

27.1.2015

Counsel for the appellant and Mr. Ziaullah, GP with Rahim Shah, Assistant for the respondents present. The learned Judicial Member is on official tour to D.I.Khan, therefore, case to come up for arguments on 6.4.2015.

  
MEMBER

06.4.2015

Junior to counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Counsel for the appellant was stated to busy in the Hon'ble High Court. Case is adjourned to 24.08.2015 for arguments.

  
MEMBER

  
MEMBER

24.08.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Mr. Abdul Hadi, SO (Litigation) for the respondents present. Counsel for the appellant stated that grievance of the appellant has been redressed by the respondent-department and requested for withdrawal of the appeal. His signature also obtained in the margin of order sheet. As such the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED  
24.08.2015.

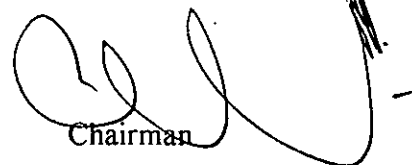
  
Member

  
Member

*Copy seen*

14.2.2014

Syed Israr Shah on behalf of the appellant and Mr. Muhammad Javed, Assistant on behalf of respondents No. 1 to 4 with AAG for the respondents present. Written reply on behalf of respondents No. 2,3 and 5 received, copy whereof is handed over to the representative of the appellant for rejoinder. It was pointed out on behalf of the appellant that similar nature 9 cases are pending before learned Bench-II. Therefore, in the interest of justice and in order to avoid conflicting decisions, this case is also entrusted to learned Member Bench-II for written reply/comments on behalf of remaining respondents/further proceedings alongwith connected appeals on 20.3.2014.

  
Chairman

20.3.2014

Counsel for the appellant and AAG with Muhammad Javed Assistant for the respondents present. Counsel for appellant does not want to file rejoinder. To come up for arguments on 22.5.2014.

  
MEMBER

  
MEMBER

22.05.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Javed Supdt. for the respondents present. Counsel for the appellant needs time. To come up for arguments on 2.10.2014.

  
MEMBER

  
MEMBER

02.10.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. Due to incomplete Bench, case is adjourned to 27.1.2015 for arguments.

  
MEMBER

Appeal No. 747/2013  
Subir Zoolg Muhammad Naqvi

15.08.2013

Counsel for the appellant present and heard on preliminary. Contended that the appellant has not been treated in accordance with the law/rules. He filed departmental appeal for grant of BPS-17 on the criteria as laid down in the Provincial Government circular dated 24.07.1986. The departmental appeal has not been responded within the statutory period of 90 days. Hence the instant appeal on ~~20.04~~ 2013. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 27.11.2013 for submission of written reply.

  
Member.

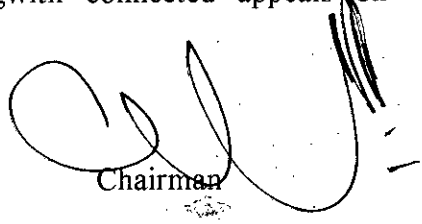
15.8.2013

This case be put before the Final Bench 1 for further proceedings.

  
Chairman

27.11.2013

No one is present on behalf of the appellant. Mr. Muhammad Javed, Assistant on behalf of respondents No.1 to 4 with AAG for the respondents present. Written reply on behalf of respondents has been received in the connected appeal No. 744/2013 titled 'Tayyab Shah-vs-Chief Secretary KPK etc.', but written reply in this appeal has not been received, and representative of the respondents stated that they could not prepare written reply in this case due to non-receipt of notices in the case. The office has not issued notices in this case. This is another instance of in-efficiency and lack of knowledge of office procedure and office practice on the part of responsible officials. They are warned to be careful in future as repetition of such a practice in future will certainly expose them to strict disciplinary action. This warning in writing be placed on their service record. Copy of the appeal is handed over to the representative of the respondents for written reply in the meantime, with copies for the appellant/counsel for the appellant for rejoinder alongwith connected appeals on 14.2.2014.

  
Chairman

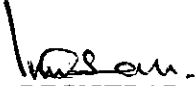

12.6.2013

Munshi to Counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 15.8.2013.

  
Reader

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Case No. 748/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22/04/2013	<p>The appeal of Mr. Sahibzada Muhammad Naeem presented today by Mr. Rahmanullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-4-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>12-6-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**IN THE SERVICE TRIBUNAL ,K.P.K PESHAWAR**

Service Appeal No. 747/2013

Sahibzada Mohammad Naeem  
Junior Special Education Teacher (BPS-16)  
Govt Institute for Blind, DI Khan.....**Appellant**

-Vs-

The Provincial Govt through Chief Secretary,  
Govt of K.P.K, Peshawar.....**Respondents**

**INDEX**

S.NO	Description Of Documents	Annex	Pages
1	Grounds of Service Appeal		1-5
2	Affidavit		5
3	Addresses of Parties		6
4	Copy of Credentials/Documents of Appellant Copy of <del>Copy of</del> Order, dt 28-01-2000	A, A1.	7-12
5	Copy of Notification Dated 24-07-1986	B	13-15
6	Copy of Supreme Court Judgment Dated 03-02-2010	C	16-20
7	Copy of Departmental Appeal of Appellant	D	21
8	Copy of Service appeal judgment dated 18/04/2012	E	22-25
9	Wakalatnama		

*[Signature]*  
Appellant  
Through

**Rahman Ullah**  
Advocate Peshawar  
High Court Peshawar,  
Office 25-A Nasir Mansion  
to Railway Road Peshawar  
0333-9125367

*Noted:- The same name/issue case was pending before this Hon.ble Tribunal on 25/4/13. for Preliminary Argument. Please check this Appeal also.*  
*[Signature]*

1

**IN THE SERVICE TRIBUNAL ,K.P.K PESHAWAR**

Service Appeal No. 747/2013

N.W.F. PROVINCE  
807  
22/4/13

Sahibzada Mohammad Naeem  
Junior Special Education Teacher (BPS-16)  
Govt Institute for Blind, DI Khan.

**Appellant**

-Vs-

1. The Provincial Govt through Chief Secretary,  
Govt of K.P.K, Peshawar.
2. Secretary, Social Welfare & Women  
Development & Special Education Department,  
Govt of KPK, Peshawar.
3. Director,  
Directorate of Social Welfare & Women  
Development & Special Education Department,  
Govt of K.P.K, Peshawar.
4. District Officer, Social Welfare & Women  
Development & Special Education Department, D.I.Khan.
5. Secretary,  
Finance Department,  
Govt of K.P.K, Peshawar..... **Respondents**

**SERVICE APPEAL U/S 4 OF NWFP SERVICE  
TRIBUNAL ACT 1974 FOR GRANTING OF  
HIGHER PAY SCALE (BPS-17) IN THE LIGHT OF  
NOTIFICATION DATED 24-07-1986 OF THE  
FINANCE DEPARTMENT NWFP AND IN LIGHT OF  
THE SUPREME COURT JUDGMENT DATED 03-  
02-2010 AND AGAINST THE NOT TAKING ANY  
ACTION ON THE DEPARTMENTAL APPEAL OF  
THE APPELLANT**

22/4/13

**Prayer in Appeal:**

On acceptance of this service appeal, the respondents may be directed to grant Higher Pay Scale (BPS-17) from the date of acquiring qualification i.e. 22-12-2006 with all consequential benefits in light of the Finance Department Notification dated 24-07-1986 and Supreme Court Judgment dated 03-02-2010 passed in Review Petition No. 10-P/2009 by treating the appellant at par with his colleague (Waheed Nawaz).

**Respectfully Sheweth:**

1. That the appellant was appointed as "Music Teacher" (BPS-09) on 30/11/1983 after recommendation of the Departmental Selection Committee, and now performing his duties in BPS-16 in Govt Institute for Blind, D.I. Khan.
2. That later on the appellant was awarded higher pay scale of BPS-16 vide order No.D-13 dated 28/01/2000 in pursuance of Govt of NWFP Finance Department circular letter No. FD(SR-1) 95-84 dated 24-07-1986 **(copy of order dated 28-1-2000 attached as annexure A)**.
3. That the appellant has the qualification of B.A on September 1989 and B.Ed on 22/12/2006. Thus the appellant is now "Junior Special Education Teacher" serving in (BPS-16) and on the basis of his requisite qualification, he is claiming Higher Pay Scale of BPS-17 from the date of acquiring Qualification i.e. 22/12/2006 as per Govt of NWFP Finance Department Notification dated 24-07-19986. **(Copy of Credential/Documents is Annexure B)**
4. That then Govt of NWFP Finance Department issued a Notification on 24-07-1986 in which the teacher of special education institution having the qualification of B.A/B.Sc, with B.Ed have been granted their respective Higher Pay Scale. **(Copy of Notification dated 24-07-1986 is Annexure C)**.



4. That one of the colleague of the appellant namely Waheed Nawaz on attaining of qualification B.Ed, applied to the Department for granting BPS-17 on the strength of the above referred Finance Department Notification and he was granted BPS-17 on 14-05-2004. Later on vide order dated 30-10-2004, the said benefits was withdrawn against which the appellant field an appeal before the Hon,ble Service Tribunal and the Hon,ble Service Tribunal dismissed the appeal of the appellant (Waheed Nawaz). The appellant against the judgment of the service Tribunal filed Civil Petition No. 449-P/2009 which was also dismissed on 02-07-2009. The appellant (Waheed Nawaz) filed Review Petition No. 10-P of 2009 which was accepted on 03-02-2010 and the benefits of BPS-17 was restored to the appellant. ***(Copies of judgment of Supreme Court dated 03-02-2010 is Annexure "C")***.
5. That as the appellant is also similar placed person, therefore, he filed Departmental appeal for granting of Higher Pay Scale on 03/01/2013 and waited for 90days, but the said appeal met no response ***(Copy of Departmental Appeal is Annexure "D")***.
6. That now the appellant come to this august Tribunal, inter alia, on the following grounds.

**GROUND:**

- A. That not awarding Higher Pay Scale as per Finance Department Notification and judgment and not deciding appeal of the appellant is against the norms of justice and law.

- B. That the appellant is a Junior Special Education Teacher and is fully entitled to Higher Pay Scale (BPS-17) as per Finance Department Notification and judgment of the Supreme Court.
- C. That the appellant has not been treated according to law and rules and has been discriminated by not awarding Higher Pay Scale as per Finance Department's Notification because the other colleague (Waheed Nawaz) etc enjoying the benefits of BPS-17 on the strength of the same notification of the Finance Department on the basis of which the appellant also Claimed the benefits of BPS-17.
- D. That the appellant is also entitled to his claim in light of the judgment reported as 1996 SCMR Page-1185, 2005 SCMR Page-499 and 2009 SCMR Page-1, in which it has been held by the Hon,ble Supreme Court of Pakistan then the good governance demand that such benefits should be extended to all the similar placed persons who might have not litigated instead of compelling that litigation. The appellant is also similarly placed person and is fully entitled to his claim.
- E. That an identical appeal Nos. 3066/2010 titled Javed Khan & 8 others **-Vs-** The Provincial Govt Through Chief Secretary, Govt of K.P.K Peshawar, were also decided by allowed this Hon,ble Tribunal on 18-04-2012.  
**(Copy of Judgment Attached Annexure F).**
- F. That the appellant seek permission to advance other grounds and proof at the time of hearing.

5

It is, therefore, humbly prayed that on acceptance of this appeal, the respondents may be directed to grant Higher Pay Scale from the date of acquiring Qualification i.e. 22-12-2006 with all consequential benefits in light of the Finance Department Notification dated 24-07-1986 and the Supreme Court judgment dated 03-02-2010 passed in Review Petition No. 10-P/2009 by treating the appellant at par with his colleague (Waheed Nawaz).

*[Signature]*  
**Appellant**

Through

*[Signature]*  
**Rahman Ullah, ASIF KHAN, (Sole),  
Advocate Peshawar.**

**AFFIDAVIT:**

I Junior Special Education Teacher (BPS-16) Govt Institute for Blind, DI Khan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon,ble Tribunal.



*[Signature]*  
**DEPONENT**

6

**IN THE SERVICE TRIBUNAL, K.P.K PESHAWAR**

Service Appeal No. \_\_\_\_\_/2013

Sahibzada Mohammad Naeem  
Junior Special Education Teacher (BPS-16)  
Govt Institute for Blind, DI Khan.

**Appellant**

-Vs-

The Provincial Govt through Chief Secretary,  
Govt of K.P.K, Peshawar.....

**Respondents**

**APPELLANT**

Sahibzada Mohammad Naeem  
Junior Special Education Teacher (BPS-16)  
Govt Institute for Blind, DI Khan.

**RESPONDENTS:**

1. The Provincial Govt through Chief Secretary,  
Govt of K.P.K, Peshawar.
2. Secretary, Social Welfare & Women  
Development & Special Education Department,  
Govt of KPK, Peshawar.
3. Director,  
Directorate of Social Welfare & Women  
Development & Special Education Department,  
Govt of K.P.K, Peshawar.
4. District Officer, Social Welfare & Women  
Development & Special Education Department, Dera ISmail Khan
5. Secretary,  
Finance Department,  
Govt of K.P.K, Peshawar

Through

Appellant

Rahman Ullah  
Advocate Peshawar

D. No 13  
28/11/2000

Annex A

7

GOVERNMENT OF N.W.F.P.  
DIRECTORATE OF SOCIAL WELFARE,  
SADDIQUE COLONY MID. GAN ROAD,  
PESHAWAR.

DATED PESHAWAR THE/ \_\_\_\_\_ 2000.

ORDER

In pursuance of Government of NWFP, Finance Department circular letter No. FD(SR-I)95-84, dated 24.7.86 the following teachers of handicapped Institutions who possess prescribed qualification are hereby granted, higher pay scale (Personal scale) with effect from the date as shown against their names.

S. NO.	NAME & DESIGNATION.	OFFICE	QUALIFICATION.	PRES. ENT. BPS.	HIGHER SCALE AWARDED.	WITH EFFECT FROM.
1	2	3	4	5	6	7
1	Mr. Abdur Rehman Braille Teacher	Govt. Institute for the Blind, Swat.	B.A. with 5 years certificate.	14	16	31.12.97
2	Mr. Muhammad Saifdar Abass Gureshi, C.T. Teacher	Govt. Institute for the Blind, D.I. Khan.	B.A.(D.A.E) (Electrical Tech); certificate in Braille.	9	16	22.3.96
3	Mr. Sahibzada Muhammad Naeem, Music teacher.	-do-			16	24.9.89
4	Mr. Fazal Mehmood P.T.I.	Govt. Institute for the Blind, Mardan.	i) B.A. ii) Exp. and adequate knowledge certificate.		16	22.7.94
5	Mr. Javed Khan Braille Teacher.	-do-	i) B.A. ii) 5 years certificate in Braille.		16	27.1.99
6	Mr. Ali Zaman, Braille Teacher.	Govt. Institute for the Blind, Abbottabad.	i) B.A. ii) 5 years certificate in Braille.		16	31.12.97
7	Mr. Muhammad Saddique, Munj Supervisor.	Govt. Institute for The Blind Swat.	i) B.A. ii) 5 years certificate in Braille.		16	31.12.97
8	Mr. Janis Khan Religious	-do-	i) B.A.		16	23.12.98

Attested  
mu

D. No 13  
28/11/2000

GOVERNMENT OF N.W.F.P.  
DIRECTORATE OF SOCIAL WELFARE  
SADDIQUE COLONY MID. GAN ROAD  
PESHAWAR.

DATED PESHAWAR THE/ 2000.

ORDER

In pursuance of Government of NWFP, Finance Department circular letter No. FD(SR-I)95-94, dated 24.7.86 the following teachers of handicapped Institutions who possess prescribed qualification are hereby granted, higher pay scale (Personal scale) with effect from the date as shown against their names.

S. NO.	NAME & DESIGNATION.	OFFICE	QUALIFICATION.	PRES. HIGHER WITH EFFECT FROM.	SCALE AWARDED.	WITH EFFECT FROM.
1	2	3	4	5	6	7
1.	Mr. Abdur Rehman Braille Teacher.	Govt. Institute for the Blind, Swat.	B.A. with 5 years certificate.	14	16	31.12.97
2.	Mr. Muhammad Saifur Abass Cureshi, C.T. Teacher.	Govt. Institute for the Blind, D.I. Khan.	B.A.(D.A.E) 9 (Electrical Tech:). certificate in Braille.	9	16	22.3.96
3.	Mr. Sahibzada Muhammad Naeem, Music teacher.	-do-			16	24.9.89
4.	Mr. Fazal Mehmood P.T.I.	Govt. Institute for the Blind Mardan.	i) B.A. ii) Exp: and adequate knowledge certificate.		16	22.7.94
5.	Mr. Javed Khan Braille Teacher.	-do-	i) B.A. ii) 5 years certificate in Braille.		16	27.1.99
6.	Mr. Ali Zaman, Braille Teacher.	Govt. Institute for the Blind Abbottabad.	i) B.A. ii) 5 years certificate in Braille.		16	31.12.97
7.	Mr. Muhammad Saddique, Munj Supervisor.	Govt. Institute for The Blind Swat.	i) B.A. ii) 5 years certificate in Braille.		16	31.12.97
8.	Mr. Janis Khan Religious	-do-	i) B.A.		16	23.12.98

(3)

1	2	3	4	5	6	7
22.	Mr. Muhammad Rafique, Jr. Teacher.	Manager Centre for Mentally Retarded & Physically Handicapped Malshhra.	i) F.A. with C.T.	14	24.9.94	
23.	Mr. Taj Malook Religious Teacher.	Centre for Mentally Retarded & Physically Handicapped Chitral.	i) F.A. ii) Certificate from Wifaqal maddas, Multan.	14	3.4.96	
24.	Mr. Muhammad Nasir, Elec. Instructor.	Manager, Centre for Mentally Retarded & Physically Handicapped Bonnu.	i) B.A. ii) C.T. certificate.	16	2.4.97	
25.	Mr. Rohmat Nawaz, Jr. Teacher.	Manager, Centre for Mentally Retarded & Physically Handicapped Chitral.	i) B.A. ii) C.T. certificate. iii) Adequate Knowledge in relevant field.	16	1.4.98	
<b>SCHOOL FOR DEAF CHILDREN.</b>						
26.	Mr. Muhammad Idrees, Jr. Oral Master.	Principal, School for Deaf Children, Gulbahar, Peshawar.	i) Matric ii) F.A. iii) P.T.C. iv) Adequate Knowledge in the field of Deaf.	14	10.2.98	
27.	Mr. Amir Khan Assistant Physiotherapist.	Manager, Centre for Mentally Retarded & Physically Handicapped Chitral.	i) Matric ii) F.A. iii) B.A. iv) B.A.	16	12.3.97	

*Muhammad Khan*

DIRECTOR  
SOCIAL WELFARE, N.W.F.P.

*Attested  
Mu*

Counted... F/B...

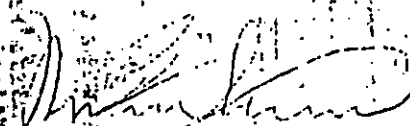
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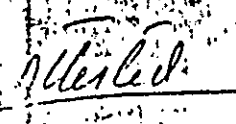
Encls: No. DSW/ 4221

On 24.12.71

Copy of the above is forwarded to:-

1. The Accountant General NWFP, Peshawar.
2. All the District Accounts Officer
3. The Section Officer-II, Social Welfare Department, NWFP, Peshawar.
4. All the Assistant Directors, Directorate of Social Welfare and Divisional level in NWFP.
5. All the Superintendent, Govt. Institute for the Blind (Girls) & (Boys) in N.W.F.P.
6. All the Principal, Govt. School for Deaf Children in N.W.F.P.
7. All the Manager, Centre for Mentally Retarded & Physically Handicapped in N.W.F.P.
8. All the officials concerned.

  
DIRECTOR  
SOCIAL WELFARE, N.W.F.P.

  
Superintendent  
Govt. Institute for the Blind  
D. I. Khan



Book No. 95Serial No. 9497

Annex 'A'

# AL-KHAIR UNIVERSITY (AJK)



## DETAILED MARKS CERTIFICATE

This is to certify that S. Muhammad Naeem  
 Son/Daughter of S. Muhammad Rafiq Farooqi  
 Registration No. AUDI(E) 098-2003 Roll No. 14194  
 has passed Bachelor of Education ~~Annual~~ Supplementary Examination  
 held in August 06 2<sup>nd</sup> 20 in          Division and obtained 605 marks.

The Marks obtained in each subject are given below:-

Papers	SUBJECTS	Marks Obtained	Maximum Marks
<b>Compulsory Subjects</b>			
I	Philosophy & History of Education	57	100
II	Educational Psychology	36	100
III	School Administration	50	100
IV	i Islamiyat ii Pakistan Studies iii Kashmir Studies	56	100
V	i Urdu Language & Literature ii English Language & Literature	56	100
<b>Elective Subjects</b>			
VI-VII	Teaching of Islamic Studies	93	200
VI-VII	Teaching of Urdu	107	200
	Practical Skill in Teaching (Part II)	150	200
<b>TOTAL :</b>		605	1100

*Note: This DMC is issued, errors and omissions excepted, as a NOTICE only. An entry appearing in it does not in itself confer any right or privilege independently to the grant of a proper Certificate / Degree which will be issued under the Regulations in due course.*

Muzaffarabad, the 22nd of December, 2006.

Prepared by A. Khalid

Checked by         

M. Hanam  
 DY. CONTROLLER OF EXAMINATIONS  
 for  
 CONTROLLER OF EXAMINATIONS.

*Attested*

Serial No. GU 09438

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

100

# GOMAL UNIVERSITY

## DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN



(Session 1968)  
SUPPLEMENTARY

SAHIDZADA MUHAMMAD NAEEM SON of SAHIDZADA MUHAMMAD RAFIQ POORI.

and a student of DERA ISMAIL KHAN DISTRICT,

having passed the prescribed examination in MAY/JUNE, 1989,

is this day admitted by the GOMAL UNIVERSITY to the DEGREE of

### BACHELOR OF ARTS

in the THIRD Division HE Passed also in as an

~~Additional/Optional Subject~~ / Pakistan Studies and Islamiyat as Compulsory subjects.

The Examination was taken as a whole/~~in parts~~

Registered No. 6338-GUP-88

Roll No.                     

RESULT DECL. ON: SEPT; 24, 20 1989

Countersigned

Controller of Examinations



*S. Aamir*  
Vice-Chancellor

S. No 280388

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 40265

**Board Of Intermediate And Secondary Education**  
Peshawar A. W. P. Pakistan



**Secondary School Certificate Examination**

SESSION 1979 (ANNUAL)

This is to certify that Mohammad Naeem  
Son/Daughter of Mohammad Rafiq  
and a student of Govt: Comp: High School D.I.Khan.

has passed the **SECONDARY SCHOOL CERTIFICATE EXAMINATION**  
of the Board of Intermediate and Secondary Education, Peshawar held in April 1979,  
as a Regular candidate He/She obtained 407 Marks out of 850/900/1000  
and has been placed in Grade  Representing Fair.

The Candidate passed in the following subjects:

- |              |                             |               |
|--------------|-----------------------------|---------------|
| 1. English   | 4. <u>Pakistan Studies.</u> | 7. Chemistry. |
| 2. Urdu      | 5. <u>Mathematics.</u>      | 8. Biology.   |
| 3. Islamiyat | 6. <u>Physics.</u>          |               |

He/She has been awarded Grade  on the basis of internal  
assessment by the Institution concerned.

Date of birth according to admission form is Thirtieth April  
one thousand nine hundred and ~~Sixty-three~~ ( 30.4.1963 )

  
Asstt. Secretary

11th August 1979

  
SECRETARY.

This certificate is issued without alteration or erasure.

S.N. 114558

Roll No. 12425

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



**Peshawar, N.W.F.P. Pakistan**  
**INTERMEDIATE EXAMINATION**

HUMANITIES Group

Session 1981 (SUPPLEMENTARY)

THIS IS TO CERTIFY THAT SAHIB ZADA MOHAMMAD NAEEM  
SAHIB ZADA MOHAMMAD RAFIQ FAROOQ  
Son/Daughter of \_\_\_\_\_  
and a resident of D.I. HAN DISTRICT

Registered No. 2089-B/PF-81 has passed the *Intermediate Examination* of  
the Board of Intermediate & Secondary Education, Peshawar held in December 1981  
as a *Private candidate*. He/She obtained 373 Marks out of 1000  
and has been placed in Grade  **E**  **D**  **C**  **B**  **A**  **SATISFACTORY**  **VERY SATISFACTORY**

The Examination was taken as ~~a whole~~ in parts.

Asstt. Secretary

9th. February, 1982

*Attested*  
*Signature*

Secretary

This certificate is issued without alteration or erasure.

Dated Peshawar, the 24th July, 1986.

From:

Saeed Ullah Jan,  
Secretary to  
Government of N.W.F.P.,  
Finance Department,  
Peshawar.

T.M.J  
13/8/86

Subject:- REVISION OF PAY SCALES OF THE TEACHERS WORKING  
IN THE INSTITUTIONS FOR THE HANDICAPPED.  
.....

Sir,

I am directed to refer to the subject noted above and to say that the matter regarding grant of enhanced pay scales to different categories of teachers working in the institutions for the handicapped (i.e., Blinds, Deaf & Dumb, physically Handicapped and Mentally Retarded) has been under consideration of the Government for sometime. It has been decided to prescribe new scales of pay for these teachers working in the above institutions with immediate effect. The new scales of pay, showing the qualifications prescribed for teachers are as under:-

(1) DEAF AND DUMB INSTITUTIONS.

(a) Trained Graduate Teachers (B.A./B.Sc., B.Ed.) with adequate knowledge in the Education of Deaf & Dumb to be certified by the Social Welfare Directorate.

B-17 ✓

(b) Untrained Graduate and Post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge in the education of Deaf and Dumb, to be certified by the Social Welfare Directorate.

B-16 These teachers must acquire B.Ed. within a period of three years.

(c) Trained under-Graduate Teachers (Matric/F.A./F.Sc. with C.T. or P.T.C. or T.D., etc.)

B-14 These teachers must acquire the qualification of B.A./B.Sc./B.Ed. within five years as at (a) above.

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14

Untrained, under Graduate Teachers with adequate knowledge of teaching deaf and dumb (to be certified by the Social Welfare Directorate). B-11

These teachers should continue in B-11, till such time they cross to the next stages of B-14/16.

BLINDS INSTITUTIONS.

Trained Graduate Teachers (B.A./B.Sc., B.Ed.) with adequate knowledge of Braille or teaching the blind (to be certified by the Social Welfare Directorate). B-17

Un-trained Graduate and Post-Graduate teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge of Braille or teaching the blind (to be certified by the Social Welfare Directorate). B-16

These teachers must acquire B.Ed. within a period of three years.

Trained under-Graduate teachers: B-14

These teachers must acquire the qualification of B.A./B.Sc; B.Ed. within five years as at(a) above.

- 1) F.A., C.T., and Proficiency in Braille or adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate).
- ii) Matric, P.T.C., S.V., and proficiency in Braille or with adequate knowledge of teaching the blind ( to be certified by the Social Welfare Directorate).
- iii) Matric with Diploma/ Certificate in a trade from a Blind Institute and proficiency in Braille or with adequate knowledge in teaching the blinds (to be certified by the S.W. Directorate).

Un-trained, under Graduate Teachers with proficiency in Braille or adequate knowledge of teaching the blinds (to be certified by the Social Welfare Directorate). B-11

These teachers should continue in B-11, till such time they cross to the next stages of B-14/16.

(3) MENTALLY RETARDED/PHYSICALLY HANDICAPPED INSTITUTIONS.

Trained Graduate Teachers (B.A./B.Sc: B.Ed) with adequate knowledge of teaching the mentally retarded and physically disabled (to be certified by the Social Welfare Directorate). B-17

Untrained Graduate and post-Graduate Teachers (B.A./B.Sc: M.A./M.Sc:) with adequate knowledge of B-16

These teachers must acquire B.Ed: within a period of three years.

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3  
teaching the mentally retarded and physically disabled (to be certified by the Social Welfare Directorate).

1) Trained under-Graduate (F.A./F.Sc: with C.T./P.T.C./S.V.) with adequate knowledge of teaching the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate). B-14

These teachers must acquire the qualification of B.A./B.Sc: B.Ed with in five years as at (a) above.

2) Untrained under-Graduate Teachers, with adequate knowledge of teaching the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate). B-11

These teachers should continue in B-11, till such time they cross to the next stages of B-14/16.

All special pays sanctioned for the above categories of teachers shall be discontinued with immediate effect.

Your Obedient Servant,  
Sd/-

(SAFDAR ALI KHAN)  
ADDL: FINANCE SECRETARY-I,  
GOVERNMENT OF NWFP.

1st: No: F.D. (SR-I) 1-95/84-III. Dated Pesh: the 24th July, 1986.

Copy of the above is forwarded to:-

The Accountant General, N.W.F.P., Peshawar. ✓

The Director, Social Welfare, N.W.F.P., Peshawar. ✓

OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR.  
No: H-24(71) Vol: II/413 Dated \_\_\_\_\_/1986.

Sd/- As above.

Copy forwarded for information to:-

All DAO's/AAO's in N.W.F.P.

GAD-II-Section(Local).

573  
BY: ACCOUNTANT GENERAL  
N.W.F.P. PESHAWAR.

Attested  
[Signature]

Ed  
184-  
18/85

*Annexure C*

*16*

Dated: Peshawar 15<sup>th</sup> Feb, 2010

From:

The Officer Incharge,  
Supreme Court of Pakistan,  
Peshawar.

To:

The Registrar,  
N.W.F.P Service Tribunal,  
Peshawar.

*124.  
10.2.2010*

Subject:

CIVIL APPEAL NO. 04-P OF 2010

CIVIL REVIEW PETITION NO. 10-P/2009

in

CIVIL PETITION NO. 449-P OF 2006.

(Wahced Nawaz Vs. Secretary Social Welfare & others.)

On review from the judgment dated 02.07.2009 of the Supreme Court in CP.449-P/2006 against the judgment and order of the NWFP Service Tribunal, Peshawar, dated 31.05.2005 passed in Appeal No.298/2005.

I am directed to enclose herewith for information a certified copy of the order of this Court dated 03.02.2010 accepting the Review, Petition No.10-P/2009 thereby converting the Civil Petition No.449-P/2006 into Appeal and allowing the same.

I am also to invite your attention to the directions of the court contained in the concluding paragraph of the enclosed judgment for immediate necessary action.

Kindly acknowledge the receipt of this letter immediately.

*Attested  
jm*

Encl: Order

*Do the needful in this regard  
(Supd)*

*[Signature]*  
(OFFICER INCHARGE)

*17/2/10*



17

IN THE SUPREME COURT OF PAKISTAN  
(Review Jurisdiction)



PRESIDENT:  
MR. JUSTICE SHAKIRULLAH JAMALI  
MR. JUSTICE NASIR-UL-MULK  
MR. JUSTICE TARIQ PARVEZ

CIVIL REVIEW PETITION NO. 10-P OF 2009  
IN

CIVIL PETITION NO. 449-P OF 2006  
(on review from the judgment of this Court dated  
02.07.2009 in Civil Petition 449-P of 2006)

Wahced Nawaz

VERSUS

The Secretary Government of N.W.F.P.  
Social Welfare Ushr, Zakat and Women  
Development, Peshawar and 4 others.

...Petitioner,

...Respondents

For the Petitioner:

Mr. Muhammad Esa Khan, ASC

On behalf of  
Govt. of N.W.F.P.

Mr. Zia-ur-Rehman, A.G. N.W.F.P.

For Respondent No.5:

Falak Naz, Dist. Officer Social Welfare Bannu.

Date of Hearing:

03.02.2010

JUDGMENT

NASIR-UL-MULK, J.- The petitioner was serving as

Junior Teacher in the Centre for Mentally Retarded & Physical  
Handicapped Children, Bannu in BS-16. Upon acquiring higher  
qualification of B.Ed. the petitioner applied to the District  
Coordination Officer for grant of BS-17 on the strength of circular of the  
N.W.F.P. Finance Department dated 24.07.1986. Accordingly, he was  
granted the relief as sought by order dated 14.05.2004. This order,  
however, was withdrawn on 30.10.2004. The petitioner challenged the  
said order of withdrawal before N.W.F.P. Service Tribunal. Accepting  
the plea of Government N.W.F.P. that the benefit of Circular dated

ATTESTED

*[Signature]*  
Officer in Charge  
Court of Pakistan

Attested  
*[Signature]*

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24.07.1986 granting higher pay scale to the teachers serving in the Handicapped Institutions had already been withdrawn on 14.05.1999, the appeal of the petitioner was dismissed on 31.05.2006. The petitioner filed petition for leave to appeal before this Court (Civil Petition for Leave to Appeal No. 449-P of 2006) which was dismissed on 02.07.2009 on the same ground that prevailed with the Tribunal. The petitioner now through this review petition seeks reversal of the judgment by this Court as well of the Tribunal.

2. Mr. Muhammad Esa Khan, ASC, appeared for the petitioner and Mr. Zia-ur-Rehman, Advocate General N.W.F.P. for the Respondent, Government of N.W.F.P.

3. The learned counsel for the petitioner took us to the Circular of 24.07.1986, giving higher grades to the teacher working in the institutions of handicapped and pointed out that there was no requirement of any teaching experience for trained graduate teachers in BS-16 for grant of BS-17. That the Circular of 14.05.1999 has been misconstrued by the Department as well as by the Tribunal and this Court in that it does not withdraw the concession granted by the Circular of 24.07.1986. The learned Advocate General was unable to controvert the construction laid on the said Circular by the learned counsel for the petitioner. He, however, pleaded that the petitioner lacks the requisite experience for grant of BS-17.

4. Circular of 24.07.1986 was issued by the N.W.F.P. Finance Department prescribing new pay scales for teachers working in Institutions for Handicapped. The petitioner was granted BS-17 under the said Circular. The order dated 30.10.2004 withdrawing the grant of BS-17 does not spell out the reason therefore. However, in the comments filed by the Respondent, Government of N.W.F.P. at

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*[Signature]*  
Officer Incharge  
Supreme Court of Pakistan  
*[Signature]*  
Secretary

*[Signature]*  
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*[Signature]*

was pleaded that the withdrawal was made on the ground that the concession given to teachers under the Circular of 24.07.1986 had already been withdrawn by another Circular dated 14.05.1999. It will be useful to reproduce the contents of the Government of N.W.F.P. Finance, Excise & Taxation Department No. FD (SR-I) 6-26/98 dated 14.05.1999:-

GOVERNMENT OF N.W.F.P.  
FINANCE, EXCISE & TAXATION DEPTT.

No. FD (SR-I) 6-26/98  
dated Peshawar the May 14, 1999.

To:-

The Secretary to Govt. of NWFP,  
Zakat, Usher & Social Welfare Deptt.  
Peshawar.

Subject:-

DEMAND OF THE PAKISTAN ASSOCIATION OF THE  
BLIND NWFP PROVINCIAL BRANCH PESHAWAR.

Sir,

I am directed to refer to Zakat, Usher & Social Welfare Department's letter No. SO-II (SW)/II-15/Vol. IV/99/P.C. dated 17.04.1995 on the subject noted above and to say that Finance, Excise & Taxation Department agrees to waive off, upto the date of issuance of this letter the conditions laid down against the relevant posts in the Finance Department's letter No. FD (SR-I) 1-95/84-III dated 24<sup>th</sup> July, 1986 for acquiring the prescribed qualification within a specific period for award of higher pay scales to teachers working in the institutions for the Handicapped (i.e. Blinds, Deaf & Dumb, Physically Handicapped and Mentally Retarded).

2. So far as the proposal for the upgradation the designation of the post of teachers in special Education is concerned, it is observed that Provincial Government has imposed complete ban on the upgradation of posts. Therefore, Administrative Department is required to move a summary for Chief Minister through Finance Department containing the necessary proposals forwarded earlier to this Department vide letter No. SO-II (SW)/II-15/ Vol. IV/96/430 dated 13.02.1999 and seek relaxation of ban."

5. A bare reading of the Circular would show that it does not withdraw the concession or the facility granted to the teachers in question under the Circular of 24.07.1986. Rather it provides a further concession by waiving off the condition for promotion to a

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Advocate

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higher post required by the said Circular. We have not been able to comprehend as to how the Department has construed the provision of 1999 Circular as withdrawal of the concession under the 1986 Circular. Perhaps it was the position taken up by the Government of N.W.F.P. in their comments before the Service Tribunal that led the Tribunal to dismiss the petitioner's appeal. That may also be the reason why it was held in the judgment under review that the concession under the 1986 Circular now stands withdrawn by the Circular of 1999. Even if it is construed that the waiver granted by the 1999 Circular of the requisite condition was valid up to the date of the Circular, the learned Advocate General did not refute the contentions of the learned counsel for the petitioner that there was no condition of experience required for granting the petitioner BS-17.

6. In the light of foregoing discussion, we are of the view that the Honble Judges hearing the petition from which the present review petition arises were not properly assisted on the construction of the Circular dated 14.05.1999. We are, therefore, constrained to allow this review petition, recall the order and judgment dated 02.07.2009 delivered by this Court in Civil Petition No. 449-P of 2006 and after converting the said petition into appeal allow the same. Consequently, the judgment of the N.W.F.P. Service Tribunal dated 31.05.2001 is set aside and the appeal filed by the petitioner before the Service Tribunal is allowed in the terms prayed for.

Sd/- *Mian Shaker Ullah Jan.* J  
 Sd/- *Mr. Nasir ul-Mulle.* J  
 Sd/- *Mr. Tariq Pervez.* J

copy

*Attested*

Certified to be true copy

PESHAWAR  
 3rd January, 2010  
 Mudassar/  
*(Signature)*

NOT APPROVED FOR REPORTING

*(Signature)*  
 Supreme Court, Peshawar  
 5/1/10

Annex 34 (21)

To,

The Secretary to Govt of K.P.K  
Social welfare, special education and women development  
Department Peshawar.

**Through Proper Channel**

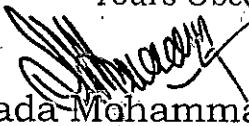
Subject: **APPEAL FOR THE GRANT OF HIGHER PAY SCALE (BPS-17)**

**Respected Sir,**

With humble submission that the applicant performing his duty as Junior Special Education Teacher (BPS-16) Govt Institute for Blind, D.I. Khan, having qualification B.A/B.Ed and Under the circular of Khyber Pakhtunkhwa Finance Department dated 24-07-1986, and as per judgment passed in Review Petition No. 10-P/2009 dated 03-02-2010. That being a trained graduate teacher the applicant is eligible for the grant of higher pay scale BPS-17 from 22/12/2006 with all back benefit.

It is humbly requested to your worthy office to kindly grant higher pay scale (BPS-17) to the appellant from the date of his acquiring of Higher Qualification i.e. 22-12-2006 as per circular of the Finance Department dated 24-07-1986 for the sake of justice.

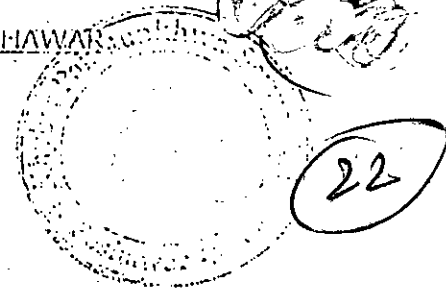
Yours Obediently

  
Sahibzada Mohammad Naeem  
Junior Special Education Teacher (BPS-16)  
Govt Institute for Blind, DI Khan

Dated: 03/01/2013

Appeal No. 3066/2010

Date of Institution. ... 06.12.2010  
Date of Decision ... 18.04.2012



Javed Khan, Junior Teacher, Special Education(BPS-16)  
Government Institute for Blind, Mardan.

... (Appellant)

VERSUS

1. The Provincial Government through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
  2. Secretary, Social Welfare, Women Development & Special Education Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
  3. Director, Social Welfare & Women Dev: & Special Education Department, Government of Khyber Pakhtunkhwa, Peshawar.
  4. District Officer, Social Welfare & Women Development & Special Education Department, Mardan.
  5. Secretary, Finance Department, Government of Khyber Pakhtunkhwa, Peshawar.
- (Respondents).

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR GRANT OF HIGHER PAY SCALE IN THE LIGHT OF NOTIFICATION DATED 24.7.1986 OF THE FINANCE DEPARTMENT AND IN LIGHT OF THE AUGUST SUPREME COURT OF PAKISTAN JUDGMENT DATED 3.2.2010.

MR. RAHMANULLAH,  
Advocate

... For appellant.

MR. SHERAFGAN KHATTAK,  
Addl. Advocate General

... For respondent No.5.

SYED MANZOOR ALI SHAH,  
MR. NOOR ALI KHAN,

... MEMBER  
... MEMBER.

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER.- This appeal has been filed by Javed Khan, the appellant U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that on acceptance of the appeal, the respondents may be directed to grant higher pay scale BPS- 17 to the appellant in the light of Finance Department notification dated 24.7.1986 and the august Supreme Court of Pakistan judgment dated 3.2.2010, with all consequential benefits.

*Ali Shah*



2. Brief facts of the case are that the appellant was appointed as Junior Teacher, Special Education (BPS-16) on 11.7.1993, on the recommendation of the Departmental Selection Committee. The appellant having qualified five years course certificate from Government Institute of Blind, Mardan in 1993, B.A in 1998, M.A in 2001 and B.Ed in 2006, was trained graduate teacher serving in (BPS-16) and on the basis of his qualification, his claimed higher pay scale BPS-17 from 28.1.2006 as per Government of Khyber Pakhtunkhwa Finance Department Notification dated 24.7.1986. The Government of Khyber Pakhtunkhwa Finance Department issued another notification dated 27.7.1986, in which the teachers working at Mentally retarded and Physical Handicapped and Special Education Institution with the qualification of B.A/BS.c were granted higher pay scales. Other colleagues of the appellant namely Waheed Nawaz on attaining the qualification of B.Ed, applied to the Department for grant of BPS-17 on the strength of the above referred Finance Department notification, which was granted to him, vide order dated 14.5.2004. Later on vide order dated 30.10.2004, the said benefits was withdrawn. The appellant Waheed Nawaz, filed Service Appeal before this Tribunal, which was dismissed. Against the judgment of this Tribunal, he filed Civil Petition No. 449-P/2009, which was also dismissed on 2.7.2009. Then he filed Review Petition No. 10-P of 2009, which was accepted on 3.2.2010 and the benefits of BPS-17 was restored to him. The appellant being similarly placed person also filed departmental appeal on 12.7.2010, for grant of higher pay scale BPS-17, which has not been decided within the statutory period, hence the present appeal.

3. The appeal was admitted to regular hearing on 10.1.2011, and notices were issued to the respondents. They failed to file written replies on 18.2.2011, 29.3.2011 and 13.6.2011. On the request of Mr. Tahir Iqbal Khattak, AGP another chance was given to them for submission of written reply on 19.7.2011, however, fine of Rs. 500/- (Five Hundred) was imposed upon the respondents, vide order dated 13.6.2011. Even then the respondents failed to file written replies within four months and vide order dated 12.10.2010, they were given last chance for submission of written reply on 11.11.2011. On 11.11.2011, representative of respondent No. 5 was present without any written reply; hence defence of respondent No.5 was struck off. No one was available on behalf of respondents No. 1 to 4, hence they were placed ex-parte. Later on representative of respondent No. 5 appeared on 21.12.2011 and defence of respondent No.5 restored. Written reply of respondent No. 5 filed on 4.1.2012. Ex-parte proceedings against respondents No. 1 to 4 remained intact.

Attested

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4. Arguments heard and record perused.

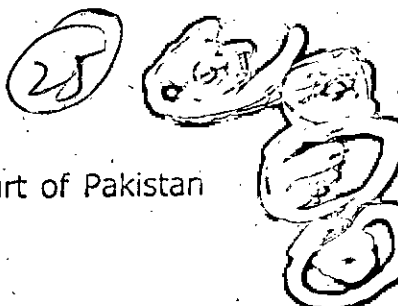
5. The learned counsel for the appellant argued that the appellant was appointed as Junior Teacher (BPS-16) in Special Education on 11.7.1993. He qualified five years course certificate from Government Institute of Blind in 1993, B.A in 1998, M.A in 2001 and B.Ed in 2006 and now is trained graduate teacher is entitled for the award of BPS-17 as per Finance Department notification dated 24.7.1986. Other colleague of the appellant namely Wahid Nawaz was awarded the same benefit by the august Supreme Court of Pakistan vide order dated 3.2.2010 in Civil Review Petition No. 10-P/2009 in CP NO. 449-P/2006. As per 1996-SCMR-1189, the appellant was also entitled to the same treatment, so he filed departmental appeal on 12.7.2010, but the same benefit has not been extended to him for no plausible reason. The learned counsel stated that similarly placed person, namely Rahmanullah, who also filed service appeal No. 3065/2010, before this Tribunal but during pendency of the appeal, his grievances have been redressed by the respondent department, vide order dated 19.7.2011, but the appellant has been discriminated. He requested that the appeal may be accepted as prayed for.

6. The learned AAG argued that the Finance Department issued notification dated 24.7.1986, according to which higher pay scale BPS-17 was allowed only to those trained teachers who possessed the prescribed qualification of B.A/B.Sc and B.Ed while those untrained teachers with adequate knowledge in the education of (deaf and dumb) were also allowed higher pay scales with condition of acquiring the prescribed qualification within a period of three to five years. Later on 14.5.1999, the Finance Department issued another notification wherein the facility of higher pay scale which were conditional for untrained upto the issuance of letter dated 14.5.1999. Hence no one is entitled to get higher pay scale as per notification dated 24.7.1986, after issuance of notification dated 14.5.1999. He requested that the appeal may be dismissed.

7. The Tribunal observes that the August Supreme Court of Pakistan vide judgment dated 3.2.2010, granted BPS-17 to other colleague of the appellant namely, Wahid Nawaz, Junior Teacher, Centre of Mentally Retired & Physically Handicapped Children, Bannu. Similarly, Mr. Rahmanullah who had filed service appeal with similar request, before this Tribunal, his grievances have been redressed by the respondent department, vide order dated 19.7.2011 and his appeal has been filed being infructuous on 18.8.2011. The appellant is also entitled

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Attested  
[Signature]





to the same treatment as per judgment of the august Supreme Court of Pakistan reported as 1996-SCMR-1185 and 2009-SCMR-1.

8. In view of the above, the appeal is accepted and the respondents are directed to treat the appellant at par with his other colleagues mentioned above and may not be discriminated. Parties are left to bear their own costs. File be consigned to the record.

9. This order will also dispose of other connected appeals No. 3067/2010, Muhammad Idrees, No. 3068/2010, Mehboob Elahi, No. 3069/2010, Abdul Kabir, No. 3072/2010, Dilawar Shah, No. 3073/2010, Daud Shah, No. 3074/2010 Zafar Alam, No. 3076/2010, Sardar Ali, and No. 3079/2010, Hafiz-ur-Rahman in the same manner.

ANNOUNCED  
18.4.2012

(NOOR ALI KHAN)  
MEMBER

(SYED MANZOOR ALI SHAH)  
MEMBER

Certified

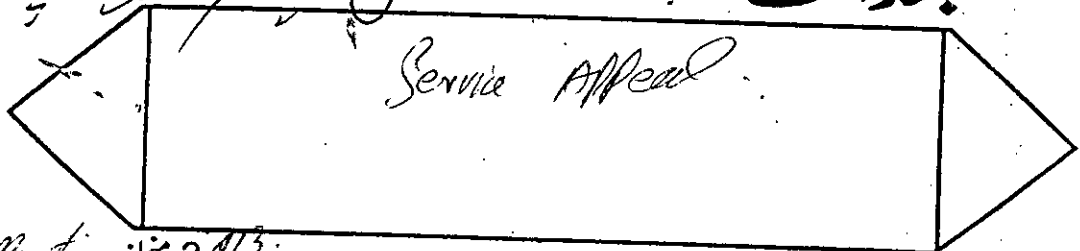
Khyber  
Service Tribunal,  
Peshawar

Date of Presentation of Application 24.4.2012  
 Number of Petitions 100  
 Cost 10  
 To \_\_\_\_\_  
 Date of Completion of Copy 31-5-2012  
 Date of Delivery of Copy 31-5-2012

*Ali Akbar*

*[Signature]*

بعد التجدد سر میں سرگرمیوں کی صورت میں پیشکش خواہ لکھنا اور



Appellate 2013ء پنجاب

صاحب محترم کی خدمت میں عرض

مورخہ ---  
مقدمہ ---  
دعویٰ ---  
جرم ---

### باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
 آن مقام سر میں سرگرمیوں کی صورت میں پیشکش خواہ لکھنا اور  
 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 ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ذمہ داری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زراں ہر دستہ کرائے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
 پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سبب سے وہوگا۔  
 کوئی تاریخی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

محمد عرفان  
 ایڈووکیٹ

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الرقوم \_\_\_\_\_ ہا \_\_\_\_\_ 20

العبارت \_\_\_\_\_ واہ العبارت \_\_\_\_\_

کے لئے منظور ہے۔

بمقام

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

**Service Appeal No.747/2013**

**Sahibzada Mohammad Naeem, -----(Appellant)**

**Versus**

**Government of Khyber Pakhtunkhwa,**

**Respondents**

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4.	Annexure – A (Better copy)	7,8,&9

**DEPONENTS**  
Cell# 03339374624

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

**Service Appeal No. 747/2013  
Sahibzada Mohammad Naeem,**

**Versus**

Government of Khyber Pakhtunkhwa

**AFFIDAVIT**

I Mr. Bilal Khan Assistant Director (Lit.) Social Welfare, Special Education & Women Empowerment Department, do hereby solemnly affirm and declare on oath that the comments on behalf of Respondent No.1,2 & 3 for early hearing are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'able Court.

Identified by  
Govt Pleader ST  
KPK Pesh



DEPONENT  
Cell# 03339374624

2

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

**Service Appeal No. 747/2013**

Sahibzada Mohammad Naeem, Junior Special Education Teacher (BPS-16) Govt.  
Institute for the Blind, D.I.Khan..... **(Appellant)**

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Chief Secretary & Others..... **(Respondents)**

**Respectfully Sheweth:**

**PARA-WISE COMMENTS/REPLY BY RESPONDENTS NO. 1, 2, 3 & 5.**

**PRE-LIMINARY OBJECTIONS:**

1. The appellant has got no cause of action.
2. The Appeal is not maintainable in its present form.
3. The appellant has no locus standi.
4. The Appeal is time barred.

**FACTS:**

1. Correct.
2. Correct to the extent that the appellant possesses the qualification of B.A/B. Ed and is a trained graduate teacher but he is not entitled to be awarded Higher Pay Scale BPS-17 as he does not possess the adequate knowledge certificate in teaching the blind children as mentioned in the Finance Department's letter dated 24-07-1986 (**Annex-A**).
3. Correct to the extent that the Finance Department's circular letter dated 24-07-1986 allows Higher Pay Scale to the teachers of Special Education Institutions on acquiring higher qualification but according to the criteria only those teachers are allowed Higher Pay Scale BPS-17 who possess a certificate to the effect that he/she has adequate knowledge in Braille or teaching the blind children. The relevant portion of the criteria is reproduced below for the convenience of this Honourable Court.  
"BPS-17 may awarded to the Trained Graduate Teachers (B.A/B.Sc, B.Ed) with adequate knowledge of Braille or teaching the blinds".
4. Correct.
4. Correct to the extent that Mr. Waheed Nawaz was allowed Award of Higher Pay Scale BPS-17 by the Apex Court but the appellant cannot be treated at par with Mr. Waheed Nawaz due to the reason mentioned in para-3 above.
5. Not correct and not admitted. The Appellant cannot be considered at par with Mr. Waheed Nawaz as he does not possess a certificate to the effect that he has adequate knowledge of Braille or teaching the blind children and it was due to this reason that his request for Award of Higher Pay Scale BPS-17 could not be entertained.
6. In reply to para-7, it is submitted that the appellant has got no cause of action to file this appeal.

**GROUND.**

- A. Incorrect and not admitted. Since the appellant does not possess a certificate to the effect that he has adequate knowledge of Braille or teaching the blind children, his request for Award of Higher Pay Scale BPS-17, therefore cannot be entertained, hence the question of injustice does not arise at all.
- B. Incorrect and not admitted as explained in the preceding paras.
- C. Incorrect and not admitted: The Appellant has been treated as per rules/policy of the Government as explained in para 3 & 5 of the facts.
- D. Incorrect and not admitted. Since the appellant does not fulfill the criteria mentioned in the Finance Department's circular letter dated 24-07-1986, he, therefore, cannot be considered at par with the litigants whose requests for award of Higher Pay Scale have been allowed by the Honourable Courts.
- E. Pertains to court however the Appellant cannot be considered at par with Javed Khan & others as he does not fulfill the criteria for award of Higher Pay Scale BPS-17 as mentioned in the Finance Department's circular letter dated 24-07-1986.
- F. The Department seeks the permission of this Honourable Court to advance other grounds and proof at the time of hearing of the case.

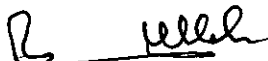
In view of the above mentioned factual position, it is prayed that the appeal, being devoid of merit, may graciously be dismissed please.

  
Secretary


Social Welfare, Special Education &  
~~Women Empowerment~~ Department  
Khyber Pakhtunkhwa  
(Respondent No. 1)

  
Director

Social Welfare,  
Khyber Pakhtunkhwa Special Education &  
Women Empowerment Department  
(Respondent No. 2)

  
Secretary

Finance Department  
Govt. of Khyber Pakhtunkhwa  
(Respondent No. 5)

  
Respondent No. 1

4.11

Annexure A

No. FD(SR-I)1-95/84-III

GOVERNMENT OF N.W.F.P.  
FINANCE DEPARTMENT

Dated Peshawar, the 24th July 1986

From

Saeed Ullah Jan,  
Secretary to  
Government of N.W.F.P.,  
Finance Department,  
Peshawar.

193 (11)

To

The Secretary to  
Government of N.W.F.P.,  
Health and Social Welfare Department,  
Peshawar.

Subject:- REVISION OF PAY SCALES OF THE TEACHERS WORKING IN THE INSTITUTIONS FOR THE HANDICAPPED.

Sir,

I am directed to refer to the subject noted above and to say that the matter regarding grant of enhanced pay scales to different categories of teachers working in the institutions for the handicapped (i.e., Blinds, Deaf & Dumb, Physically Handicapped and Mentally Retarded) has been under consideration of the Government for sometime. It has been decided to prescribe new scales of pay for these teachers working in the above institutions with immediate effect. The new scales of pay, showing the qualifications prescribed for teachers are as under:-

(1). DEAF AND DUMB INSTITUTIONS.

- (a) Trained Graduate Teachers (B.A./B.Sc., B.Ed.) with adequate knowledge in the Education of deaf and dumb to be certified by the Social Welfare Directorate. B-17
- (b) Untrained Graduate and post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge in the Education of deaf and dumb, to be certified by the Social Welfare Directorate. B-16 These teachers must acquire B.Ed. within a period of three years.
- (c) Trained under-Graduate teachers (Metric/F.A./with C.T. or P.T.C, etc.) B-14 These teachers must acquire the qualification of B.A./B.Sc./B.Ed. five years as at (a) above.

SEARCHED TO 13/11/86/2

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(12)

(20)

(d) Untrained; under Graduate B-11 Teachers with adequate knowledge of teaching deaf and dumb (to be certified by the Social Welfare Directorate)

These teachers should continue in B-11, till such time they cross the next stages of B-14/16.

To be Redesignated as

Senior Special Educators Teachers

(2) BLINDS INSTITUTIONS.

(a) Trained Graduate Teachers B-17 (B.A./D.Sc., B.Ed.) with adequate knowledge of Braille or teaching the blind (to be certified by the Social Welfare Directorate)

These teachers must acquire B.Ed. within a period of three years.

To be re-designated as Junior Special Education Teachers

(b) Un-trained Graduate and post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge of Braille or teaching the blind (to be certified by the Social Welfare Directorate)

(c) Trained under-Graduate teachers: B-14

These teachers must acquire the qualification of B.A. B.Sc., B.Ed. within five years as at (a) above.

i) F.A., C.T., and proficiency in Braille or adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate)

ii) Matric, P.T.C., S.V. and proficiency in Braille or with adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate)

To be considered as Assistant Special Education Teachers

iii) Matric with Diploma/Certificate in a trade from a Blind Institute and proficiency in Braille or with adequate knowledge in teaching the blinds (to be certified by the S. W. Directorate)

(d) Un-trained, under Graduate B-11 Teachers with proficiency in Braille or adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate)

These teachers should continue in B-11, till such time they cross the next stages of B-14/16.

Others not existing & graduate

(3) MENTALLY RETARDED/PHYSICALLY HANDICAPPED INSTITUTIONS.

(a) Trained Graduate Teachers B-17 (B.A./B.Sc., B.Ed.) with adequate knowledge of teaching the mentally retarded and physically disabled (to be certified by the Social Welfare Directorate)

(b) Untrained Graduate and Post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge of

These teachers must acquire B.Ed. within a period of three years.



teaching the mentally retarded and physically disabled (to be certified by the Social Welfare Directorate.)

(c) Trained under-Graduate (B-14) (F.A./F.Sc. with C.T./P.T.C./B.V.) with adequate knowledge of teaching the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate.)

(d) Untrained under-Graduate Teachers (B-11) with adequate knowledge of teaching the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate.)

(20) (13)  
These teachers must acquire the qualification of B.A./B.Sc., B.Ed. within five years as at (a) above.

These teachers should continue in B-11, till such time they cross the next stages of B-14/16.

All special pays sanctioned for the above categories of teachers shall be discontinued with immediate effect.

Your obedient servant,

*Safdar Ali Khan*

(SAFDAR ALI KHAN)  
ADJL: FINANCE SECRETARY-I,  
GOVERNMENT OF N.W.F.P.

Encl. No. FD(SR-I)1-95/84-II. Dated Pesh. the 24th July, 1986.

Copy of the above is forwarded to:-

- 1) The Accountant General, N.W.F.P., Peshawar.
- 2) The Director, Social Welfare, N.W.F.P., Peshawar.

*Saeed Ahmad Alvi*  
(SAEED AHMAD ALVI)  
DEPUTY SECRETARY (REGULATION),  
FINANCE DEPARTMENT.

Encl. No. FD(SR-I)1-95/84-III. Dated Pesh. the 24th July, 1986.

A copy is also forwarded to:-

- 1) The Secretary to Government of the Punjab, Finance Department, Lahore.
- 2) The Secretary to Government of Sind, Finance Department, Karachi.
- 3) The Secretary to Government of Baluchistan, Finance Department, Quetta.
- 4) The Secretary to Government of Azad Jammu and Kashmir, Finance Department, Muzaffargarh.

*S. Zaman*  
(PAKIS UZ-ZAMAN)  
SECTION OFFICER (SR. I).

ATTESTED

*P. Khan*

Attested

*[Signature]*

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(1)  
(EB) (11)

No. FD(SR-1) 1-95 / 84-111  
GOVERNMENT of N.W.F.P  
FINANCE DEPARTMENT.  
Dated Peshawar: the 24<sup>th</sup> July 1986.

From, Saeed Ullah Jan,  
Secretary to  
Government of N.W.F.P  
Finance Department,  
Peshawar.

To, The Secretary to  
Government of N.W.F.P  
Health and Social Welfare Department,  
Peshawar.

SUBJECT:- REVISION OF PAY SCALES OF THE TEACHERS WORKING IN THE INSTITUTIONS FOR THE HANDICAPPED.

Sir,  
I am directed to refer to the subject noted above and to say that the matter regarding grant of enhanced pay scales to different categories of teachers working in the institutions for the handicapped (I.e.) blinds, deaf & dumb physically handicapped and mentally retarded has been under consideration of the government for sometime. it has been decided to personable new scales of pay for these teachers working in the above institutions with immediate effect. The new scales of pay, showing the qualifications prescribed for teachers are as under:-

- (1) DEAF AND DUMB INSTITUTIONS.
- (a) Trained Graduate Teachers (B.A./ B.Sc./ B.Ed.) With Adequate knowledge in the Education of deaf and dumb To be certified by the social Welfare directorate. B-17
  - (b) Untrained graduate and post-graduate Teachers (B.A / B.Sc. M.A./ M.Sc.) With adequate know ledge in the Of deaf and dumb to be certified by Social welfare directorate. B-16 These teachers must Acquire B.Ed. within a period of three years.
  - (c) Trained under-graduate Teachers (Metric / F.A./ F.Sc With C.T or P.T.C etc.) B-14 These teachers must acquire the qualification Of B.A./ B.Sc./ B.Ed. Five years as at (a) above.

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(d) Untrained, under Graduate Teachers with adequate Knowledge of teaching deaf And dumb ( to be certified By the social welfare Directorate. B-11 these teachers should continue in B-11, till such time they cross to the next stages of B-14 / 16.

(2) BLINDS INSTITUTIONS.

(a) Trained graduate teachers ( B.A./B.Sc. B.Ed) with Adequate knowledge of Braille or teaching the Blind (to be certified by the Social welfare directorate.) B-17

(b) Un-Trained graduate and Post-Graduate teachers ( B.A./ B.Sc. M.A./ M.Sc.) with Adequate knowledge of Braille Or Teaching the blind. ( to be certified By the social welfare Directorate. B-16 these teachers must acquit B.Ed. within a period of Three years.

(c) Trained under-graduate teachers: B-14 these teachers must acquit the qualification of B.A. B.Sc. B.Ed. within five years as at (a) above.

- 1) F.A. C.T. and proficiency in Braille or adequate knowledge of teaching the blind ( to be Certified by the social welfare Directorate.)
- 2) metric B.T.C. S.V and proficiency in Braille or with adequate knowledge of teaching the blind. ( to be certified by the social welfare directorate )
- 3) matric with diploma / certificate in a trade from a blind institute and proficiency in Braille or with adequate knowledge in Teaching the blinds. ( to be certified by the S.W directorate.)

(d) un-trained, under graduate teachers with proficiency in Braille or adequate knowledge of teaching the blind.( to be certified by the social welfare Directorate.) B-11 these teachers should continue in B-11, till such time they cross the next stages of B-14/16

(3) MENTALLY RETARDED / PHYSICALLY HANDICAPPED INSTITUTIONS.

(a) trained graduate teachers (B.A./B.Sc. B.Ed.) with adequate knowledge of teaching the mentally retarded and physically disabled.(to be certified by the social welfare directorate.) B-17

(b) untrained graduate and ( C.S.T-graduate teachers (B.A./B.Sc. M.A / M.Sc.)with adequate Knowledge of B-16 these teachers must acquit B.Ed. within a period Three years.

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Teaching the mentally retarded and physically Disabled ( to be certified by the social welfare Directorate.)

(c) Trained under-graduate (F.A. / F. Sc. with C.T/ P.T.C. / S.Y.) with adequate Knowledge of teaching the mentally Retarded & physically disabled (to be qualified to the social welfare Directorate.)

B-14

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B-11

these teachers should continue un B-11 till such time they cross to the next stages of B 14/ 16.

All special pays sanctioned for the above categories of teachers shall be discontinued with immediate effect.

Your obedient servant

(SAFDAR ALI KHAN)  
ADDL: FINANCE SECRETARY-1  
GOVERNMENT OF N.W.F.P

ENDST . NO FD(SR-1)1-95 / 84-11 DATED PESHAWAR THE 24<sup>TH</sup> JULY 1986.

- COPY OF THE ABOVE IS FORWARDED TO:-  
1. THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR  
2. THE DIRECTOR SOCIAL WELFARE N.W.F.P. PESHAWAR

(SAEED AHMAD ALVI)  
DEPUTY SECRETARY  
(REGULATION)  
FINANCE DEPARTMENT.

ENDST . NO FD (SR-1)1-95 / 84-111 DATED PESHAWAR THE 24<sup>TH</sup> JULY 1986

A copy is also forwarded to:-

- 1) The secretary to government of the Punjab finance department lahore.
- 2) The secretary to government of sindh finance department karachi
- 3) The secretary to government of Baluchistan finance department, Quetta
- 4) The secretary to government of azad jammu and \_\_\_\_\_ finance department muzaffarabad.

(FAKHAR-UZ-ZAMAN)  
SECTION OFFICER (SR-1).

*[Signature]*  
This is True Copy  
*Rav*