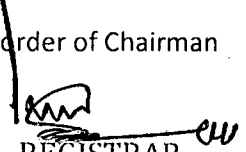


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1411/2022 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/09/2022	<p>The appeal of Mr. Ali Subhan resubmitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Ali Subhan Religious /Theology Teacher Rehabilitation Centre for Drug Addicts Dir Lower received today i.e. on 29.09.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Copy of covering letter mentioned in para-6 of the memo of appeal (Annexure-D) is not attached with the appeal which may be placed on it.
- 3- Copy of title page of Writ Petition mentioned in para-9 of the memo of appeal (Annexure-G) is not attached with the appeal which may be placed on it.

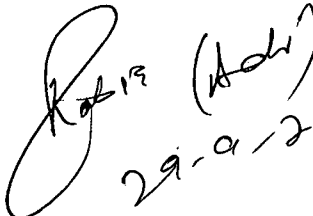
No. 2693 /S.T,

Dt. 27/09 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

Respected Sir!
Resubmitted after necessary completion. Further
copy of Annex 'D' is available at
Pg: # (17) Please!


29-9-22.

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

Service Appeal No 1411 /2022

Ali SubhanAppellant

V E R S U S

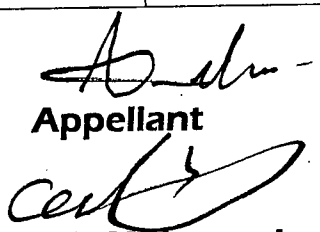

Conservator and others.....Respondents

I N D E X

S. No	Description of Documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-5
2.	Application for condonation of delay with affidavit		6-7
3.	Copy of MA Degree, Advertisement & Order dated 13-11-2007	A & B	8-10
4.	Copy of Pay Slip, Revised PC-1, Budget Book & Job Description	C & D	11-17
5.	Copy of letter dated 16-04-2008, Order dated 07-06-2008 & Notification dated 30-06-2015	E & F	18-21
6.	Copy of titled page of Writ Petition No 2580-P/2018 & Judgment/Order dated 06-11-2019	G	22-26
7.	Copy of Order dated 16-09-2020	H	27-28
8.	Copy of Appeal with covering letter	I	29-31
9.	Copy of Notification dated 21-04-2008	J	32-34
10.	Copy of Notification dated 26-06-2011	K	35
11.	Copy of Notification dated 27-06-2011	L	36
12.	Copy of Notification dated 13-11-2012	M	37-43
13.	Vakalat Nama		44

Dated:-21-09-2022

Through


Appellant

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 1411 /2022

Ali SubhanAppellant

V E R S U S

Conservator and others.....Respondents

I N D E X

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12.	Copy of Notification dated 13-11-2012	M	37-43
13.	Vakalat Nama		44

Dated:-21-09-2022

Appellant

Through

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2022

Ali Subhan, Religious/Theology Teacher (BPS-16), Rehabilitation Centre for Drug Addicts, Social Welfare Department, at Timergara District Dir Lower.Appellant

V E R S U S

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat Peshawar.
2. Govt. of Khyber Pakhtunkhwa, through Secretary, Social Welfare, Women Empowerment and Special Education, Peshawar.
3. Secretary, Govt. of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat Peshawar.Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE NON GRANT OF BPS-16 WITH EFFECT FROM 01-07-2008 TO THE APPELLANT FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal, the impugned letter, dated 16-04-2008 to the extent of creating posts of Religious/Theology Teacher in BPS-09 instead in BPS-16 may kindly be modified thereby directing respondents to grant/allow BPS-16 to the appellant w.e.f. 01-07-2008 with all back benefits.

Respectfully Submitted:-

1. That the appellant is highly qualified who has acquired his Master of Arts Degree in Islamiyat with Bachelor of Education and subsequent to advertisement and after due process of law was appointed as Religious Teacher on fixed pay in ADP Scheme on 13-11-2007 and since appointment he performed his duties honestly, diligently, to the best of his abilities and to

the entire satisfaction of his high ups. **(Copy of MA Degree, Advertisement & Order dated 13-11-2007 is enclosed as Annexures A & B).**

2. That according to Revised PC-1 for the period 01-07-2003-30-06-2007, Pay Slip, Budget Book and according to the Job Description, the post of Theology/Religious Teacher was in Basic Pay Scale 16. **(Copy of Pay Slip, Revised PC-1, Budget Book & Job Description is enclosed as Annexure C & D).**
3. That in the year 2008 after the conversion of regular posts and upon shifting of said Scheme to regular budget with effect from 01-07-2008, the post of Religious/Theology Teachers were created in BPS-09 instead of BPS-16, illegally and the services of the appellant along with others were regularized w.e.f. 01-07-2008 in Basic Pay Scale 09 instead of BPS-16 consequent to letter dated 16-04-2008 vide Order dated 07-06-2008. It is worth to mention that subsequent to Notification dated 30-06-2015 the appellant was upgraded from BPS-09 to BPS-10. **(Copy of letter dated 16-04-2008, Order dated 07-06-2008 & Notification dated 30-06-2015 is enclosed as Annexure E & F).**
4. That in the year 2018 the appellant along with others approached the honorable Peshawar High Court, Peshawar Court by filling Writ Petition No 2580-P/2018 for the upgradation of their posts like other departments which was disposed of in terms that the appellant shall be treated with the same yard stick, which had applied to other employees of the same department and the case of the appellant and other petitioners shall be considered for upgradation of their posts with similar post in other departments, keeping in view their job description, nomenclature and qualification vide Judgment/Order dated 06-11-2019. **(Copy of titled page of Writ Petition No 2580-P/2018 & Judgment/Order dated 06-11-2019 is enclosed as annexure G).**
5. That finally the post of appellant was upgraded from BPS-10 to BPS-16 w.e.f. 06-11-2019 vide Order dated 16-09-2020. **(Copy of Order dated 16-09-2020 is enclosed as Annexure H).**

6. That the appellant is entitled to the grant of BPS-16 from the date of his regularization i.e. 01-07-2008 and against the non-grant of BPS-16 to the appellant with effect from 01-07-2008, the appellant approached respondent No 2 by filing departmental appeals on 04-02-2022 which was duly forwarded vide covering letters but to no avail till date. **(Copy of Appeal with covering letter is enclosed as Annexure I).**
7. That the appellant is entitled to the grant of BPS-16 from the date of their regularization i.e. 01-07-2008 and non-grant of BPS-16 to the appellant with effect from 01-07-2008 is illegal, unlawful, without lawful authority on grounds inter-alia as follows:

GRUNDS:-

- A. That the omissions and commissions of respondents are illegal, unlawful, without lawful authority and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C. That the appellant was initially appointed in BPS-16 as per PC-1 wherein the post of Theology/Religious Teacher is reflected in BPS-16 and same is the case of the Budget of the year 2008-2009 and the appellant drew his salaries against the post of Basic Pay Scale 16 for years, thus the appellant is entitled to BPS-16 from the date of his regularization.
- D. That even as per Notification dated 21-04-2008 vide which rules regarding appointment, promotion etc were notified, the post of Religious/Theology teacher is in BPS-16 while the appellant is denied such treatment as per law for reasons best known to respondents. **(Copy of Notification dated 21-04-2008 is enclosed as Annexure J).**
- E. That Mst. Balqees Bibi, Theology/Religious Teacher at Darul Aman Swat, after termination from service filed Writ petition No 361/2010 in the Peshawar High Court

(4)

Peshawar which was accepted and she was reinstated in service in BPS-16 w.e.f. 19-09-2010 vide Notification dated 26-06-2011 while the appellant is treated differently in violation of Article 25 and 4 of the Constitution and law of the land. **(Copy of Notification dated 26-06-2011 is enclosed as Annexure K).**

- F.** That the colleague of the appellant filed Service Appeal No 1396/2010 titled as Ms. Javeria Zaman VS Govt. and others for the grant of BPS-17 instead of BPS 09 which was accepted and was implemented vide Notification dated 27-06-2011 while the appellant is treated differently in violation of Article 25 of the Constitution and law of land. **(Copy of Notification dated 27-06-2011 is enclosed as Annexure L).**
- G.** That the post of Theology/Religious Teacher is in BPS-15 and BPS-16 in Khyber Pakhtunkhwa Education Department with low required qualification while even the appellant is not extended such benefit for years for no fault. **(Copy of Notification dated 13-11-2012 is enclosed as Annexure M).**
- H.** That the job description, nomenclature and even more qualification is required in case of the post of the appellant besides the job description, qualification and duties are the same as were before regularization.
- I.** That the appellant is perfectly fit, eligible and coming up to the criteria has got every right to be granted BPS-16 from the date of his regularization.
- J.** That the Apex Court has held that upon regularization, the employee cannot be made to low benefits than allowed to him before his regularization, hence too the appellant is entitled to the grant of BPS-16.
- K.** That the appellant is even mostly performing his duties in Special Education Institutions and as such too could not be discriminated.
- L.** That the appellant is discriminated with respect to fundamental rights guaranteed in Constitution and law of the land.

(5)

M. That the appellant has about 22 years of service with unblemished service record.

N. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated:-25-09-2022

Through

Subhan
Appellant
Fazal Shah Mohmand
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

LIST OF BOOKS

1. Constitution 1973.
2. Other books as per need

CERTIFICATE:

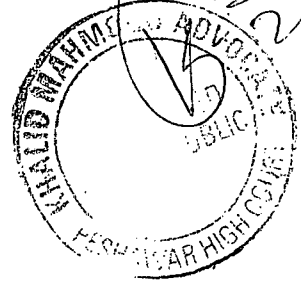
Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

Fazal Shah Mohmand
ADVOCATE

AFFIDAVIT

I, Ali Subhan, Religious/Theology Teacher (BPS-16), Rehabilitation Centre for Drugg Addicts, Social Welfare Department, at Timergara District Dir Lower, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Ali Subhan
DEPONENT



(6)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2022

Ali SubhanAppellant

V E R S U S

Conservator and others.....Respondents

Application for the condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the issue in hand is financial one being recurring in nature and limitation will have no adverse implication, besides the departmental appeal of the appellant is still pending before respondents, hence the case is to be decided on merit.
4. That the action of respondents is in void being in utter violation of law on the subject having no support of law hence devoid of law hence too is liable to be decided on merit.
5. That the point of law involved is decided one hence too the instant case requires disposal on merit.
6. That even otherwise law as well as the superior Courts dictas favors decision of cases on merit instead of technicalities.

(7)

It is therefore prayed, that on acceptance of this application, the delay if any in filing of instant appeal may kindly be condoned.

Dated:-21-09-2022

Through

Subhan

Appellant

Fazal Shah Mohmand

Fazal Shah Mohmand

Advocate,

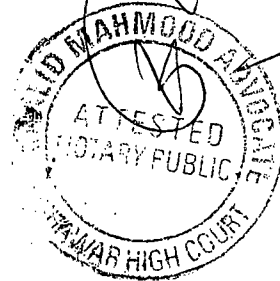
Supreme Court of Pakistan

AFFIDAVIT

I, Ali Subhan, Religious/Theology Teacher (BPS-16), Rehabilitation Centre for Drugg Addicts, Social Welfare Department, at Timergara District Dir Lower, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Ali Subhan

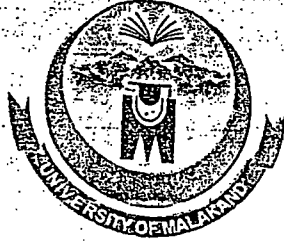
DEPONENT



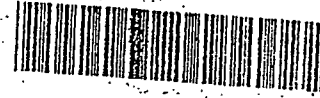


(A)

PAKISTAN



Serial No. 004979



Session 2003-2005

(B) Annex "A"

ALI SUBHAN Son of FAZLI SUBHAN Registration No. 2004730167 Private Candidate of District Dir
(Lower) having passed the prescribed examination held in Oct-NOV, 2005 under Roll No. 31224 is admitted by the
University of Malakand to the degree of

Master of Arts

in Islamiyat in Second Division

The examination was taken as a whole.

Result Declared on 13-Mar-2006
Issuance Date 01-Jun-2011

[Signature]
Controller of Examinations

Countersigned

m. Asma Jan
Vice Chancellor

THE DAILY AAJ PESHAWAR

روزنامہ آج پشاور پاکستان

قیمت 5 روپے

جلد 17 ہفتہ 2 فروری 2006ء 3 محرم الحرام 1427ھ 21 مارچ 2062ء شماره 40

آسامیاں خالی ہیں

پگھلائی ہوئی روٹی خواتین کے مالا مال ہونے کا باعث بنی اور کمزورتی کے بغیر بہت سے خواتین آسامیاں کیلئے سب سے بڑے اداروں کے خالی آسامیوں سے درخواستیں کرتی ہیں۔

نمبر	آسامی کا نام	تعداد	تفصیلی سیار	مرکی ہو	زمن
1-	سول سس اور	16	کی سٹور پیڑھی سے لگا۔ ہول کورک اور پیڑھی پائٹی	21-32 سال	2
2-	مسلم چٹات	16	ایک ایسے کی سٹور پیڑھی پورے سے شہادت مانی۔	21-32 سال	2
3-	سینئر	15	کی سٹور پیڑھی سے لیا گیا ہے۔	18-32 سال	2
4-	کی کچ آریٹزر KPO	12	کی سٹور پیڑھی سے لیا گیا ہے (کی پیڑھی)	18-32 سال	2,3
5-	اسٹینڈ ٹریڈنگ	11	کی سٹور پیڑھی سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-32 سال	2
6-	مسلم چٹات (نارن)	11	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2,3
7-	ایڈیشنل ایڈیشن	11	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2,3
8-	ایڈیشن (مرزناٹون)	11	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2,3
9-	ایڈیشن (نارن)	11	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2,3,4
10-	ایڈیشن (نارن)	11	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2,3
11-	ایڈیشن	11	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2
12-	ایڈیشن	9	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2
13-	ایڈیشن	9	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2
14-	ایڈیشن	9	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2
15-	ایڈیشن	8	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2,3
16-	ایڈیشن	5	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2,3
17-	ایڈیشن	5	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2
18-	ایڈیشن	5	ایک ایسے سے لیا گیا ہے اور پیڑھی میں لیا گیا ہے۔	18-28 سال	2,3,5

INF(P)229

B

(B)

(10)

Annex
"B"

GOVERNMENT OF NWFP
SOCIAL WELFARE AND WOMEN DEV.
JAMRUD ROAD PESHAWAR.

Dated Peshawar the 15/11/2007

ORDER

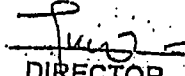
No.E-17/65/DSW/ 1026...30 On the recommendation of Departmental Selection Committee, Mr. Ali Subhan S/O Fazal Subhan, resident Village Sarai Bala Talash, District Dir Lower is hereby appointed as Religious Teacher on fixed pay in the ADP scheme titled "Reh: Center for Drug Addicts Dir Lower" on the following terms and conditions:

- I- That this appointment shall be purely on contract and fixed pay basis, initially for the period up to 30.6.2008, however is likely to be extended on yearly basis.
- II- That the official shall be entitled to get monthly pay @ Rs 8000/- (Eight Thousand only).
- III- That the contract can be terminated without assigning any reason.
- IV- That the contract can be terminated at one month's written notice from either side.
- V- That this appointment shall automatically be terminated on abolition of the project.
- VI- That no TA/DA shall be admissible for joining the duty.
- VII- That his appointment is subject medical fitness and verification of antecedents.
- VIII- On expiry/completion of the contract/project, services of the appointee in the project shall stand terminated and shall not confer on the individual any right of absorption elsewhere or regularization of his services.
- IX- Rest of terms & conditions will be the same as mentioned in the agreement deed to be properly executed between the appointee and the Government of NWFP Social Welfare & Women Development Department (A copy of specirn attached).

DIRECTOR
Social Welfare & Women Dev.
NWFP, Peshawar

Copy forwarded to:

- 1- The District Accounts Officer, Dir Lower.
- 2- The District Officer, Social Welfare Dir Lower.
- 3- Rehabilitation Officer, Reh: Center for Drug Addicts Dir Lower.
- 4- PO to Secretary, Social Welfare & Women Dev: Peshawar.
- 5- The official concerned.


DIRECTOR
Social Welfare & Women Dev.
NWFP, Peshawar.

ACCOUNTANT GENERAL SWITZ
DISTRICT
PAY ROLL SYSTEM

P Sec: 00
DA4207 - SWO (REHABILITATION CENTER)
Min: Population Welfare

NTN:
GPF #:
Old #:

DEPTT CODE DA4207

11
Annex
"C"

BPS - 16 Regular Contract		8,000.00
0035-Special Service Pay -		8,000.00
5831-AdjBasic Pay for Contract		
Gross Pay and Allowances		16,000.00
DEDUCTIONS:		
Subrc:		
Total Deductions		0.00
NET AMOUNT PAYABLE		

QUALIFYING SERVICE
YRS MON
00 Years 04 Months 04 Days

D. O. B.
15.01.1978

LFP Quota:
NBP CITY BRANCH TIME
618-2

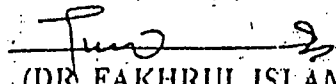
(13)

M. Riaz-ul-Haq Sani


Prepared by

(M. RIAZ-UL-HAQ SANI)
PLANNING OFFICER
DIRECTORATE OF SW & WDD

Checked by:


(DR. FAKHRUL ISLAM)
DIRECTOR,
SOCIAL WELFARE & WDD NWFP.

Approved by:


(SULTAN MAHMOOD KHATTAK)
SECRETARY
ZANAT, USHR, SOCIAL WELFARE &
WOMEN DEV: DEPARTMENT

Dated _____

PART 'C'

PROJECT REQUIREMENTS

(14)

24	Detailed list of technicians and professionals required for implementation of the project	
----	---	--

STAFFING				
Name of Post	BPS	No. of post sanctioned	Proposed Salary per month	Salary per year
Rehabilitation Officer	17	02	10353	248472
Religious teacher	16	02	6344	152256
KPO	12	02	5000	120000
Instructor	11	04	4746	227,808
Warden	09	02	4442	106,608
Dispenser	08	02	4275	102,600
Junior clerk	05	02	3926	94224
Cook	01	02	3693	88632
Naib Qasid	01	02	3693	88632
Chowkidar	01	02	3693	88632
Sweeper	01	02	3693	88632
Total		24		14,06,496

The fixed salary of staff has been calculated on the basis of initial pay of scale plus all admissible allowance w.e.f 1.7.2006

Comparative statement of approved salary and proposed salary per month

Name of Post	BPS	Approved salary PM fixed	Proposed salary PM fixed	Proposed Increase in salary
Rehabilitation Officer	17	8778	10353	1575
Religious teacher	16	5572	6344	772
KPO	12	4320	5000	680
Instructor	11	4001	4746	745
Warden	09	3738	4442	404
Dispenser	08	3285	4275	990
Junior clerk	05	3285	3926	641
Cook	01	3017	3693	676
Naib Qasid	01	3017	3693	676
Chowkidar	01	3017	3693	676
Sweeper	01	3017	3693	676
Total		45047	53858	8811

Yearly Increase in Salary

Approved salary per annum
Proposed salary per annum
Total increase per annum

Rs. 540564/-
Rs. 646296/-
Rs. 105732/-

Budget

BPS
16

درد شتر دیر

15

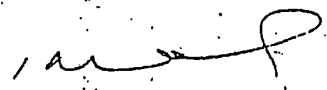
GOVERNMENT OF N.W.F.P.
SOCIAL WELFARE &
WOMEN DEV: DEPARTMENT.
Dated: Peshawar the, -08-2007.

ORDER

NO. PO (SWD)/1-2/ADP/2007-08/ Sanction of the Govt. of NWFP is hereby accorded to the release of a sum of Rs. 1.600 million (Rupees Sixteen Lac only) to the ADP scheme "Estab. of Drug Addicts Centres each at Mardan, Dir(Lower) & Haripur" reflected in ADP at Sr.# 341-30172, during the financial year 2007-2008 as per following break-up:-

Sub-Coded Head	Amount to be spent during 2007-08
10-Social Protection.	
108-Others	
1081-Others	
108101-Social Welfare Measures.	
A011-1 Total Pay of Officers	201,000
2 Rehabilitation Officer BPS-17	
2 Religious Teacher B-16	
A011-2 Total Pay of staff	542,000
2 KPO BPS-12	
2 Instructor BPS-11	
2 Wardens BPS-9	
2 Dispenser BPS-5	
2 Junior Clerk BPS-5	
2 Cook BPS-1	
2 Naib Qasid BPS-01	
2 Sweeper BPS-01	
2 Chowkidar BPS-01	
A13101 Repair of Machinery & Equipments	2,000
A03202 Telephone & Trunk Call	6,000
A03302 Water Charges	3,000
A03303 Electricity Charges	25,000
A03402 Rent of Building	132,000
A03805 T. A	8,000
A03806 Transportation	6,000
A03901 Stationary	5,000
A03927 Purchase of Drugs & Medicines	16,000
A03942 Other Stores (Food & Clothes)	650,000
A03970 Others contingencies	4,000
Total of the Scheme:-	1,600,000

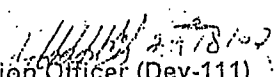
2. The expenditure involved shall be debitable to head 10-Social Protection, 108- Others, 1081-Others, 108101-Social Welfare Measures and shall be met out from within the 50% sanctioned amount vide Finance Department letter No. SO (DEV.111)/FD/1-41/SW/ 2007-08/Release dated 05-07-2007, for the financial year 2007-2008.


Secretary to Govt. of NWFP
Zakat, Ushr, Social Welfare
& Women Dev: Department

Endst: No. SO (DEV.111)/FD1-41/SW/ 2007-08/Release Dated: Peshawar: the 29-08-07.
Copy to:-

1. The Accountant General, NWFP, Peshawar, with the clarification that FD authentication is only for the release of funds amounting to Rs. 1.600 million in lumpsum. It's further object-wise break-up/distribution and details / Nos. of staff component as per approval of competent authority is the wholly solly responsibility of Administrative Department. *W.A. / pc*
2. The District Accounts Officer, Dir Lower.

Secm


Section Officer (Dev-111)
Finance Department

16

TV

NO. PO (SWD)/1-2/ADP/2007-08/15077-77 Dated: Peshawar the, 6/08/2007.

Copy to: -

1. The Director, SW & WD, NWFP.
2. The Section Officer (Dev-111), Finance Deptt. w/r to his letter quoted above.
3. The District Officer, Social Welfare Department, Dir Lower.
- ✓ 4. The Rehabilitation Officer, DARC, Dir Lower.

Planning Officer.
SW & WDD.

17

Annex D
"D"

A. Superintendent shall lead the Project and be responsible for overall supervision and management of the Centre. He shall keep liaison with other related departments at the district level; seek their assistance whenever required and collect the beggars with the help of local police. He shall maintain accounts and be responsible for expenditure incurred during the financial year. The Director, SW may delegate responsibility of DDO to the Superintendent as per rules in vogue.

He shall comply with the instructions of the Administrative Deptt. as well as Directorate, SW & WDD regarding the successful implementation of the scheme. He shall furnish quarterly Progress report of financial utilization and excess/surrender statement to Directorate as well as to Administrative Department regularly.

B. Religious Teacher/Assistant Supdt. (BPS-16) shall be responsible to Project Manager for his functions. He shall impart religious teaching to the addicted persons and in light of the Islamic gestures, motivate them towards a new life liked by the God and his Prophet. He shall do the religious therapy of the affected women. He would assist the Project Manager as and when she need her help. He shall act as project Manager in the absence of project Manager. The Project Manager may assign any task to her in the best interest of the project.

C. Vocational Teacher (BPS-11) shall provide training to the beggars in various skills keeping the available facilities. He will maintain accounts, record of the trainees as well as of the assets etc in the relevant registers. He shall coordinate with other such like centres in the locality and arrange with their assistance, skills training in new fields/areas. He shall perform such other work as may be entrusted to him by the Incharge Officer.

E. Warden (BPS-11) shall responsible to Project Manager for his function, and will maintain discipline in the Centre especially during night. He will convey any wrong happening timely to the Project Manager for taking quick corrective measures. He will make a routine timetable duly including all the activities to be performed by the children in the Welfare Homes.

681
23/2/18
16-04-2008
(18)

Annex 'E' E

To
The District Coordination Officer,
DISTRICT LOWER DIR.

Subject: CREATION OF POSTS FOR ESTABLISHMENT OF DRUG ADDICTS CENTRE AT LOWER DIR FOR THE YEAR 2008-2009

Dear Sir,
I am directed to refer to the subject noted above and to state that Finance Department agrees to the conversion of the subject scheme from developmental to non-developmental side as approved by the Chief Minister NWFP on Summary and create the following posts for the said scheme with the incurrence of expenditure at a total cost of Rs. 8,49,000/- under function head 10-Social Protection, 108 Others, 1081 Others, 108101 Social Welfare Measures with effect from 01-07-2008 as per detail given below.

Object	Recurring Cost
A01 Total Employees Related Expenses	8,49,000/-
A011 Total Pay	6,16,000/-
A011-1 Total Pay of Officers	1,97,000/-
(One) Rehabilitation Officer (BPS-17)	1,97,000/-
A011-2 Total Pay of Other Staff	4,19,000/-
(One) Religious / Theology Teacher (BPS-09)	61,000/-
(One) KPO (BPS-12)	43,600/-
(Two) Instructor (BPS-11)	82,400/-
(One) Warden (BPS-09)	38,300/-
(One) Clinic Technician (Pharmacy) (BPS-06)	36,700/-
(One) Junior Clerk (BPS-07)	35,400/-
(One) Naib Qasid (BPS-01)	30,400/-
(One) Chowkidar (BPS-01)	30,400/-
(One) Cook (BPS-01)	30,400/-
(One) Sweeper (BPS-01)	30,400/-
A 012-1 Total Regular Allowances	2,22,000/-
A01202 House Rent Allowance	1,55,000/-
A01270 Others - 014 Integrated Allowance	7000/-
A01217 Medical Allowance	51,000/-
A1226- Computer Allowance	9000/-
A012-2 Total Other Allowances excluding TA	11,000/-
A01274 Medical Charges	5000/-
A01278 Leave Salary	6000/-
Total	8,49,000/-

AS-220/23/15
1188
24-4-08
P.O.

- It is requested that necessary budgetary coverage may be made of the Budget of concerned EDO for next financial year 2008-2009.
- The expenditure involved will be met out through Account No. IV of District LOWER DIR.

Yours faithfully

BUDGET OFFICER: VIII
COND: PAGE NO. 2 P.T.O.

OFFICE OF THE DISTRICT COORDINATION OFFICER DIR (LOWER)

No. /1/Estt (SW)

Dated the 07/06 /2008

ORDER

Consequent upon shifting of Rehabilitation Center for Drug Addicts, Dir Lower from ADP Scheme to regular budget and on creation of posts on current budget side with effect from 01/07/2008, vide Finance Department letter No. BOV 111 (FD)/1-5/2007-08/SNE dated 16/04/2008 and Government of NWFP Directorate of Social Welfare and Women Development Department, Peshawar letter No. DSW/PO/Regularization/06-07/1762-66 dated 07/04/2008, and letter No. DSW/E-17/65/KC-II/2364-65 dated Peshawar the 28/05/2008 the services of the following existing staff of the Rehabilitation Center for Drug Addicts Dir Lower are regularized with effect from 01/07/2008 and are adjusted against the said post.

The will be civil servants for all other government benefits except pension w.e.f. 01/07/2008. In lieu of Pension they would be entitled to receive contributory fund as per Government rules.

Rehabilitation Center for Drug Addicts at Timergara Dir Lower.

S No.	Name	Designation	BPS
1	Fawad Hussain	K.P.O	12
2	Bahrawar Shad	Skill Instructor (Carpenter)	11
3	Khushal Khan	Warden	09
4	Ali Subhan	Religious/Theology Teacher	09
5	Shahab Khan	Clinic Technician (Pharmacy)	06
6	Naik Badshah	Junior Clerk	07
7	Javed Khan	Naib Qasid	01
8	Badshah Hussain	Sweeper	01
9	Fazli Wahab	Chowkidar	01
10	Sultan Muhammad	Cook	01

District Coordination
Officer Dir Lower

No. 4288-91 /DCO/Dir Lower:

Copy forwarded to:

1. The Director Social Welfare, NWFP, Peshawar.
2. The District Officer Social Welfare dir Lower.
3. The District Account Officer Dir Lower.
4. Official Concerned.

District Coordination
Officer Dir Lower

(20) Annex F "F"



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
- b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15
- c) Special Compensatory Allowance equal to difference of ^{نصرت}notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
- d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
- e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
- f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.

2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

4. The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.

5. Explanatory note and subsidiary instructions on the subject will be issued separately.

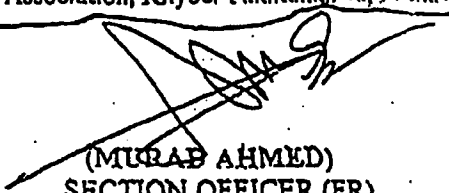
SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

(21)

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the:-

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Dir Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Manshra and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jahir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar


(MIRAB AHMED)
SECTION OFFICER (FR)

(22)

Annex "G" 9

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR.



(Judicial Department)

W.P. No. 2580-P of 2018

Mushraf Khan etc:
Vs
Government of Khyber Pakhtunichwa etc:

JUDGMENT

Date of hearing: 06/11/2019

Appellant-Petitioner, by Mr. Faizal Shah Mahmood Adv.

Respondent(s) by Mr. Muhammad Riaz A.A.Sr.

IKRAMULLAH KHAN, J.--- Through the instant writ petition, petitioners have asked for the following relief:-

"On acceptance of this writ petition, an appropriate writ may please be issued declaring the non-grant, appropriate and justified grade in service to the petitioners and lack of provision of any Service/Scope of promotion to the petitioners is discriminatory, malafide in law and facts, illegal, and to direct respondents to place petitioners in appropriate grade and scale of pay and to give them appropriate service structure providing scope of promotion like other Theology/Religious

ATTESTED

(23)

Teachers of the same department with up-gradation to BPS-17, w.e.f, 01.7.2008, with any additional relief, available and favorable to the petitioners in the ends of law, fairness and justice with all back benefits/allowances of pay etc: OR in alternate the petitioners be at least treated at par with the Theology/Religious Teachers of Elementary and Secondary Education Department Govt: of Khyber Pakhtunkhwa Peshawar with respect to promotion and up-gradation with effect from 01.7.2008 with all consequential benefits."

2- Respondents on appearance before this Court, in pursuance to the petition, filed by petitioners, submitted their respective comments wherein they have admitted that petitioners are possessing higher qualification, than the prescribed one for the posts, on which petitioners were adjusted, however, no any such rules are in field to give higher pay scales, to any civil servant, only on his higher qualification.

3- In essence, petitioners were appointed at various occasions on posts, well mentioned in their petition, created under ADP Schemes, however, on conversion of the respective ADP Scheme into budgetary, non-developmental side,

(24)

petitioners services were also regularized on the corresponding post sanctioned by the Finance department in various pay scales.

4- Religious Teacher posts were created and sanctioned in two basic pay scales, in the following mode:-

(i) Religious Teacher BPS-11:

Prescribed qualification:

BA with Theology (Islamyat, Arabic) or equivalent qualification from any recognized institution.

(ii) Religious Teacher BPS-09:

Prescribed qualification:

Secondary School Certificate with Dars-e-Nizami Sanid from a registered recognized institution.

5- I have heard the learned counsel for the petitioners in light of the available record.

6- The record reveals that petitioners have not meted out with any discrimination.

7- In so far as the high pay scales of Social Welfare department, for similar posts are concerned, the job description of department of petitioners is totally different.

ATTESTED

(25)

8- It is the sole criteria of the Provincial Government and relevant department, keeping in view the job description according to their need to sanction posts in different pay scale, with prescribed qualification for each and every department and, such difference in scale and salary could not be a factor of discrimination, as reasonable classification is not prohibited in view of Article-25 of the Constitution of Islamic Republic of Pakistan. However, petitioners had already allowed one step up-gradation in accordance with the Government policy.

9- No doubt, petitioners were receiving higher salary for the same job under ADP Scheme, but those jobs were temporarily and had no other benefits such as pension, up-gradation and increase in salary, while petitioners on regularization, would get all the service benefits as allowed to respective civil servants of the Province.

10- But, as admitted by the respondents themselves, posts of Instructors were upgraded from BPS-11 to BPS-14 on the analogy with posts in other departments keeping in view its job description, Nomenclature of posts and qualification.

(28)

11- In such view of the matter, where respondents had already upgraded some posts, within the same department, to bring them at par with pay scale, receiving by similar employees in other Government department, justice demand that petitioners be also treated alike, in view of the provisions contained in Article-25 of the Constitution of Islamic Republic of Pakistan, 1973.

12- Therefore, for the reasons mentioned here in above, this writ petition is disposed of in term that respondents shall treat petitioners with the same yard stick, which had applied to other employees of the same department and, cases of petitioners shall also be considered for up-gradation of their posts with similar posts in other departments, keeping in view their job description, Nomenclature and qualification.

Announced.
06.11.2019

Imranullah

JUDGE

JUDGE

CERTIFIED TO BE TRUE COPY

Examining, Peshawar
Peshawar High Court, Peshawar
Authorised Under Article 87 of
the Qanun-e-Sudhadi Ordinance 1974

05 DEC 2019

19554
Date of Presentation of Application

No of Pages

Dated Peshawar the 16/09/2020

Annex "H"

ORDER:

No. SO-VI (SWD) / P-2/2020/ 833-83 In pursuance of judgments of Honorable Peshawar High Court Peshawar & Jannu Bench in Writ Petitions as recorded below and subsequent approval of the competent authority, sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up-gradation of teachers worked / working in the Special Education Institutions as well as other entities, under sub-sector of Social Welfare subject to outcome of CPLA(s), filed by the Govt. of Khyber Pakhtunkhwa Social Welfare Department in the Supreme Court of Pakistan as per detail below:

S.No	Writ Petition No	Title	
	619-P/2015	Ahmad Salim & Others	
PARTICULARS OF APPELLANTS:			
S.No	Name & Designation of Petitioner	BPS-17 granted on	Date of placement in the next higher scale BPS-18
1	Mr. Ahmad Saleem, Ex-Principal, SDC Gulbahar Peshawar	18.03.2006	18.03.2016
2	Qari Saad Noor, Ex-Qari GIB (Male) Peshawar	15.04.1993	15.04.2003
3	Mr. Zulfiqar Ahmad, SSET G B (Male) Peshawar	24.02.1999	24.02.2009
4	Syed Israr Shah, SSET, G B (Male) Peshawar	17.04.1993	17.04.2003
5	Mr. Muhammad Qayyum, SSET, GIB (Male) Peshawar	31.05.1992	31.05.2002
6	Mrs. Anam Haq, SSET, GIB (Girls) Peshawar	21.05.1992	21.05.2002
7	Syed Jalal Ud Din, Ex-SSET, GIB, Mardan	27.04.1992	27.04.2002
8	Mr. Muhammad Younis, SSET, GIB Abbottabad	08.11.1990	08.11.2000
9	Mr. Muhammad Firdous, SSET, GIB Abbottabad	30.04.1997	30.04.2007
10	Mr. Bibi Faleem, Ex-SSET, HEC Hayatabad Peshawar	20.05.1984	20.05.1994
11	Mrs. Zahida Parveen, SSET, SDC Gulbahar Peshawar	31.03.1998	31.03.2008
12	Mrs. Shaheen Bano, Ex-Principal, SDC Yakatoot Peshawar	18.03.2006	18.03.2016
13	Mr. Habibullah, SSET, GIB Swat	30.04.1997	30.04.2007 to 27.02.2017 & 28.02.2018 onward
14	Mrs. Rubina Mahmood, Principal, SDC Haripur	18.03.2006	18.03.2016
15	Mr. Mir Afzal, Ex-SSET, SDC Haripur	27.04.1992	27.04.2002
16	Mr. Ghulam Mustafa, Ex-SSET STC Abbottabad	14.10.1991	14.10.2001
17	Mr. Sultan-e-Room, Ex-SSET, STC Timergara Dir Lower	18.03.2006	18.03.2016
18	Mr. Jamshed Khan Khattak, SSET, Center for MR & PHC Peshawar	24.07.1992	24.07.2002
19	Mr. Gulzar Ahmad, SSET Center for MR & PHC Peshawar	30.05.1994	30.05.2004
20	Syed Wajid Ali Shah, SSET Center for MR & PHC Peshawar	31.03.1998	31.03.2008
21	Mr. Nabil Hussain,	05.03.1994	05.03.2004

Rehabilitation Officer
Rehabilitation Centre
For Drug Addicts
Social Welfare Deptt.
Timergara Dir (L)

22	SSET Center for MR & PHC Bannu	18.03.2006	18.03.2016
23	Mrs. Ghazala Jabeen, Ex-SSET Center for MR & PHC Mansehra	01.01.1989	01.01.1999
24	Mr. Hameedullah, SSET GIB (Male) Peshawar	27.04.1992	27.04.2002
25	Mr. Said Afzal, SSET GIB (Male) Peshawar		

2. 25-B/2015 GulZareef, & Others

PARTICULARS OF APPELLANTS:

S.No	Name & Designation of Petitionerz	BPS-17 granted on	Date of placement in the next higher scale (BPS-18)	Place of posting
1	Mr. GulZareef, SSET (B-17)	11.03.1996	11.03.2006	Center for MR & PHC Bannu
2	Mr. Waheed Nawaz, SSET (B-17)	16.11.2000	16.11.2010	
3	Mr. Muhammad Nasir, JSET (B-16)	02.04.1992	02.04.2002	

3. 903-A/2015 Ali Zaman & Others

PARTICULARS OF APPELLANTS:

S.No	Name & Designation of Petitioner	BPS-16 granted on	Date of placement in the next higher scale	Place of posting
1	Mr. Ali Zaman, JSET	31.12.1997	31.12.2007	GIB, Abbottabad
2	Mr. Sadat Ali Khan, SSET	19.02.1990	19.02.2000	
3	Mr. Abdur Rashid, SSET	17.05.1997	17.05.2007	
4	Mr. Habibullah, SSET	20.05.1997	20.05.2007	

4. 2580-P/2018 Musharaf Khan & Others

PARTICULARS OF APPELLANTS WHOSE POSTS WERE UPGRADED FROM BPS-10 TO BPS-16 FROM THE DATE OF JUDGMENT OF PESHAWAR HIGH COURT PLSAWAR DATED 06.11.2019

S.No	Name & Designation of Petitioner	Existing Pay Scale	Place of posting
1	Mr. Musharaf Khan, Theology / Religious Teacher	BPS-10	Welfare Home for Child Beggars Peshawar
2	Mr. Ali Subhan, Theology / Religious Teacher	BPS-10	Rehabilitation Center for Drug Addicts Timergara Dir Lower
3	Mr. Sajidur Rahman, Theology / Religious Teacher	BPS-10	Welfare Home DI Khan
4	Mrs. Tahira Haleem, Theology / Religious Teacher	BPS-10	Women Crisis Center Peshawar
5	Syed. Mahmood Shah, Theology / Religious Teacher	BPS-10	Welfare Home Peshawar
6	Mr. Abdul Mannan, Theology / Religious Teacher	BPS-10	Welfare Home Charsadda
7	Mr. Muhammad Zubair, Theology / Religious Teacher	BPS-10	Welfare Home Lakki Marwat
8	Mufti Muhammad Zubair, Theology / Religious Teacher	BPS-10	Rehabilitation Center for Drug Addicts Kohat
9	Mr. Hafizullah Shah, Theology / Religious Teacher	BPS-10	Welfare Home Bannu

Handwritten notes and stamps:
 PESHAWAR
 Rehabilitation
 Social Welfare
 Timergara

1342-P/2015

Roidad Khan & Others

PARTICULARS OF APPELLANTS WHO ARE UP-GRADED FROM BPS-10 TO BPS-15 FROM THE DATE OF COURT'S ORDERS I.E. 14.3.2018

S.No	Name & Designation of Petitioner	Existing Scale	Pay	Place of posting
1	Mr. Roidad Khan, Certified Teacher (B-10)	BPS-10		Welfare Home Peshawar
2	Mr. Abdül Wahab, Certified Teacher (B-10)	BPS-10		Welfare Home Bannu
3	Mr. Amjad Parvez, Certified Teacher (B-10)	BPS-10		Welfare Home, DIKhan

28

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT USHR, SOCIAL WELFARE, SPECIAL EDUCATION &
WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 29/11/2020

No. SO(FR)/FD/7-21/2020/6257/Vol-II

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa Peshawar
2. District Accounts Officer, Mardan, Abbottabad, Swat, Haripur, Dir Lower, Chitral, Bannu, Mansehra, DIKhan, Chasadda, Lakki Marwat & Kohat

SECTION OFFICER (FR)
FINANCE DEPARTMENT

Endst: Even Number & Date

Copy to:

1. The Director, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa
2. The District Officer, Social Welfare, Peshawar, Mardan, Abbottabad, Swat, Haripur, Dir Lower, Bannu, DIKhan, Chasadda, Lakki Marwat, Kohat & Chitral
3. Superintendents, Govt. Institute for the Blind (Male) & (Female) Peshawar, Mardan, Abbottabad & Swat
4. Principal, Government School for Deaf Children Gulbahar & Yakatoot Peshawar, Haripur, Abbottabad & Dir Lower
5. Manager, Center for Mentally Retarded & Physically Handicapped Children Mansehra, Peshawar, Chitral & Bannu
6. Superintendent Welfare Home, Peshawar, Bannu, DIKhan, Chasadda, Lakki Marwat.
7. Superintendent, Welfare Home for Child Beggars Peshawar
8. Manager, Women Crisis Center Peshawar
9. Rehabilitation Officer, Rehabilitation Center for Drug Addicts, Dir Lower & Kohat
10. Section officer (FR) Finance Deptt KP.
11. Section officer (Delegation) SW Deptt

Rehabilitation Officer
Rehabilitation Centre
For Drug Addicts
Social Welfare Deptt
Timergara Dir (L)

SECTION OFFICER-VI
SOCIAL WELFARE DEPARTMENT

(29) 9

**BEFOR THE SECRETARY SOCIAL WELFARE, SPECIAL EDUCATION AND WOMEN
EMPOWERMENT DEPARTMENT, KHYBER PAKHTUNKHWA PESHAWAR.**

**Annex
"I"**

Subject:- Appeal for the grant of BPS-16 w.e.f 01-07-2008 with all back benefits.

Respectfully Submitted:-

- 1. That the appellant is highly qualified who has passed his Master Degree in Islamiyat in March 2006 and was appointed as Theology/Religious Teacher in consequent to the advertisement on dated 31-08-2007 in Basic Pay Scale 16 in ADP Scheme on 13-11-2007 and since appointment he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. (Copy of Advertisement & order dated 13-11-2007 is enclosed as Annexure A & B).**
- 2. That according to the Revised PC-1 for the period 01-07-2003 and according to the Job Description, the post of Theology/Religious Teacher was in Basic Pay Scale 16. (Copy of Revised PC-1 & Job Description is enclosed as Annexure C & D).**
- 3. That in the year 2008 after the conversion of regular posts and upon shifting of said Scheme to regular budget with effect from 01-07-2008, the services of the appellant along with others was regularized w.e.f. 01-07-2008 in Basic Pay Scale 09 instead in Basic Pay Scale 16 consequent to letter dated 16-04-2008. It is worth mentioning that the appellant was upgraded from BPS-09 to BPS-10 on.... (Copy of Letter dated 16-04-2008 & Order dated..... is enclosed as Annexure E & F).**
- 4. That in the year 2018 the appellant along with others approached the honorable Peshawar High Court by filing writ petition No 2580-P/2018 for the upgradation of his post like other departments which petition was disposed of in terms that the appellant shall be treated with the same yardstick, which had applied to other employees of the same department and the case of the appellant shall also be considered for upgradation of his post with similar post in other departments, keeping in view his job description, nomenclature and qualification vide order dated 06-11-2019. (Copy of Titled page of Writ Petition No 2580-P/2018 & order dated 06-11-2019 is enclosed as Annexure G).**

5. That finally the post of the appellant was upgraded from BPS-10 to BPS-16 w.e.f 06-11-2019 vide order dated 16-09-2020.

(Copy of order dated 16-09-2020 is enclosed as Annexure

H).

(30)

6. That the appellant is entitled to the grant of BPS-16 from the date of his regularization, i.e 01-07-2008 and non-grant of BPS-16 to the appellant with effect from 01-07-2008 is illegal, unlawful, without lawful authority, on grounds inter-alia as follow :-

GROUND S:-

A. That the appellant is not treated in accordance with law and rules which being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.

B. That the appellant was initially appointed in BPS-16 as per the PG-1 wherein the post of Theology/Religious Teacher is reflected in BPS-16 and is also reflected in the Budget of 2007-2008 and the appellant also draw salaries in BPS-16 for years.

C. That according to the rules as notified vide Notification dated 21-04-2008, the post of Theology/Religious Teacher with Master Degree in Islamiyat is in BPS-16 while is in BPS-11 with Bachelor Degree, as the appellant is having Master Degree in relevant subject so he is entitled to the grant of BPS-16 from the date of his regularization. (Copy of Notification dated 21-04-2008 is enclosed as Annexure D).

D. That Mst. Balqees Bibi Theology/Religious Teacher at Darul Aman Swat, after termination from service filed Writ Petition No 361/2010 in the Peshawar High Court, Peshawar which was accepted and she was reinstated in service in BPS-16 w.e.f 29-09-2010 vide Notification dated 26-06-2011, while the appellant is treated differently in violation of Article 25 of the Constitution and law of the land. (Copy of Notification dated 26-06-2011 is enclosed as Annexure J).


E. That the colleague of the appellant filed Service Appeal No 1396/2010 titled as Mrs. Javeria Zaman VS Govt. & others for the grant of BPS-17 instead of BPS-09 which was accepted and was implemented vide Notification dated 27-06-2011, while the appellant is treated differently in violation of Article 25 of the Constitution and law of the land. (Copy of Notification dated 27-06-2011 is enclosed as Annexure K).

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- F.** That the post of Theology Teacher is in BPS-15 & BPS-16 in Education Department Khyber Pakhtunkhwa with low required qualification while the appellant is not extended such benefit for years for no fault. (Copy of Notification Dated 13-11-2012 is enclosed as Annexure L).
- G.** That the appellant is being fit and eligible and coming up to the criteria is entitled to the grant of BPS-16 from the date of his regularization.
- H.** That even the Apex Court has recently held that upon regularization, the employee cannot be made to low benefits than allowed to him before his regularization; hence too the appellant is entitled to the grant of BPS-16.
- I.** That the fundamental rights of the appellant guaranteed in the Constitution are badly violated and he is not treated as per with other similar employees.

It is therefore prayed that on acceptance of this appeal, the appellant may kindly be granted BPS-16 from the date of his regularization, i.e. 01-07-2008 with all back benefits.

Dated:- 10-01-2022


Ali Subhan Theology/Religious Teacher,
Rehabilitation Center for drug Addicts Social
Welfare Department Dir lower at Timergara
Cell # 03456035736

(32) Annex 'J'

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE ZAKAT,
USHR, SOCIAL WELFARE AND WOMEN DEVELOPMENT DEPARTMENT

Notification

Peshawar date the 21st April, 2008

No. SOII (SW) II-12/93/(Vol-IV)218/33 in pursuance of the provisional obtained in sub rule (2) of rule (3) of the North- West Frontier province Civil Servants Appointment, promotion and Transfer) Rules, 1989, the Zakat, Ushr, Social Welfare and Women development department, in the consultation with the Establishment department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the appendix-I and II to this Notification, which shall be applicable to posts mentioned in column in 2 of the said appendixes.

Secretary to Govt. of NWFP
Zakat, ushr, Social Welfare
& Women Dev: Department

Endst: No. SOII (SW) II-12/93/(Vol-IV)

Dated Peshawar the 21st April, 2008

Copy is forwarded to;-

1. All Administrative Secretaries to Govt: of NWFP
2. Secretary to Chief Minister, NWFP.
3. All Heads of the Attached Departments
4. All District coordination Officers in NWFP
5. Director, Social, Welfare and Women Dev: NWFP Peshawar.
6. Manager, Printing press, NWFP Peshawar for information and publication in the officers gazette.
7. Ps to Chief Secretary, NWFP
8. Ps to Secretary, Zakat, Usher, Social, Welfare & Women Dev: Deptt: NWFP

Sd/-
(Muhammad Yaqoob)
Section Officer-II

21/16/2008

(37)

S.No	Nomenclature of post	Minimum qualification for appointment by initial recruitment	Age Limit	Method of recruitment
1.	Religious/Theology Teacher (Female) (BS-16)	Master's Degree in Islamiyat or Equivalent Qualification from any recognized Religious Institution	18 to 32 Years	By initial recruitment
2.	Religious Teacher (Female) (BS-11)	B.A with Theology (Islamiyat/Arabic) or Equivalent qualification from any recognized Institution	18 to 28 Years	By initial recruitment
3.	Assistant Warden (Female) (BS-11)	B.A/ B.Sc from any recognized Institution. Preference will be given to candidate having experience in the relevant field	18 to 28 Years	By initial recruitment
4.	Instructor (Electrical) (BS-11)	F.A/F.Sc from any recognized Board with one year diploma in Electrical technology form Board of Technical Education : Or Metric with three years diploma in Electrical Technology	18 to 28 Years	By initial recruitment
5.	Instructor (Tailoring) (BS-11)	Metric from any recognized Board with minimum one year diploma in vocational skill from Board of Technical Education with three years experience as Tailor.	18 to 28 Years	By initial recruitment
6.	Instructor (Carpenter) (BS-11)	Metric from any recognized Board with one year diploma in relevant field from Board of Technical Education with three years experience as carpenter.	18 to 28 Years	By initial recruitment
7.	Vocational Teacher (Female) (BS-11)	F.A/F.Sc from any recognized Board with one year diploma in vocational skill from Board of Technical Education.	18 to 28 Years	By initial recruitment
8.	Nusurat Attendant(Female) (BS-5)	Metric from any recognized Board	18 to 28 Years	By initial recruitment

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S.No.	Nomenclature of post	Minimum qualification for appointment by initial recruitment	Age Limit	Method of recruitment
1.	Rehabilitation Officer (Male/Female) (BS-17)	Master Degree in Social Work or Sociology or Psychology from any recognized University	22 to 32 Years	By initial recruitment
2.	Project Manager (Female) (Bs-17)	Master in Business Administration from any recognized University	22 to 32 Years	By initial recruitment
3.	Marketing Officer (Bs-16)	Master in Business Administration or Master of Commerce from any recognized University or institution with specialization in Marketing	22 to 32 Years	By initial recruitment
4.	Sales Assistant (BS-11)	Bachelor in Business Administration or Bachelor in Commerce from any recognized University or institution with B.A/B.Sc from any recognized University or Institution with one year experience as Sales Representative	22 to 32 Years	By initial recruitment

GOVERNMENT OF KHYBER PAKHTUNKHWA
 DIRECTORATE OF SOCIAL WELFARE AND
 WOMEN DEV. JAMRUD ROAD PESHAWAR.

35

K

Annex
"K"

Dated Peshawar the 26/6/2011

Notification:

No.E-15/303/DSV/10677-83. The competent authority is pleased to order the re-instatement of Mst. Balqees Bibi against her original post of Religious Teacher (BPS-16) Darul Aman, Swat w.c.f 29-09-2010 in compliance with the decision of Peshawar High Court Peshawar on the writ petition No. 361/2010.

-Sd-
 Director
 Social Welfare & Women Dev:

Copy to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer, Swat.
3. The SO-II Social Welfare & WDD, Khyber Pakhtunkhwa, with reference to his letter No. SO-II (SWD)/IV-58/2010/3846 dated 22-06-2011.
4. The Additional Advocate General, Peshawar High Court Peshawar Khyber Pakhtunkhwa with his letter No. 7363-64/AG dated 18-06-2011.
5. The District Officer Social Welfare Department Swat.
6. The Superintendent, Darul Aman Swat.
- ✓ 7. Mst. Balqees D/O Muhammad Taliullah resident of Village Landaki, P.O and Tehsil Charbagh District Swat.


 Assistant Director (Admin)
 Social Welfare & Women Dev:



GOVERNMENT OF KHYBER PAKHTUNKHWA
SOCIAL WELFARE & WOMEN
DEV: DEPARTMENT

Dated Peshawar the June 27, 2011

Annex-2*

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NOTIFICATION.

NO. SOII(SWD) IV-59/3895-3900 In Compliance with order of Service Tribunal, Khyber Pakhtunkhwa dated 11-11-2010 passed in Appeal No. 1396/2010, titled "Mrs. Javeria Zaman, (Religious Teacher)-vs-Secretary to Govt of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare and Women Development Department & Others", BPS17 is hereby awarded to Mrs. Javeria Zaman, Religious Teacher (BPS-09), Center for Mentally Retarded and Physically Handicapped, Children District Mardan (Presently Working in Haripur District) as admissible under the Finance Department circular letter No. FD (SR-I)/1-9584 III, dated 24-07-1986 w.e.f. 11-11-2010.

The grant of BPS-17 shall be treated personal to her & shall not confer any right on her to claim seniority over her elsewhere seniors in the normal course of promotion.

Secretary to Govt. of Khyber Pakhtunkhwa
Zakat, Ushr, Social, Welfare & Women
Dev: Department

ENDST: EVEN NO & DATE:

Copy is forwarded for information and necessary action to: --

1. The Director Social Welfare and Women Dev: Khyber Pakhtunkhwa Peshawar.
2. The Distt. Coordination Officer, Haripur.
3. The Secy. Officer (SR-I), Finance Department Khyber Pakhtunkhwa.
4. The District Officer Social Welfare, Haripur.
5. The District Account Officer, Haripur.
6. The Manager, Center for Mentally Retarded and Physically Handicapped, Children, District Haripur.
7. The Officer concerned
8. The Personal file of the officer concerned.

(Muhammad Shahid)
Section Officer -II

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B

Annex M
'M'



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

پشاور، داتا نوونبر 13، 2012

Peshawar, dated the November 13, 2012.

No.SO(PE)4-S/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

KPK

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

Endst. No & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA), Peshawar.
8. Copy to Margari Ustazan KPK

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8. The Director Curriculum & Teachers Education Abbottabad.
9. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
11. The Deputy Director Database(EMIS) E&SE Department.
12. All District Coordination Officers in Khyber Pakhtunkhwa.
13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
14. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
15. All Agency Education Officers FATA.
16. P.S to Governor, Khyber Pakhtunkhwa.
17. P.S to Chief Minister, Khyber Pakhtunkhwa.
18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
19. PS to Minister E&SE Khyber Pakhtunkhwa Peshawar.
20. PS to Secretary E&SE Department.
21. Master File.

KPK

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Section Officer (Primary)

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Policy / Policy

		<p>(iv) one per cent from amongst the Instructional Material Specialists, with at least five years service as such and having qualification mentioned in column No. 3; and</p> <p>(v) one per cent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No.3; and</p> <p>(b) fifty per cent/by initial recruitment.</p>
2. Senior Arabic Teacher (SAT) (BPS-16)		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.</p>
✓ Senior Theology Teacher (STT) (B-16)	KPK	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.</p>
3. Senior Certified Teacher (SCT)(General) (BPS-16)		<p>By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).</p>

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	Senior Certified Teacher (Industrial Arts) (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
6.	Senior Certified Teacher (Agriculture) (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).
7.	Senior Drawing Master (BPS-16).		By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.
8.	Senior Certified Teacher (SCT) (Home Economics) (BPS-16). EPK	JIS	By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).
9.	Senior Physical Education Teacher (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

(13)

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Arabic Teacher (AT) (BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabic from a recognized University.	20 to 35 years.	By initial recruitment
11. Theology Teacher (TT) (BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Islamiyat from a recognized University.	20 to 35 years.	(a) Seventy-five per cent by initial recruitment; and (b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher. <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
12. Senior Qari (BPS-15).		18 to 35 years.	By promotion, on the basis of seniority-cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment. (a) Forty per cent by initial recruitment; and
13. Certified Teacher (General) (BPS-15).	Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher	18 to 35 years.	

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<p>11. Certified Teacher (Industrial Arts) (BPS-15).</p>	<p>Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.</p>		<p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General): Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).</p>
	<p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center; or</p> <p>(b) Bachelor's Degree from a recognized</p>	<p>18 to 35 years.</p>	<p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p> <p>(a) Forty per cent by initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher</p>

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Policy

Policy

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APPENDIX

No.	Nomenclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1.	Secondary School Teacher (BPS-16).	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(a) Fifty percent by promotion on the basis of seniority-cum-fitness, in the following manner: (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economic) with at least five years service as such and having qualification mentioned in column No. 3; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3;

KPK - 112215

(17)

VAKALATNAMA

IN THE SERVICE TRIBUNAL KP, PESHAWAR.

No. _____/2022

.....Petitioner.

VERSUS

..... Respondents.

I, the undersigned, do hereby appoint and constitute,

FAZAL SHAH MOHMAND Advocate Supreme Court. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 21-10-2020



CLIENT(s)

ACCEPTED BY:



FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.