

745/2013

20.10.2016

Counsel for the appellant and Mr. Nabi Gul, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in connected Service Appeal No. 744/2013 titled "Tayyab Shah-Vs- The Provincial Government through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and others", this appeal is also disposed of as per the said detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

20.10.2016

  
(PIR BAKHSH SHAH)  
MEMBER

  
(ABDUL LATIF)  
MEMBER

24.03.2016

Counsel for the appellant and Mr. Nabi Gul, Supdt: alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. Therefore, the case is adjourned to 29.04.2016 for arguments.



Member



Member

29.04.2016

Counsels for the appellant and Mr. Ziaullah, GP for respondents present. Learned GP requested for adjournment. Last opportunity is given to the parties. To come up for arguments on 02.06.2016.



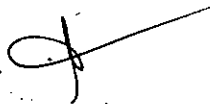
Member



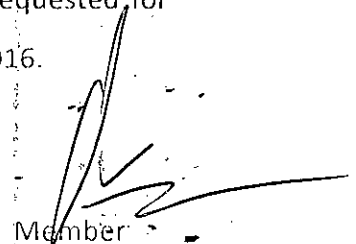
Member

2.6.2016

Counsel for the appellant and Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. Adjourned for arguments on ~~20.06~~ 20.06.2016.



Member




Member

14.01.2016

Counsel for the appellant and Mr. Nabi Gul, Supdt. alongwith Mr. Muhammad Jan, GP for respondents present. Representative of respondent-department stated before the Tribunal that the case of the appellant is in process and requested that the appellant may also be directed to assist the department by producing the relevant record, so that the matter may be expedited. In the meanwhile learned counsel for the appellant submitted that respondent-department has also issued notification dated 19.7.2011 in the light of the judgment of this Tribunal in Appeal No. 3065/2010 and case of the appellant is identical with the said case. The respondent-department is directed to look into the matter expeditiously. File to come up for report of the respondent-department/arguments on 10-2-16.

  
MEMBER

  
MEMBER

10.02.2016

Counsel for the appellant and Addl: AG for respondents present. During the course of arguments the learned Addl: AG submitted that the department has already granted higher scale BPS-17 to some officials and the case of the appellants is under process. He requested that the case may be adjourned so that the exercise may be completed. The case is adjourned to 24.3.16 for further proceedings/arguments.

  
MEMBER

  
MEMBER

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. Since the court time is over, therefore, case is adjourned to 14-01-2016 for arguments.

  
MEMBER

  
MEMBER

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.

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. 745/2013  
Mr. Fazal Ghani

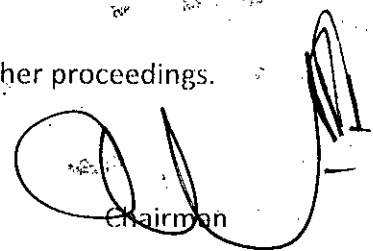
15.08.2013

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 20.08.2013. 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.

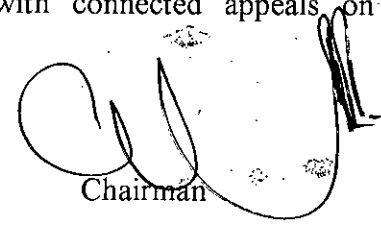
15.8.2013

This case be put before the Final Bench I 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.

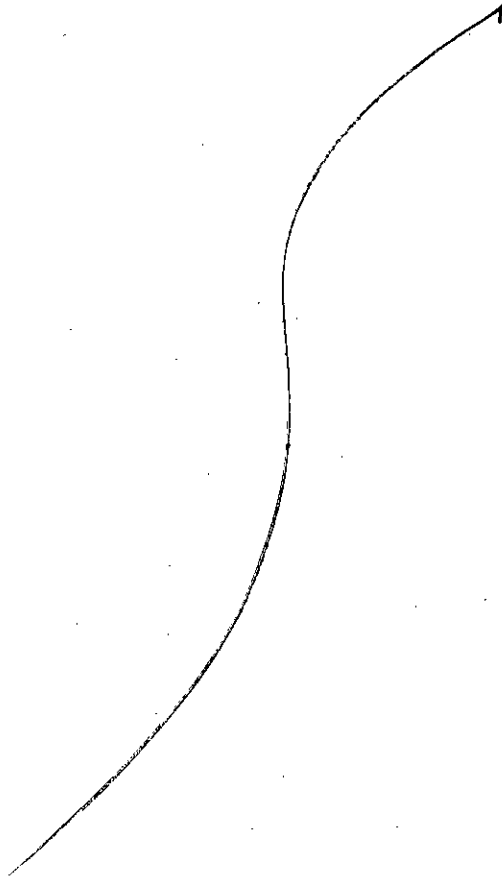
  
Chairman

3.

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. 745/2013

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. Fazal Illahi resubmitted 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>



The appeal of Mr. Fazal Ilahi Munj Supervisor received today i.e. on 21/03/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- In the memo of appeal places have been left blank which may be filled in.
- 2- Annexures of the appeal may be attested.
- 3- Copies of appointment order and order dated 28.12.1998 mentioned in para-4 of the memo of appeal are not attached with the appeal which may be placed on it.
- 4- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 449 /S.T.

Dt. 21/03 /2013.

1  
12/03  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

MR. REHMANULLAH ADV. PESH.

*Notes - The same issue/nature case was pending before this Honble Tribunal on 25/4/13 for Preliminary Argument in Preliminary Bench.*

*Gr, Re-Submitted after completion all items.*

*K. Khan*

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

Service Appeal No. 745/2013

Fazal Elahi  
As Munj Supervisor (BPS-16)  
Govt Institute for Blind -Swat. ....Appellant

-Vs-

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

**I N D E X**

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 Appointment Order	A	7-18
5	Copy of Notification Dated 24-07-1986	B	19-21
6	Copy of Supreme Court Judgment Dated 03-02-2010	C	22-26
7	Copy of Departmental Appeal of Appellant	D	27-29
8	Copy of Service appeal judgment dated 18/04/2012	E	30-33
9	Wakalatnama		

Through

Appellant

  
**Rahman Ullah**

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

①

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

Service Appeal No. 745/2013

W.F. Peshawar  
567  
21-3-13

Fazal Elahi  
Munj Supervisor (BPS-16)  
Govt Institute for the Blind -Swat. .... **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, Swat.
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**

*Handwritten signature*

21/3/13

Re-submitted to ~~by~~  
and filed.

*Handwritten signature*  
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. 13/10/2012 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 "Munj Supervisor" (BPS-09) on 29-11-2003 after recommendation of the Departmental Selection Committee, and now performing his duties in BPS-16 in Govt Institute for the Blind Swat, on the basis of decision of this Hon,ble service Tribunal passed in ~~Service Appeal No. dated 13-06-2011~~ <sup>on 13-6-2011</sup>.
  2. That the appellant has the qualification of B.A on 30-04-2008 and B.Ed on 13-10-2012. Thus the appellant is now trained Graduate 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. (13/10/2012) as per Govt of NWFP Finance Department Notification dated 24-07-19986.
- (Copy of Credential/Documents is Annexure A)**
3. 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 B).**

4. That the appellant was appointed as Munj Supervisor" on 29-11-2003 in (BPS-9) then higher pay scale (BPS-16) was awarded on 30/04/2008 and now performing his duty as" Munj Supervisor " in (BPS-16). ~~Copy of appointment order dated 28-12-1986.~~
5. 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. Lateron 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").**
6. That as the appellant is also similar placed person, therefore, he filed Departmental appeal for granting of Higher Pay Scale on 06/12/2012 and waited for 90days, but the said appeal met no response **(Copy of Departmental Appeal is Annexure "D").**

7. 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 as Munj supervisor 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.

5

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 E).**

F. That the appellant seek permission to advance other grounds and proof at the time of hearing.

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.13/10/2012 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 for with his colleague (Waheed Nawaz).

✓  
Appellant

Through

*Rahman Ullah*  
Rahman Ullah

Advocate Peshawar.

**AFFIDAVIT:**

I Fazal ElahiAs Munj Supervisor (BPS-16)Govt Institute for Blind Swat, 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.



DEPONENT

6

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

Service Appeal No. \_\_\_\_\_/2012

Fazal Elahi  
As Munj Supervisor (BPS-16)  
Govt Institute for Blind -Swat .....Appellant

-Vs-


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

**APPELLANT**

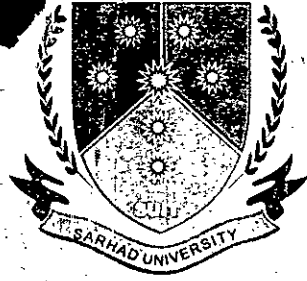
Fazal Elahi  
As Munj Supervisor (BPS-16)  
Govt Institute for Blind -Swat

**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, Swat.
5. Secretary,  
Finance Department,  
Govt of K.P.K, Peshawar

Appellant  
Through  
  
Rahman Ullah  
Advocate Peshawar





# Sarhad University

OF SCIENCE & INFORMATION TECHNOLOGY PESHAWAR

Serial Number SUIT-2012-PRO-0938

Date issued: 01-Dec-2012

## Provisional Certificate

This is to certify that Mr./ Ms. Fazal Elahi

son/ daughter of Mr. Gul Hawali

registration number SUIT-11-01-025-0416

is a regular student of the Sarhad University of Science and Information Technology,  
Peshawar.

Mr./ Ms. Fazal Elahi has completed all the requirements for the  
award of Bachelor of Education degree with  
a CGPA of 2.83 on a scale of 4.00. He/ She has already been issued a  
transcript and degree will be awarded to him/ her in due course of time on the request  
of student.

Mr./ Ms. Fazal Elahi bears good moral character and his/ her  
conduct during his/ her stay at the University from September 2011 to October 2012  
has been Very Good.

*Attested*

*[Signature]*  
**LECTURER**  
Deptt. Management Sciences  
Abdul Wali Khan University Mardan  
Timgara Campus

*[Signature]*  
**Director**  
Distance Education.



# SARHAD UNIVERSITY

OF SCIENCE & INFORMATION TECHNOLOGY, PESHAWAR

## TRANSCRIPT

8

Transcript No. SU/ 18609

Name: Fazal Elahi

Reg. No: SUIT-11-01-025-0416

Father's Name: Gul Hawali

Roll No: 11-FA-41521

Degree: Bachelor of Education

Enrollment Date: 14 Sep, 2011

Faculty: Arts, Social Sciences and Education

Completion Date: 13 Oct, 2012

### 1st Semester

Cr	Hrs	Marks	Grade	GPs	Remarks	
SBE	301	Perspective of Education in Pakistan	3 - 0	65	C+	7.5
SBE	302	School Organization and Classroom Management	3 - 0	75	B	9
SBE	303	Human Development and Learning	3 - 0	66	C+	7.5
SBE	304	Curriculum and Instruction	3 - 0	63	C	6 Reappeared
SBE	305	Computer Literacy	3 - 0	67	C+	7.5 Reappeared
Cum Cr: 15.0 GPA: 2.500 Cum GPA: 2.50 Status: PTD						

### 2nd Semester

SBE	306	Functional English	3 - 0	90	A	12
SBE	307	Educational Measurement and Evaluation	3 - 0	68	C+	7.5
SBE	308	Research Techniques and Individual Project	3 - 0	64	C	6
SBE	311	Educational Technology	3 - 0	69	C+	7.5
SBE	315	Teaching of English	3 - 0	65	C+	7.5
SBE	316	Teaching Practice	0 - 6	188	A	24
Cum Cr: 36.0 GPA: 3.071 Cum GPA: 2.83 Status: QFD						

Marks Obtained : 880 Total Marks : 1200 Overall Percentage : 73.33%

(Errors and omissions are subject to subsequent rectification)

END OF TRANSCRIPT

Dean

(Degree Completed)

Controller of Examinations

Attested  
*[Signature]*

**LECTURER**  
Dept: Management Sciences  
Abdul Wali Khan University Mardan  
Timgora Campus

(Errors and omissions are subject to subsequent rectification)

## NECESSARY INFORMATION

**Authenticity:**

This transcript should not be deemed valid unless it is embossed with the official seal of the University and bears the signature of the Controller of Examinations. It should also be deemed invalid if it contains erasures, corrections or overwriting.

**Exemption of Courses:**

Courses exempted due to transfer from other universities or prior education are reflected on the transcript but the corresponding letter grades are not included in the computation of SGPA/CGPA.

**Grade Key:**

The percentages, grades, associated marks and related remarks used by the University are as follows:

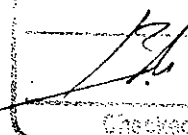
Percent Marks	Letter Grade	Grade Point	Remarks	
			Undergraduate	Graduate
≥ 85	A	4.00	Excellent	Excellent
78 - 84	B+	3.50	Outstanding	Outstanding
70 - 77	B	3.00	Good	Good
65 - 69	C+	2.50	Above Average	Above Average
60 - 64	C	2.00	Average	Average
55 - 59	D+	1.50	Below Average	Below Average
50 - 54	D	1.00	Poor but Passing	Poor
< 50	F	0.00	Failing	Failing
-	I	-	Incomplete	Incomplete
-	W	-	Withdrawn	Withdrawn
-	S	-	Satisfactory	Satisfactory
-	U	-	Unsatisfactory	Unsatisfactory
-	V	-	Verified	Verified

Semester and Cumulative Grade Point Averages (SGPA and CGPA) are on a scale of 4.00. The minimum CGPA for the award of degree at the undergraduate level is 2.00 while that at graduate level is 2.50.

The student's academic status after each semester is indicated by PTD (promoted), PRB (promoted on probation), WARN (promoted on warning) or QFD (qualified).

The duration of each semester is 18 weeks including examinations.

Signed by:



Checked by:

S. No

0029

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Roll No

03

# Government Institute For The Blind

MARDAN.

## SOCIAL WELFARE DEPARTMENT N. W. F. P.

This is to certify that Mr. Fazli Ellahi

S/O Mr. Gul Holi and a resident of Vill: Talash (Kamangar  
P.O. Sarai Bala Teh: Timangarah District Dir

has completed Five Years Course from Government Institute for the blind,  
Mardan in the following Subjects

- |                    |                         |
|--------------------|-------------------------|
| 1. English.        | 6. General Science.     |
| 2. Urdu.           | 7. Cane Work.           |
| 3. Islamiyat.      | 8. Basketory and Chick. |
| 4. Mathematics.    | 9. Munj/Music.          |
| 5. Social Studies. | 10. Qirat.              |

The Examination held during the year 1997 The

Candidate Obtained 666 Marks out of 900 Marks

and has been placed in A Grade.

His Date of Birth according to Admission Form 19.5.1975

(in Words) Nineteen May, Ninteen Seventy five.

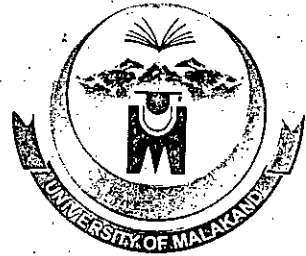
Conduct during Training Good

*Artes*  
*[Signature]*  
LECTURER  
D. S. Management Sciences  
Abdul Khan University, Mardan  
Timangara Campus

*[Signature]*  
SUPERINTENDENT,  
GOVT. INSTITUTE FOR THE BLIND,  
MARDAN.

UNIVERSITY OF MALAKAND  
PAKISTAN

Serial No. 002945



Session 2007-2009

FAZAL ELAHI Son of GUL HAWALI Registration No. 2005730696 Private Candidate of District Dir (Lower)  
having passed the prescribed examination held in Sep-Oct, 2010 under Roll No. 13802 is admitted by the University of  
Malakand to the degree of

Master of Arts

in Islamiyat in Second Division

The examination was taken in Parts.

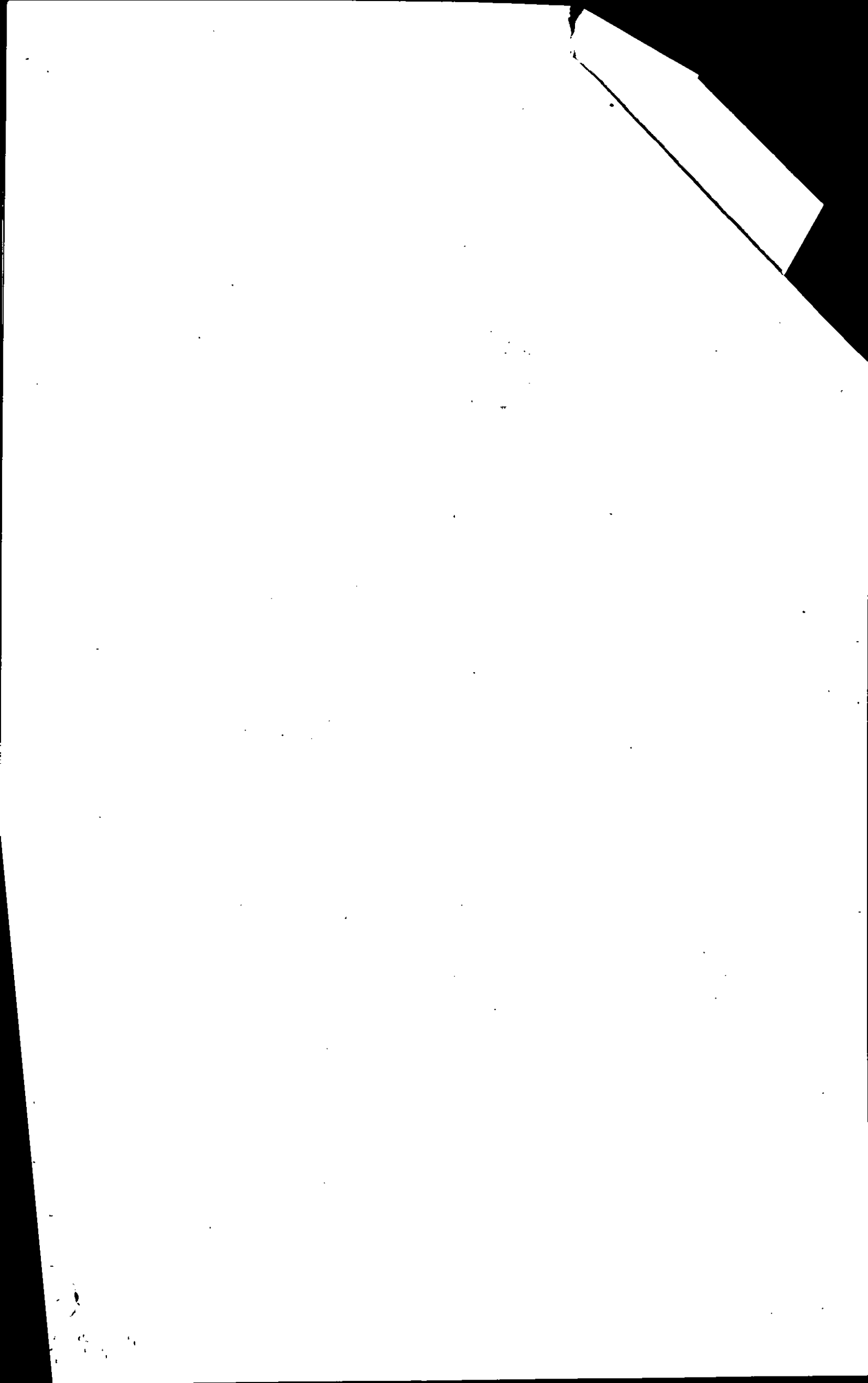
Result Declared on 02-Feb-2011  
Issuance Date 07-Mar-2011

*Accepted*  
*Office*  
LECTURER  
Dept. of Management Sciences  
Abdul Wali Khan University, Mardan  
Timergara Campus

*[Signature]*  
Controller of Examinations

Countersigned

*[Signature]*  
M. Rasool  
Vice Chancellor





# UNIVERSITY OF MALAKAND

PAKISTAN

## DETAILED MARKS CERTIFICATE

S.No A 948183

Name: FAZAL ELAHI

Private Candidate District Dir Lower

Father's Name: GUL HAWALI

Registration No. 2005730696



Roll Number 13369

M.A (ISLAMIYAT) PREVIOUS ANNUAL EXAMINATION 2008

Subject Name	Total Marks	Marks Obtained	Remarks
Paper: I AL-QURAN TRANSLATION 1st HALF & COMMENTATOR & PRINCIPLES OF TAFSEER	100	63	PASSED
Paper: II HADITH & PRINCIPLES OF HADITH	100	66	PASSED
Paper: III ISLAMIC JURISPRUDENCE "TEXT"	100	58	PASSED
Paper: IV SEERAT UN NABI & HISTORY OF ISLAM	100	40	PASSED
Paper: V ARABIC GRAMMER & LITERATURE	100	68	PASSED
	500	295	

Examination Held in Aug 30 To Sep 29, 2008

Result Declared on 18-Feb-2009

Roll Number 13802

M.A (ISLAMIYAT) FINAL COMPART ANNUAL EXAMINATION 2010

Subject Name	Total Marks	Marks Obtained	Remarks
Paper: VI AL-QURAN TRANSLATION 2nd HALF AND COMMENTARY ALONG WITH GRAMMAR	100	54	PASSED
Paper: VII PRINCIPLES OF ISLAMIC JURISPRUDENCE	100	56	PASSED
Paper: VIII ISLAM AND OTHER WORLD RELIGIONS	100	57	PASSED
Paper: IX ISLAM AND CONTEMPORARY MUSLIM WORLD	100	59	PASSED
Paper: X ISLAM & MODERN ECONOMICS THOUGHT & ISLAMIC LAW OF INHERITANCE	100	48	PASSED
VIVA VOCE	100	40	PASSED
	600	314	

Examination Held in Sep 28 To Oct 16, 2010

Result Declared on 02-Feb-2011

Total Result Status:

Maximum Marks: 1100

Result: 609



Errors and Omissions are subject to subsequent rectification

Date of Issue 07-Feb-2011

Attested  
  
**LECTURER**  
 Dept. Management Sciences  
 Abdul Wali Khan University Mardan  
 Timergara Campus

**Controller of Examinations**  
 University of Malakand



# UNIVERSITY OF MALAKAND

PAKISTAN

## DETAILED MARKS CERTIFICATE

66805

S.No. \_\_\_\_\_

12

Name: FAZAL ELAHI

Father's Name: GUL HAWALI

Registration No. 2005730696

Private Candidate District Dir Lower

Roll No. 11338

B.A PART-II COMPART SUPPLEMENTARY EXAMINATION, 2007

Subject Name	Total Marks	Marks Obtained	Remarks
ISLAMIC STUDIES(E)	75	47	PASSED
URDU	75	31	PASSED
ENGLISH(C)	75	27	PASSED
PAK. STUDY	40	26	PASSED
BA PART-I MARKS	285	151	PASSED
Subject Passing Percentage: 33 (Theory & Practical Separately), Aggregate Percentage: 36	550	282	

Examination Held in Feb 21—Mar 06, 2008

Result Declared on 08-Apr-2008

*Attes*  
*[Signature]*  
**LECTURER**  
Dept. Management Sciences  
Abdul Wali Khan University Mardan  
Timgargara Campus

Errors and Omissions are subject to subsequent rectification  
Examination was taken as a whole/in parts

Date of Issue: 09-Apr-2008

Prepared By: Mr. Raham Badshah

*Jahangir Khan*  
**Controller of Examinations**  
University of Malakand



13



# UNIVERSITY OF MALAKAND PAKISTAN

Serial No BA/PR/0780

*This Degree of  
Bachelor of Arts  
Is Awarded to*

*Mr/Ms* FAZAL ELAHI *Son/Daughter of* GUL HAWALI

*Student/Private candidate of* DISTRICT DIR LOWER

*Having passed the prescribed examination held in* FEBRUARY-MARCH, 2008

*Session* 2005-2007 *Registration No* 2005730696 *Roll No* 11338

*Division* SECOND

*Examination was taken ~~as a whole~~ in parts*

*Issuance Date* APRIL 30, 2008

*M. J. Khan*  
*M. J. Khan*  
**LECTURER**  
Deptt. Management Sciences  
Abdull Wahid Khan University, Mardan  
T. Imer-gara Campus

Countersigned

*Jahangir Khan*  
Controller of Examinations

Registrar

Vice Chancellor

14

Board of Intermediate & Secondary Education

SAIDU SHARIF SWAT

DETAILED MARKS CERTIFICATE

Secondary School Certificate Examination

(GENERAL GROUP)



Session 1998

(Annual/Supplementary)

No. 68351

Name Fazal Elahiv

Father's Name Gul Hauliv Roll No. 9308

SUBJECTS	Total number of marks allotted	MARKS OBTAINED	
		In Figures	In Words
1. English	150	81	<p><b>RESULT VERIFIED</b></p> <p>27/09/04</p> <p><b>Countersigned</b></p> <p>Asstt: Controller Secrecy BISE, Saïdu Sharif Swat.</p>
2. Urdu	150	82	
3. Islamiat Comp.	75	57	
4. Pakistan Studies	75	52	
5. Gen. Mathematics	100	35	
6. General Science	100	37	
7. IS	100	32	
8. Pa	100	36	
<b>Total</b>	<b>850</b>	<b>441</b>	<b>Four Hundred &amp; Forty one.</b>

Note : Errors/omissions excepted.

Prepared by [Signature]

Checked by [Signature]

Date 19

[Signature]

Controller of Examinations  
Board of Intermediate & Secondary Education  
SAIDU SHARIF SWAT

[Signature]  
**LECTURER**  
Dep. Management Sciences  
Abdul Wali Khan University Mardan  
Timergara Campus

# Board of Intermediate & Secondary Education Malakand

**DETAILED MARKS CERTIFICATE**  
Intermediate Examination (Humanities Group)  
Session 200 5 (Annual / Supplementary)  
Part - II



S.No. 0241

Name Fazal Elahi

Roll No. 26594

Father's Name Cul Hawali

SUBJECTS	Marks allotted	Part I	Part II	MARKS OBTAINED	
				Total	
				In Figures	In Words
1. English	200			75	Result Verified Ri Countersigned Hamid Assistant Controller Secrecy Board of Inter & Secondary Education Malakand At Chakdara
2. Urdu	200			73	
3. Islamic Education	50			74	
4. Pakistan Studies	50			87	
5. CIV	200			99	
6. PA	200			96	
7. IS	200				
<b>TOTAL</b>	<b>1100</b>			<b>504</b>	<b>D</b>

Date Five hundred and four only

Prepared by [Signature]

Checked by [Signature]

[Signature]

Controller of Examinations  
Board of Intermediate & Secondary Education  
Malakand

Errors and omissions excepted

[Signature]  
**LECTURER**  
Dept. Management Sciences  
Abdul Wali Khan University Mardan  
Timergara Campus

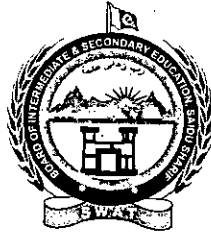
S.No X 4613

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Roll No 9308

16

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



Saidu Sharif, Swat, N.W.F.P. Pakistan  
Secondary School Certificate Examination

SESSION (ANNUAL/SUPPLEMENTARY) 1998

THIS IS TO CERTIFY THAT FAZEL ELAHI

Son/Daughter of GUL HAWLI

and a student of DISTRICT DIR

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Saidu Sharif, Swat held in DECEMBER, as a Regular/Private candidate. He/She obtained 441 Marks out of 850 and has been placed in Grade C Representing GOOD

The Candidate passed in the following subjects:

- |            |                     |           |                |
|------------|---------------------|-----------|----------------|
| 1. English | 3. Islamiyat        | 5. MATHS  | 7. IS/STUDIES  |
| 2. Urdu    | 4. Pakistan Studies | 6. PASHTO | 8. GEN/SCIENCE |

Date of birth according to admission form is NINETEENTH OF MAY, one thousand nine hundred and SEVENTY FIVE. ( 19-05-1975 )

*[Signature]*  
Asstt. Secretary

Attest  
*[Signature]*

L. LECTURER  
Department of Education Sciences  
Abdul Wali Khan University Mardan  
Timergara Campus

*[Signature]*  
Secretary

*[Signature]*

S.No. 006154

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 26594

17

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



**MALAKAND N.W.F.P PAKISTAN**  
**Intermediate Examination**  
**SESSION ANNUAL / SUPPLY 2005**

**Arts Group.**

This is to certify that Mr/Mrs/Miss Fazal Elahi

Son/Daughter of Gul Hawali

and a student of the Distt: Dir (Lower)

Registered No. 1815-B/P-2004 has Passed the  
Intermediate Examination of the Board of Intermediate and Secondary Education,  
Malakand held in May, 2005 as a ~~Regular~~ Regular/Private candidate.

He/She obtained 504 Marks out of 1100 and has been placed  
in Grade D Representing Fair


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

*This certificate is issued without alteration or erasure.*

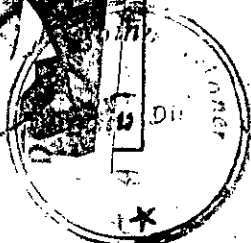
Date of Issue. 14-Oct-11, 9:45 AM (Prepared by Sajid)

  
Asstt: Secretary

Attested

  
LECTURER  
Dep't: Management Sciences  
Abul Wali Khan University Mardan  
Timergara Campus

  
Secretary



No: 1490

dated 7/8/95

18

# DOMICILE CERTIFICATE

I declare that I was born of parents who are permanently domiciled in N.W.F.P. having been born in this Province.

I was born at Village/Mohallah Kamangra  
Tehsil Timergara District Dir

Signature of the applicant [Signature]  
Date 3.8.95

Pursuance to the declaration dated 3.8.1995  
filed by Fazal Ulhi s/o of Gulhawli 109-25-0522  
of Village Kamangra Mohallah [x] domiciled  
in N.W.F.P. It is, hereby, certified that the said Fazal Ulhi  
parents are permanent residents of the N.W.F.P. having born within it.

I have satisfied myself from personal/my own knowledge/verification that the above declaration is true and certify accordingly.

Given under my hand and the seal of the Court.

this 6th day of August 1995

COUNTERSIGNED BY

[Signature]  
**DEPUTY COMMISSIONER**  
Timergara

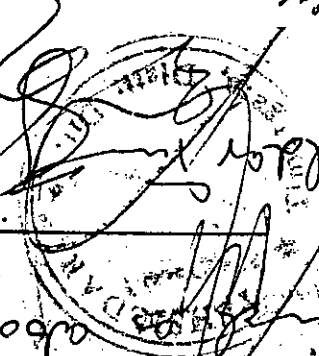
**MAGISTRATE 1ST CLASS**  
Timergara

Attested  
[Signature]  
**LECTURER**  
Management Sciences  
Abdul Wali Khan University, Mardan  
Timergara Campus

No

3-8-1975

380



Handwritten signature and text, possibly 'Tahsildar ...'.

Handwritten text 'above'.

Handwritten text 'بجانب'.

Handwritten text 'بجانب'.

Main body of handwritten text in Urdu, containing several lines of a letter or report.

Slavery Trade Advo Cell  
Amravya

Handwritten text 'Amravya' and '30.7.75'.

Handwritten signature and date '30.7.75'.

Handwritten text 'S. P. S. K. ...' and 'District ...'.

Handwritten text 'بجانب'.

Handwritten text '(19-5-1975)'.

Bottom section of handwritten text in Urdu, including a signature and date.

*B'*  
*Amenduse*

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

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

Dated Peshawar, the 24th July 1974

From

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

(19)

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., Blind, 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 (Matric/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. within five years as at (a) above.

Attended to



26

(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 Education Teacher

(2) BLINDS INSTITUTIONS.

(a) Trained Graduate Teachers B-17 (B.A./B.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 redesignated as Junior Special Education Teacher

(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 redesignated as Assistant Special Education Teacher

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 with existing adequate

(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).

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

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

Better Copy



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.

19

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:-

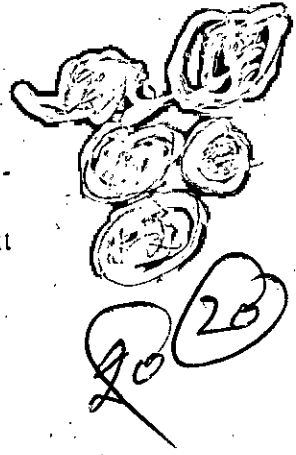
(1) DEAF AND DUMB INSTITUTIONS.

- (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.

...../2

Attested To be True Copy

*Attested*  
*R...*



(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 acquire B.Ed. within a period of Three years.

(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.

- 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 acquire B.Ed. within a period Three years.

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 Raw

...../3

ATTESTED  
 Raw

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

(c) Trained under-Graduate (B-16) These teachers must acquire the qualification of B.A./B.S., B.Sc., within five years as at (a) above. (P.A./P.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) These teachers should continue in B-11, till such time they cross the next stages of B-16/16. (with adequate knowledge of teaching the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate).

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) ADDL: 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.

*Fakhr-e-Razvi*  
(FAKHR-E-RAZZAWI) SECTION OFFICER (SR-I)

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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.V.) with adequate Knowledge of teaching the mentally Retarded & physically disabled (to be qualified to the social welfare Directorate.)

B-14

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

(d) Untrained under-graduate Teachers with adequate knowledge Of teachers the mentally retarded & physically disabled ( to be certified by the social welfare directorate.

B-11

these teachers should continue un B-11 till such time they cross to the next stages of B 1-1/ 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)

Handwritten signature and scribbles at the bottom of the page.

SUPREME COURT OF PAKISTAN

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

*Annexed*

22  
10.2.2010

From

The Officer Incharge,  
Supreme Court of Pakistan,  
Peshawar.

To

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

CIVIL APPEAL NO. 04-P OF 2010

Subject:

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 31.05.2006 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.

Encl: Order

*Do the needful in time*  
*Supdt*

*[Signature]*  
(OFFICER INCHARGE)

*17/2/10*



IN THE SUPREME COURT OF PAKISTAN  
(Review Jurisdiction)

9  
23

PRESENT:  
MR. JUSTICE SHAKIRULLAH JAN  
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 No. 449-P of 2006)

Waheed Nawaz

...Petitioner:

VERSUS

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

...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 the Government N.W.F.P. that the benefit of Circular dated

Attorney for the Copy

TESTED  
*[Signature]*  
Incharge  
Court of Pakistan

24

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., on

ATTESTED

*[Signature]*  
 Officer Incharge  
 Court of Pakistan  
 Peshawar



(25)

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 14<sup>th</sup> May 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. V/99/P.C. dated 17.04.1995 on the subjected 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/96/130 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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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 Shakerullah Jan, J  
 sd/- Mr. Nasir-ur-Rahile, J  
 sd/- Mr. Tariq Pervez, J

Attested to be true copy  
 MUDASAR  
 2nd January, 2010.  
 Mudassar/

Certified to be true copy  
 Supreme Court  
 Islamabad

Annex 'D'

27

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 Oral Master (BPS-16) as Munj Supervisor, Govt Institute for Blind Swat 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 13/10/2012 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. 13/10/2012 as per circular of the Finance Department dated 24-07-1986 for the sake of justice.

Yours Obediently

Fazal Elahi  
Munj Supervisor (BPS-16),  
Govt Institute for Blind Swat

Dated: 06/12/2012

28

**OFFICE OF THE SUPERINTENDENT GOVT: INSTITUTE FOR THE BLIND  
SWAT.**

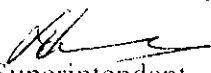

NO.PF/GIB/Swat 3109/PF  
Date 10/19 2012

To

The District Officer  
Community Development Department Swat.

Subject: **AWARD OF HIGHER BASIC PAY SCALE TO THE TEACHER OF  
WORKING IN SPECIAL EDUCATION.**

Enclosed please find herewith the case for the higher Basic Pay Scale on the enclosed proforma along with testimonials in respect of Mr.Fazle Elahi Munj Supervisor Govt: Institute for the Blind Swat sent herewith for further necessary action please.

  
Superintendent  
Govt: Institute for the Blind Swat  


*Allister  
Mu*

Forma of Award of Personal Higher Pay Scale on Possessing Higher Educational Qualification in respect of Mr. Fazle Elahi Office of the Superintendent Govt: Institute for the Blind Swat

S#	Name & Father Name	Designation and Present Pay Scale	date of 1 <sup>st</sup> entry into Govt: Service	Present appointment with date	Higher Pay Scale already awarded with date	Additional Higher Qualification	Higher-Pay Scale Due	Due date for Award of Higher Pay Scale No	Remarks / Recommendation
1	Fazle Elahi	Munj Supervisor	1/1/2004	30/4/2008	BPS 16 30/4/2008	1- SCC Certificate from BISE Swat 2- Intermediate Certificate from Chakdara Board MLKD 3- B.A from University of MLKD 4-M.A from University of MLKD 5- B.Ed Sarhad University	13/10/2012	BPS 17	BPS 17 Contract Basis

  
Superintendent

Govt: Institute for the Blind Swat

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

**Service Appeal No.745/2013**

**Fazal Elahi Munji, -----(Appellant)**

**Versus**

**Government of Khyber Pakhtunkhwa,**

**Respondents**

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4.	Annexure – A (Better copy)	7,8,&9

**DEPONENTS**  
Cell# 03339374624

2

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

**Service Appeal No. 745/2012**

Fazal Elahi, Munj Supervisor (BPS-16) Govt. Institute for the Blind,  
Swat..... (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 of 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 Institution 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 be awarded to the Trained Graduate Teachers (B.A/B.Sc, B.Ed) with adequate knowledge of Braille or teaching the blinds".

4. Correct.
5. 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.
6. 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.
7. In reply to para-7, it is submitted that the appellant has got no cause of action to file instant 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.

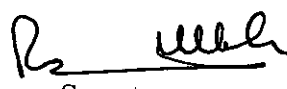
In view of the above mentioned factual position, it is prayed that the appeal, being devoid of merit, may graciously be dismissed please.

  
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 4



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.

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/P.A./etc.) with C.T. or P.T.C. 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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(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 Education Teacher*

(2) BLINDS INSTITUTIONS.

(a) Trained Graduate Teachers B-17 (B.A./B.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 Redesignated as Junior Special Education Teacher*

(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 Teacher*

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.

*with existing language*

(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)

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

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

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./S.V.) with adequate knowledge of teaching, the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate):

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

(d) Untrained under-Graduate (B-11) Teachers, with adequate knowledge of teaching, the mentally retarded & physically disabled (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.

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)  
ADDL: FINANCE SECRETARY-I,  
GOVERNMENT OF N.W.F.P.

Endst. 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.

Endst. 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.

*Fakhr-uz-Zaman*  
(FAKHR-UZ-ZAMAN)  
SECTION OFFICER (SR-I).

ATTESTED

*P. Malik*

Attested

*[Signature]*

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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 ears 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 E-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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- (c) Teaching the mentally retarded and physically Disabled ( to be certified by the social welfare Directorate.)  
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 these teachers must acquire the qualification of B.A./ B.Sc. / B.Ed. within five years as at (a) above.
- (d) Untrained under-graduate Teachers with adequate knowledge Of teachers 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

(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 ).

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

**Service Appeal No.745/2013**

**Fazal Elahi Munji, -----(Appellant)**

**Versus**

**Government of Khyber Pakhtunkhwa,**

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**Respondents**

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**DEPONENTS**  
Cell# 03339374624

2

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

Service Appeal No. 745/2012

Fazal Elahi, Munj Supervisor (BPS-16) Govt. Institute for the Blind,  
Swat..... (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 of 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 Institution 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 be awarded to the Trained Graduate Teachers (B.A/B.Sc, B.Ed) with adequate knowledge of Braille or teaching the blind".
4. Correct.
5. 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.
6. 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.
7. In reply to para-7, it is submitted that the appellant has got no cause of action to file instant 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.

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.

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/P.A./etc.) with C.T. or P.T.C. B-14 These teachers must acquire the qualification of B.A./B.Sc./B.Ed. five years as at (a) above.

ATTACHED

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(12)

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(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 Educator Teacher

(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 Redesignated as Junior Special Educator Teacher

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

To be Redesignated as Assistant Special Educator Teacher

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)

(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.

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(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)

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

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

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

(c) Trained under-Graduate (P.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, 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.S., B.Sc., which takes 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)  
ADOL: FINANCE SECRETARY-I,  
GOVERNMENT OF N.W.F.P.

Endst. No. FD(SR-I)11-95/84-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)  
DEPUTY SECRETARY (REGULATION),  
FINANCE DEPARTMENT.

Endst. No. FD(SR-I)11-95/84-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.

(FAKHS UZ-ZAMAN)  
SECTION OFFICER (SR-I).

ATTESTED

Attested

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7/24/86

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.

(11)

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) E.A.C.T. and proficiency in Braille or adequate knowledge of teaching the blind ( to be Certified by the social welfare Directorate.)  
2) metric E.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 E-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.V) with adequate Knowledge of teaching the mentally Retarded & physically disabled (to be qualified to the social welfare Directorate.)

B-14

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

(d) Untrained under-graduate Teachers with adequate knowledge Of teachers the mentally retarded & physically disabled ( to be certified by the social welfare directorate.

B-11

these teachers should continue on 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 ALIKHAN)  
ADDL. FINANCE SECRETARY-I  
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]*  
True Copy  
*[Signature]*