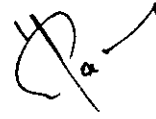


28.05.2019

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

No.F.1-1/2019-Legal
Government of Pakistan
Ministry of Federal Education and Professional Trainings
(Directorate General of Special Education)

Islamabad, the 16th May, 2019.

The Registrar,
Service Tribunal, Khyberpakhtunkhwa,
Peshawar


Subject: - APPEAL NO.469 TO 477 (P)CS-2018 FILED BY ARBAB KHAN AND OTHERS VS SECRETARY, CA&DD (DEFUNCT) AND OTHERS

Reference Education Officer (Lit), M/O Federal Education and Professional Training's letter No.F.2-20/2019-Lit dated 2nd April, 2019 on the subject cited above.

2. Four sets of Para-wise comments duly vetted/approved by Ministry of Law and Justice on behalf of Respondents in the subject appeal filed by Arbab Khan versus Federation of Pakistan.

3. Mr. Fazli Akbar, Assistant Attorney General (AAG), KPK Service Tribunal Peshawar has been nominated by the Ministry of Law and Justice vide letter No.F.8(168)/2019-Sol.II dated 1st April, 2019 to contest the case in the Service Tribunal, KPK, Peshawar.

4. This issues with the approval of the Director (Admin).


(Syed Manzar Hasan Gardezi)
Deputy Director (Legal/)

Copy to: -

1. Mr. Fazli Akbar, Assistant Attorney General (AAG), KPK Service Tribunal Peshawar alongwith a copy of para wise comments.
2. The Education Officer (Legal), M/O FE&PT, Islamabad
3. The Section Officer (SE), M/O FE&PT, Islamabad

Deputy Director (Legal/)

-15

BEFORE THE SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA, PESHAWAR

Ab Khan. Senior Teacher, Special Education Complex, Phase-V, Hayatabad, Peshawar and 08

Appellants/Petitioners

V E R S U S

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

Defendants

Para-wise comments of the objection raised by the Appellants/Petitioners

S	Observation by the Appellants/Petitioners	Reply by Respondent No.5
1.	That addresses of the parties as given in the heading above are sufficient for affecting service upon the respondents.	No comments <div style="text-align: right;">Manzar Gardezi Deputy Director (Legal)</div>
2.	That appellant/petitioner was appointed under Directorate General of Special Education, Islamabad after fulfillment of all codal formalities by Federal Public Service Commission on 24-4-2006, since then, he is performing his duties upto entire satisfaction of his superior and no complaint whatsoever has been made against him. (copy of appointment order is Annexure "A").	Admitted
3.	That a Presidential Order was issued by the President of Pakistan vide order dated 3-7-2009 according to which those employees of Special Education Centres, who have completed their 10 years of service in the current grade be promoted in the next higher grade. (Copy of Presidential Order dated 3-7-2009 is Annexure "B").	Admitted
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 21-9-2010, 24-12-2010 and 21-1-2011 issued by the respondents (copies of Orders dated 21-9-2010, 24-12-2010 and 21-1-2011 are attached as Annexure "C,D&E").	Admitted
5.	That after devolution of employees through 18 th 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 3-7-2009 was also extended to the employees by respondent No.5 vide order dated 7-2-2012, (Copy of order is attached as Annexure "F").	Admitted
6.	That after completion of 10 years service, the appellant approached respondent No.5 for redressal of his grievances through application, which was turned down with the direction to approach an	Denied, the appellant was devolved to the Government of KPK under 18 th Constitutional Amendment and on promulgation of ordinance V of 2013

appropriate forum under the law. (Copy of order dated 25-9-2014 is attached as Annexure Annexure J).
(Annex-I) all devolved civil servants stand transferred to the province concerned and appellant was informed accordingly **(Annex-II)**

That thereafter the appellant approached respondent No.4 through applications dated 9-5-2016, which was disposed off with the following observation:
 "Hence the status of devolved employees is not determined, therefore, the employees may wait till the permanent absorption which is in pipeline and under consideration with Provincial Government after amendment in Civil Servants act 1973 (Copy of order dated 8-9-2016 is Annexure H).

Relates to respondents No.4

8. That appellants preferred departmental appeal on 20-10-2016 which remained un-responded thereafter, filed a writ petition bearing No.649/2017 for promotion of consideration under presidential order dated 3-7-2009. 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).

No comments

9. That the appellant seeks consideration for promotion and benefits under presidential order dated 3-7-2009 before this Honorable Court inter alia on the following grounds:-

As at para 6 above

Manzar Gardezi
 Deputy Director (Legal)

GROUND.

A. That the order dated 8-9-2016 passed by respondent No.4, is against law and record of the case, hence not tenable.

Relates to Respondent No.4

B. That respondents have extended benefits of Presidential order dated 3-7-2009 issued by the president of Pakistan before and after devolution of employees to the Province through 18th Amendment so not considering the petitioners to higher grade under the presidential Order by the respondents, is illegal, without lawful authority and jurisdiction.

In compliance with announcement made by the President on 1-7-2009 certain teachers and specialists have been granted next higher grade on completion of 10 years continuous service in current grade but their pay has not been fixed by the APGR. Being aggrieved one Qari Muhammad Siddique filed an appeal in the FST, Islamabad. In compliance with the judgment issued by FST the Secretary, CA&DD (defunct) constituted a committee comprising Joint Secretary, (E&SI) as Chairman, the Joint Secretary (Regulation), Finance Division and Joint Secretary (Regulation) Establishment Division as member **(Annex-III)**. The meeting of the committee held on 14-8-2016 in the office of Joint Secretary (E&SI), CA&DD (defunct). It was decided that only those teachers and specialists were eligible for grant of next higher scale who had completed 10 years continuous service in their current grade on 1-7-2009 as it was one time facility and those who completed 10 year service beyond 1-7-2009 and devolved to the provinces under 18th Constitutional Amendment are not eligible **(Annex-IV)**. However, as per advice of the Finance Division vide letter dated 19-9-2016 the Notification issued regarding

promotion/grant of next higher grade to the employees of Special Education without concurrence of Establishment Division/Finance Division as required under rules of business 1973. Further it was one time dispensation only for the employees (Teachers and Specialists) in BS-17 or below of Special Education Centres who have completed 10 year service on 1-7-2009. Moreover, a summary in the matter is to be initiated by Ministry of CA&DD (defunct) for ex-post facto approval of the Prime Minister to the grant of higher scale to the employees in BS-17 are below in Special Education Centres Islamabad who have completed 10 year service on 1-7-2009 (date of President's Directive (Annex-V) which is under process.

C. That it is fundamental right of every citizen to enjoy the equal protection of law and to be treated in accordance with law. The respondents are duty bound to consider the appellant to next higher grade under the presidential order, such action of the respondents will amount to violation of Artic 4 & 9 of the Constitution of Pakistan, 1973.

As at B above

Manzar Gardezi
Deputy Director (Legal)

D. That respondents have extended the benefits of Presidential order to other employees of the same department which is evident from various orders dated 21-9-2016, 24-12-2010, 8-1-2011 and 7-2-2012. The appellant entitled and deserve the same treatment. So, action of the respondents by not extending the said benefit to the appellant being similarly placed persons, is illegally, void and based on discriminatory treatment, which is violation of Article 25 of the Constitution of Pakistan, 1973.

As at B above

E. That it is settled principle of law that no one should be suffered by the act of public functionaries. The petitioners have been deprived from the benefits of presidential order due to inactiveness of the respondents.

No comments

F. That the appellant has completed 10 years service on 8-5-2016, who is entitled to be promoted to the next higher grade under Presidential Order, so respondents are bound to extend the said benefits to him.

According to the minutes of the meeting held on 14-8-2016 only those employees who had completed continuous 10 year service at their credit on 1-7-2009 were eligible as it was one time facility. Whereas those who have completed their 10 year service beyond 1-7-2009 are not eligible.

G. That Presidential order dated 3-7-2009 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 their entitlement.

As at F above

H. That 18th Amendment was passed on 28-4-2010 and the petitioner have become a rolling stone by the respondents. Such actions of respondents have deprived the petitioners from their valuable rights, accrued to them since their entitlement, under

No comments

	Presidential Order.	
I	That any other ground may be taken at the time of arguments, with the kind permission of this Honourable Court.	No comments
	<p>It is, therefore, respectfully prayed that on acceptance of this appeal, the order dated 8-9-2016 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 dated 3-7-2009 with all consequential benefits since their entitlement from their respective dates, being similarly placed persons under similarly placed circumstances.</p> <p>Any other remedy, which is not specifically asked for, but deemed appropriate according to circumstances of the case, may also be granted.</p>	<p>The announcement made by the President was one time facility and only those officers/officials who have completed 10 years continuous service in current grade on 1-7-2009 were eligible. However, some officers/officials have been granted next higher grade on completion of 10 year service beyond 1-7-2009 were not eligible and orders issued beyond completion of 10 year service on 1-7-2009 will be withdrawn after getting ex-post facto approval by the Prime Minister which is being sought by submitting a summary by the CA&D Division (defunct) in pursuance of observation made by the Finance Division. It is further mentioned that the Secretary Finance Division and Secretary Establishment Division has not been made respondents by the appellant in this case. Therefore it is prayed that the instant appeal may be disposed of with cost having no merit.</p>

On behalf of Respondent No.5



(Syed Manzar Hassan Gardezi)
Deputy Director (Legal/~~Legal~~)

The Gazette



Annex-I
of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, MAY 24, 2013

PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND JUSTICE

Islamabad, the 24th May, 2013

No. F. 2(1)/2013-Pub.—The following Ordinance promulgated by the President is hereby published for general information:—

ORDINANCE No. V OF 2013

AN

ORDINANCE

further to amend the Civil Servants Act (LXXI of 1973)

WHEREAS it is expedient further to amend the Civil Servant Act, 1973 (LXXI of 1973), for the purposes hereinafter appearing;

AND WHEREAS the National Assembly is not in session having been dissolved on completion of its term and the Senate is also not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

(305)

Price : Rs. 3.00

[834 (2013)/Ex Gaz.]

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—This Ordinance may be called the Civil Servants (Amendment) Ordinance, 2013.

(2) It shall come into force at once.

2. Amendment of section 3, Act LXXI of 1973.— In the Civil Servants Act, 1973 (LXXI of 1973), in section 3, after sub-section (2) the following new sub-sections shall be added, namely:—

“(3) The Federal Government may transfer a civil servant of a devolved Ministry or Division, working in an Attached Department or Subordinate Office situated in a Province, to the Province concerned, in consequence of the devolution of functions pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Province, on the same terms and conditions of service as were applicable to him before such transfer.

(4) The Federal Government may transfer a civil servant working in a Ministry, Division, Attached Department or Subordinate Office located in the Islamabad Capital Territory to any other Ministry, Division, Attached Department or Subordinate Office, in consequence of the abolition of such Ministry, Division, Attached Department or Subordinate Office pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Ministry, Division, Department or Office to which he is so transferred, on the same terms and conditions of service as were applicable to him before such transfer.

(5) The seniority of the civil servants transferred by virtue of sub-sections (3) and (4) shall be determined by the concerned Province, Ministry or Division, as the case may be, in accordance with the rules.

(6) The cases of civil servants of a Ministry, Division, Attached Department or Subordinate Office devolved in pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and working in FATA, Gilgit Baltistan and AJK shall be dealt with in the manner as may be provided by an Order made by the President in this behalf.”

3. **Removal of difficulties.**— If any difficulty arises in giving effect to any provision of the Civil Servants (Amendment) Ordinance, 2013, the Federal Government may make such Order, not inconsistent with the provisions of the said Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after expiry of one year from the coming into force of the aforesaid Ordinance.

4. **Omission of section 12A, Act LXXI of 1973.**—In the said Act, section 12A shall be omitted.

ASIF ALI ZARDARI
President.

JUSTICE (R)
MUHAMMAD RAZA KHAN,
Secretary.

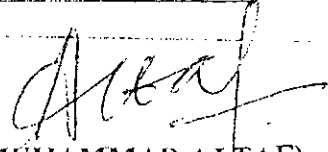


Islamabad, the 2nd April, 2011

NOTIFICATION

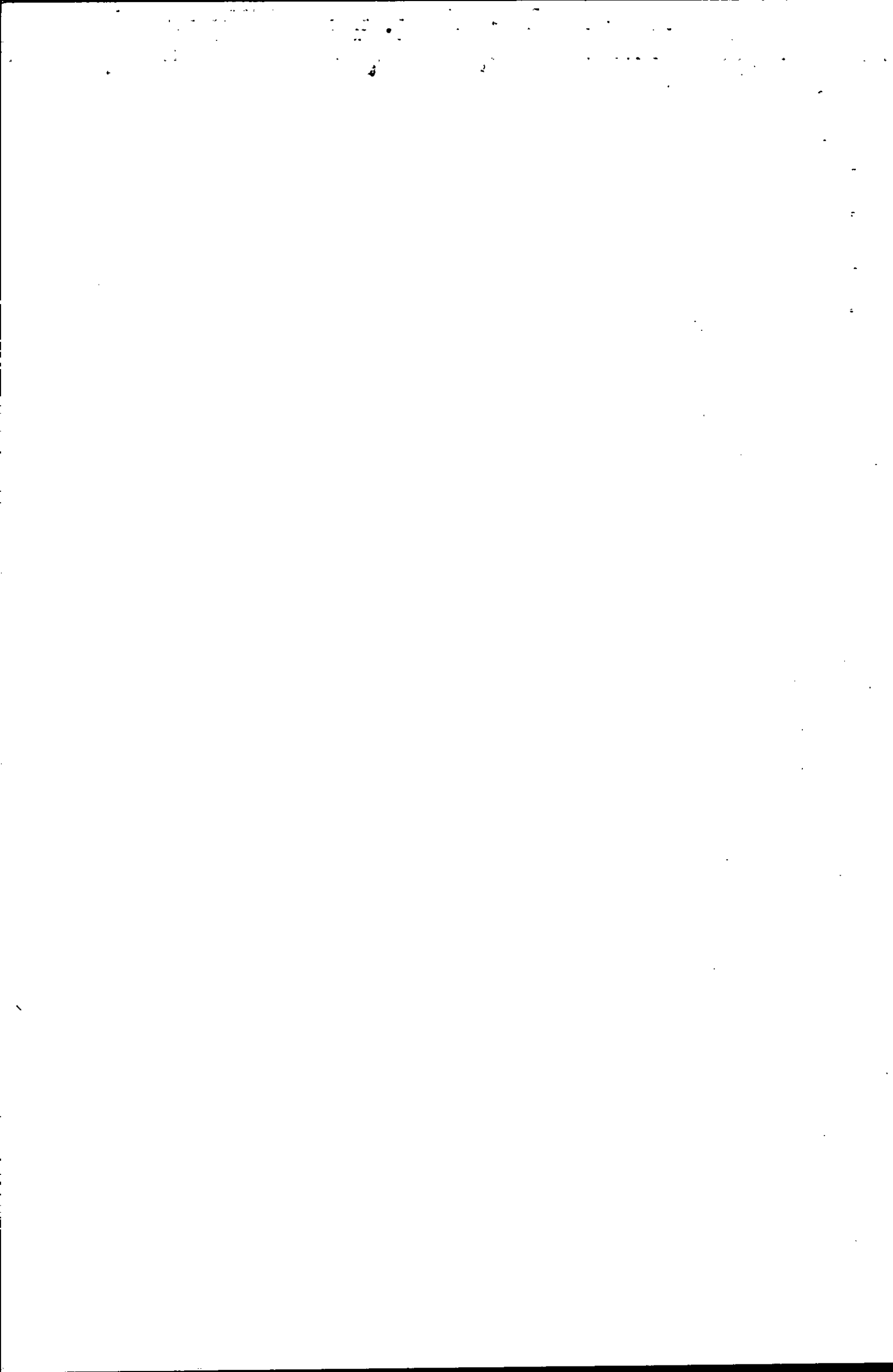
In supersession of this Ministry's notification of even number dated 1st April, 2011 on transfer of National Special Education Centres, (PHC, MRC, VHC, HIC) Peshawar to the Government of Khyber Pakhtoon Khawa in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No. X of 2010), the following 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.	Mrs. Khalida Gulistan	Vice Principal	BS-18
9.	Mr. Hamid Ullah	Senior Teacher	BS-17
11.	Mr. Arbab Khan	Senior Teacher	BS-17
12.	Mr. S. Shahid Akram	Senior Teacher	BS-17
13.	Mrs. Kiran Ghafoor	Senior Teacher	BS-17
14.	Mr. Nazir Shah	Senior Teacher	BS-17
15.	Mr. Tariq Khan	Senior Teacher	BS-17
16.	Mr. Karim Shah	Senior Teacher	BS-17
17.	Mr. Rizwan Ahmad	Senior Teacher	BS-17
18.	Mr. Yasin Wali	Physiotherapist	BS-18
19.	Mr. Sharafat Ali	Physiotherapist	BS-17
20.	Mr. Rafiq Ahmad	Physiotherapist	BS-17
21.	Mr. Mohammad Karim	S. Case Worker	BS-17
22.	Ms. Siama Hiader	Speech therapist	BS-17
23.	Mr. Nasir Ahmad Khan Lodhi	Admin Officer	BS-16
24.	Mr. Muhammad Rauf	Admin Officer	BS-16


(MUHAMMAD ALTAF)
Section Officer

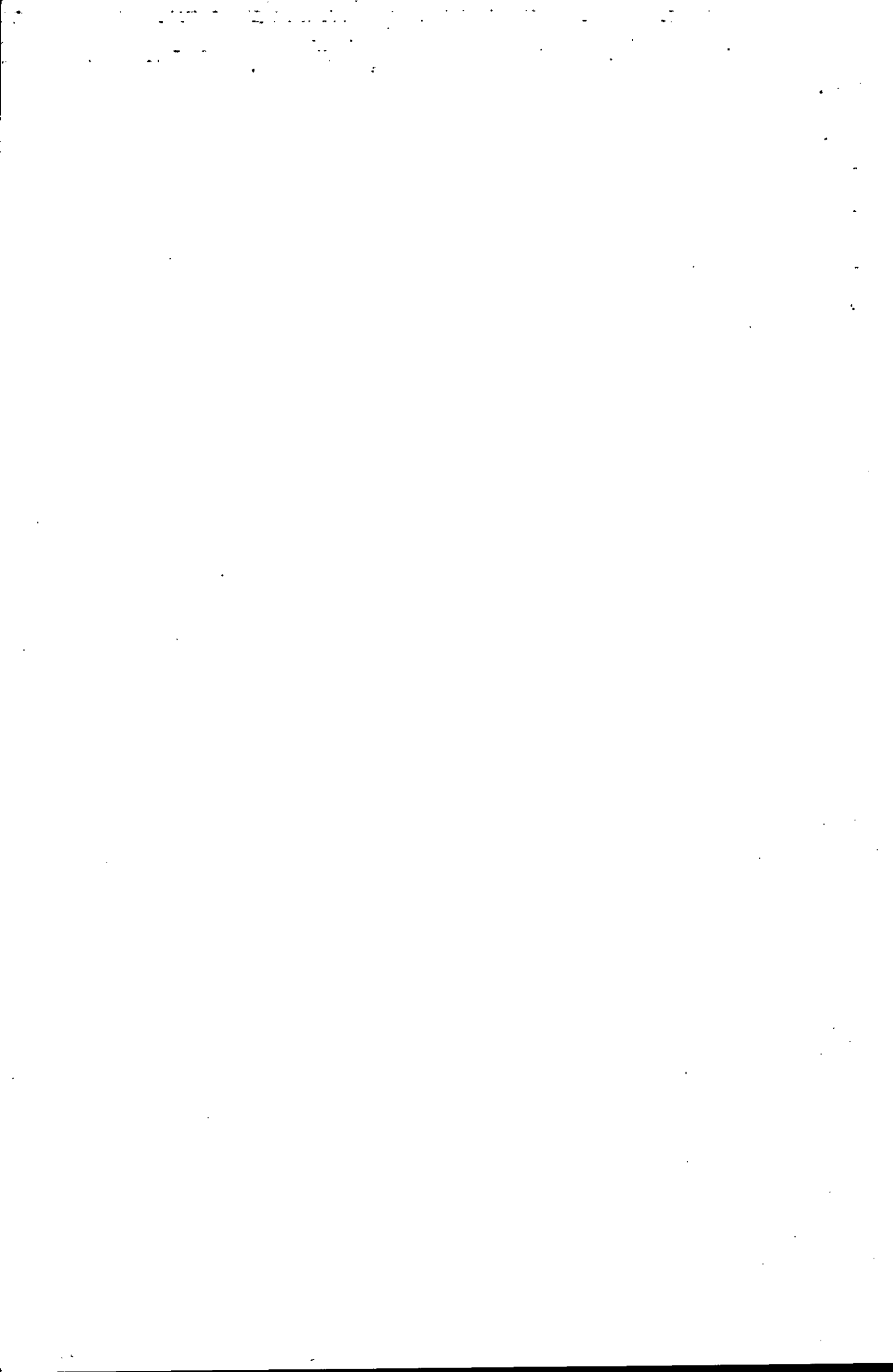
The Manager,
Printing Corporation Pakistan Press,
Islamabad.

Contd.....P.2



1. Secretary, Inter-Provincial Coordination Division Islamabad
2. Secretary, Finance Division, Islamabad
3. Secretary, Cabinet Division Islamabad
4. Secretary, Establishment Division, Islamabad
5. Chief Secretary, Government of Khyber Pakhtoon Khawa, Peshawar
6. Mr. M. Feroze Khan, Director General, M.S Wing, Establishment Division Islamabad
7. Mr. Muhammad Shahid Siddique, Director General, M.S Wing, Establishment Division, Islamabad.
8. Secretary, Social Welfare Department, Government of the Khyber Pakhtoon Khawa .
9. AGPR sub office Peshawar
10. Accountant General, Peshawar.
11. DDO, National Special Education Centres, (PHC, MRC, VED, SILE, SITU)
12. Officer Concerned.
13. Office Copy.

68
-9-



No.F.18-6/2015-SO (SE)

Islamabad, the 1st June, 2016

OFFICE MEMORANDUM

Subject: ORDER PASSED IN MISC.PETITION NO.1816/15 IN APPEAL NO.2022 (R) CS-2012 FILED BY QARI MUHAMMAD SIDDIQUE VS SPECIAL EDUCATION.

The undersigned is directed to refer to the Finance Division's O.M.F.No.9(30)R-1/2014-376/2016 on the above subject and to say that in compliance with the FST's Order dated 25-04-2016 passed in the subject Misc. Petition, the Secretary CA&DD has been pleased to constitute the following committee:

- | | | |
|------|--|----------|
| i. | Joint Secretary (E&S.I), CA&DD | Chairman |
| ii. | Joint Secretary (Regulation), Finance Division | Member |
| iii. | Director General (Special Education) | Member |

2. You are requested to kindly give a convenient date & time in order to schedule the meeting of the above committee.

Suhail Ahmed Shami
(Suhail Ahmed Shami)
Section Officer (SE)

Finance Division,
Joint Secretary (Regulation),
Islamabad.

Copy for information to:

- i. Director General (DGSE) with request to kindly prepare/furnish 3 sets of working-papers for the above meeting.
- ii. S.O(R-I), Finance Division w.r.t above O.M.

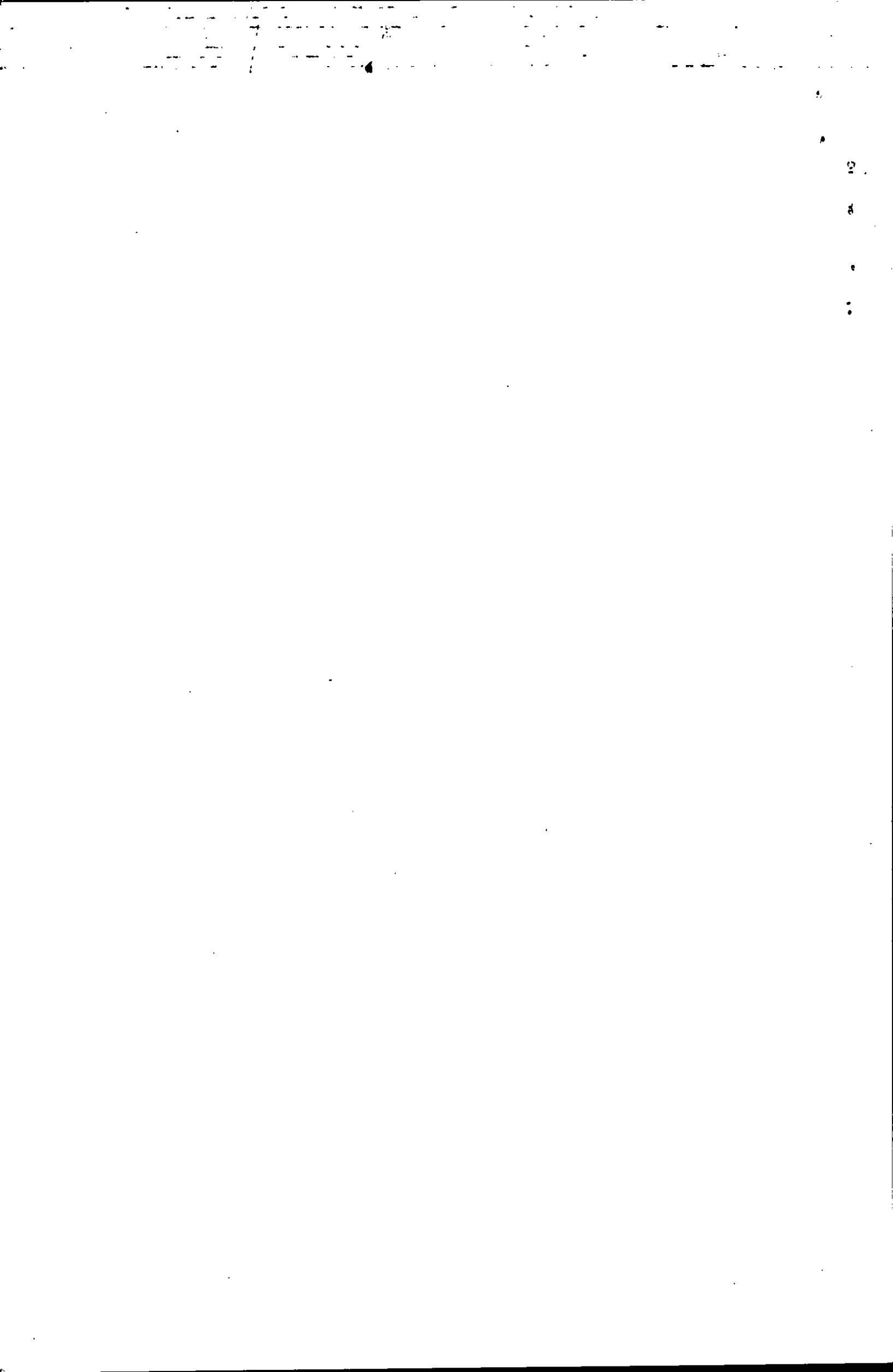
D.G. on tour

Qari
7/3/16

Handwritten signatures and initials

Suhail Ahmed Shami

3/6/16



~~AD~~
Immediate
By SM

F.No.18-6/2015-AEA (S.E)
GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT

Annex - IV


CAPITAL ADMINISTRATION & DEVELOPMENT DIVISION

Islamabad: the 16th January 2017

MINUTES OF THE MEETING DATED 30-08-2016, OF THE
COMMITTEE CONSTITUTED IN PURSUANCE OF F.S.T's ORDER
DATED 25-04-2016 IN M.P.NO.1816/2015 IN APPEAL NO.2022(R)
CS/2012 FILED BY QARI MUHAMMAD SIDDIQUE VS FOP.

Please find enclosed herewith the approved minutes of the subject meeting for
information and necessary action.

Encl: As above.


(Farooque Aizma Abro)

F.No.18-6/2015-ATA (S.E)
GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CAPITAL ADMINISTRATION & DEVELOPMENT DIVISION

Annex IV
12

SUBJECT: MINUTES OF THE MEETING DATED 30-08-2016, OF THE COMMITTEE CONSTITUTED IN PURSUANCE OF F.S.T's ORDER DATED 25-04-2016 IN M.P.NO.1816/2015 IN APPEAL NO.2021(R) CS/2012 FILED BY QARI MUHAMMAD SIDDIQUE VS FOP.

A meeting of the subject Committee was held on 30-08-2016 at 09:30 a.m in the office of the Joint Secretary (E&SI), CA&DD/Chairman Committee to discuss/finalize the issue, raised pursuant to the announcements made by the President in the function of special children held in the Aiwan-e-Sadr, on 01-07-2009 arranged by the Ministry of Social Welfare & Special Education (defunct). The following attended the meeting:

- | | |
|--|---------------------------------|
| a. Joint Secretary (E&SI), CA&DD | Chairman |
| b. Joint Secretary (Reg.), Finance Division | Member |
| c. Deputy Secretary (Reg.), Establishment Division | Member (On behalf of J.S (Reg.) |
| d. Director (Admn) DGSE
General) | Member(On behalf of Director |

2. The Director (Admn.), DGSE briefed the participants regarding the issue. He stated that in the function of special children held in the Aiwan-e- Sadr, on 01-07-2009 arranged by the Ministry of Social Welfare & Special Education (defunct), the President was pleased to recommend to the Government for considerations and orders, besides other recommendations that:

"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 "

3. Accordingly, the Prime Minister's Secretariat (Public) directed defunct M/o Social Welfare & Special Education, Islamabad, to take further necessary action. Consequently, all the above mentioned employees in Special Education Centres, with 10 years' service were promoted to the next grade and the Finance Division was requested to concur in the matter. As the instant matter involved neither the up-gradation nor the creation of the posts, therefore, the Finance Division did not concur.

4. Qari Muhammad Siddique, Deeniyat Teacher (BS-15), SEC (VHC), Islamabad filed an Appeal in the Federal Service Tribunal, Islamabad, praying therein for his promotion. The FST, vide Order dated 29-10-2014 disposed off the Appeal and ordered that:

"In the above mentioned circumstances of this case, we are of the considered view, that the instant appeals be disposed of with a direction to respondent No.2 Ministry of Finance to decide the issue of up-gradation of the post of the appellants in the light of the recommendation of respondent No.1 as well as office order dated 21-03-2014, which was issued in pursuance to the announcement made by the President of Pakistan vide Notification dated 03-07-2009 within a period of two months, from the date of the receipt of the order of this Tribunal."

Qari Muhammad Siddique filed Miscellaneous Petition No.1816/15 in the FST, for implementation of the Judgment/Order in Appeal No.2022 (CS)/2012 dated 29-10-2014. The FST vide Order dated 25-04-2016 directed the Secretary, CA&DD to constitute a committee in which the representative of the Finance Division should also be included. Accordingly CA&DD constituted the above committee.

6. The matter in question was discussed at length and different aspects of the case were taken under consideration. It was unanimously agreed upon by all the members that:

i) The President's directive is a one-time dispensation only for the employees (Teachers and Specialists) in BS-17 or below of Special Education Centres who have completed 10 years service on 01-07-2009.

ii) The Committee's Members unanimously disagreed with the notifications issued regarding promotion/grant of next grade to the employees of Special Education as the same has been issued without concurrence of Establishment Division/Finance Division required under Rules of Business, 1973.

iii) As the matter involved financial implications, therefore, the approval/concurrence of the Finance Division should have been sought before issuing the notification/order of the promotion of the DGSIs employees, which was not done in this case.

iv) Placement in higher pay scale has to be a one-time exercise and would include only those Teachers and Specialists in BS-17 or below in Special Education Centres who had completed 10 years' service on 01-07-2009 i.e. the date of President's Announcement but would not include those who had been devolved to the Provinces pursuant to the 18th Constitutional Amendment.

v) Since the posts were neither up-graded nor new posts were created, the placement in higher scale will be personal to the eligible incumbents and their posts shall be downgraded to original scale on their transfer, superannuation or regular promotion.

vi) A summary in the matter is to be initiated by CA&D Division for ex-post facto approval of the Prime Minister to the grant of higher time scale to the employees (Teachers and Specialists) in BS-17 or below in Special Education Centre, Islamabad who have completed 10 years service on 01-07-2009 (date of President's directive).

vii) The Directorate General of Special Education, Islamabad will prepare the case covering the following details in order to refer the same to the Finance Division for concurrence/approval:

- a. The detail of Gazetted and Non-Gazetted Teachers/Specialists in BS-17 or below who would fall under the above-mentioned yard-stick.
- b. Financial Impact of the case.

The meeting was concluded with the vote of thanks from and to the chair.

SUMMARY FOR THE PRIME MINISTER

Subject: - **GRANT OF HIGHER SCALE ON COMPLETION OF TEN (10) YEARS CONTINUES SERVICE IN SAME SCALE TO THE TEACHERS AND SPECIALIST IN (BPS-17) OR BELOW IN PURUSANCE OF ANNOUNCEMENT MADE BY THE PRESIDENT ON 1ST JULY, 2009**

In the function of special children held in the Awan-i-Sadar on 1st July, 2009 arranged by the Ministry of Social Welfare and Special Education (Defunct), the President was pleased to recommend (Annex-I) various facilities to the Government for consideration and orders at the earliest including one that: -

"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".

2. In pursuance of above mentioned announcement by the President various employees including teachers were promoted to next higher grade (Annex-II) but the AGPR, Islamabad did not accept the office order on plea that the grant of next higher grade has not been granted with the approval of the Establishment and Finance Division.

3. Being aggrieved one Qari Muhammad Siddique filed a Misc. Petition before the Federal Service Tribunal, Islamabad against the AGPR for not fixing his pay according to the office order issued in pursuance of the above said announcement of the President.

4. The Federal Service Tribunal, Islamabad passed judgment on 25-4-2016 (Annex-III) the operative part of the judgment is reproduced as under: -

"In view of the above position, we direct the Secretary CADD to constitute a committee in which the representative of the Finance Division should also be included. The issue involved should be decided within a period of two months positively".

5. In compliance with the above judgment the Secretary, CA&DD constituted the committee (Annex-IV) comprising the following: -

- | | | |
|------|--|----------|
| i. | Joint Secretary (E&SI), CA&DD | Chairman |
| ii. | Joint Secretary (Regulation), Finance Division | Member |
| iii. | Director General (Special Education) | Member |

15
6. The meeting of the above mentioned committee was held on 30-8-2016 under the chairmanship of the Joint Secretary (E&SI), CA&DD according to the minutes of the meeting (Annex-V) it was recommended that the placement in higher pay scale has to be a one-time exercise and would include only those Teachers and Specialists in BS-17 or below in Special Education Centres who had completed 10 years service on 1-7-2009 i.e. the date of President's Announcement but would not include those who had been devolved to the Provinces pursuant to the 18th Constitutional Amendment. Since the posts were neither up-graded nor new posts were created, the placement in higher scale will be personal to the eligible incumbents and their posts shall be downgraded to original scale on their transfer, superannuation or regular promotion.

7. The minutes of the meeting have been endorsed by the Establishment Division (Annex-VI) while the Finance Division (Regulation Wing) vetting the minutes of the meeting mentioned (Annex-VII) that a summary in the matter is to be initiated by M/O CADD for ex-post facto approval of the Prime Minister to the grant of higher time scale to the employees (Teachers and Specialists) in (BS-17) or below in special Education Centre, Islamabad who have completed 10 years service on 1-7-2009 (date of President's Directive).

8. Approval of the Prime Minister is solicited to the grant of next higher scale to the teachers and specialists in BS-17 and below on completion of 10 years continue service in current grade in pursuance of announcement made by the President on 1-7-2009.

(Nargis Ghallo)
Secretary

Through:

1. Establishment Secretary
2. Finance Secretary

Principal Secretary to the Prime Minister, Prime Minister's Secretariat, Islamabad
DGSE's U.O No.F.1-9/2012-Legal dated February, 2017.


29.01.2019

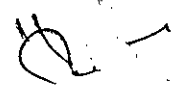
Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nabi Gul, Superintendent (Litigation) for the respondents present and submitted written reply on behalf of the respondents No. 1 to 4. The appeal is assigned to D.B-I for rejoinder and arguments for 30.04.2019.


(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

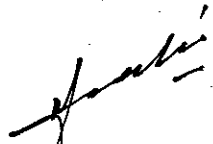
Appellant Deposited
Security & Process Fee



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. _____

472/2018

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

BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Appeal No. 472 /2018

Muhammad Sharafat Ali KhanAppellant

V E R S U S


Govt of Pakistan and others.....Respondents

I N D E X

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

Through

Appellant


Amanullah Marwat

Advocate, Peshawar

Cell: 0344-9054585

Off: FR-1, 4th Floor, Faiaq

Sair Plaza, Saddar Road,

Peshawar Cantt

Date: 03-April-2018

BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Appeal No. 472/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 497

Dated 5/4/2018

Muhammad Sharafat Ali Khan
Physiotherapist, Special Education Complex,
Phase-V, Hayatabad, Peshawar.....**Appellant**

V E R S U S

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

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

Filed to-day

Registrar

5/4/18

Respectfully Sheweth:

1. That addresses of the parties as given in the heading above are sufficient for affecting service upon the respondents.
2. That appellant was appointed under Directorate General of Special Education, Islamabad after fulfillment of all codal formalities by Federal Public Service Commission on 17/05/2004, since then, he is performing his duties upto entire satisfaction of his superiors and no complaint whatsoever has been made against him. (Copy of appointment order is Annexure "A").
3. That a Presidential Order was issued by the President of Pakistan vide order dated 03.07.2009 according to which those employees of Special Education Centers, who have completed their 10 years of service in the current grade be promoted in the next higher grade. (Copy of Presidential Order dated 03.07.2009 is Annexure "B").
4. That in the light of Presidential Order, a number of employees who were entitled for the said benefit, were promoted before devolution of ministry to the province through various orders dated 21.09.2010, 24.12.2010 and 21.01.2011 issued by the respondents. (Copies of order dated 21.09.2010, 24.12.2010 and 21.01.2011 are attached as Annexure "C, D & E").
5. That after devolution of employees through 18th Amendment, all employees have been transferred to province through Capital Administration & Development Division. It is pertinent to mention

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

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

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

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

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

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

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

GROUND S:

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

100

100

100

100

100

100

100

orders dated 21.09.2016, 24.12.2010, 08.01.2011 and 07.02.2012. The appellant entitled and deserve the same treatment. So, action of the respondents by not extending the said benefit to the appellant being similarly placed persons, is illegal, void and based on discriminatory treatment, which is violation of Article 25 of the Constitution of Pakistan, 1973.

- E. That it is settled principle of law that no one should be suffered by the act of public functionaries. The appellant have been deprived from the benefits of Presidential Order due to inactiveness of the respondents.
- F. That the appellant has completed 10 years service on 08.05.2016, who is entitled to be promoted to the next higher grade under Presidential Order, so respondents are bound to extend the said benefits to him.
- G. That Presidential Order dated 03.07.2009 issued by the President of Pakistan is neither withdrawn, altered, replaced or changed, which is still in field. The respondents are required under the law to consider the appellant under the Presidential Order since his entitlement.
- H. That 18th Amendment was passed on 28.04.2010 and the appellant has become a rolling stone by the respondents. Such actions of respondents have deprived the appellant from his valuable rights, accrued to him since his entitlement, under Presidential Order

1. The first part of the document
 2. describes the general situation
 3. and the results of the
 4. investigation. It is
 5. divided into two main
 6. sections: the first
 7. section deals with the
 8. general situation, and
 9. the second section
 10. deals with the results
 11. of the investigation.

12. The second part of the
 13. document describes the
 14. results of the
 15. investigation. It is
 16. divided into two main
 17. sections: the first
 18. section deals with the
 19. general situation, and
 20. the second section
 21. deals with the results
 22. of the investigation.

23.

24.

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

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

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

Appellant

Through


Amanullah Marwat
Advocate, Peshawar

Date: 03/04/2018

1

1. The first part of the document is a list of names and addresses.

2. The second part of the document is a list of names and addresses.

3. The third part of the document is a list of names and addresses.

4. The fourth part of the document is a list of names and addresses.

BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2018

Muhammad Sharafat Ali KhanAppellant

V E R S U S

Govt of Pakistan and others.....Respondents

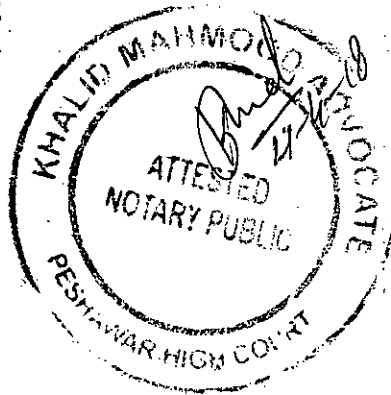
AFFIDAVIT

I, Muhammad Sharafat Ali Khan Physiotherapist, 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:


DEPONENT


Amanullah Marwat
Advocate, Peshawar



BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2018

Muhammad Sharafat Ali KhanAppellant

V E R S U S

Govt of Pakistan and others.....Respondents

ADDRESSES OF PARTIES

APPELLANT:

Muhammad Sharafat Ali Khan
Physiotherapist, 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

Through

Appellant


Amanullah Marwat

Advocate, Peshawar

Date: 03-April-2018

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Appeal No. _____ of 2018

Muhammad Sharafat Ali KhanAppellant

V E R S U S

Govt. of KPK & othersRespondents

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. 649/2017 titled "Rizwan Ahmad & other 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.

Through


Petitioner


Aman Ullah Marwat
Advocate, Peshawar

Date: 03-April-2018

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

C.M No. _____/2018

IN

Appeal No. _____/2018

Muhammad Sharafat Ali KhanAppellant

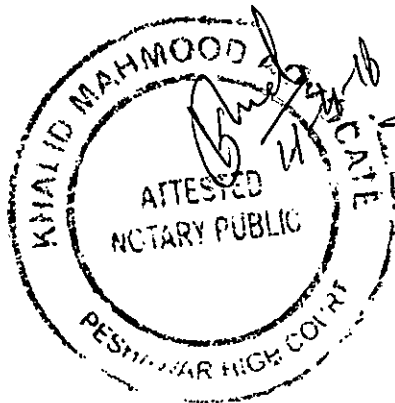
VERSUS

Govt of Pakistan and others.....R-spondents

AFFIDAVIT

I, Muhammad Sharafat Ali Khan Physiotherapist
Special Education Complex, Phase-V, Peshawar,
Peshawar, do hereby solemnly affirm and declare
that the contents of the accompanying documents
are true and correct to the best of my knowledge,
belief and conscience and have been concocted by
Court.

Identified by:



[Handwritten Signature]

APPPELLANT

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

a Aⁿ

12.

Government of Pakistan
Ministry of Women Development,
Social Welfare & Special Education
Directorate General of Special Education

9

Islamabad, the 14th July, 2004

NOTIFICATION

NO.PF.904(MISAK)/A-II. Having been recommended by the Federal Public Service Commission and approved by the competent authority i.e Secretary, Ministry of Women Development, Social Welfare & Special Education and declared medically fit by the Medical Centre for Federal Government Servants, Peshawar, Mr. Muhammad Sharafat Ali Khan is appointed as Physiotherapist (BS-17) under the Directorate General of Special Education, with effect from 17.5.2004

2. He is placed on probation for a period of one year 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 been successfully completed in accordance with the Section-21 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 as amended from time to time

3. Mr. Muhammad Sharafat Ali Khan has assumed the charge of the post of Physiotherapist (BPS-17), in the Institute of Physically Handicapped Children, Peshawar on 17.5.2004 on regular basis.

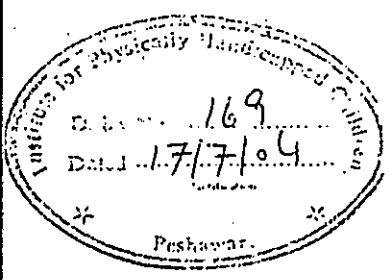
(NAJAMUL HASSAN QURESHI)
DEPUTY DIRECTOR (ADMIN)

The Manager,
Printing Corporation of Pakistan Press,
Karachi.

- Copy to:-
1. AGPR, Sub-Office, Peshawar
 2. Director (Northern Region).
 3. Principal, IPHC, Peshawar.
 4. Officer concerned.

W.
17/5

[Signature]
DEPUTY DIRECTOR (ADMIN)
19/7/04



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

13

Subject: ANNOUNCEMENTS MADE BY THE PRESIDENT.

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

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

2. It was also desired that the President's House, from now on, would mobilize national and international support for the betterment of special children.

(Muhammad Ishique Lashari)
Additional Secretary

Prime Minister's Secretariat (Mrs Nargis Sethi, PSPM, Islamabad,
President's Sectt's u.o. No. 14(L1)/Dw(HD)/09 Dated: 3rd July 2009

Attention:

To Secretary,

Min. Social Welfare & Special Education

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

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

Islamabad, the 21st September, 2010

NOTIFICATION

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

S. No.	Name & Designation	Place of Posting
1.	Mr. Abdul Majeed (Lale) 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. Alhar Khan Bhayo Audiologist (BS-17)	SEC HIC, Sukkur
11.	Syed Manzoor Hassan Gardezi Social Welfare Officer (BS-17)	VREDIP, Islamabad
12.	Mrs. Shahida Sarwar Social Case Worker (BS-17)	SEC VHC, Faisalabad
13.	Mrs. Naureen 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 Jaira Senior Teacher (BS-17)	NSEC HIC, Islamabad
18.	Ms. Shaheena Malik Physiotherapist (BS-17)	IPHC, Lahore
19.	Mrs. Tanveer Akhtar Social Case Worker (BS-17)	SEC VHC, Lahore
20.	Mrs. Rehana Kausar Braille Press Manager (BS-17)	NBP, Islamabad
21.	Mr. Muhammad Aslam Ismail Social Case Worker (BS-17)	SEC VHC, Karachi

9-6-2005
31/3/05

[Handwritten signature]

96-3-98
15-9-97
10-9-97
15-9-97
1-2-2000
2-11-97
17-11-97
12-11-97
10-12-98
23-10-97
9-6-2005
11-3-98
15-12-97
19-11-97

15

a D

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

Islamabad (the 27th December, 2010)

NOTIFICATION

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

S. #.	Name & Designation	Place of Posting	Higher BS Granted	Date for Grant of Next Higher Scale.
1.	Mr.Suleman Arshad, Physiotherapist (BS-17).	IPHC, Lahore.	BS-18	29-6-2010
2.	Mr.Yasin Wali, Physiotherapist, (BS-17).	IPHC, Peshawar.	BS-18	29-6-2010
3.	Mrs. Rahila 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 to M/o Railways.	BS-18	4-11-2009
8.	Dr. Samina Zafar, Audiologist, (BS-17).	SEC for HIC, Islamabad.	BS-18	15-6-2010
9.	Mr.Muhammad Ashiq Ayaz, Assistant Director, (BS-17).	VREDP, Islamabad	BS-18	1-7-2009
10.	Syed Tahir Hussain, Admin. Office (BS-16.)	DGSE, Islamabad.	BS-17	1-7-2009
11.	Mrs. Akhtar Suleman, Staff Nurse, (BS-16).	IPHC, Lahore.	BS-17	1-7-2009
12.	Mrs.Agnis Parveen, Staff Nurse, (BS-16).	SEC for PHC, Faisalabad.	BS-17	1-7-2009

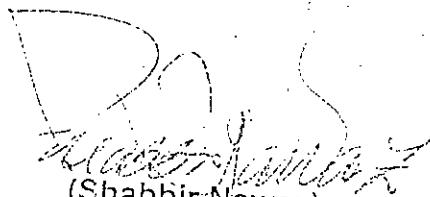
16

-2-

109

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

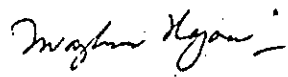
- i. The promotion to BS-18 and BS-17 will be personal to the incumbents.
- ii. On their transfer to other department or on their superannuation the post of (BS-18) & BS-17 held by them will automatically be down-graded to (BS-17) & (BS-16).


(Shabbir Nawaz)
Director (Admn)

The Manager
Printing Corporation of Pakistan Press,
Karachi

Copy to:-

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


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

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

Islamabad, the 21st January, 2011.

NOTIFICATION

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

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

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

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

Sdf-
(SHABBIR NAWAZ)
DIRECTOR (A&C)

The Manager,
Printing Corporation of Pakistan Press,
Karachi.

Copy to:-

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

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

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

Annex-5

Islamabad, the 7th February, 2012

NOTIFICATION

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

S.No.	Name	Place of posting	Date of promotion to the next higher grade i.e. (BS-18)
1.	Mr. Rahim Bux Bhutto	SEC HIC, Sukkur	01.07.2009
2.	Hafiz Muhammad Ayub	SEC HIC, Sukkur	01.07.2009
3.	Mrs. Aysha Hamdani	SEC MRC, Karachi	09.08.2011
4.	Mr. 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 Mehnaz Akhta	IPHC, Lahore	07.08.2011
11.	Mr. Muhammad Abdhu Shah	SEC HIC, Sargodha	18.08.2011
12.	Mr. Muhammad Amjad	SEC MRC, Sahiwal	20.08.2011
13.	Mr. Masood Ahmad Khan	SEC HIC, Sargodha	05.09.2011
14.	Ms. Fouzia Akhtar	SEC VHC, Lahore	13.08.2011
15.	Mr. Muhammad Mahroof	SEC PHC, Muzaffarabad	09.08.2011
16.	Mr. Muhammad Arif	SEC VHC, Sialkot	10.08.2011
17.	Mr. M. Zahid Akhtar Khaki	SEC VHC, Sialkot	17.08.2011
18.	Mr. Haq Nawaz	SEC HIC, Sargodha	11.08.2011
19.	Mr. Saeed Ahmad	SEC PHC, D.G. Khan	27.08.2011
20.	Mr. 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. Amjad 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. Rehara Tariq Soomro	SEC VHC, Karachi	01.07.2009
28.	Mr. Fida Hussain	SEC MRC, D.I. Khan	10.08.2011
29.	Mr. Saleemullah	NSEC, Lahore	08.08.2011
30.	Syed Shahid Akram Shah	IPHC, Peshawar	17.08.2011

" 22 "

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

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

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

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

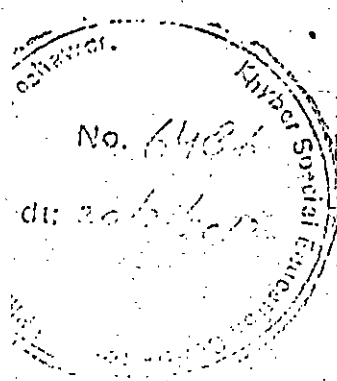
(WAZIR ISLAM)
Deputy Secretary (SW&SE)

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 Pakhtunkhawa.
7. All Principals/Vice Principals/Incharges concerned.
8. All officers concerned (By name).
9. All DDOs 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)



20

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

7
() 31 " 9 "

To,

Islamabad, the 25 September, 2014.

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

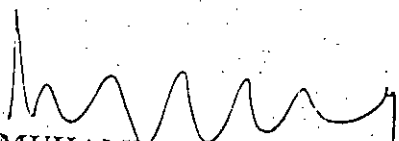
Subject: PROMOTION UNDER PRESIDENTIAL ORDERS.

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

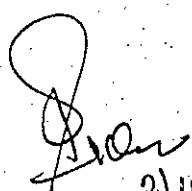
2. The concerned employees have been devolved to the provincial government under 18th Constitutional Amendment. Further on promulgation of Ordinance V of 2013, all devolved civil servants stand transferred to the province concerned.

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)

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


2/10/14

21

G-1

(Handwritten signature/initials)

To

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

SUBJECT: **PROMOTION UNDER PRESIDENTIAL ORDERS**

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

I have also completed 10 years continuous service in Special Education in BPS.17. Arrangements may kindly be made for my promotion to BPS.18 w.e.f 16.5.2014.

Date. 09.5.2016

(Handwritten signature)

Muhammad Sharafat Ali
Physiotherapist BPS. 17

22

"H"



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

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

To

The Director,
Special Education Complex Hayatabad,
Peshawar.

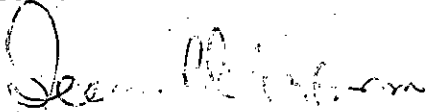
Subject: PROMOTION UNDER PRESIDENTIAL ORDERS.

I am directed to refer to letter No.PF:3-8/2010/SEC/8015 dated 17-05-2016 on the subject noted above and to state that hence the status of devalued 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.


21/9/16
(Sareer Khan)
Assistant Director-DI

Copy for information to:

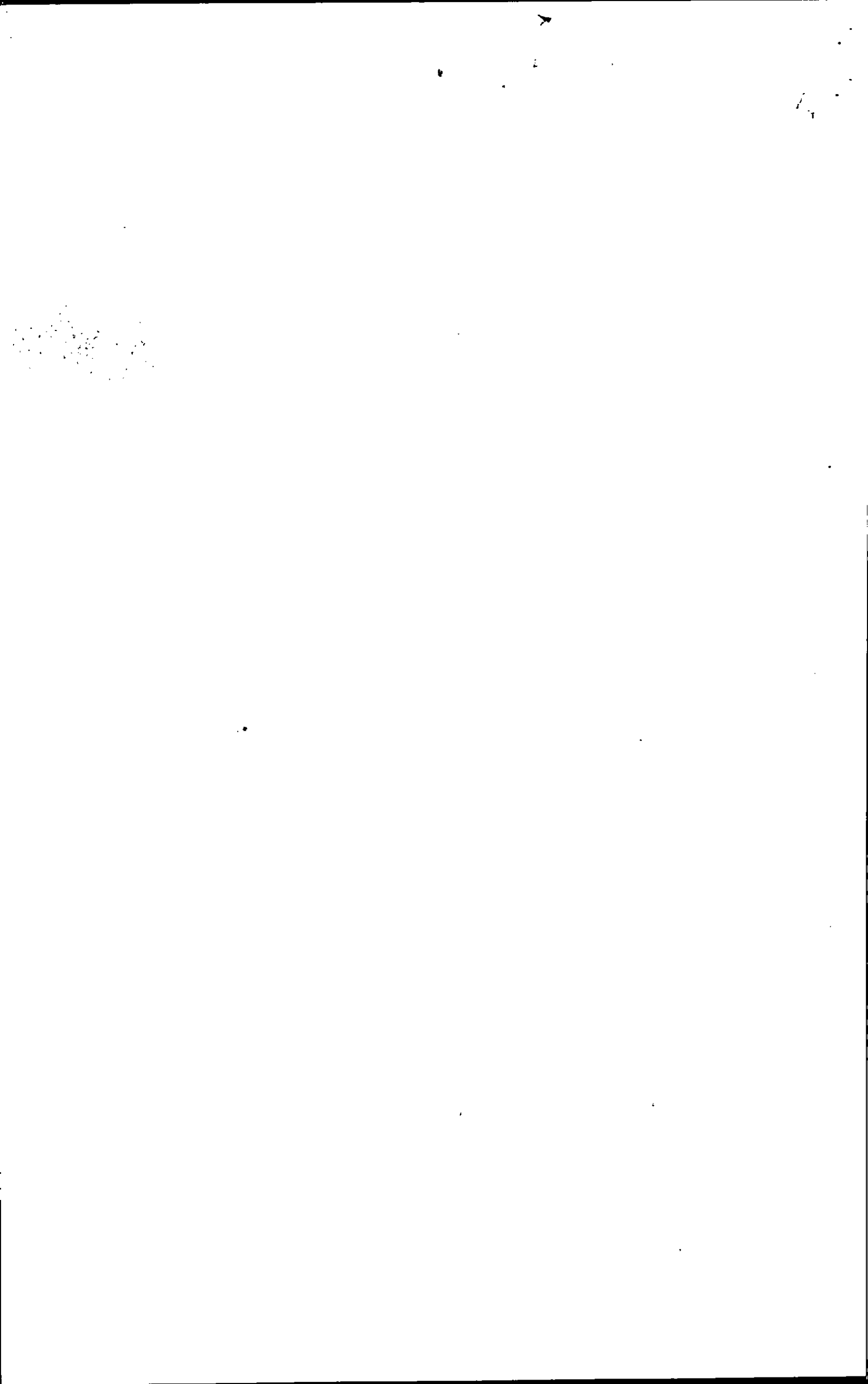
1. Section officer-VI Social Welfare, SE & WE Department Peshawar.
2. PA. to DSW.

 (Assistant Director-DI)

the Director
19/9

Abid-





23

3 I 3

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 649 /2017

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

V E R S U S

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

21
R

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

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

Respectfully Sheweth:

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

25

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

5. That after devolution of employees through 13th Amendment, all employees have been transferred to province through Capital Administration & Development Division. It is pertinent to mention here that the benefits of Presidential Order dated 03.07.2009 were also extended to the employees by respondent No.1 vide order dated 07.02.2012. (Copy of order dated 07.02.2012 is attached as Annexure "F").
6. That after completion of 10 years service, the petitioners approached respondent No.1 for redressal of their grievances through applications, which was turned down with the direction to approach an appropriate forum under the law. (Copy of order dated 25.09.2014 is attached as Annexure "G").
7. That thereafter, the petitioners approached respondent No.6 through applications dated 09.05.2016, which was disposed-off with the following observation:

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

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

- 28
8. That feeling aggrieved from the said order, the petitioners having no other adequate remedy, invoke the extraordinary jurisdiction of this Honourable Court, inter alia, on the following grounds:

GROUND S:

- A. That the order dated 08.09.2016 passed by respondent No.6, is against law and record of the case, hence not tenable.
- B. That respondents have extended benefits of Presidential Order dated 03.07.2009 issued by the President of Pakistan before and after devolution of employees to the province through 18th Amendment, so not considering the petitioners to higher grade under the Presidential Order by the respondents, is illegal, without lawful authority and jurisdiction.
- C. That it is fundamental right of every citizen to enjoy the equal protection of law and to be treated in accordance with law. The respondents are duty bound to consider the petitioners to next higher grade under the Presidential Order, such action of the respondents will amount to violation of Artic 4 & 9 of the Constitution of Pakistan, 1973.
- D. That respondents have extended the benefits of Presidential Order to other employees of the same department, which is evident from various orders dated 21.09.2016, 24.12.2010, 08.01.2011 and 07.02.2012. The petitioners

(2) (5)

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

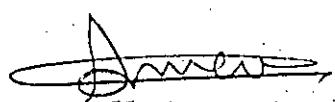
- E. That it is settled principle of law that no one should be suffered by the act of public functionaries. The petitioners have been deprived from the benefits of Presidential Order due to inactiveness of the respondents.
- F. That the petitioners have completed 10 years service on 08.05.2016, who are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

28 8

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

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

Through Petitioners

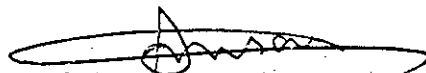


Amanullah Marwat
Advocate, Peshawar

Date: 15/02/2017

CERTIFICATE:

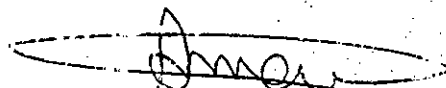
Certified on instructions of my clients that petitioners have not previously moved any petition to this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter. Further it is stated that the case may please be fixed with Division Bench of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



ADVOCATE

LIST OF BOOKS:

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



ADVOCATE

29

~~29~~

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. _____/2017

Rizwan Ahmad and others.....Petitioners

V E R S U S

Govt of Pakistan and others.....Respondents


AFFIDAVIT

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

Identified by:



Amanullah Marwat
Advocate, Peshawar


DEPONENT
11201-0401427-7

30A

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 1678 P 2017

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



VERSUS

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
15 APR 2017

ATTESTED
Peshawar High Court

21

Judgment Sheet

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

W.P No. 1678-P of 2017

JUDGMENT

Date of hearing08.03.2018

Saima Haider

Vs

Govt: of Pakistan & another.



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

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

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

ATTESTED
EXAMINER
Peshawar High Court
13 MAR 2018

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

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

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

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


ATTESTED
EXAMINER
Peshawar High Court
13 MAR 2018

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

Announced.
08.03.2018.

younas.


JUDGE


JUDGE

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

13612

No.

Date of Presentation of Application 09/3/18

No of Pages 27

Copying Fee

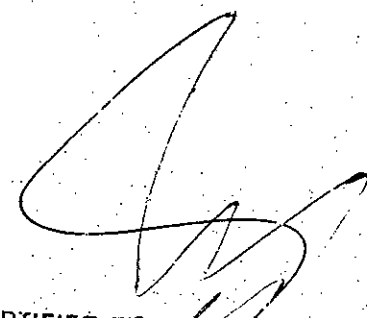
Urgent Fee

Total 162

Date of Preparation of Copy 13/3/18

Date of Delivery of Copy 13/3/18

Received By [Signature]



CERTIFIED TO BE TRUE COPY

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

13 MAR 2018



[Signature]
12/3/18

31
Judgment Sheet

IN THE PESHAWAR HIGH COURT,
PESHAWAR
JUDICIAL DEPARTMENT

W.P No. 649-P of 2017

JUDGMENT

Date of hearing08.03.2018



Rizwan Ahmad and others

Vs

Govt: of Pakistan & another.

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

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

Announced
08.03.2018.

younas.

JUDGE

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 27 of
The Qanun-e-shahadat Order 1984

13 MAR 2018

By: Qaiser Rashid Khan and Justice Ms. Immanat Hossain (DB)

JUDGE

Wap/ks

(35)

Judgment Sheet

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

W.P No. 1678-P of 2017

JUDGMENT

Date of hearing08.03.2018



Saima Usider

Vs

Govt: of Pakistan & another.

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

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

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

ATTESTED

EXAMINER
Peshawar High Court

13-MAR-2018

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

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

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

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

ATTESTED
EXAMINER
Peshawar High Court
13 MAR 2018

3

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.

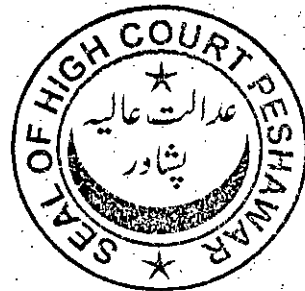

JUDGE



JUDGE

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

No. 13599
Date of Presentation of Application 09/3/18
No of Pages 5
Copying Fee 207
Urgent Fee 207
Total 414
Date of Preparation of Copy 13/3/18
Date of Delivery of Copy 13/3/18
Received By [Signature]


CERTIFIED TO BE TRUE COPY
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan Order 1964
13 MAR 2018




12/3/18

38

Regd. No. 27, 28 & W.D.B.

Vol. 5 No. 1150

Date 07/03/2011

No: 11-19/2011-Coord

GOVERNMENT OF PAKISTAN
MINISTRY OF SOCIAL WELFARE AND SPECIAL EDUCATION

Islamabad, the 1st April, 2011

NOTIFICATION

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

S. No.	Name	Designation	Pay Scale
✓ 1.	Mr. Asad Khan	Director	BS-19
✓ 2.	Mr. Ismat Ullah Khan	Vice Principal	BS-18
✓ 3.	Mr. Javid Yousaf Ali	Vice Principal	BS-18
✓ 4.	Mr. Sartaj Masood	Vice Principal	BS-18
✓ 5.	Mrs. Fakhara Jabeen	Vice Principal	BS-18
✓ 6.	Mr. Falak Naz	Vice Principal	BS-18
✓ 7.	Mr. Mir Akram Shah	Vice Principal	BS-18
✓ 8.	Mr. Hamid Ullah	S. Teacher	BS-17
✓ 9.	Mr. Arbab Khan	S. Teacher	BS-17
10.	Mrs. Khalida Zafar	S. Teacher	BS-17
11.	Mr. S. Shahid Akram	S. Teacher	BS-17
12.	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 Hiader	Speech therapist	BS-17
22.	Mr. Nasir Ahmad Khan Lodhi	Admin Officer	BS-16
23.	Mr. Muhammad Rauf	Admin Officer	BS-16

OK
⑤
⑥
⑦
⑧
⑨
⑩
⑪
⑫
⑬
⑭
⑮
⑯
⑰
⑱
⑲
⑳

AP (8-11)
5/4/2011

Muhammad Altaf
(MUHAMMAD ALTAF)
Section Officer

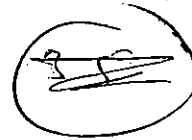
The Manager,
Printing Corporation Pakistan Press,
Islamabad.

MO-12
DBO
Pl Compare
with the previous
one
S. C. R. U.
8/4

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

Muhammad Rauf

39



Through Proper Channel

To

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

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

Respected Sir,

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

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

40

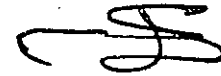
36

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

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

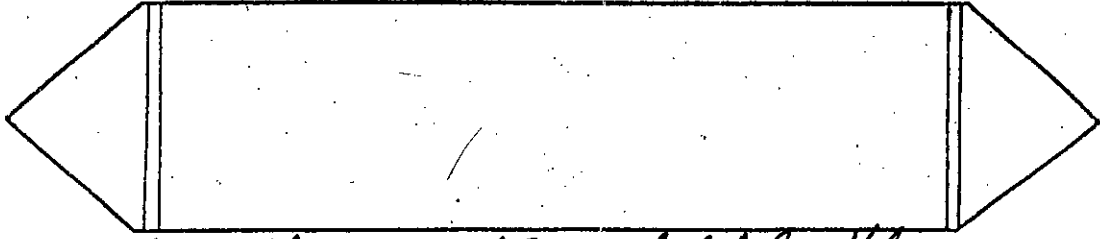
Dated: 20-10-2016

Appellant,



Muhammad Sharafat Ali Khan,
Physiotherapist (BPS-17)
Special Education Complex,
Phase V, Hayatabad
Peshawar
Cell: 0300 5887283

Hon'ble Service Tribunal KPK Peshawar بعد الت



Mahammad Sharafat Ali Khan موزخه
بنام ۴/۵ مقدمه
Govt. of KPK & others دعوی
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام Peshawar کیلئے Amanullah Marwat
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائتہ التوائے مقدمہ کے سبب سے دہوگا۔
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 سندر ہے۔

المرقوم 03/04/2018
ماہ 20

واہ العب گ العب
Peshawar کے لئے منظور ہے۔ مقام

محمد شرافت علی خان

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service appeal No. 472/2018

Mr. Muhammad Sharafat Ali Khan, Physiotherapist, Special Education Complex, Phase-V, Hayatabad, Peshawar..... **Appellant**

VERSUS

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

PRELIMINARY OBJECTIONS:

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

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

Respectfully Sheweth,

FACTS

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

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

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

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

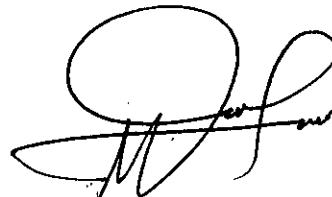
promotion in light of Presidential Order was only meant for employees of Federal Government with 10 years in credit and the facility was not to the employees of Provincial Government as they have their own Award of Higher Pay Scale and Up-gradation policy.

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

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



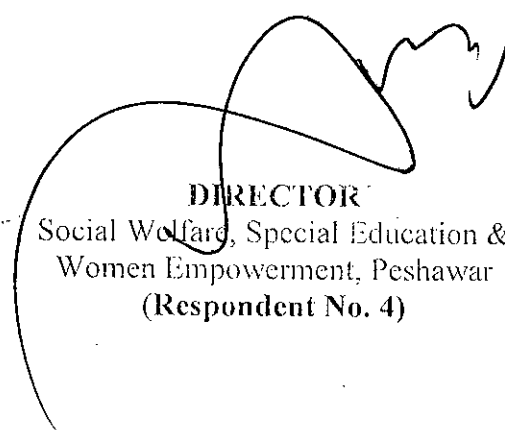
CHIEF SECRETARY
Government of Khyber Pakhtunkhwa
(Respondent No. 1)



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



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



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

Islamabad, the 1st 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
AS (8/11/11)
S/4/11

MUHAMMAD ALTAF
Section Officer

The Manager,
Printing Corporation Pakistan Press,
Islamabad.

MO-12
DRD
Compare
with the previous
one
S/4/11

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

NA

Annex B



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

Peshawar, dated the 12th January, 2018

NOTIFICATION:

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

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

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 18th constitutional (amendment) Act 2010 (Act No. X of 2010) shall be deemed to be civil servants of the Province for all intents and purposes under the Act ibid. 000

S.#	Name	Designation	BPS
1	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 Yousofzai	J. Computer Instructor	15
59	Mr. Mehmood Alam	- do -	15
60	Mr. Rahmat Nabi	- do -	15
61	Mr. Zulfiqar Wazir	- do -	15
62	Mr. Muhammad Younas	- do -	15
63	Mr. Rizwan Qayum	- do -	15
64	Ms. Amina Mushtaq	Vocational Instructor	15
65	Mrs. Anwar Sabih	- do -	15
66	Mrs. Shagufta Nasren	- do -	15
67	Mrs. Shabana Tabassum	- do -	15
68	Mrs. Nasreen Begum	Vocational Teacher	12
69	Mrs. Talat Gul Farin	- do -	12
70	Mrs. Shazia Parveen	- do -	12
71	Mr. Muhammad Siddique	- do -	12
72	Mr. Wajid Ali	- do -	12

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

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

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

