar High Court
13 MAR 2018

approach the proper forum for the redressal of their grievance where of course, the same would be looked into in accordance with law.

Announced.
08.03.2018.

younas.


JUDGE


JUDGE

Justice Qaiser Rashid Khan and Justice Ms. Musarrat Hilal (DB)

13612


No.....
Date of Presentation of Application..... 09/3/18
No of Pages.....
Copying Fee.....
Urgent Fee.....
Total.....
Date of Preparation of Copy..... 13/3/18
Date of Delivery of Copy..... 13/3/18
Received By.....

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 57 of
The Qanun-e-shahadat Order 1984

13 MAR 2018




12/3/18

Judgment Sheet

IN THE PESHAWAR HIGH COURT,
PESHAWAR
JUDICIAL DEPARTMENT

W.P No. 649-P of 2017

JUDGMENT

Date of hearing08.03.2018



Rizwan Ahmad and others

Vs

Govt: of Pakistan & another.

Petitioners by: Mr. Aman Ullah Marwat, advocate.
Respondent No.1 & 3 by: Mr. Mansoor Tariq, Assistant Attorney General.
Respondents No.2 to 4 by: Mr. Arshad Ahmad, AAG.

QAISER RASHID KHAN, J.- For reasons recorded in our detailed judgment of even date in the connected W.P. No. 1678-P of 2017 titled Saima Haider versus Government of Pakistan and others, this petition stands dismissed.

Announced.
08.03.2018.

younas.

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-shahadat Order 1984

13 MAR 2018

Justice Qaiser Rashid Khan and Justice Ms. Mansoor Hillal (DB)

JUDGE

JUDGE

Younas
12/3/18

(35)

Judgment Sheet

**IN THE PESHAWAR HIGH COURT,
PESHAWAR**
JUDICIAL DEPARTMENT

W.P.No. 1678-P of 2017

JUDGMENT

Date of hearing08.03.2018



Saima Haider

Vs

Govt: of Pakistan & another.

Petitioner by: Mr. Aman Ullah Marwat, advocate.
Respondent No.1 by: Mr. Mansoor Tariq, Assistant Attorney General.
Respondents No.2 to 4 by: Mr. Arshad Ahmad, AAG.

QAISER RASHID KHAN, J.- Through this single order we propose to dispose of the instant petition along with the connected WP No. 649-P of 2017 titled Rizwan Ahmad and others versus Government of Pakistan and others and W.P No. 697-P of 2017 titled Muhammad Ayaz and another versus Government of Pakistan and others as in all the three petitions common questions of law and facts are involved.

2. Succinctly stated facts are that the petitioners in all the three petitions were appointed on different posts in the Directorate General of Special education Islamabad through Federal Public Service Commission, and that after the 18th Amendment in the

ATTESTED

EXAMINER
Peshawar High Court

13-MAR-2018

Constitution of the Islamic Republic of Pakistan, 1973, their services were transferred to the provincial Government but the latter is reluctant to redress their grievance qua promotion and that is now they are before this court through the present petitions.

3. At the very outset, Mr. Mansoor Tariq, the learned Attorney General, raised the question of maintainability of the petitions and stated that the petitioners being civil servants cannot seek the redressal of their grievance through writ petitions.

In turn, when the learned counsel for the petitioners was confronted with the notifications regarding the appointments of the petitioners from which it is abundantly clear that the petitioners are civil servants and under the law, the remedy for them lies before the learned Service Tribunal, Khyber Pakhtunkhwa, he was not in a position to rebut the legal position.

4. In view of the fact that the jurisdiction of this court is specifically barred under Article 212 (2) of the Constitution of the Islamic republic of Pakistan in the matters which purely relate to the terms and conditions of service, the instant petition along with the two connected writ petitions being both not entertainable and maintainable are dismissed. The petitioners are, however, at liberty to

ATTESTED
EXAMINER
Peshawar High Court

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approach the proper forum for the redressal of their grievance where of course, the same would be looked into in accordance with law.

Announced.
08.03.2018.

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JUDGE

JUDGE

Justice Qaiser Rashid Khan and Justice Ms. Musarrat Hilal (DB)

No. 13599

Date of Presentation of Application 09/3/18

No of Pages 5

Copying Fee 200

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EXAMINED
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Constitution of Pakistan Order 1994

13 MAR 2018



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Islamabad, the 1st April, 2011

NOTIFICATION

On transfer of National Special Education Centres, (PHC, MRC, VHC, HIC) Peshawar to the Government of Khyber Pakhtoon Khawa in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No. X of 2010), the following officers of National Special Education Centres, (PHC, MRC, VHC, HIC) Peshawar are transferred to the Government of Khyber Pakhtoon Khawa on deputation under Section 10 of the Civil Servants Act, 1973 on their existing post in the same Basic Scales of pay:

| S. No. | Name | Designation | Pay Scale |
|--------|----------------------------|------------------|-----------|
| ✓ 1. | Mr. Asad Khan | Director | BS-19 |
| ✓ 2. | Mr. Ismat Ullah Khan | Vice Principal | BS-18 |
| ✓ 3. | Mr. Javid Yousaf Ali | Vice Principal | BS-18 |
| ✓ 4. | Mr. Sartaj Masood | Vice Principal | BS-18 |
| ✓ 5. | Mrs. Fakara Jabeen | Vice Principal | BS-18 |
| ✓ 6. | Mr. Falak Naz | Vice Principal | BS-18 |
| ✓ 7. | Mr. Mir Akram Shah | Vice Principal | BS-18 |
| ✓ 8. | Mr. Hamid Ullah | S. Teacher | BS-17 |
| ✓ 9. | Mr. Arbab Khan | S. Teacher | BS-17 |
| 10. | Mrs. Khalida Zafar | S. Teacher | BS-17 |
| 11. | Mr. S. Shahid Akram | S. Teacher | BS-17 |
| 12. | Mr's. Kiran Ghafoor | S. Teacher | BS-17 |
| 13. | Mr. Nazir Shah | S. Teacher | BS-17 |
| 14. | Mr. Tariq Khan | S. Teacher | BS-17 |
| 15. | Mr. Karim Shah | S. Teacher | BS-17 |
| 16. | Mr. Rizwan Ahmad | S. Teacher | BS-17 |
| 17. | Mr. Yasin Wali | Physiotherapist | BS-18 |
| 18. | Mr. Sharafat Ali | Physiotherapist | BS-17 |
| 19. | Mr. Rafiq Ahmad | Physiotherapist | BS-17 |
| 20. | Mr. Mohammad Karim | S. Case Worker | BS-17 |
| 21. | Ms. Siama Haider | Speech therapist | BS-17 |
| 22. | Mr. Nasir Ahmad Khan Lodhi | Admin Officer | BS-16 |
| 23. | Mr. Muhamad Rauf | Admin Officer | BS-16 |

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Section Officer

The Manager,
Printing Corporation Pakistan Press,
Islamabad.

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Through Proper Channel

To

The Secretary,
Social Welfare, Special Education and Women Empowerment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - DEPARTMENTAL APPEAL / REPRESENTATION SEEKING PROMOTION FROM
BPS-17 TO BPS-18 UNDER PRESIDENTIAL ORDER

Respected Sir,

The appellant was appointed under the Directorate General of Special Education, Islamabad after fulfillment of all codal formalities by Federal Public Service Commission, since then, he is performing his duties up to entire satisfaction of his superiors and no complaint whatsoever has been made against him. (Copy of appointment letter is attached as annexure "A").-

2. That a Presidential Order was issued on 03-07-2009, stating that "all employees as teachers and specialists in BPS-17 or below in Special Education Centres with 10 years of service in the current grade may be promoted in the next grade". (Copy of Presidential Order dated 03-07-2009 is attached as annexure B").
3. That after passage of 18th Constitutional Amendment, a number of ministries were devolved to the provinces, appellant being federal government employee of the then Directorate General of Special Education, Islamabad now formally known as Capital Administration and Development Division, Islamabad also got transferred to the province vide Notification dated 01-04-2011. (Copy of Notification dated 01-04-2011 is attached as annexure "C").
4. That it is pertinent to mention here that the Capital Administration and Development Division, Islamabad has extended the same benefit of Presidential Order to a number of employees of the same department under the similar circumstances vide order dated 07-02-2012, but later, a similar nature case was turned down by CADD advising the applicants to approach appropriate forum for redressal of grievances vide order dated 25-09-2014. (Copies of orders dated 07-02-2012 and 25-09-2014 are attached as annexure "D" and "E").

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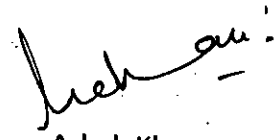
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5. That the appellant being similarly placed employee / person, approached Directorate of Social Welfare, Special Education and Women Empowerment, Peshawar through application for promotion from BPS-17 to BPS-18 upon completion of 10 year service in the light of Presidential Order dated 03-07-2009, which was disposed of vide order dated 08-09-2016 with observation that the status of devolved employees is not determined, so, he may wait till the permanent absorption. (Copies of application and order dated 08-09-2016 are attached as annexure "F" and "G").

It is, therefore, respectfully prayed that on acceptance of departmental appeal / representation, the appellant may please be promoted from BPS-17 to BPS-18 in the light of Presidential Order dated 03-07-2009 along with all consequential benefits, being similarly placed employee.

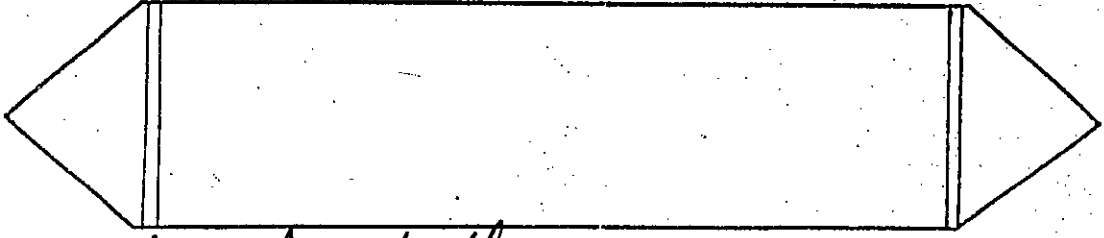
Dated: 20-10-2016

Appellant,



Arbab Khan,
Senior Teacher (BPS-17)
Special Education Complex,
Phase V, Hayatabad
Peshawar
Cell: 0333 5264112

بعد الت
Hon'ble Service Tribunal KPK Peshawar



Arbab Khan

بنام

Govt. of KPK & others

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام Peshawar کیلئے Amanullah Marwat

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 03/07/2018
ماہ 20

العاب گ واه العاب

بمقام Peshawar کے لئے منظور ہے۔

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 469/2018

Mr. Arbab Khan, Senior Teacher, Special Education Complex, Phase-V, Hayatabad,
Peshawar.....**Appellant**

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat Peshawar.
2. Secretary Finance Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Social Welfare, Special Education and Women Empowerment Department, Peshawar.
4. Director Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa Peshawar.
5. Secretary Capital Administration & Development Department, D-Block, Pak Secretariat Islamabad..... **Respondents**

PRELIMINARY OBJECTIONS:

1. The appellant has got no cause of action
2. The appeal is not maintainable in its present form.
3. That after promulgation of 18th Constitutional Amendment the services of appellant were transferred to Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa from Directorate General of Special Education, Islamabad on deputation basis w.e.f. 1-04-2011 and the appellant was receiving deputation allowance till January 2018.
4. The appeal is based on malafide intentions.
5. The appellant has no locus standi.
6. The appeal in hand is badly time barred.
7. The appellant has not come to Honorable Tribunal with clean hands.
8. The appellant has concealed the material facts from this Honorable Tribunal, hence liable to be dismissed.
9. The appeal is liable to be dismissed for mis-joinder and non-joinder of necessary parties.
10. The appeal is against the prevailing law & rules.

PARA-WISE COMMENTS BY RESPONDENT NO. 1 TO 4.

Respectfully Sheweth,

FACTS

1. No comments:
2. Pertains to record. Furthermore, that after promulgation of 18th Constitution Amendment the services of appellant were transferred to Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa from Directorate General of Special Education, Islamabad on deputation w.e.f. 1-04-2011 and the appellant was receiving deputation allowance till January 2018 (**Annex-A**).
3. Correct to the extent that the employees of the Federal Government has been promoted in the next higher grade, whereas the appellants are the employees of Provincial Government, as proper absorption order of the appellant is issued vide Notification No. SO-VI/SWD/1-21/2017-18/757-68 dated 12th January 2018 and Notification No. DI/Absorption/Dev-Empl/DSW/3331-40 dated 31-01-2018 (**Annex-B**). Furthermore, the facility of promotion in light of Presidential Order was only meant for employees of Federal Government not to the employees of Provincial Government.
4. Incorrect hence denied. As explained in para 3 above, the facility of promotion in light of Presidential Order was extended/ Promotion orders issued only of those employees who were working under the Federal Government.
5. Pertains to record.
6. Incorrect hence denied. As explained in para 2 above, the services of the appellant were transferred to Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa from Directorate General of Special Education, Islamabad on deputation basis w.e.f. 1-04-2011 and the appellant was receiving deputation allowance till January 2018.
7. Correct to the extent that the proper absorption order of the appellant is issued vide Notification No. SO-VI/SWD/1-21/2017-18/757-68 dated 12th January 2018 and Notification No. DI/Absorption/Dev-Empl/DSW/3331-40 dated 31-01-2018.

8. Incorrect hence denied. The Honorable Peshawar High Court, Peshawar in Judgment of Writ Petition No. 1678-P/20148 dated 08-03-2018 vide para 4 of the judgment has mentioned that:

“In view of the fact that the jurisdiction of this court is specifically barred under Article 212 (2) of the Constitution of the Islamic republic of Pakistan in the matters which purely relate to the terms and conditions of service, the instant petition along with the two connected writ petitions being both not entertainable and maintainable are dismissed. The petitioners are, however, at liberty to approach the proper forum for the redresal of their grievance where of course, the same would be looked into in accordance with law”.

Furthermore, the respondents could approach to the Department for redresal of their grievance as mentioned vide para 7 of the appeal, that the appellant was informed vide letter dated 08-09-2016 (para 7 of the appeal) to **wait till the permanent absorption**. Now, the Department of Social Welfare, Special Education & Women Empowerment Department Government of Khyber Pakhtunkhwa has issued proper absorption order of the appellant vide Notification No. SO-VI/SWD/1-21/2017-18/757-68 dated 12th January 2018 and Notification No. DI/Absorption/Dev-Emp/DSW/3331-40 dated 31-01-2018 instead of filing instant appeal.

9. Incorrect hence denied. Factual position has been explained in the preceding paras.

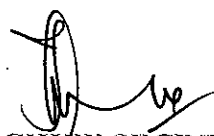
GROUND

- A. Incorrect hence denied. Respondents have acted in accordance with law and rules.
- B. Incorrect hence denied. Only Federal Government issued promotion orders of Federal Employees of Special Education, whereas, Provincial Government has not promoted any of their employees in pursuance of the Presidential Order.
- C. Incorrect hence denied. The employees of the Federal Government have been promoted in the next higher grade, whereas the appellants are the employees of Provincial Government, as proper absorption order of the appellant is issued vide Notification No. SO-VI/SWD/1-21/2017-18/757-68 dated 12th January 2018 and Notification No. DI/Absorption/Dev-Emp/DSW/3331-40 dated 31-01-2018. Furthermore, the facility of

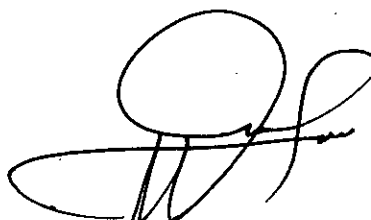
promotion in light of Presidential Order was only meant for employees of Federal Government with 10 years in credit and the facility was not to the employees of Provincial Government as they have their own Award of Higher Pay Scale and Up-gradation policy.

- D. Incorrect hence denied. Factual position has been explained in the preceding paras.
- E. Incorrect hence denied. Factual position has been explained in the preceding paras.
- F. Incorrect hence denied. That after promulgation of 18th Constitution Amendment the services of appellant are transferred to Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa from Directorate General of Special Education, Islamabad on deputation w.e.f. 1-04-2011 and the appellant was receiving deputation allowance till January 2018.
- G. Incorrect hence denied. Factual position has been explained in the preceding paras.
- H. Incorrect hence denied. Factual position has been explained in the preceding paras.
- I. That any other grounds will be furnished at the time of final arguments with the prior permission of this honorable tribunal.

In view of the above clarifications/explanations, it is therefore humbly prayed that the instant appeal may graciously be dismissed having no weight and being based on malafide intention as the appellant have concealed the material facts of the case to misguide/misleading this honorable Tribunal.



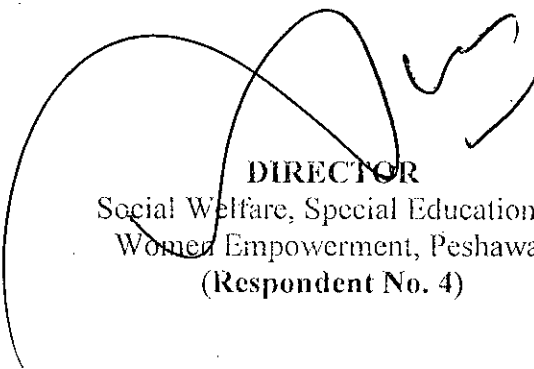
CHIEF SECRETARY
Government of Khyber Pakhtunkhwa
(Respondent No. 1)



SECRETARY to
Government of Khyber Pakhtunkhwa for
FINANCE DEPARTMENT
(Respondent No. 2)



SECRETARY to
Govt. of Khyber Pakhtunkhwa for
Social Welfare, Special Education &
Women Empowerment
(Respondent No. 3)



DIRECTOR
Social Welfare, Special Education &
Women Empowerment, Peshawar
(Respondent No. 4)

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Annex A

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No: 11-19/2011-Coord
GOVERNMENT OF PAKISTAN
MINISTRY OF SOCIAL WELFARE AND SPECIAL EDUCATION

Min. S. No. 1150
Date: 07/03/2011

Islamabad, the 1st April, 2011

NOTIFICATION

On transfer of National Special Education Centres, (PHC, MRC, VHC, HIC) Peshawar to the Government of Khyber Pakhtoon Khawa in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No. X of 2010), the following officers of National Special Education Centres, (PHC, MRC, VHC, HIC) Peshawar are transferred to the Government of Khyber Pakhtoon Khawa on deputation under Section 10 of the Civil Servants Act, 1973 on their existing post in the same Basic Scales of pay:

| S. No. | Name | Designation | Pay Scale |
|--------|----------------------------|------------------|-----------|
| ✓ 1. | Mr. Asad Khan | Director | BS-19 |
| ✓ 2. | Mr. Ismat Ullah Khan | Vice Principal | BS-18 |
| ✓ 3. | Mr. Javid Yousaf Ali | Vice Principal | BS-18 |
| ✓ 4. | Mr. Sartaj Masood | Vice Principal | BS-18 |
| ✓ 5. | Mrs. Fakhara Jabeen | Vice Principal | BS-18 |
| ✓ 6. | Mr. Falak Naz | Vice Principal | BS-18 |
| ✓ 7. | Mr. Mir Akram Shah | Vice Principal | BS-18 |
| ✓ 8. | Mr. Hamid Ullah | S. Teacher | BS-17 |
| 9. | Mr. Arbab Khan | S. Teacher | BS-17 |
| 10. | Mrs. Khalida Zafar | S. Teacher | BS-17 |
| 11. | Mr. S. Shahid Akram | S. Teacher | BS-17 |
| 12. | M/s. Kiran Ghafoor | S. Teacher | BS-17 |
| 13. | Mr. Nazir Shah | S. Teacher | BS-17 |
| 14. | Mr. Tariq Khan | S. Teacher | BS-17 |
| 15. | Mr. Karim Shah | S. Teacher | BS-17 |
| 16. | Mr. Rizwan Ahmad | S. Teacher | BS-17 |
| 17. | Mr. Yasir Wali | Physiotherapist | BS-18 |
| 18. | Mr. Sharafat Ali | Physiotherapist | BS-17 |
| 19. | Mr. Rafiq Ahmad | Physiotherapist | BS-17 |
| 20. | Mr. Mohammad Karim | S. Case Worker | BS-17 |
| 21. | Ms. Siana Haider | Speech therapist | BS-17 |
| 22. | Mr. Nasir Ahmad Khan Lodhi | Admin Officer | BS-16 |
| 23. | Mr. Muhammad Rauf | Admin Officer | BS-16 |

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(MUHAMMAD ALTAIR)
Section Officer

The Manager,
Printing Corporation Pakistan Press,
Islamabad.

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Annex B



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
SOCIAL WELFARE SPECIAL EDUCATION AND WOMEN
EMPOWERMENT DEPARTMENT

Peshawar, dated the 12th January, 2018

NOTIFICATION:

No. SO-VI/SWD/1-21/2017-18/757-68 In pursuance of Section 11B of the Khyber Pakhtunkhwa Civil Servant Amendment Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the following Devolved Employees of the Federal Government, holding various posts in Federal Government entities, on regular basis before the commencement of the 18th Constitutional (amendment) Act, 2010 (Act No. X of 2010), shall be deemed to be **civil servants** of the province for all intents and purposes under the Act *ibid*.

| S.No | Name | Designation | BPS |
|------|--------------------------|--------------------------------|---------------|
| 1. | Syed Riaz Ur Rahman | Principal | 19 |
| 2. | Mr. Qismat Khan | - do - | 19 |
| 3. | Mr. Javed Khan | Vice Principal/Deputy Director | 18 |
| 4. | Mr. Javed Yousaf Ali | Vice Principal | 18 |
| 5. | Mr. Said Ali Bakhsh | - do - | 18 |
| 6. | Mr. Falak Naz Khan | - do - | 18 |
| 7. | Mr. Tariq Mehmood | - do - | 18 |
| 8. | Mr. Shahid Latif Durrani | - do - | 18 |
| 9. | Mr. Nazir Shah | Senior Teacher | 18 (personal) |
| 10. | Mr. Fazal Haq | - do - | 18 (personal) |
| 11. | Mr. Fida Hussain | - do - | 18 (personal) |
| 12. | Mr. Mehdi Hasnain | - do - | 18 (personal) |
| 13. | Mr. Shahid Akram Shah | - do - | 18 (personal) |
| 14. | Mr. Hameed Ullah Khan | - do - | 18 (personal) |
| 15. | Mr. Arif Ullah Khan | - do - | 18 (personal) |
| 16. | Mr. Usman Ali Shah | - do - | 17 |
| 17. | Mr. Abdul Khaliq | - do - | 17 |
| 18. | Mr. M. Anwar Khan | - do - | 17 |
| 19. | Mr. Mushtaq Ahmad | - do - | 17 |

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|-----|------------------------|--------|----|
| 20. | Mr. Kiramt Ullah ✓ | - do - | 17 |
| 21. | Mr. Rafiullah | - do - | 17 |
| 22. | Mr. Anwar Zaib | - do - | 17 |
| 23. | Mr. Shahid Majeed | - do - | 17 |
| 24. | Mrs. Khizran Wani | - do - | 17 |
| 25. | Mr. Arbab Khan Khattak | - do - | 17 |
| 26. | Mr. Rashidullah Shah | - do - | 17 |
| 27. | Mrs. Kiran Ghafoor | - do - | 17 |
| 28. | Mr. Tariq Khan | - do - | 17 |
| 29. | Mr. Habib Ullah Khan | - do - | 17 |
| 30. | Mr. Nasir Gul | - do - | 17 |
| 31. | Mr. Rizwan Ahmad | - do - | 17 |
| 32. | Mr. Asfand Ali | - do - | 17 |
| 33. | Mrs. Abida Naurin | - do - | 17 |
| 34. | Mrs. Shahzia Gul | - do - | 17 |
| 35. | Mr. Waqar Alam | - do - | 17 |
| 36. | Mr. Muhammad Javed | - do - | 17 |
| 37. | Mr. Umar Zada | - do - | 17 |
| 38. | Mr. Rahid Khan | - do - | 17 |
| 39. | Mr. Muhammad Zawar | - do - | 17 |
| 40. | Mr. Zia-Ur-Rehman | - do - | 17 |
| 41. | Mr. Aneeq Ahsan | - do - | 17 |
| 42. | Mr. Muhammad Sadiq | - do - | 17 |
| 43. | Mr. Irfan Ullah | - do - | 17 |
| 44. | Mrs. Asia Begum | - do - | 17 |
| 45. | Mr. Liaqat Ali | - do - | 17 |
| 46. | Mr. Karim Shah | - do - | 17 |
| 47. | Mr. M. Waqas Javed | - do - | 17 |
| 48. | Bibi Ibtisam Shagufta | - do - | 17 |
| 49. | Mrs. Razia Begum | - do - | 17 |
| 50. | Mr. Abid Ali | - do - | 17 |

| | | | |
|-----|--------------------------|------------------------|---------------|
| 51. | Mr. Noushad Ali | Audiologist | 17 |
| 52. | Mr. Yasin Wali | Physiotherapist | 18 (personal) |
| 53. | Mr. M. Sharafat Ali Khan | - do - | 17 |
| 54. | Mr. Rafiq Ahmad | - do - | 17 |
| 55. | Mr. Ashraf Zaman | - do - | 17 |
| 56. | Mrs. Saima Haider | Speech Therapist | 17 |
| 57. | Mr. Muhammad Karim | Social Case Worker | 17 |
| 58. | Mr. Muhammad Ayaz | - do - | 17 |
| 59. | Mr. Fahad Ashraf | Social Welfare Officer | 17 |
| 60. | Mrs. Nusrat Jabeen | - do - | 17 |
| 61. | Mrs. Faqiha Rafiq | - do - | 17 |

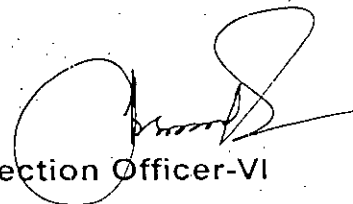
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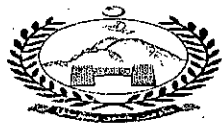
Secretary to Govt: of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education &
Women Empowerment Department

Endst No. and Date even:

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2. Secretary to Government of Khyber Pakhtunkhwa, Establishment Deptt:
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. Accountant General, Khyber Pakhtunkhwa.
7. Director, SW, SE & WED, Khyber Pakhtunkhwa.
8. Director, Information, Khyber Pakhtunkhwa.
9. All the Incharge of the Special Education Institutions, Khyber Pakhtunkhwa.
10. PS to Secretary SW, SE, WED, Khyber Pakhtunkhwa.
11. All concerned.
12. Personal Files.


Section Officer-VI



Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education &
Women Empowerment Jamrud Road,

Dated Peshawar the 31 / 01 / 2018

NOTIFICATION

No. DI/Absorption/Dev-Emp/DSW/ 3331-40 In pursuance of Section II-B of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 1973, (Khyber Pakhtunkhwa Act No. XVIII of 1973) the following devolved employees of the Federal Government holding various posts in Federal Government entities, on regular basis before the commencement of the 18th constitutional (amendment) Act 2010 (Act No. X of 2010) shall be deemed to be civil servants of the Province for all intents and purposes under the Act *ibid.* 000

| S.# | Name | Designation | BPS |
|-----|------------------------|----------------------|-----|
| 1 | 2 | 3 | 4 |
| 1 | Mr. Nasir Khan Lodhi | Admin Officer | 16 |
| 2 | Mr. Muhammad Rauf | - do - | 16 |
| 3 | Mr. Daud Khan | S/S Stenographer | 16 |
| 4 | Mr. Noor Wahid | Office Assistant | 16 |
| 5 | Mr. Rehmat Ullah | - do - | 16 |
| 6 | Mr. Hidayat Ullah | - do - | 16 |
| 7 | Mr. Abid Ali Shah | - do - | 16 |
| 8 | Mr. Javed Iqbal Naseem | - do - | 16 |
| 9 | Mr. Munir Khan | - do - | 16 |
| 10 | Mr. Ishtiaq Ahmad | - do - | 16 |
| 11 | Mr. Muhammad Munir | - do - | 16 |
| 12 | Mr. Muhammad Sharif | - do - | 16 |
| 13 | Mr. Majid Ali Shah | - do - | 16 |
| 14 | Mr. Muhsin Ali | Computer Operator | 16 |
| 15 | Mr. Tehmasab Khalid | - do - | 16 |
| 16 | Mr. Wajid Maqsood | - do - | 16 |
| 17 | Mr. Jawad Ali | - do - | 16 |
| 18 | Mr. Adnan Ali | - do - | 16 |
| 19 | Mr. Muhammad Asif | - do - | 16 |
| 20 | Mrs. Amina Shafiq | - do - | 16 |
| 21 | Mr. Khalid Mehmood | - do - | 16 |
| 22 | Mr. Rambail Khan | J/Scale Stenographer | 14 |
| 23 | Mr. Sardar Ullah Shah | - do - | 14 |
| 24 | Mr. Hayat Zada | - do - | 14 |
| 25 | Mr. Fazal Wahab | - do - | 14 |
| 26 | Mr. Asif Iqbal | - do - | 14 |
| 27 | Mr. Naimat Ullah | - do - | 14 |
| 28 | Mr. Fazal Rehman | - do - | 14 |

| | | | |
|----|-----------------------|------------------------|----|
| 29 | Mr. Khan Rehman | - do - | 14 |
| 30 | Mr. Ahmad Ali | - do - | 14 |
| 31 | Mr. Salah Ud Din | - do - | 14 |
| 32 | Mr. Muhammad Faizan | - do - | 14 |
| 33 | Mr. Khalid Khan | Senior Clerk | 14 |
| 34 | Mr. Gul Sher | - do - | 14 |
| 35 | Mr. Ajab Khan | - do - | 14 |
| 36 | Mr. Jafar Shah | - do - | 14 |
| 37 | Mr. Habib Ullah | - do - | 14 |
| 38 | Mr. M. Afzal Khan | - do - | 14 |
| 39 | Mr. Muhammad Nauman | - do - | 14 |
| 40 | Mr. Nizam-Ud-Din | - do - | 14 |
| 41 | Mr. Zawar Ali | - do - | 14 |
| 42 | Mr. Sher Azim | - do - | 14 |
| 43 | Mr. Said Alam | Junior Clerk | 11 |
| 44 | Mr. Furqan Jamil | - do - | 11 |
| 45 | Mr. Haroon Rashid | - do - | 11 |
| 46 | Mr. Imran Khan | - do - | 11 |
| 47 | Mr. Muhammad Ayaz | - do - | 11 |
| 48 | Mr. Siraj Ud Din | - do - | 11 |
| 49 | Mr. M. Saeed Khan | - do - | 11 |
| 50 | Mr. Imran Khan | - do - | 11 |
| 51 | Mrs. Seema Anjum | Nursery Teacher | 15 |
| 52 | Mrs. Hina Rehman | - do - | 15 |
| 53 | Mr. Kamal Yousaf | Music Teacher | 15 |
| 54 | Mr. M. Iqbal Khan | Junior Instructor | 15 |
| 55 | Mr. Amjad Ali | - do - | 15 |
| 56 | Mr. Tanveer Ahmed | - do - | 15 |
| 57 | Mrs. Farwa Rubab | - do - | 15 |
| 58 | Mr. Kamran Yousafzai | J. Computer Instructor | 15 |
| 59 | Mr. Mehmood Alam | - do - | 15 |
| 60 | Mr. Rahmat Nabi | - do - | 15 |
| 61 | Mr. Zulfiqar Wazir | - do - | 15 |
| 62 | Mr. Muhammad Younas | - do - | 15 |
| 63 | Mr. Rizwan Qayum | - do - | 15 |
| 64 | Ms. Amina Mushtaq | Vocational Instructor | 15 |
| 65 | Mrs. Anwar Sabih | - do - | 15 |
| 66 | Mrs. Shagufta Nasren | - do - | 15 |
| 67 | Mrs. Shabana Tabassum | - do - | 15 |
| 68 | Mrs. Nasreen Begum | Vocational Teacher | 12 |
| 69 | Mrs. Talat Gul Farin | - do - | 12 |
| 70 | Mrs. Shazia Parveen | - do - | 12 |
| 71 | Mr. Muhammad Siddique | - do - | 12 |
| 72 | Mr. Wajid Ali | - do - | 12 |

| | | | |
|-----|--------------------------|-------------------------|----|
| 73 | Mrs. Nazia Parveen | - do - | 12 |
| 74 | Mrs. Sabra Gul | - do - | 12 |
| 75 | Mrs. Robeena Mughal | - do - | 12 |
| 76 | Mr. Amjad Hussain | - do - | 12 |
| 77 | Mr. Qamar Nazir | - do - | 12 |
| 78 | Mrs. Amraiz Begum | - do - | 12 |
| 79 | Mrs. Yasmin | - do - | 12 |
| 80 | Mrs. Fehmeeda Syed | - do - | 12 |
| 81 | Mrs. Shaheen Begum | - do - | 12 |
| 82 | Mrs. Fakhri | - do - | 12 |
| 83 | Ms. Faryal Afridi | - do - | 12 |
| 84 | Ms. Waheeda Gul | - do - | 12 |
| 85 | Mrs. Nuzhat Rehman | - do - | 12 |
| 86 | Mr. Wali Marjan | Workshop Technician | 12 |
| 87 | Mr. Asif Khan | - do - | 12 |
| 88 | Mrs. Riffat Jabeen | - do - | 12 |
| 89 | Mr. Irfan Ullah | Brail Teacher | 12 |
| 90 | Mr. Abdul Hai | - do - | 12 |
| 91 | Mr. Habib Ullah | - do - | 12 |
| 92 | Mr. Muhammad Ishaq | - do - | 12 |
| 93 | Mrs. Uzma Naeem | - do - | 12 |
| 94 | Mr. Asif Mehmood | - do - | 12 |
| 95 | Mr. Tauheed Ali Raza | - do - | 12 |
| 96 | Mrs. Zarbeena | - do - | 12 |
| 97 | Mr. Tajammul Hussain | - do - | 12 |
| 98 | Mr. Rafi Ullah | Qari | 10 |
| 99 | Mr. Masoud Jan | PTI | 10 |
| 100 | Mr. Muhammad Nauman | - do - | 10 |
| 101 | Mrs. Feroza Bibi | Voc Training Instructor | 08 |
| 102 | Mr. Zahid Ali | - do - | 08 |
| 103 | Mr. Sultan Wali Khan | - do - | 08 |
| 104 | Mrs. Nasima Zulfiqar Ali | - do - | 08 |
| 105 | Mrs. Shazia Bibi | - do - | 08 |
| 106 | Mrs. Sumayya | - do - | 08 |
| 107 | Mr. Alamgir Khan | - do - | 08 |
| 108 | Mrs. Nasira Bibi | LHV | 09 |
| 109 | Mrs. Nasreen | - do - | 09 |
| 110 | Mrs. Bibi Rani | - do - | 09 |
| 111 | Mrs. Bulbul Jamal | Adult Literacy Worker | 08 |
| 112 | Mrs. Farida Bibi | - do - | 08 |
| 113 | Mr. Yousaf Ali Khan | - do - | 08 |
| 114 | Mr. Ali Zeb Khan | Recreation Youth Worker | 07 |
| 115 | Mr. Sharif Khan | - do - | 07 |
| 116 | Mr. Mir Afzal Khan | - do - | 07 |

| | | | |
|-----|------------------------|-----------|----|
| 117 | Mrs. Hameeda Bibi | - do - | 07 |
| 118 | Mr. Mukhtar Khan | - do - | 07 |
| 119 | Mr. Bakht Amir Shah | Driver | 07 |
| 120 | Mr. Aslam Perwaiz | - do - | 07 |
| 121 | Mr. Sher Umer | - do - | 07 |
| 122 | Mr. Muhammad Riaz | - do - | 07 |
| 123 | Mr. Ameer Muhammad | - do - | 07 |
| 124 | Mr. Ahmad Noor | - do - | 07 |
| 125 | Mr. Naveed Ahmad | - do - | 07 |
| 126 | Mr. Naveed Muhammad | - do - | 07 |
| 127 | Mr. Abdul Sami | - do - | 07 |
| 128 | Mr. Muhammad Bashir | - do - | 07 |
| 129 | Mr. Adnan | - do - | 07 |
| 130 | Mr. Wilayat Ali | - do - | 07 |
| 131 | Mr. Himayat Ullah | - do - | 07 |
| 132 | Mr. Muhammad Sulman | - do - | 07 |
| 133 | Mr. Muhammad Ramzan | - do - | 07 |
| 134 | Mr. Rehman Ullah | - do - | 07 |
| 135 | Mr. Aown Abbas | - do - | 07 |
| 136 | Mr. Sikandar Khan | - do - | 07 |
| 137 | Mr. Khalid | - do - | 07 |
| 138 | Mr. Ahmad Bilal | - do - | 07 |
| 139 | Mr. Maqsood Ahmad Baig | - do - | 07 |
| 140 | Mr. Karim Panah | Attendant | 05 |
| 141 | Mr. Ahmad Ali | - do - | 05 |
| 142 | Mr. Siraj Ahmad | - do - | 05 |
| 143 | Mr. Syed Ali Khan | - do - | 05 |
| 144 | Mr. Waqas Hussain | - do - | 05 |
| 145 | Mr. Sajjad Ahmad | - do - | 05 |
| 146 | Mr. Shabbir Ali | - do - | 05 |
| 147 | Mr. Asfandiar | - do - | 05 |
| 148 | Mr. Shah Jehan | - do - | 05 |
| 149 | Mr. Naik Amal Khan | - do - | 05 |
| 150 | Mr. Shah Nawaz | - do - | 05 |
| 151 | Mr. Irfanullah | - do - | 05 |
| 152 | Mr. Zahid Ali | - do - | 05 |
| 153 | Mr. Farhan Ali | - do - | 05 |
| 154 | Mr. Asad Mehmood | - do - | 05 |
| 155 | Mr. Ismail Khan | - do - | 05 |
| 156 | Mr. Siraj Ahmad | - do - | 05 |
| 157 | Mr. Malik Riaz | - do - | 05 |
| 158 | Mr. Shakir Ullah | - do - | 05 |
| 159 | Muhammad Safeer | - do - | 05 |
| 160 | Mr. Abdul Wahab | - do - | 05 |

| | | | |
|-----|-------------------------|------------|----|
| 161 | Mr. Johar Ali | - do - | 05 |
| 162 | S. Amjad Ali Shah | - do - | 05 |
| 163 | Mr. Siraj Khan | - do - | 05 |
| 164 | Mr. Muhammad Wisal | - do - | 05 |
| 165 | Mr. Misal Khan | - do - | 05 |
| 166 | Mr. Tariq Zada | - do - | 05 |
| 167 | Mr. Zahid Shah | - do - | 05 |
| 168 | Mr. Sajjad Ali | - do - | 05 |
| 169 | Mr. Muhammad Ishaq | - do - | 05 |
| 170 | Mr. Akhtar Ali | - do - | 05 |
| 171 | Mr. Muhammad Daud | - do - | 05 |
| 172 | Mr. Askar Khan | - do - | 05 |
| 173 | Mr. Waheed Jan | - do - | 05 |
| 174 | Mr. Asmat Gul | - do - | 05 |
| 175 | Mr. Iftikhar Khan | - do - | 05 |
| 176 | Mr. Waqas Rashid | - do - | 05 |
| 177 | Mr. Lal Muhammad | - do - | 05 |
| 178 | Mr. Hanif Khan | - do - | 05 |
| 179 | Mr. Pir Madar | - do - | 05 |
| 180 | Mr. Hazrat Bilal | - do - | 05 |
| 181 | Mr. Nawab Zada | - do - | 05 |
| 182 | Mr. Rahman Ali | - do - | 05 |
| 183 | Mr. Fazal Amin | - do - | 05 |
| 184 | Mr. Humair Inayat Malik | - do - | 05 |
| 185 | Mst. Mahajireen Bibi | Aya | 05 |
| 186 | Mrs. Tahira Naqvi | - do - | 05 |
| 187 | Mrs. Azra Bukhari | - do - | 05 |
| 188 | Mrs. Ulfat Begum | - do - | 05 |
| 189 | Mrs. Shagufta | - do - | 05 |
| 190 | Mrs. Jameela Khatun | - do - | 05 |
| 191 | Mrs. Ambareen Ismail | - do - | 05 |
| 192 | Mrs. Rehana Bibi | - do - | 05 |
| 193 | Mst. Naheeda Bibi | - do - | 05 |
| 194 | Mr. Sohail Ahmad | Naib Qasid | 04 |
| 195 | Mr. Sardar Ali | - do - | 04 |
| 196 | Mr. Faiz-Ur-Rahman | - do - | 04 |
| 197 | Mr. Liaqat Ali | - do - | 04 |
| 198 | Mr. Farhad Ali Shah | - do - | 04 |
| 199 | Mr. Nadar Khan | - do - | 04 |
| 200 | Mr. Asifullah | - do - | 04 |
| 201 | Mr. Inamullah | - do - | 04 |
| 202 | Mr. Muhammad Ghafoor | - do - | 04 |
| 203 | Mr. Mukhtar Shah | - do - | 04 |
| 204 | Mr. Amjad Hussain | - do - | 04 |

| | | | |
|-----|----------------------|-----------|----|
| 205 | Mr. Zia Ullah | - do - | 04 |
| 206 | Mr. Bakht Zamin | - do - | 04 |
| 207 | Mr. Mir Shah Jehan | - do - | 04 |
| 208 | Mr. Muhammad Shakeel | - do - | 04 |
| 209 | Mr. Tahir | - do - | 04 |
| 210 | Mr. Shaukat Hussain | - do - | 04 |
| 211 | Mr. Najam Khan | - do - | 04 |
| 212 | Mr. Zahir Ullah | - do - | 04 |
| 213 | Mr. Bakht Zaman | - do - | 04 |
| 214 | Mr. Shakri Muhammad | - do - | 04 |
| 215 | Mr. Khush Qadam | - do - | 04 |
| 216 | Mr. Fazle Maula | Chowkidar | 04 |
| 217 | Mr. Muhammad Ikram | - do - | 04 |
| 218 | Mr. Khan Zaib | - do - | 04 |
| 219 | Mr. Zafar Ali | - do - | 04 |
| 220 | Mr. Said Azam | - do - | 04 |
| 221 | Mr. Nizam Wali | - do - | 04 |
| 222 | Mr. Bashir | - do - | 04 |
| 223 | Mr. Ibad Ullah | - do - | 04 |
| 224 | Mr. Adnan | - do - | 04 |
| 225 | Mr. Muhammad Bilal | - do - | 04 |
| 226 | Mr. Muzafar Shah | - do - | 04 |
| 227 | Mr. Sajid Ahmad | - do - | 04 |
| 228 | Mr. Muhammad Hafeez | - do - | 04 |
| 229 | Mr. Ikram Ali | - do - | 04 |
| 230 | Mr. Shahid Hussain | - do - | 04 |
| 231 | Mr. Muhammad Nawaz | - do - | 04 |
| 232 | Mr. Sad Bad Shah | - do - | 04 |
| 233 | Mr. Muhammad Zafar | - do - | 04 |
| 234 | Mr. Gulab Khan | - do - | 04 |
| 235 | Mr. Faisal Khan | - do - | 04 |
| 236 | Mr. Muhammad Abbas | - do - | 04 |
| 237 | Mr. Nisar Ali | - do - | 04 |
| 238 | Mr. Hayat Khan | - do - | 04 |
| 239 | Mr. Tauti Muhammad | - do - | 04 |
| 240 | Mr. Muhammad Azam | - do - | 04 |
| 241 | Mr. Farid Ullah Jan | - do - | 04 |
| 242 | Mr. Murad Ullah | Mali | 04 |
| 243 | Mr. Akbar Ali | - do - | 04 |
| 244 | Mr. Musafir Gul | - do - | 04 |
| 245 | Mr. Lal Bahadar | - do - | 04 |
| 246 | Mr. Faizan Akhtar | - do - | 04 |
| 247 | Mr. Suhbat Khan | - do - | 04 |
| 248 | Mr. Gul Muhammad | - do - | 04 |

| | | | |
|-----|---------------------|-----------------|----|
| 249 | Mr. Shah Jehan | - do - | 04 |
| 250 | Mr. Imran Ali | - do - | 04 |
| 251 | Mr. Zafar Hussain | - do - | 04 |
| 252 | Mr. Muhammad Shafiq | - do - | 04 |
| 253 | Mr. Fazal Rabi | - do - | 04 |
| 254 | Mr. Shah Nawaz | Sanitary Worker | 04 |
| 255 | Mr. Javed Iqbal | - do - | 04 |
| 256 | Mr. Riaz Ahmad | - do - | 04 |
| 257 | Mr. Ikram Ullah | - do - | 04 |
| 258 | Mr. Sajid Ullah | - do - | 04 |
| 259 | Mr. Wasif Ali Rauf | - do - | 04 |
| 260 | Mr. Ayaz | - do - | 04 |
| 261 | Mst. Fazilat Bibi | - do - | 04 |
| 262 | Mr. Danial Masih | - do - | 04 |
| 263 | Ms. Maryam Salim | - do - | 04 |
| 264 | Mst. Naheed Begum | - do - | 04 |
| 265 | Mr. Siddique Ali | - do - | 04 |
| 266 | Mr. Amjad Ali | - do - | 04 |
| 267 | Mr. Rahid Ali | - do - | 04 |
| 268 | Mr. Muhammad Irshad | - do - | 04 |
| 269 | Mr. Iqbal Hussain | - do - | 04 |
| 270 | Mr. Haji Ahmad | - do - | 04 |
| 271 | Mr. Arshad Ali | - do - | 04 |
| 272 | Mr. Raza Muhammad | - do - | 04 |
| 273 | Mr. Suhail | - do - | 04 |
| 274 | Mr. Seyad Ali | - do - | 04 |
| 275 | Mr. Saleem Khan | - do - | 04 |
| 276 | Mr. Kamran Khan | - do - | 04 |
| 277 | Mr. Abid Jan | - do - | 04 |
| 278 | Mr. Abbas Ali | - do - | 04 |
| 279 | Mr. Javed Hashim | - do - | 04 |
| 280 | Mr. Fazal Khaliq | - do - | 04 |
| 281 | Mr. Tariq Masih | - do - | 04 |
| 282 | Mst. Hasina Bibi | Dai / Midwife | 04 |
| 283 | Mst. Sharafat Nisa | - do - | 04 |
| 284 | Mr. Hameed Gul | Cook | 05 |
| 285 | Mr. Javed Ali | - do - | 04 |
| 286 | Syed Fawad Ali | - do - | 04 |
| 287 | Mr. Nasir Pervaiz | Cook Helper | 04 |
| 288 | Mr. Hafiz Ur Rahman | Hostel Bearer | 05 |
| 289 | Mr. Hazrat Ali | - do - | 05 |
| 290 | Mr. Asad Ali | - do - | 05 |
| 291 | Mr. Waseem Arshad | - do - | 05 |

-Sd-
 DIRECTOR
 Social welfare, Special Education &
 Women Empowerment Department
 Khyber Pakhtunkhwa

Endst No. and Date even

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3. Secretary to Govt of KP Finance Department Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
5. PSO to Chief Secretary Khyber Pakhtunkhwa.
6. Accountant General Khyber Pakhtunkhwa.
7. Director Information Khyber Pakhtunkhwa.
8. All In-charges of Devolved Institutions Khyber Pakhtunkhwa.
9. PA to Director Social Welfare, SE & WE Khyber Pakhtunkhwa.


 DEPUTY DIRECTOR
 (ISDC)

Social welfare, Special Education &
 Women Empowerment Department
 Khyber Pakhtunkhwa

JK