


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

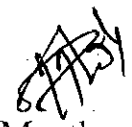
29.01.2019

Appellant in person 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

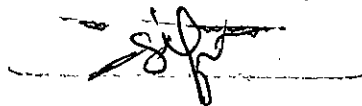
16.05.2019

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

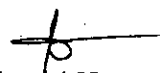
08.05.2018

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

Counsel for the appellant 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.

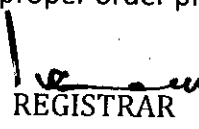


Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 11.09.2018 before S.B.

  
Chairman

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 477/2018

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 Mst. Saima Haider 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> <p>16.04.2018</p> <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. 477 /2018

Saima Haider .....Appellant

V E R S U S

Govt of KPK 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 01/04/2011	F	18
9.	Copy of order dated 07.02.2012	G	19-20
10.	Copy of application dated <del>27/01/2017</del>	H	21
11.	Copy of order dated 25.09.2014	I	22
12.	Copy of order dt.08.09.2016	J	23
13.	Copy of writ petition NO. 1678/2017 along with order dated 08/03/2018	K	24-34
14.	Wakalat Nama		35

Appellant 

Through

  
**Amanullah Marwat**

Advocate, Peshawar

Cell: 0344-9054585

Off: FR-1, 4<sup>th</sup> Floor, Falak  
Sair Plaza, Saddar Road,  
Peshawar Cantt

Date: 03/04/2018

①

**BEFORE THE SERVICE TRIBUNAL, KHYBER**

**PAKHTUNKHWA, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Appeal No. 477/2018

Diary No. 501

Dated 5/4/2018

Saima Haider D/o Ghulam Haider, Speech Therapist,  
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 through Federal Public Service Commission on 18/09/2006, since then, she is performing her duties upto entire satisfaction of her superior and no complaint whatsoever has been made against her. (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 orders dated 21.09.2010, 24.12.2010 and 21.01.2011 are attached as Annexure "C, D & "E").
5. That after passage of 18<sup>th</sup> Amendment a number of Ministries were devolved from Federal Government to Provincial Government, consequently, the appellant who was employee of



the Directorate General of Special Education, Govt: of Pakistan was also devolved vide order dated 01/04/2011. (Copy of order dated 01/04/2011 is attached as annexure "F").

6. That after devolution of employees through 18<sup>th</sup> 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 "G").

7. That after completion of 10 years service, the appellant approached for redressal of her grievance through application dated 27/01/2017 to respondents which is still awaited and was informed verbally that she should approach to appropriate forum under the law by referring order dated 25/09/2014 and 08/09/2016. The relevant para of the order dated 08/09/2016 is reproduced herein below for ready reference.

*"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"*

(Copies of application dated 27/01/2017 and orders dated 25/09/2014 and 08/09/2016 are attached as Annexure "H, I & J").

8. That appellant preferred application on 27/01/2017 which remained un-responded thereafter, filed a writ petition bearing No. 1678/2017 for promotion of consideration under

4

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 action of the respondents by not extending benefits of Presidential Order dated 03/07/2009 is against law and record of the case, hence liable to be struck down.
- 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 18<sup>th</sup> 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 Article 4 & 9 of the Constitution of Pakistan, 1973.


- 5
- 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 is also entitled and deserve the same treatment. So, action of the respondents by not extending the said benefit to the appellant being similarly placed person, 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 has been deprived from the benefits of Presidential Order due to inactiveness of the respondents.
- F. That the appellant has completed 10 years service on 18.09.2016, who is entitled to be promoted to the next higher grade under Presidential Order, so respondents are bound to extend the said benefits to her.
- 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 her entitlement.
- H. That 18<sup>th</sup> Amendment was passed on 28.04.2010 and the appellant have become a rolling stone by the respondents. Such actions of respondents have deprived the appellant from her valuable rights, accrued to her since her entitlement, under Presidential Order.

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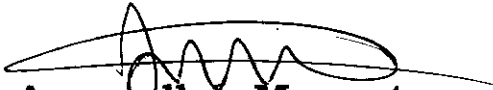
- I. That any other ground may be taken at the time of arguments, with the kind permission of this Honourable Court.

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 her entitlement from his from her respective date, being similarly placed employees 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 High Court,  
Peshawar

Date: 03/04/2018

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**BEFORE THE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR**

Appeal No. \_\_\_\_\_/2018

Saima Haider .....Appellant

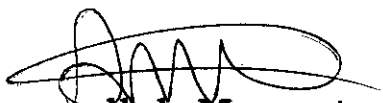
VERSUS

Govt of KPK and others.....Respondents

**AFFIDAVIT**

I, Saima Haider D/o Ghulam Haider, Speech Therapist, 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.

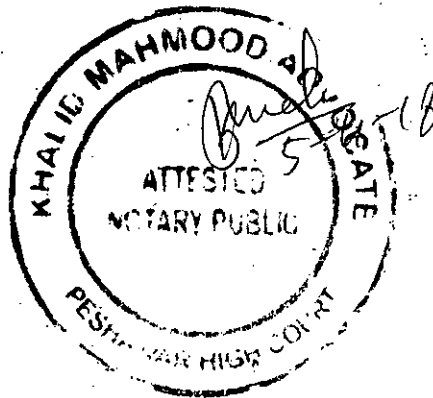
Identified by:



**Amanullah Marwat**  
Advocate, Peshawar



DEPONENT



8

**BEFORE THE SERVICE TRIBUNAL, KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

Appeal No. \_\_\_\_\_/2018

Saima Haider .....Appellant

V E R S U S

Govt of KPK and others.....Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**

Saima Haider D/o Ghulam Haider, Speech Therapist,  
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: 03/04/2018

9

**BEFORE THE SERVICE TRIBUNAL, KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

Appeal No. \_\_\_\_\_ of 2018

Saima Haider .....Petitioner

**V E R S U S**

Govt. of KPK & others .....Respondents

**APPLICATION FOR CONDONATION OF DELAY IF ANY.**

**Respectfully Sheweth:**

1. That the above appeal has been filed by the appellant and no date of hearing has yet been fixed.
2. That the appellant filed a writ petition bearing No. 1678/2017 titled "Saima Haider Vs Govt. of Pakistan & others" which was disposed of by the Hon'ble Peshawar High court on 08/03/2018 with the direction to approach the service tribunal for the redressal of his grievance.
3. That the appellant seeks benefits under presidential order dated 03/07/2009 which effects his monthly payment so that he has a recurring cause of action which is available to him after denial of payment of each month.

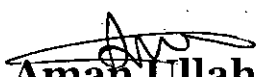


4. That law favours adjudication on merit rather than on technical grounds as held by Supreme Court in various judgments from time to time. So the valuable rights of the appellant are involved in the case in hand so it needs adjudication on merit.
5. That it could be interest of justice, fair play & 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: 03/04/2018



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**BEFORE THE SERVICE TRIBUNAL, KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

C.M No. \_\_\_\_\_/2018

IN

Appeal No. \_\_\_\_\_/2018

Saima Haider .....Appellant

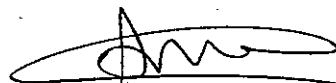
V E R S U S

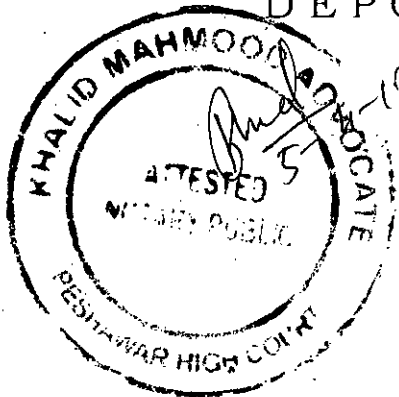
Govt of KPK and others.....Respondents

**AFFIDAVIT**

I, Saima Haider D/o Ghulam Haider, Speech Therapist, 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.

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

Islamabad, the 11<sup>th</sup> November, 2006

NOTIFICATION

No. PE.1513(SHDA-II). Having been recommended by the Federal Public Service Commission and approved by the Competent Authority i.e. Secretary, Ministry of Social Welfare and Special Education Miss Saima Haider is appointed as Speech Therapist (BS-17) under the Directorate General of Special Education, on regular basis and posted in the Establishment of Special Education Centre for Mentally Retarded Children, Peshawar w.c.118.09.2006.

2. The above named Speech Therapist (BS-17) is placed on probation for a period of one year, with effect from the date of her 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. Miss Saima Haider has assumed the charge of the post of Speech Therapist (BS-17) in the Establishment of Special Education Centre for Mentally Retarded Children, Peshawar w.c.118.09.2006.

(M. MUSTAQUEEM SIDDIQUI)  
DIRECTOR (A & C)

The Manager,  
Printing Corporation of Pakistan Press,  
Karachi

Copies:-

1. ACPR, Sub-Office, Peshawar.
2. Director (NR), DGSE, Islamabad.
3. Vice Principal/Incharge, Establishment of SEC(MRC), Peshawar.
4. Officer concerned.

DIRECTOR (A & C)

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

13

B

Subject: ANNOUNCEMENTS MADE BY THE PRESIDENT.

In the function of special children held in the Aiwan-e-Sadr, on 1<sup>st</sup> 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 Ishaque Lashari)  
Additional Secretary

Prime Minister's Secretariat (Mrs Nargis Sethi, PSPM), Islamabad,  
President's Secit's u.o. No. (4(Lr)/Dir (HD)/07 Dated: 3<sup>rd</sup> July 2009

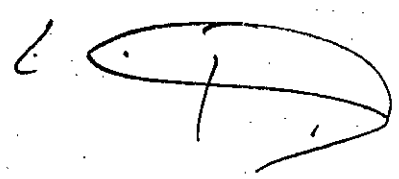
Attention:

To

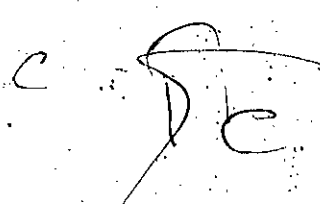
Secretary,

M/o Social Welfare & Special Education.

C



C



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

14

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

Islamabad, the 21<sup>st</sup> 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 3<sup>rd</sup> July, 2009 the following (BS-17) officers under DGSE are promoted to (BS-18) w.e.f. 1<sup>st</sup> July, 2009, on completion of ten (10) years service in current grade:-

S. No.	Name & Designation	Place of Posting
1.	Mr. Abdul Majood (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. Mehtab 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 Gardezi, Social Welfare Officer (BS-17)	VREDP, Islamabad
12.	Mrs. Shahida Sarwar Social Case Worker (BS-17)	SEC VHC, Faisalabad
13.	Mrs. Nuroon 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

16-3-98

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*Signature*

*Signature*

15

a D

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

Islamabad the 27/12 December, 2010

NOTIFICATION

No.F.1-3/2009-Admin-IV. In continuation of Notification of even number dated 21<sup>st</sup> 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 3<sup>rd</sup> 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 Ambreen, 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.Zulfiqar Ahmad, Job Placement Officer, (BS-17).	On deputation M/o. Railway.	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.Agnis Parveen, Staff Nurse, (BS-16).	SEC for PHC, Faisalabad.	BS-17	1-7-2009

*[Handwritten signature]*

16

154

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).

*(Signature)*  
 (Shabbir Nawaz)  
 Director (Admn)

The Manager  
 Printing Corporation of Pakistan Press,  
 Karachi

Copy to:-

- 1. A GPR, Islamabad.
- 2. A GPR, 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.

*(Signature)*

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

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

Islamabad, the 26<sup>th</sup> January, 2011.

NOTIFICATION

No.1-3/2009/A-IV. In pursuance of President Secretariat Public u.o.No. 14 (1) / Dir (HC)/09 dated 3<sup>rd</sup> 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. Gulram 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

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).

Sd/-  
(SHABBIR NAWAZ)  
DIRECTOR (A&C)

Manager,  
Printing Corporation of Pakistan Press,  
Chinioti.

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

Sd/-  
(SYED TAHIR HUSSAIN)  
ASSISTANT DIRECTOR (ADMN.IV)

F

Islamabad, the 1<sup>st</sup> 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.	Mrs. 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. Muhammad Rauf	Admin Officer	BS-16

OK

AS (82)

Styroll

*(Signature)*  
MUHAMMAD ALTAF  
Section Officer

The Manager,  
Printing Corporation Pakistan Press,  
Islamabad.

Contd.....P/2.....

Mo-12  
DRD  
Pl Compare  
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one  
25/4/11

ESCR

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19

TO BE PUBLISHED IN THE NEXT ISSUE OF GAZETTE OF PAKISTAN

Index-5

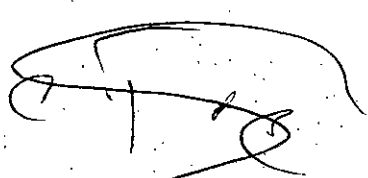
Government of Pakistan  
(Cabinet Secretariat)  
Capital Administration & Development Division

Islamabad, the 7<sup>th</sup> 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 3<sup>rd</sup> July, 2009, the following Senior Teachers (BS-17) of Special Education Centres deputed 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. Ishtiaq 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 Mehmaz Akhtar	IPHC, Lahore	07.08.2011
11.	Mr. Muhammad Abdhu Shah	SEC HIC, Sargodha	18.08.2011
12.	Mr. Muhammad Anjad	SEC MRC, Sahiwal	20.08.2011
13.	Mr. Masood Ahmad Khan	SEC HIC, Sargodha	05.09.2011
14.	Ms. Touzia 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. Naseem 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. Anjad Hussain	SEC HIC, Sargodha	06.08.2011
24.	Mr. Abdul Hameed	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



32.	Mr. Nazir Shah	SEC HIC, Gilgit	09.08.2011
33.	Mr. Azad Ali Shaikh	IPHC, Peshawar	17.08.2011
34.	Mr. Ahmad Baig	SEC MRC, Hyderabad	01.07.2009
35.	Miss Anila Musarrat	SEC PHC, Abbottabad	01.07.2009
36.	Mr. Fazale Haq	NSEC, Lahore	10.09.2011
37.	Mr. Abdul Karim Sajid	SEC MRC, D.I. Khan	01.07.2009
38.	Ms. Fouzia Khurshid	SEC VHC, Gujrat	01.07.2009
39.	Mr. Amanullah Jakhro	NSEC, Lahore	01.07.2009
40.	Mr. Rasheed Ahmad Sahito	SEC VHC, Larkana	01.07.2009
41.	Mr. Hamid Ullah Khan	SEC HIC, Sukkur	18.08.2011
42.	Mr. Muhammad Akram	SEC HIC, Peshawar	17.08.2011
43.	Miss Zaibun Nisa Chand	SEC PHC, Nawabshah	03.09.2011
		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 30<sup>th</sup> January, 2012.

(WAZIR ISLAM)  
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 (Admn), 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 IDDOs concerned.
10. A.D. (Admn-IV), DGSE, Islamabad.
11. A.O. (Hiring), DGSE, Islamabad.
12. A.O. (Admn-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)

No. 148  
Khyber Special Education Division  
Islamabad

21 H  
Through Proper Channel


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

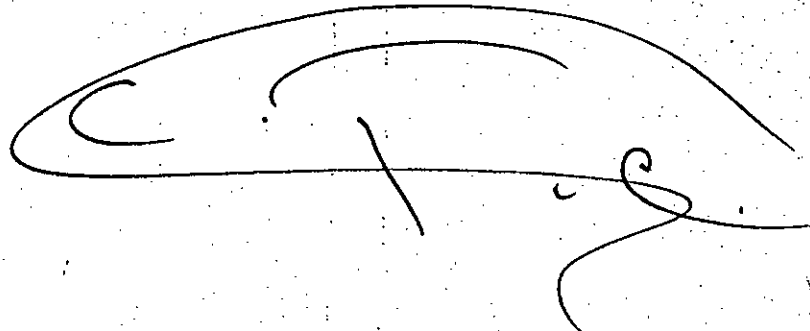
UBJECT: PROMOTION UNDER PRESIDENTIAL ORDERS

Please refer to the Presidential Orders No. U.O.14 (4) Dir (HD) 9 dated 3.7.2009 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 17.9.2016.

Date. 27.1.2017.

  
Saima Haider  
Speech Therapist BPS. 17



22

I

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

To,

Islamabad, the 5 September, 2014.

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

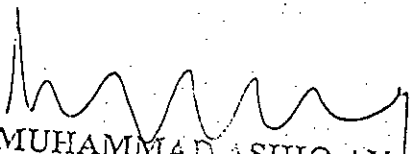
Subject: PROMOTION UNDER PRESIDENTIAL ORDERS.

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

2. The concerned employees have been devolved to the provincial government under 18<sup>th</sup> Constitutional Amendment. Further on promulgation of Ordinance V of 2013, all devolved civil servants stand transferred to the province concerned.

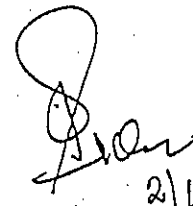
3. In view of above, the applicants may be advised to approach the appropriate forum for redressal of their grievances.

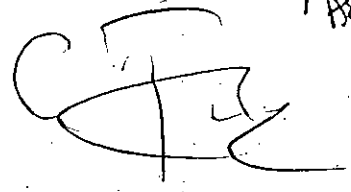
4. This issues with the approval of Director General (SE).

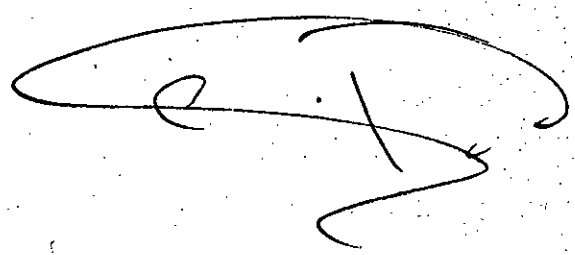
  
(MUHAMMAD ASHIQ AYAZ)  
Director (Administration)

*Pl inform all officers  
& officials who have requested  
for one step-up promotion to  
Federal Government.*

*AO Wabhar  
2/10/14.  
Asst*

  
2/10/14





23

J



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 your letter No.PF.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.

(Sareer Khan)  
Assistant Director-DI

Copy for information to:

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

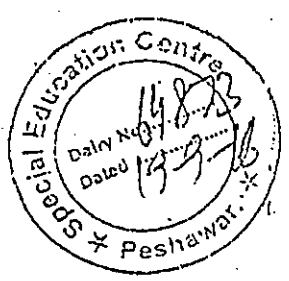
*Seen. Pl inform*

(Assistant Director-DI)

*the official,*

*19/9*

*Abid-*



K<sup>n</sup> (24)

**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.**



Handwritten signature or initials



25

Respectfully Sheweth:

1. That addresses of the parties as given in the heading above are sufficient for affecting service upon the respondents.
2. That petitioner was appointed under Directorate General of Special Education, Islamabad after fulfillment of all codal formalities through Federal Public Service Commission on 18/09/2006, since then, she is performing her duties upto entire satisfaction of her superior and no complaint whatsoever has been made against her. (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 orders dated 21.09.2010, 24.12.2010 and 21.01.2011 are attached as Annexure "C, D & "E").
5. That after passage of 18<sup>th</sup> Amendment a number of Ministries were devolved from Federal Government to Provincial Government, consequently, the petitioner who was employee of

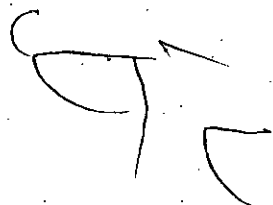
 

the Directorate General of Special Education, Govt: of Pakistan was also devolved vide order dated 01/04/2011. (Copy of order dated 01/04/2011 is attached as annexure "F").

6. That after devolution of employees through 18<sup>th</sup> 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 "G").
7. That after completion of 10 years service, the petitioner approached for redressal of her grievance through application dated 27/01/2017 to respondents which is still awaited and was informed verbally that she should approach to appropriate forum under the law by referring order dated 25/09/2014 and 08/09/2016. The relevant para of the order dated 08/09/2016 is reproduced herein below for ready reference.

*"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"*

(Copies of application dated 27/01/2017 and orders dated 25/09/2014 and 08/09/2016 are attached as Annexure "H, I & J").

8. That feeling aggrieved from the actions of the respondents, the petitioner having no other adequate remedy invoke the extraordinary
- 



jurisdiction of this Honourable Court, inter alia,  
on the following grounds:

**GROUND S:**

- A. That the action of the respondents by not extending benefits of Presidential Order dated 03/07/2009 is against law and record of the case, hence liable to be struck down.
- 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 18<sup>th</sup> Amendment, so not considering the petitioner 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 petitioner to next higher grade under the Presidential Order, such action of the respondents will amount to violation of Article 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 petitioner is also entitled and deserve the same treatment. So, action of the respondents by not extending the said benefit to the petitioner being similarly placed person, 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 petitioner has been deprived from the benefits of Presidential Order due to inactiveness of the respondents.
- F. That the petitioner has completed 10 years service on 18.09.2016, who is entitled to be promoted to the next higher grade under Presidential Order, so respondents are bound to extend the said benefits to her.
- 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 petitioner under the Presidential Order since her entitlement.
- H. That 18<sup>th</sup> 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 petitioner from her valuable rights, accrued to her since her 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.

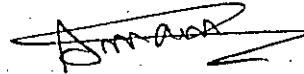
It is, therefore, respectfully prayed that on acceptance of this writ petition, an appropriate writ may please be issued to the respondents to consider the petitioner for promotion to next

higher grade under the Presidential Order dt.03.07.2009 with all consequential benefits since her entitlement i.e. 18/09/2016, being similarly placed person 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.

Petitioner

Through

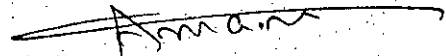


**Amanullah Marwat**  
Advocate High Court,  
Peshawar

Date: 10/04/2017

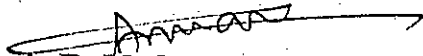
CERTIFICATE:

Certified on instructions of my client that petitioner has 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. 1628 /2017

Saima Haider.....Petitioner

**V E R S U S**

Govt of Pakistan and others.....Respondents

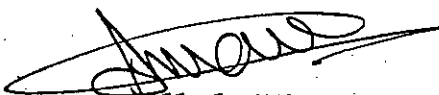
**AFFIDAVIT**

I, Saima Haider D/o Ghulam Haider, Speech Therapist, 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.

**DEPONENT**

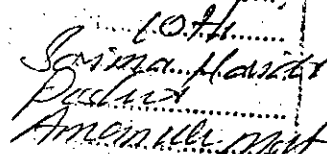
CNIC: 13101-9430805-6

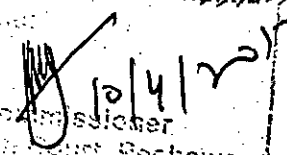
**Identified by:**

  
**Amanullah Marwat**  
Advocate High Court,  
Peshawar

21622

Subscribed and sworn to before me on solemn affirmation on day of APR 17 10th at Peshawar who was identified by Amanullah Marwat Who is personally known to me

  
Amanullah Marwat

  
10/4/2017

Notary Commissioner  
Peshawar High Court, Peshawar

Nadeem-ul-Haq

31

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P No. 16787 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  
Dunya Khatun  
13 APR 2017

**ATTESTED**  
EXAMINER  
Peshawar High Court

*Judgment Sheet*

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

**W.P No. 1678-P of 2017**

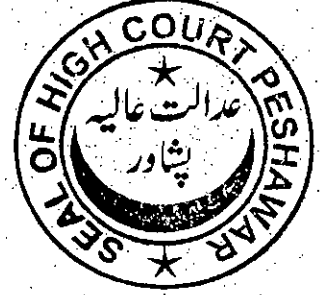
**JUDGMENT**

**Date of hearing ....08.03.2018**

*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 18<sup>th</sup> 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

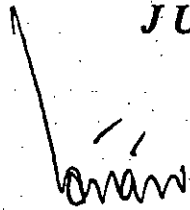
34

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 Hilali (DB)

No. 13612

Date of Presentation of Application 09/3/18

No of Pages 4

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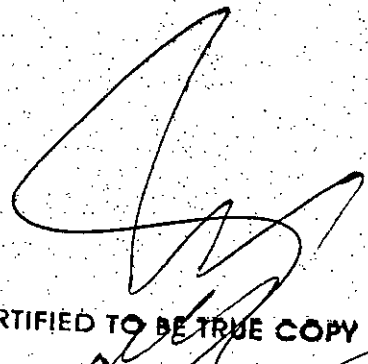
Urgent Fee 1373/18

Total 1373/18

Date of Preparation of Copy 13/3/18

Date of Delivery of Copy 13/3/18

Received By [Signature]




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

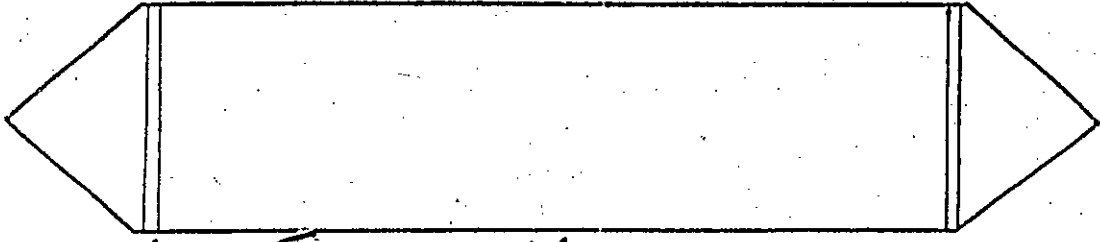
13 MAR 2018



  
12/3/18



Honble Service Tribunal KPK, Peshawar  
بعدالت



2 مخائب  
بنام Saima Haider

بنام

v/s

Govt. of KPK & others

موزخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ  
آن مقام Peshawar کیلئے Amanullah Marnat

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 بر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی 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 یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ  
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جاتہ 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 لکھدیا کہ سند ہے۔

20

ماہ

03/04/2018

الرقوم

واہ العب

گ

بمقام

Peshawar

کے لئے منظور ہے۔

Saima Haider

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

Service appeal No. 477/2018

Mr. Saima Haider, Speech Therapist, 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 18<sup>th</sup> 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 18<sup>th</sup> 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 12<sup>th</sup> January 2018 and Notification No. DI/Absorption/Dev-Emp/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 12<sup>th</sup> January 2018 and Notification No. DI/Absorption/Dev-Emp/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 12<sup>th</sup> 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 12<sup>th</sup> January 2018 and Notification No. DI/Absorption/Dev-Emp/DSW/3331-40 dated 31-01-2018. Furthermore, the facility of

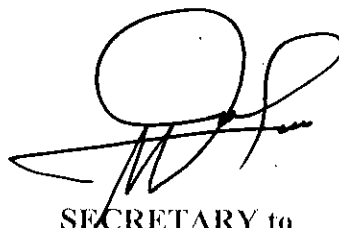
promotion in light of Presidential Order was only meant for employees of Federal Government with 10 years in credit and the facility was not to the employees of Provincial Government as they have their own Award of Higher Pay Scale and Up-gradation policy.

- 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 18<sup>th</sup> 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.



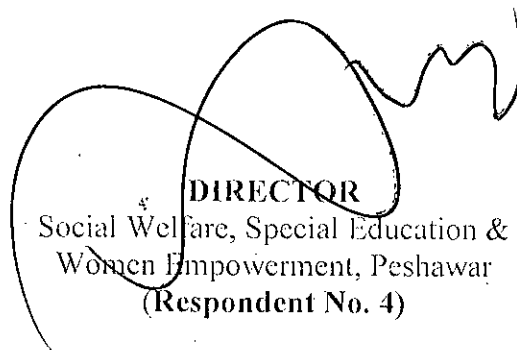
**CHIEF SECRETARY**  
Government of Khyber Pakhtunkhwa  
(Respondent No. 1)



**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)

Islamabad, the 1<sup>st</sup> April, 2011

NOTIFICATION

On transfer of National Special Education Centres, (PHC, MRC, VHC, HIC) Peshawar to the Government of Khyber Pakhtoon Khwa 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 Khwa 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. Siama Haider	Speech therapist	BS-17
22.	Mr. Nasir Ahmad Khan Lodhi	Admin Officer	BS-16
23.	Mr. Muhammad Rauf	Admin Officer	BS-16

OK  
 (9)  
 (5)  
 (6)  
 (1)  
 (3)  
 (2)  
 AP (8/11)

5/4/2011

*Muhammad Altaf*  
 (MUHAMMAD ALTAF)  
 Section Officer

The Manager,  
 Printing Corporation Pakistan Press,  
 Islamabad.

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*Muhammad Altaf*

Annex B



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

Peshawar, dated the 12<sup>th</sup> January, 2018

**NOTIFICATION:**

No. SO-VII/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 18<sup>th</sup> 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

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

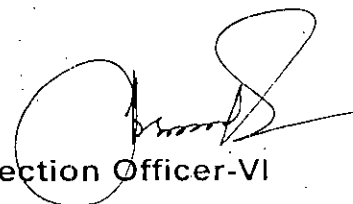
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Secretary to Govt: of Khyber Pakhtunkhwa  
Zakat, Ushr, Social Welfare, Special Education &  
Women Empowerment Department

**Endst No. and Date even:**

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
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 18<sup>th</sup> 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

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

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

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 Chaffoor	- 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. Fajzan 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

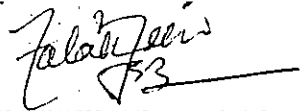


-Sd-  
DIRECTOR  
Social welfare, Special Education &  
Women Empowerment Department  
Khyber Pakhtunkhwa

Endst No. and Date even

Copy forwarded for information and necessary action to the:

1. The Section Officer-VI Social Welfare, SE & WE Department Khyber Pakhtunkhwa.
2. Secretary to Govt of KP Establishment Department Khyber Pakhtunkhwa.
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



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

Service appeal No. 477/2018

Mr. Saima Haider, Speech Therapist, 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 18<sup>th</sup> 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 18<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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.

#### GROUNDS

- 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 12<sup>th</sup> January 2018 and Notification No. DI/Absorption/Dev-Emp/DSW/3331-40 dated 31-01-2018. Furthermore, the facility of

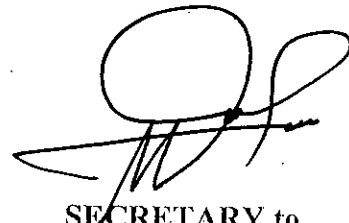
promotion in light of Presidential Order was only meant for employees of Federal Government with 10 years in credit and the facility was not to the employees of Provincial Government as they have their own Award of Higher Pay Scale and Up-gradation policy.

- 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 18<sup>th</sup> 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.



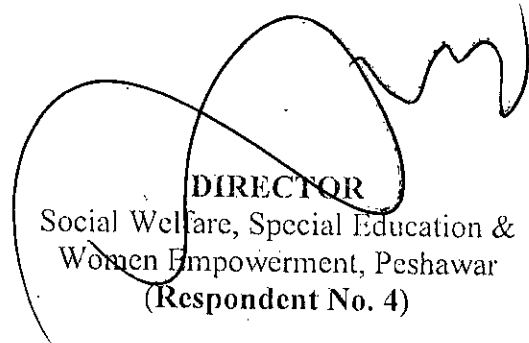
**CHIEF SECRETARY**  
Government of Khyber Pakhtunkhwa  
(Respondent No. 1)



**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)

Islamabad, the 1<sup>st</sup> April, 2011

NOTIFICATION

On transfer of National Special Education Centres, (PHC, MRC, VHC, HIC) Peshawar to the Government of Khyber Pakhtoon Khwa 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 Khwa 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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AP (8/4/11) (2)

5/4/2011

*Muhammad Altaf*  
MUHAMMAD ALTAF  
Section Officer

The Manager,  
Printing Corporation Pakistan Press,  
Islamabad.

Mo-12  
DBD  
Pl. Compare  
with the previous  
one  
S. R. Khan  
5/4/11

Contd.....P/2.....

*Muhammad Altaf*

Annex B



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

Peshawar, dated the 12<sup>th</sup> 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 18<sup>th</sup> 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

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

sd-

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

**Endst No. and Date even:**

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
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 18<sup>th</sup> 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 Nasreen	- 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

Copy forwarded for information and necessary action to the:

1. The Section Officer-VI Social Welfare, SE & WE Department Khyber Pakhtunkhwa.
2. Secretary to Govt of KP Establishment Department Khyber Pakhtunkhwa.
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

