

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 744/2013

Date of institution ... 21.03.2013

Date of judgment ... 20.10.2016

Tayyab Shah

Junior Oral Master (BPS-9)

Govt. School for Deaf & Dumb Children Timergara Dir Lower

... (Appellant)

VERSUS

1. The Provincial Government through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Social Welfare & Women Development & Special Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Director, Directorate of Social Welfare & Women Development & Special Education Department, Khyber Pakhtunkhwa, Peshawar.
4. District Officer, Social Welfare & Women Development & Special Education Department, Timergara, Lower Dir.
5. Secretary Finance Department, Government of Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR GRANTING OF HIGHER PAY SCALE (BPS-17) IN THE LIGHT OF NOTIFICATION DATED 24.07.1986 OF THE SUPREME COURT JUDGMENT DATED 03.02.2010PK AND IN LIGHT OF THE SUPREME COURT JUDGMENT DATED 03.02.2010 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENT APPEAL OF THE APPELLANT.

Mr. Rāhman Ullah, Advocate.

Mr. Muhammad Adeel Butt, Additional AG

.. For appellant.

.. For respondents.

MR. ABDUL LATIF

MR. PIR BAKHSH SHAH

.. MEMBER (EXECUTIVE)

.. MEMBER (JUDICIAL)

JUDGMENT

ABDUL LATIF, MEMBER:-

Facts giving rise to the instant appeal are that

the appellant was appointed as Junior Oral Master (BPS-9) on 06.04.2010 in the Government School for deaf & dumb Children Timergara Dir Lower. That the appellant has a qualification of B.A and B.Ed and the appellant claiming for higher pay scale in BPS-

17 from the date of appointment i.e 06.04.2010 as per Government of Khyber Pakhtunkhwa Finance Department notification dated 24.07.1986. That the Finance Department issued a notification dated 24.07.1986 in which the teachers of Special Education Institution having the qualification of B.A/B.SC with B.Ed have been granted their respective higher pay scale. That one of the colleague of the appellant namely Waheed Nawaz on attaining of qualification B.Ed granted the BPS-17 on 14.05.2004. Later on vide order dated 30.10.2014, the said benefits was withdrawn against which the appellant (Waheed Nawaz) filed an appeal before the Hon'ble Service Tribunal which was dismissed. That against the judgment of Service Tribunal appellant (Waheed Nawaz) filed Civil Petition No. 449-P/2009 which was also dismissed on 02.07.2009 and then filed a 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. That the appellant is also a similar placed person, therefore, he filed a departmental appeal for granting of Higher Pay Scale on 07.12.2012 which was not responded and hence the instant service appeal with a prayer that on acceptance of this appeal the respondents may be directed to grant Higher Pay Scale (BPS-17) from the date of his appointment i.e 06.04.2010 with all consequential benefits in light of the Finance Department Notification dated 24.07.1986 and Supreme Court of Pakistan judgment dated 03.02.2010 passed in Review Petition No. 10-P/2009 by treating the appellant at par with his colleague (Waheed Nawaz)

2. The learned counsel for the appellant while arguing the case submitted that higher pay scale (BPS-17) in the light of Finance Department circular dated 24 July 1986 was awarded to a number of teachers by the respondent-department but the appellant was not being extended similar relief in spite of arrival of judgment of this Tribunal dated 31.05.2001 and 01.08.2004 as well as judgment of the Supreme Court of Pakistan dated 03.02.2010 in this regard they also cited notification made by the respondent-department on 20.07.2011, 19.07.2011 and 24.11.2015. He argued that the present appellant was not treated alike and was being discriminated against and requested for accepting the instant appeal and directing the respondent-department to extend the benefits of the above cited judgment to the present appellant being similarly placed person.

3. The learned Additional AG however controverted stance taken by the counsel for the appellant and argued that the appellants was not fulfilling the criteria as laid down in the Finance Department circular dated 24 July 1986 and hence was not similarly placed person. He further argued that each and every case had its own merits and case of the present appellant was not on all four with the cases cited by the learned counsel for the appellant.

4. After hearing of pro & contra arguments of the learned counsels for the parties the Tribunal is of the considered view to remit the case to the respondent-department with direction to examine the case of the appellants to ascertain as to whether he was similarly placed official and if found so, to extend similar relief to the appellant as prayed for as already extended to similarly placed officials. The appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

5. Our this judgment will also dispose of connected Service Appeals No. 745/2013 titled Fazal Elahi, 746/2013 titled Sher Zamin Khan, 649/2012 titled Muhammad Ayaz, 819/2013 titled Shazia Akhtar, 986/2013 titled Zulfiqar Ali, 1109/2012 titled Robina Shaheen, 1151/2012 titled Humaira Taimoor and 1152/2012 titled Farhat Bashir as identical question of law and facts are involved in these appeals.

ANNOUNCED
20.10.2016


(PIR BAKHSH SHAH)
MEMBER


(ABDUL LATIF)
MEMBER

744/2013

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 placed on file, this appeal is 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.

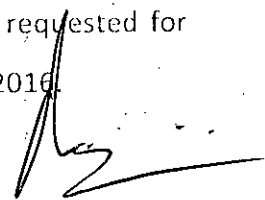

Member


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 20.10.2016.


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 10-02-16.



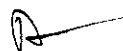
MEMBER



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

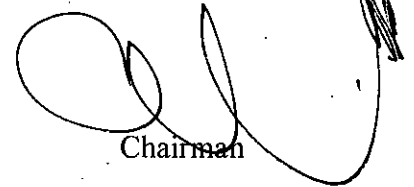
Counsel for the appellant and Mr. Muhammad Jan, GP with Mr. Abdul Hadi, SO (Litigation) for the respondents present. Since the court time is over, therefore, case is adjourned to 14-01-2016 for arguments.


MEMBER


MEMBER

14.2.2014

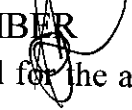
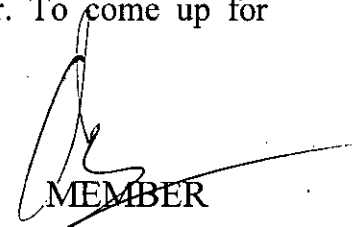
Syed Israr Shah on behalf of the appellant and Mr. Muhammad Javed, Assistant on behalf of respondents No. 1 to 4 with AAG for the respondents present. Rejoinder has not been received. It was pointed out on behalf of the appellant that similar nature 9 cases are pending before learned Bench-II. Therefore, in the interest of justice and in order to avoid conflicting decisions, this case is also entrusted to learned Member Bench-II for rejoinder /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.

22.05.2014

MEMBER 
MEMBER 
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. 744/2013.
Mr. Taseefullah Shah

15.08.2013

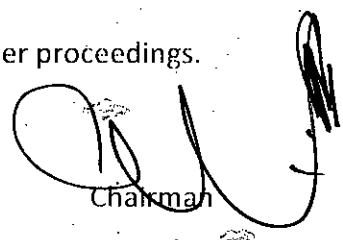
Counsel for the appellant present and heard on preliminary. Contended that the appellant has not been treated in accordance with the law/rules. He filed departmental appeal for grant of BPS-17 on the criteria as laid down in the Provincial Government circular dated 24.07.1986. The departmental appeal has not been responded within the statutory period of 90 days. Hence the instant appeal on 21.03.2013. 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.

Appellant deposited security & process fee Rs 880/- Bank receipt is attached with file
Shah


Member.

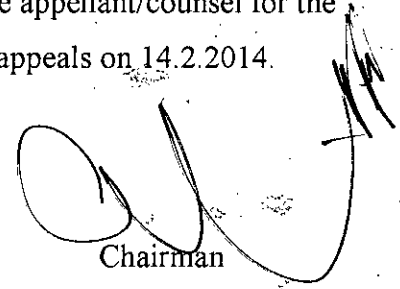
15.8.2013

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


Chairman

27.11.2013

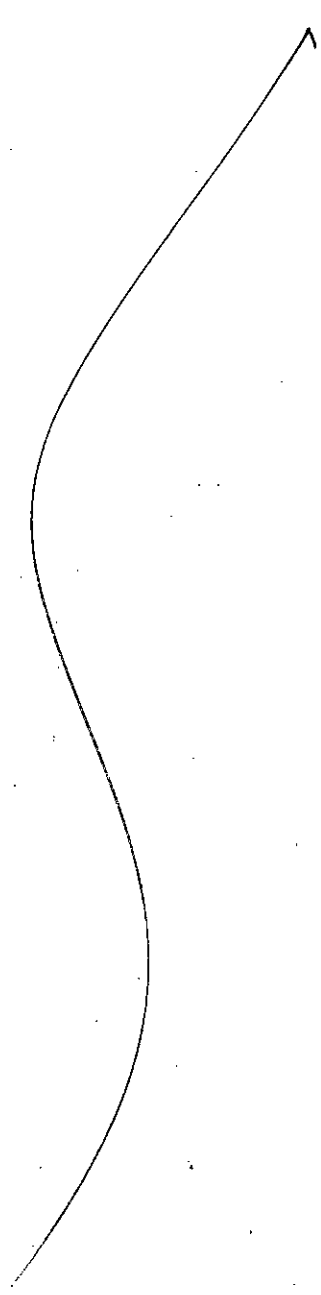
No one is present on behalf of the appellant. Mr. Muhammad Javed, Assistant on behalf of respondents No.1 to 4 with AAG for the respondents present. Joint written reply on behalf of respondents received, copy whereof be handed over to the appellant/counsel for the appellant for rejoinder alongwith connected 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.


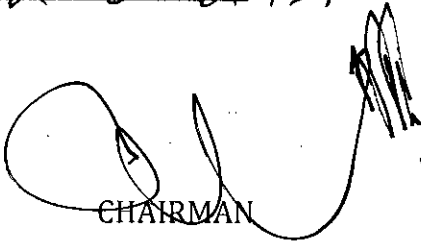

Reader



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 744/2013


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. Tayyub Shah 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> 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> CHAIRMAN</p>

The appeal of Mr. Tayyeb Shah JOM received today i.e. on 21/03/2013 is incomplete on the following scores which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Copies of order dated 28.12.1998 mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 441 /S.T.

Dt. 21/03 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. REHMANULLAH ADV. PESH.

Note: The same issue/nature case was pending before this Hon'ble Tribunal on 25/4/13. It is closed this appeal also. Re-submitted after completion all objection.



IN THE SERVICE TRIBUNAL ,K.P.K PESHAWAR

Service Appeal No. 744/2013

Tayyeb Shah
Junior Oral Master (BPS-09)
Govt School for deaf & dumb Children Timergara Lower
Dir.....**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	7-16
5	Copy of Notification Dated 24-07-1986	B	17-19
6	Copy of Supreme Court Judgment Dated 03-02-2010	C	20-24
7	Copy of Departmental Appeal of Appellant	D	25-26
8	Copy of Service appeal judgment dated 18/04/2012	E	27-30
9	Wakalatnama		

Appellant Tayyeb Shah
Through

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

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IN THE SERVICE TRIBUNAL ,K.P.K PESHAWAR

Service Appeal No. 744 /2013

N.W.F Province
566
21-3-13

Tayyab Shah
Junior Oral Master (BPS-09)
Govt School for deaf & dumb Children Timergara Dir Lower.

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, Timergara,
Lower dir.
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**

Filed to the
Registrar

2/3/13

re-submitted to the
and filed,

Registrar

22/4/2013

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 Appointment i.e. 06/04/2010 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 "Junior Oral Master" (BPS-09) on 06/04/2010 after recommendation of the Departmental Selection Committee, and now performing his duties in BPS-09 in Govt School for deaf & dumb Children Timergara Dir Lower. ~~(Copy of Appointment order dated 06/04/2010)~~
2. That the appellant has the qualification of B.A on December 2003 and B.Ed on 26/07/2008. Thus the appellant is now "Junior Oral Master" serving in (BPS-09) and on the basis of his requisite qualification, he is claiming Higher Pay Scale of BPS-17 from the date of Appointment i.e. (06/04/2010) 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 one of the colleague of the appellant namely Waheed^v 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 filed 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 07/12/2012 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.

4

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.

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.

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 Appointment i.e. 06/04/2010 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 ✓ *Tayyeb Shah*

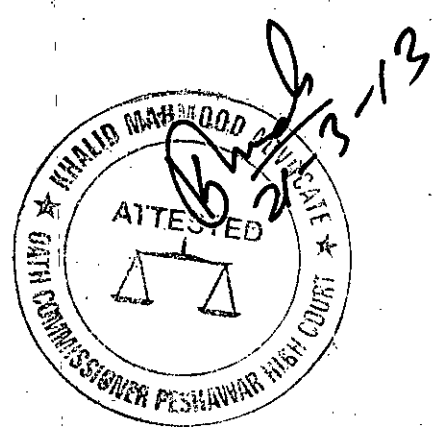
Through

Rahman Ullah

Advocate Peshawar.

AFFIDAVIT:

I Tayyeb Shah Junior Oral Master (BPS-16) Govt School for deaf & dumb, Children Timergara Lower Dir, 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.



✓ *Tayyeb Shah*

DEPONENT

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IN THE SERVICE TRIBUNAL, K.P.K PESHAWAR

Service Appeal No. _____/2013

Tayyeb Shah
Junior Oral Master (BPS-09)
Govt School for deaf & dumb Children Timergara Lower Dir.
Appellant

-Vs-


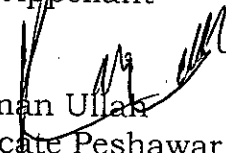
The Provincial Govt through Chief Secretary,
Govt of K.P.K, Peshawar.....**Respondents**

APPELLANT

Tayyeb Shah
Junior Oral Master (BPS-09)
Govt School for deaf & dumb Children Timergara Lower Dir.

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, Timergara Lower Dir.
5. Secretary,
Finance Department,
Govt of K.P.K, Peshawar

Through 
Appellant

Rahman Ullah
Advocate Peshawar

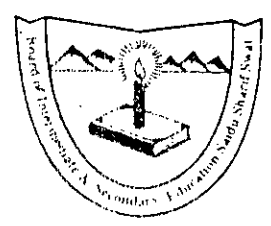
اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَعَلَى آلِ مُحَمَّدٍ

Annex 'A' (7)

SW NO. (SA) 17268

Roll No. 88250

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Saidu Sharif Swat N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION ANNUAL 1998

THIS IS TO CERTIFY THAT TAYYAB SHAH

Son/Daughter of MUDDASAR KHAN
and a student of GOVT. HIGH SCHOOL SADO DIR.

has passed the Secondary School Certificate Examination
of the Board of Intermediate and Secondary Education, Saidu Sharif Swat held in
1998 as a Regular/Private candidate. He/She obtained 539 Marks out of 850 and has
been placed in Grade B Representing VERY GOOD

The Candidate passed in the following subjects.

- 1. English 3. Islamiyat 5. MATHS 7. PHYSICS
2. Urdu 4. Pakistan Studies 6. CHEMISTRY 8. BIOLOGY

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

Date of birth according to admission form is FIFTEENTH MARCH
one thousand nine hundred and EIGHTY TWO. (15-03-1982)

Asst. Secretary
Name

Attested
HANIF UR RAHMAN
(S.E.T) B.P.S (17)
G.H.S. Sado Dir (L)

Secretary

Alleged
Mu

8

S. No. 03875



Roll No. _____

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Saidu Sharif Swat N.W.F.P. Pakistan

INTERMEDIATE EXAMINATION

HUMANITIES

SESSION 1990 (ANNUAL / SUPPLEMENTARY)

THIS IS TO CERTIFY THAT TAYYED SHAN

Son / Daughter of MUDASSIR KHAN

and a student of GOVT. COLLEGE TIMERARA DIR

Registered No. 370-5/TM-98 has passed the Intermediate Examination of

the Board of Intermediate & Secondary Education, Saidu Sharif, Swat held in

1990 as a *Regular/private candidate*, He / She obtained 512

Marks out of 1100 and has been placed in Grade Representing 600

Internal Grade

The Examination was taken as a whole / in parts.

[Signature]
Asstt / supdt

[Signature]
Asstt. Secretary

[Signature]
Secretary

This certificate is issued without alteration or erasure.

[Signature]
HANIF UR RAHMAN
(S.E. I) B.P.S (17)
O.H.S. Saidu Dir (L)

[Signature]

الجامعة الإسلامية
Peshawar

University of Peshawar

(Pakistan)

Session ANNUAL 2003

TAYYEB SHAH

SON

of

MUDASIR KHAN

and a student of DIR DISTRICT

having passed the prescribed examination held in JUNE 2003

is this day admitted by the University of Peshawar to the Degree of

Bachelor of Arts

in SECOND Division

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

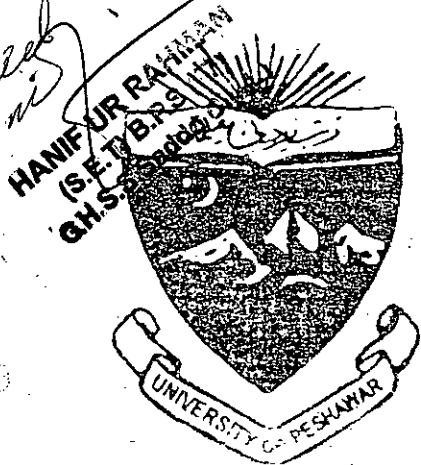
Serial No 083814

Registration No. 2002-15-1800

Roll No. 96305

Result Declared on DECEMBER 20, 2003

Handwritten signature
HANIFUR RAHMAN
(S.E.T.B.P.S.)
G.H.S. Peshawar



Handwritten signature
Registrar

Counter signed

Handwritten signature
Vice-Chancellor

Handwritten signature

University of Peshawar

(Pakistan)

10

N^o 014157



Roll No 96305

DETAIL MARKS CERTIFICATE

B.A. Part - 11 Examination, 2003 Annual / Supplementary

Name Tayyeb Shah

Father's Name Mudassir Khan

Certified that the candidate secured the following marks and placed in 2nd Division.

Subject	Maximum Marks	MARKS OBTAINED	
		IN FIGURES	IN WORDS
1. English	75	24	Twenty four
2. Pashto	75	39	Thirty nine
3. Islamic Studies	75	51	Fifty one
4. (PAKISTAN STUDIES)	40	22	Twenty two
Part I Marks	285	164	One hundred Sixty four
TOTAL	550	300	Three hundred only

Errors & Omissions are Subject to subsequent rectification.

The Examination was taken as a whole / in parts

Date 24/3/04

CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF PESHAWAR.

Attested
Hani
HANIF UR RAHMAN
(S.E.T) BPS (17)
G.H.S Sado Dera

Attested
Mu

UNIVERSITY OF MALAKAND

PAKISTAN

S.No. 000301



Private Candidate District Dir Lower

DETAILED MARKS CERTIFICATE

M.A.(ISLAMIYAT) FINAL, 2005

Name TAYYEB SHAH

Father's Name MUDDASSIR KHAN

Registration No 2004730160

Roll Number 31586

Subject Code	Subject Name	Total Marks	Marks Obtained	REMARKS
MISF1	Alquran Tru 2nd Half & C G	100	76	PASSED
MISF2	Principales of Islamic Jurisprudence	100	54	PASSED
MISF3	Islam & Other World Religious	100	54	PASSED
MISF4	Kalam & Phip./ Islam & Cont.Muslim World	100	57	PASSED
MISF5	Islamic Econ./Islamic Pol./Islam & Science	100	48	PASSED
VIVA1	VIVA VOCE	100	75	PASSED
ZMA003	M.A PART-I MARKS	500	306	PASSED
		1400	670	

Errors and Omissions are subject to subsequent rectification

Examination Held in Oct-Nov, 2005

Examination was taken as a whole/in parts

Attested
HANIF UR RAHMAN
(S.E.T) B.P.S (17)
G.H.S.S Saddo Dir (L)

Result Declared on 13-March-2006

Date of Issue 30-Mar-06

Controller of Examinations
University of Malakand

M. S. S. S. S.

UNIVERSITY OF MALAKAND

N.W.F.P Pakistan.



PROVISIONAL CERTIFICATE

This is to certify that

Name.

F.Name.

has passed the *M.A Islamiyat* under R.No

Annual Examination of *of the*

University of Malakand held in the month of

He/She was placed in *Class*

Date of declaration of result

Dated 24/04/06

THE UNIVERSITY RESERVES THE RIGHT OF
ISSUING ANYIN THE RI-SULT IF CORRECTION

Attested by
Hanif ur Rahman
HANIF UR RAHMAN
(S.E.T) B.P.S (17)
GHS S.S. Sadoo
Controller of Examinations
University of Malakand

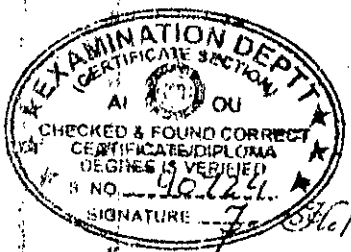
Muhammad
per



Certified that *Mr/Ms* TAYYAB SHAH ✓
Son/Daughter of MUDDASAR KHAN ✓
Registration No 05-NDR-0723 ✓ *Roll No* T-502792 ✓
Semester Spring 2006 *having met all the requirements*

under the semester system is this day awarded the

Certificate of Teaching



Mr/She has secured 69% *marks*
and has been placed in B *grade*

[Signature]
3074116

Deputy Controller
Allama Iqbal Open University
Islamabad



[Signature]
HANIF UR RAHMAN
(S.E.T) B.P.S (17)
G.H.S Sado Dik (L)

[Signature]
Controller of Examinations

Result declared on: March 20, 2007

Date of issue: June 06, 2009

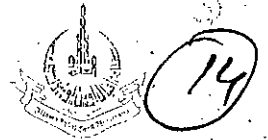
Note: This certificate is issued without alteration/erasure.
The detail of course is overleaf.

[Signature]
MUHAMMAD ZEB
SOCIAL CARE WORKER
GOVT. SCHOOL
FOR DEAF CHILDREN
Margara Dik (L)

[Signature]

Serial No.
55130

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD



Name TAYYEB SHAH
Fathers's Name MUDASAR KHAN
Address VILL SHEKOWLI P/O SADDQ

Roll No T602792
Registration No 05NDRO722
Final Semester SPR- 2006

Tehsil TIMARGARA
District DIR (UPPER)
has successfully completed CERTIFICATE OF TEACHING

Programme.

The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT- 05	0631	DIMENSIONS IN EDUCATION	100	59
AUT- 05	0632	EDUCATIONAL PSYCHOLOGY	100	69
AUT- 05	0633	SCHOOL ORGANIZATION	100	74
AUT- 05	0638	TEACHING STRATEGIES & EVALUATION	100	64
SPR- 06	0604	URDU LANGUAGE AND ITS TEACHING	100	70
SPR- 06	0605	SOCIAL STUDIES & ITS TEACHING	100	60
SPR- 06	0612	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	84
SPR- 06	0634	ENGLISH AND ITS TEACHING	100	71
SPR- 06	0635	ISLAMIAT AND ITS TEACHING	100	71

CREDITS: 5

Total Marks / Obtained 900 / 622

Result Declared on MARCH 20, 2007

Date of issue MARCH 24, 2007

Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

Attested
HANIF UR RAHMAN
(S.T) B.P.S (17)
G.H.S Saddo District

Controller of Examinations

[Handwritten signature]

15

Allama Iqbal Open University Islamabad



Serial No. 34393

Certified that Mr. / Ms. TAYYAB SHAH

Son / Daughter of MUDDASAR KHAN

Registration No: 05-NDR-0723 Roll No: U-699126

having completed the prescribed requirements in semester
AUTUMN 2007 is awarded the degree of:

Bachelor of Education (B.Ed)

He / She has secured 64 % marks and has been placed in B grade.

[Signature]

CONTROLLER OF EXAMINATIONS
Result declared on July 25, 2008



[Signature]

VICE-CHANCELLOR

ISLAMABAD. DATED: November 14, 2009

[Signature]

NOTE: THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT/PROVISIONAL CERTIFICATE ISSUED SEPARATELY

[Signature]
[Signature]
MUHAMMAD ZEB
SOCIAL CARE WORKER
GOVT. SCHOOL
DEAF CHILDREN
WAZIR HARA DISTRICT

[Signature]
[Signature]

OFFICE OF THE DISTRICT COORDINATION OFFICER, DIR LOWER

No. _____ / Estt: 2009-10

Dated Timergara the 5 / 10 / 2010

16

OFFICE ORDER.

Consequent upon the recommendation of District Selection Committee, Mr. Tayyeb Shah S/o Mudassir Khan Resident of Village Shikauli Tehsil Timergara District Dir Lower is hereby appointed as (JOM) Junior Teacher BPS-09 (3820-230-10720) plus usual allowances as admissible under the rules in the Office of Principal Govt: School For Deaf Children Timergara Dir Lower against the vacant post with the following terms and conditions:-

TERMS AND CONDITIONS.

1. He shall not be entitled to Pension and Gratuity.
2. His appointment will be purely on temporary basis and can be terminated with out any notice.
3. Deduction towards CP Fund would be made at the prescribed rules.
4. His services will be governed by the relevant rules and regulations made by the Govt: from time to time.
5. In case of resignation he will have to give one month prior notice. In absence of such notice his one month pay/allowances shall be forfeited to Government.
6. He shall produce Health and Age Certificate from Medical Superintendent District Head Quarter Hospital Timergara Dir Lower.
7. In case he accepts the offer, he shall report for duty in the office of District Office Social Welfare & WDD Dir Lower with in fifteen days after issuance of this order.

District Coordination Officer,
Dir Lower.

No. 2673-771

Copy forwarded to:-

1. The Director Social Welfare & WDD NWFP.
2. The District Accounts Officer Dir Lower.
3. The District Officer Social Welfare & WDD Dir Lower.
4. The Principal Govt: School For Deaf Children Timergara Dir Lower.
5. The Official concerned.

District Coordination Officer,
Dir Lower.

SR

Attested
Muhammad Zeb
SOCIAL CASE WORKER
GOVT. SCHOOL
FOR DEAF CHILDREN
Timergara Dir (L)

Muhammad Zeb

Annexure "B"

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

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

Dated Peshawar, the 24th July 198

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.

(17)

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./etc.) 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.

Attested
M

2009/2

No. FD(SR-1) 1-95 / 84-111
GOVERNMENT of N.W.F.P
FINANCE DEPARTMENT.
Dated Peshawar: the 2nd July 1985.

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-17
(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) 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

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(B) (18)

(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.

(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).

To be Redesignated as Senior Special Educator 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).

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

To be Redesignated as Junior Special Educator Teachers.

(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)
- 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.)

To be Redesignated as Assistant Special Educator Teachers

(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 covering documents

(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.

Attested per

(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.

(C) 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.

Handwritten initials and circled numbers: "gc" and "18" in circles.

Attested to be True Copy

RAJ

...../3

ATTESTED

Large handwritten signature: "Attested Raj"

2
teaching the mentally retarded and physically disabled (to be certified by the Social Welfare Directorate.)

19

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

(SAHEED 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-RAMAN)
SECTION OFFICER (SR-I)

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

Better copy

19

201

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

ENDST . NO FD(SR-1)1-95 / 84-11 DATED PESHAWAR 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-1)1-95 / 84-111 DATED PESHAWAR 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 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.

(SAKHAR-UZ-ZAMAN)
SECTION OFFICER (SR-1)

Attested
[Signature]

The Officer Incharge,
Supreme Court of Pakistan,
Peshawar.

Annexure

C

12/11/2010

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

(18)

(20)

CIVIL APPEAL NO. 04-P OF 2010

Subject:

CIVIL REVIEW PETITION NO. 10-P/2009

CIVIL PETITION NO. 49-P OF 2006.

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

On review from the judgment dated 02.07.2009 of the Supreme Court in CP 49-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.

Encl: Order

Do this needful in time
Supd

17/2/10

[Signature]
(OFFICER INCHARGE)

Attested
[Signature]

Attes



Annex C^y

IN THE SUPREME COURT OF PAKISTAN
(Review Jurisdiction)

21

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)

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

ATED

Chief Justice of Pakistan

Attested
[Signature]

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT

WORKING PAPER

SUBJECT: - WORKING PAPER IN PURSUANCE OF THE COURT DECISION (PESHAWAR HIGH COURT BANNU BENCH) FOR AWARD OF HIGHER PAY SCALE TO THE TEACHERS WORKING IN SPECIAL EDUCATION

Mr. Mohammad Mushtaq, Senior Teacher (B-15), MRPH Centre, Bannu and others filed a writ petition in the Peshawar High Court Peshawar for award of higher pay scale from BPS-15 to BPS-17 and B-16 in light of the policy approved by the Finance Department for teaching cadre of Special Education. The Honorable Court in its order dated 04/07/2014 directed the Administrative Department to treat the petitioner at par with like their other colleagues in light of the judgment (supra) (Annex-A).

In pursuance of the policy issued by the Finance Department vide No.FD(SR)1-9/84-III dated 24/07/1986 enhanced pay scale is hereby allowed for the Special Education Teachers of various disabilities subject to the possessing of the prescribed qualifications and adequate knowledge certificate. (Annex-B). Another WP 216-P/2013 was also filled and admitted in Peshawar High Court for the extending the same facility.

Uncountable appeals / representations were also received from the Employees for extending the decision as they also possess the same qualification and working in the Special Education Centre's. The detail of these employees are as under:-

Sr.	Name	BPS	HPS	WEF	Posting	Eligible under the policy for enhanced pay scale or not	If yes than criteria
1	Mohammad Mushtaq MA/M.Ed Senior Teacher (WP)	15	16	2/4/2001	MRPH, Bannu	Yes	BA/BSc/ Entitle
2	Haider Nawaz B.Ed/CT (WP) Junior Oral Master	14	16	18/9/2004	Hearing Impaired School, Bannu	Yes	BA/BSc/ Entitle.subject to the possessing of TD
3	Ishfaq Ahmad BA/BEd/MA Music Teacher	11	16	28/3 /2002	MRPH, Bannu	Yes	BA/BSc/ Entitle
4	Mohammad Amir Saleem (BA/SA) Qari	11			MRPH, Bannu	Not.	Not covered under the policy
5	Naimat Ullah Khan BA Religious Teacher (WP)	11	16	24/8/2007	MRPH, Bannu	Yes	BA Entitled
6	Abida Qurshi BA/Diploma VT (WP) Vocational Teacher	11			Hearing Impaired School, Bannu	No	Post not covered under the policy

8	Mr. Shahid Ali (MA B.Ed) Junior Teacher (WP)	9	16	26/7/2008	Hearing Impaired School, Peshawar	Yes	BA/BSc/ Entitle subject to the possessing of TD
9	Mr. Ikram Ullah (MA B.Ed) SET (WP)	15	16	30/6/2005	MRPH, Peshawar	Yes	BA/BSc Entitle
10	Safiya Begum (BA) Religious Teacher (WP)	9	16	5/2/2010	GIB (Girls) Peshawar	Yes	BA/BSc/ Entitle
11	Shazia Rauf (MA) WP Munj Supervisor	9			GIB (Girls) Peshawar	No	Non-Teaching Cadre
12	Mr. Mumtaz Khan, (WP) C.T. Teacher (MA/MSC/Bed/CT)	9	16	24/8/2008	GIB D.I Khan	Yes	BA/BSc/ Entitle
13	Mr. Muhammad Tahir (WP) PTI (BEd.PET/MA)	9			GIB D.I Khan	NO	Post not covered under the policy
14	Mr. Zulfiqar Ali (BA.B.Ed) PTI (WP)	9			GIB Swabi	NO	Post not covered under the policy
15	Mst: Rubina Shaheen, (BA B.Ed) Munj Supervisor (WP)	9			GIB Girls Peshawar	NO	Post not covered under the policy
16	Mst: Naila Tabbassum, (M.Sc/B.Ed/ M.Ed) CT Teacher (WP)	9	16	25/8/2010	GIB Girls Peshawar	Yes	BA/BSc/ Entitle
17	Mst: Nadia Shafique (MA/M.Ed) SOM	15	16	1/10/2005	Deaf School Kohat	Yes	BA/BSc/ Entitle subject to the possessing of TD
18	Mst: Saima Roohi, (MA/M.Ed) SOM	15	16	2/10/2006	Deaf School Kohat	Yes	BA/BSc/ Entitle subject to the possessing of TD
19	Mst: Shazia Wakil, (MA/M.Ed) AOM	9	16	2/10/2006	Deaf School Kohat	Yes	BA/BSc/ Entitle subject to the possessing of TD
20	Mr. Muhammad Siddique (BA/B.Ed) Jr SET	16	17	28/2/2011	GIB Mardan	Yes	BA/BSc/ B.Ed (B-17) Entitle refer to Secretariat
21	Mr. Muhammad Ayaz, (MA/ B.Ed) Qari	16	17	10/11/2010	GIB Abbottabad	NOT	Post not covered under the policy refer to Secretariat
22	Mr. Fazle Elahi (MA/B.Ed) Munj Supervisor	16	17	13/10/2012	GIB Swat	NOT	Post not covered under the policy refer to Secretariat
23	Mr. Tayyab Shah, (MA/B.Ed) JOM	9	16	6/4/2010	SDC Timergara Dir Lower	Yes	BA/BSc/ Entitle subject to the possessing TD
24	Mufti Habibullah, (SA/B.Ed) Religious Teacher	9	16	24/3/2009	GIB Swat	Yes	BA/BSc/ (B-16) Entitle
25	Mr. Faisal Haq, (WP) MA Brail Teacher	9	16	23/8/2004	GIB D I Khan	Yes	BA/BSc/ Entitle
26	Mr. Muhammad Usman MA Qari	9			GIB, D.I.Khan	No	Post not covered under the policy
27	Sahibzada Muhammad Naeem, (BA/BEd) Music	16	17	22/12/2006	GIB D.I Khan	Yes	Referred to Secretariat

	SSC Brail Teacher						
29	Mr. Fazle Qadeem SSC Cane Supervisor	9			GIB Swabi	NO	Post not covered under the policy
30	Mr. Ghulam Khan SSC Religious Teacher	9	11	17/5/2010	GIB Swabi	Yes	SSC Entitle
31	Mst. Amina Bibi (MA/B.Ed) Junior Teacher	11	16	26/11/2007	MR&PHC Haripur	Yes	BA/BSc/ Entitle
32	Mr. Sher Zamin Khan JOM	9	16	1/7/2008	SDC Dargai Malakand	Yes	Entitle subject to the possessing TD
33	Mr. Zahid Nawaz, Brail teacher	14	16	27/3/2012	GIB Boys Peshawar	Yes	BA Entitle
34	Mst. Nagina Ali (BEd/PTC/CT/MA) AOM	9	16	25/8/2010	SDC Peshawar	Yes	Entitle subject to the possessing TD
35	Mr. Muhammad Shah, (BA) Music Teacher	9	16	28/12/1998	GIB Mardan	Yes	BA/BSc/ Entitle for (B-16)
36	Mst. Sumaira Tariq SSC Brail Teacher	9	11	16/6/2010	GIB Girls Peshawar	Yes	Entitled for (B-11)
37	Mr. Umar Daraz Brail Teacher	9	14	23/8/2004	GIB DIK	Yes	Entitled for (B-14)
38	Mr. Aziz Ahmed Basketry Supervisor	9			GIB D.I Khan	Not	Post not covered under the policy
39	Mr. Muhammad Ishaq BA JOM	9	16	13/3/2008	SDC Haripur	Yes	BA Entitle subject to the possessing TD
40	Mr. Nawaz Gul (BA) Asstt Physio	11			MR&PHC Bannu	No	Post not covered under the policy
41	Mst: Mutahira Naz MSc/B.Ed Junior Teacher	11	16	18/11/2011	Deaf School Gul Bahar Peshawar	Yes	BA Entitle subject to the possessing TD
42	Mr. Khalil Ahmad (Late) FA Music Teacher	8	11	26/8/2010	MR&PHC Chitral	Yes	Entitled for (B-11)
43	Mr. Ali Gohar BA Brail Teacher	9	16	30/8/2010	GIB Swabi	Yes	BA/BSc/ Entitled
44	Nabi Hussain SSET (B-17)			Allowed (B-16) w.e.f. 14/9/1995	MRPH Chitral	Already Allowed B-17	To be allowed (B-16) w.e.f. 6/6/1988

During the scrutiny of the record and policy regarding the award of higher pay scale it has been noticed that in fact some of the post and their job descriptions of the petitioners do not cover under the guidelines conveyed by the Finance Department. e.g. the honorable court has given benefits to the holders of the post of Vocational Teacher/ NCI/PTI/ Qari and other non teaching cadre posts in Blind Institutions etc while these posts are not mentioned in the HPS Notification. In past if the facility is extended to some ones in "similarly placed persons" is absolutely unjustified and the violation of award of Higher Pay Scale

It has also been pointed out that in past some teachers working in Hearing Impaired disability were awarded higher pay scale without acknowledging that in fact they do not possess the prescribed qualification relevant to the disability irrespective of their higher qualification of B.Ed/M.Ed. As a principal if a teacher of Special Education do not possess the prescribed & professional qualification as "Post Graduate Diploma in Deaf" or " MA Special Education" should not be given the facility of higher pay scale. Hence these teachers first improve their qualifications in the relevant disability instead of acquiring M.Ed/B.Ed degrees in formal Education.

In view of the above we may distribute the proposal in to three categories as detail given below:-

1. 100 % fit for award of higher pay scale as per policy.
2. Not fit at the movement until they acquire the prescribed qualification of the present and in higher pay scale post.
3. Totally unfit as their post and job descriptions differ from the criteria referred in the notification of HPS.

A. The detail of Cat-1;-19 Cases

Sr.	Name	BPS	HPS	WEF	Posting	Eligible under the policy for enhanced pay scale or not	If yes than criteria
1	Mohammad Mushtaq MA/M.Ed Senior Teacher (WP)	15	16	2/4/2001	MRPH, Bannu	Yes	BA/BSc/ Entitle
3	Ishfaq Ahmad BA/BEEd/MA Music Teacher	11	16	28/3 /2002	MRPH, Bannu	Yes	BA/BSc/ Entitle
5	Naimat Ullah Khan BA Religious Teacher (WP)	11	16	24/8/2007	MRPH, Bannu	Yes	BA Entitled
9	Mr. Ikram Ullah (MA B.Ed) SET (WP)	15	16	30/6/2005	MRPH, Peshawar	Yes	BA/BSc Entitle
10	Safiya Begum (BA) Religious Teacher (WP)	9	16	5/2/2010	GIB (Girls) Peshawar	Yes	BA/BSc/
12	Mr. Mumtaz Khan, (WP) C.T. Teacher (MA/MSC/Bed/CT)	9	16	24/8/2008	GIB D.I Khan	Yes	BA/BSc/ Entitle
16	Mst: Naila Tabbassum, (M.Sc/B.Ed/ M.Ed) CT Teacher (WP)	9	16	25/8/2010	GIB Girls Peshawar	Yes	BA/BSc/ Entitle
24	Mufti Habibullah, (SA/B.Ed) Religious Teacher	9	16	24/3/2009	GIB Swat	Yes	BA/BSc/ (B-16) Entitle
25	Mr. Faisal Haq, (WP) MA Brail Teacher	9	16	23/8/2004	GIB D I Khan	Yes	BA/BSc/ Entitle
28	Mr. Shamriz Khan SSC Brail Teacher	9	11	7/5/2005	GIB Swabi	Yes	SSC Entitle

	Teacher						
31	Mst. Amina Bibi (MA/B.Ed) Junior Teacher	11	16	26/11/2007	MR&PHC Haripur	Yes	BA/BSc/ Entitle
33	Mr. Zahid Nawaz, Brail teacher	14	16	27/3/2012	GIB Boys Peshawar	Yes	BA Entitle
35	Mr. Muhammad Shah, (BA) Music Teacher	9	16	28/12/1998	GIB Mardan	Yes	BA/BSc/ Entitle for (B-16)
36	Mst. Sumaira Tariq SSC Brail Teacher	9	11	2010	GIB Girls Peshawar	Yes	Entitled for (B-11)
37	Mr. Umar Daraz Brail Teacher	9	14	23/8/2004	GIB DIK	Yes	Entitled for (B-14)
42	Mr. Khalil Ahmad (Late) FA Music Teacher	8	11	26/8/2010	MR&PHC Chitral	Yes	Entitled for (B-11)
43	Mr. Ali Gohar BA Brail Teacher	9	16	30/8/2010	GIB Swabi	Yes	BA/BSc/ Entitled
44	Nabi Hussain SSET (B-17)			Allowed (B-16) w.e.f. 14/9/1995	MRPH Chitral	Already Allowed B-17	To be allowed (B- 16) w.e.f. 6/6/1988

B. Detail of Cat-2;-10 Cases

Sr.	Name	BPS	HPS	WEF	Posting	Eligible under the policy for enhanced pay scale or not	If yes than criteria
2	Haider-Nawaz B.Ed/CT (WP) Junior Oral Master	14	16	18/9/2004	Hearing Impaired School, Bannu	Yes	BA/BSc/ Entitle subject to the possessing of TD
8	Mr. Shahid Ali (MA B.Ed) Junior Teacher (WP)	9	16	26/7/2008	Hearing Impaired School, Peshawar	Yes	BA/BSc/ Entitle subject to the possessing of TD
17	Mst: Nadia Shafique (MA/M.Ed) SOM	15	16	1/10/2006	Deaf School Kohat	Yes	BA/BSc/Entitle subject to the possessing of TD
18	Mst: Saima Roohi, (MA/M.Ed) SOM	15	16	2/10/2006	Deaf School Kohat	Yes	BA/BSc/ Entitle subject to the possessing of TD
19	Mst: Shazia Wakil, (MA/M.Ed) AOM	9	16	2/10/2006	Deaf School Kohat	Yes	BA/BSc/Entitle subject to the possessing of TD
23	Mr. Tayyab Shah, (MA/B.Ed) JOM	9	16	6/4/2010	SDC Timergara Dir Lower	Yes	BA/BSc/ Entitle subject to the possessing TD
32	Mr. Sher Zamin Khan	9	16	1/7/2008	SDC Dargai	Yes	Entitle subject to

	AOM				Peshawar		the possessing TD
39	Mr. Muhammad Ishaq BA JOM	9	16	13/3/2008	SDC Haripur	Yes	BA Entitle subject to the possessing TD
41	Mst: Mutahira Naz MSc/B.Ed Junior Teacher	11	16	18/11/2011	Deaf School Gul Bahar Peshawar	Yes	BA Entitle subject to the possessing TD

C.Detail of Cat-2;-11 Cases

Sr.	Name	BPS	HPS	WEF	Posting	Eligible under the policy for enhanced pay scale or not	If yes than criteria
4	Mohammad Amir Saleem (BA/SA) Qari	11			MRPH, Bannu	Not.	Not covered under the policy
6	Abida Qurshi BA/Diploma, VT (WP) Vocational Teacher	11			Hearing Impaired School, Bannu	No	Post not covered under the policy
7	Marroof Jan BA/CT NCI	9			MRPH, Bannu	No	Post not covered under the policy
11	Shazia Rauf (MA) WP, Munj Supervisor	9			GIB (Girls) Peshawar	No	Non-Teaching Cadre
13	Mr. Muhammad Tahir (WP) PTI (BEd.PET/MA)	9			GIB D.I Khan	NO	Post not covered under the policy
14	Mr. Zulfiqar Ali (BA.B.Ed) PTI (WP)	9			GIB Swabi	NO	Post not covered under the policy
15	Mst: Rubina Shaheen, (BA B.Ed) Munj Supervisor (WP)	9			GIB Girls Peshawar	NO	Post not covered under the policy
26	Mr. Muhammad Usman MA Qari	9			GIB, D.I.Khan	No	Post not covered under the policy
29	Mr. Fazle Qadeem SSC Cane Supervisor	9			GIB Swabi	NO	Post not covered under the policy
38	Mr. Aziz Ahmed Basketry Supervisor	9			GIB D.I Khan	Not	Post not covered under the policy
40	Mr. Nawaz Gul (BA) Asstt Physio	11			MR&PHC Bannu	No	Post not covered under the policy

Hence it is proposed that we may consider the case in Cat-1 subject to the fulfillment of all coddle formalities and further scrutinize the cases of Cat-2 on higher expert level and seek advice in Cat-3.

(MOHAMMAD RAUF)
Assistant Director (Estab)

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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 Easa 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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Secy. (Adm.)
 Court of Pakistan
 Islamabad

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 14th May 1999.

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 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 24th 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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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/- Miran Shakerullah Jan. J
 Sd/- Mr. Nasir ul. Khattak. J
 Sd/- Mr. Tariq Pervez. J

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CO-18 Certified to be true copy

Supreme Court, Islamabad
 Peshawar

RECEIVED
 3rd January, 2010.
 Mudassar/A
 15/1/10

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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-09) Govt School for deaf & dumb Children Timergara Lower Dir, having qualification B.A/B.Ed and Under the circular of Khyber pakhtunkhuwa 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 06/04/2010 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 appointment i.e. 06/04/2010 as per circular of the Finance Department dated 24-07-1986 for the sake of justice.

Yours Obediently

✓ Tayyeb Shah

Tayyeb Shah
Junior Oral Master (BPS-09)
Govt School for deaf & dumb
Children Timergara Lower Dir

Dated: 07/12/2012

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OFFICE OF THE DISTRICT OFFICER, SOCIAL WELFARE, SPECIAL EDUCATION AND WOMEN EMPOWERMENT DEPTT: DISTRICT DIR LOWER.

No. 938 / Estt: / 2012-13/ Dated Timergara The 18/12/2012

To

The Director,
Social Welfare, Special Education &
Women Empowerment Department
Khyber Pakhtunkhwa

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

With reference Principal Govt. School for Deaf Children Timergara Dir Lower letter No:2148 Dated 17-12-2012, which is self explanatory on the subject cited above, is sent here with for further necessary action please.

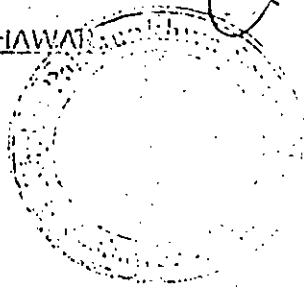
S. Khan
District Officer
Social Welfare, Special Education &
Women Empowerment Deptt: Dir Lower.

Attended,
H. Khan
HANIF UR RAHMAN
(S.E.T) B.P.S (17)
G.H.S.S Sadda Dir (14)

Amir
per

Annex E

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR



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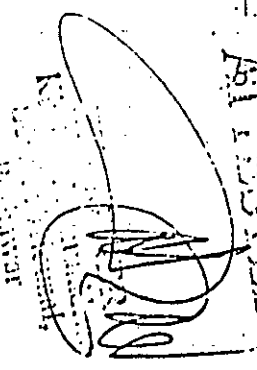
Appeal No. 3066/2010

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.

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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.

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4. Arguments heard and record perused.

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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-1139, 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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to the same treatment as per judgment of the august Supreme Court of Pakistan reported as 1996-SCMR-1185 and 2009-SCMR-1.

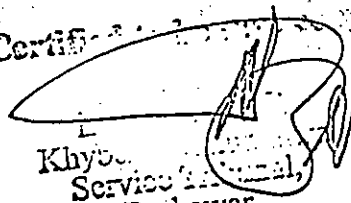
8. In view of the above, the appeal is accepted and the respondents are directed to treat the appellant at par with his other colleagues mentioned above and may not be discriminated. Parties are left to bear their own costs. File be consigned to the record.

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 Registration of Application 24.4.2012
Number of Petitions 100
On 10
To 10
Date of Submission of Copy 31-5-2012
Date of Delivery of Copy 31-5-2012

Ali Akbar

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Ali Akbar
[Signature]

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PEHSAWAR.

PARA-WISE COMMENTS/ REPLY BY RESPONDENTS NO.1,2,3,4&5

Service Appeal No. 744/2013

Tayyeb Shah

Versus

Government of Khyber Pakhtunkhwa & others

Respondents

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3.	Annexure A	5-10

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DEPONENTS

Cell# 03339374624

ADCT

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.
PARA-WISE COMMENTS/REPLY BY RESPONDENTS NO.1,2,3,4 &5.

Service Appeal No. 744/2013

Tayyeb Shah

Versus

Government of Khyber Pakhtunkhwa & others

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.1-3 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.



DEPONENT
Cell# 03339374624

Identified by

**ADVOCATE GENERAL,
PESHAWAR HIGH COURT,
GOVERNMENT OF KHYBER PAKHTUNKHWA**

2

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

Service Appeal No. 744/2013

Tayyeb Shah, Junior Oral Master (BPS-09) Govt. School for Deaf Children, Timergara,
Dir (Lower)..... (**Appellant**)

VERSUS

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

Respectfully Sheweth:

PARA-WISE COMMENTS/REPLY BY RESPONDENTS NO. 1, 2, 3, 4 & 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:

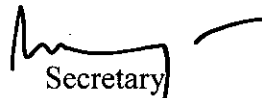
1. Correct.
2. Correct to the extent that the Appellant possesses the qualification of B.A B.Ed. The Appellant however cannot claim Award of Higher Pay Scale (BPS-17) w.e.f the date of his appointment i.e 06-04-2010 as the Appellant neither possess Diploma in (Teaching to Deaf) nor has produced a certificate from the competent authority certifying that the appellant has adequate knowledge in teaching the Deaf & Dumb Children as per criteria laid down in the Finance Department's letter dated 24-07-1986. (**Annex-A**).
3. Not correct, as explained in para-2 above.
4. Correct, but the appellant cannot be considered at par with Mr. Waheed Nawaz as explained in para-2 above. The benefits of the decision of the Apex court therefore cannot be extended to the Appellant.
5. Not correct. The appellant has not produced a certificate issued by the competent authority, certifying that the Appellant has adequate knowledge in teaching the Deaf & Dumb Children, he therefore cannot be considered at par with those teachers who have been allowed Higher Pay Scales. Since the Appellant does not possess the requisite qualification as per criteria laid down in the Finance Department's letter dated 24-07-1986, his departmental appeal therefore could not be entertained.


GROUND.


- A. Not correct. Since the Appellant does not fulfill the criteria laid down in the Finance Department's letter dated 24-07-1986, he therefore is not entitled to be awarded Higher Pay Scale (BPS-17), hence no injustice has been done to the Appellant.
- B. Not correct, the Appellant does not fulfill the criteria laid down in Finance Department's letter dated 24-07-1986 and is therefore not entitled to be awarded Higher Pay Scale (BPS-17).
- C. Not correct, the Appellant has been treated according to Law and has never been subjected to discriminatory attitude as explained in paras above.
- D. Not correct. As explained in the preceding paras, the Appellant does not fulfill the criteria laid down in the Finance Department's letter dated 24-07-1986. He therefore cannot be considered at par with those teachers who have been allowed Higher Pay Scales by the Honourable courts.
- E. Correct but the case of the Appellant is different in nature from the case of Mr. Javed Khan as explained in the preceding paras. The benefits of the decision of the Honourable Service Tribunal, therefore cannot be extended to him.
- F. The Department seeks the permission of the Honourable court to advance other grounds & proofs at the time of hearing.


Keeping in view of the above factual position, it is prayed that he appeal graciously may be dismissed, being devoid of facts.

Chief Secretary
Govt. of Khyber Pakhtunkhwa
(Respondent No. 1)


Secretary
Social Welfare, Special Education &
Women Empowerment Department
Khyber Pakhtunkhwa
(Respondent No. 2) 1 & 2)


Director
Social Welfare, Special Education &
Women Empowerment Department
Khyber Pakhtunkhwa
(Respondent No. 3)


District Officer
Social Welfare, Special Education &
Women Empowerment Department
Dir (Lower)
(Respondent No. 4)


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

Annexure B

No. FD(SR-1)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/F.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 Educator Teachers

(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 Educator 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.)

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

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

i) B.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 Educator 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.

To be Redesignated as

(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

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

- (c) Trained under-Graduate (B-14) (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) 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.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,

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

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

(PAKHS-2-ZAMAN)
SECTION OFFICER (SR-I)

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

From,

Saeed Ullah Jan,
Secretary to
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Finance Department,
Peshawar.

To,

The Secretary to
Government of N.W.F.P
Health and Social Welfare Department,
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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 durab 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 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 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 acquire 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.
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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 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-1)1-95 / 84-111 DATED PESHAWAR 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 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
This is True Copy
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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PEHSAWAR.

PARA-WISE COMMENTS/ REPLY BY RESPONDENTS NO.1,2,3,4&5

Service Appeal No. 744/2013

Tayyeb Shah

Versus

Government of Khyber Pakhtunkhwa & others

Respondents

INDEX

S. No.	Detail of Documents	Page No.
1.	Affidavit	1
2.	Reply of Para wise comments	2-4
3.	Annexure A	5-10



DEPONENTS

Cell# 03339374624

ADC (it)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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DEPONENTS

Cell# 03339374624

A-D (lit)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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Service Appeal No. 744/2013

Tayyeb Shah

Versus

Government of Khyber Pakhtunkhwa & others

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.1-3 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.



DEPONENT
Cell# 03339374624

Identified by

**ADVOCATE GENERAL,
PESHAWAR HIGH COURT,
GOVERNMENT OF KHYBER PAKHTUNKHWA**

2

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

Service Appeal No. 744/2013

Tayyeb Shah, Junior Oral Master (BPS-09) Govt. School for Deaf Children, Timergara,
Dir (Lower)..... **(Appellant)**

VERSUS

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

Respectfully Sheweth:

PARA-WISE COMMENTS/REPLY BY RESPONDENTS NO. 1, 2, 3, 4 & 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.

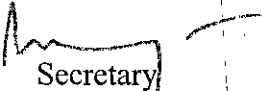
FACTS:

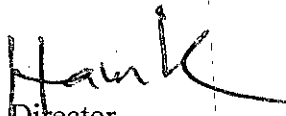
1. Correct.
2. Correct to the extent that the Appellant possesses the qualification of B.A B.Ed. The Appellant however cannot claim Award of Higher Pay Scale (BPS-17) w.e.f the date of his appointment i.e 06-04-2010 as the Appellant neither possess Diploma in (Teaching to Deaf) nor has produced a certificate from the competent authority certifying that the appellant has adequate knowledge in teaching the Deaf & Dumb Children as per criteria laid down in the Finance Department's letter dated 24-07-1986. **(Annex-A).**
3. Not correct, as explained in para-2 above.
4. Correct, but the appellant cannot be considered at par with Mr. Waheed Nawaz as explained in para-2 above. The benefits of the decision of the Apex court therefore cannot be extended to the Appellant.
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GROUNDS.


- A. Not correct. Since the Appellant does not fulfill the criteria laid down in the Finance Department's letter dated 24-07-1986, he therefore is not entitled to be awarded Higher Pay Scale (BPS-17), hence no injustice has been done to the Appellant.
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- F. The Department seeks the permission of the Honourable court to advance other grounds & proofs at the time of hearing.

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Social Welfare, Special Education &
Women Empowerment Department
Khyber Pakhtunkhwa
(Respondent No. 1 & 2)


Director
Social Welfare, Special Education &
Women Empowerment Department
Khyber Pakhtunkhwa
(Respondent No. 3)


District Officer
Social Welfare, Special Education &
Women Empowerment Department
Dir (Lower)
(Respondent No. 4)


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

Dated Peshawar, the 24th July 1986

From

Saeed Ullah Jan,
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To

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ATTACHED

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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.

(20)

(2) BLINDS INSTITUTIONS.

To be redesignated as

(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)

Senior 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)

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

To be redesignated as Junior Special Education Teacher

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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)

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)

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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)

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with existing designation

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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.

Enst. No. FD(SR-I)1-95/84-III. Dated Pesh. the 24th July, 1966

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.

Enst. No. FD(SR-I)1-95/84-III. Dated Pesh. the 24th July, 1966.

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- 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).

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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 24th July 1986.

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Finance Department,
Peshawar.

To, The Secretary to
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(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 F.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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- 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 ALI KHAN)
ADDL: FINANCE SECRETARY-1
GOVERNMENT OF N.W.F.P.

ENDST . NO FD(SR-1)1-95 / 84-11 DATED PESHAWAR 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-1)1-95 / 84-111 DATED PESHAWAR 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 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 the True Copy
[Signature]

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1835 /ST Dated 3 / 11 / 2016


To

The Secretary,
Social Welfare & Woman Development & Special Education Department,
Peshawar.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 20.10.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.