

986/2013

20.10.2016

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

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

ANNOUNCED

20.10.2016



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

24.03.2016

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



Member



Member

29.04.2016

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



Member



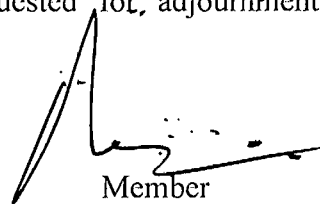
Member

2.6.2016

Counsel for the appellant and Ziaullah, GP for respondents present. Counsel for the appellant requested for, adjournment. Adjourned for arguments on ~~2010~~ 2016.



Member



Member

19.5.2014

Clerk to counsel for the appellant and AAG with Muhammad Javed, Supdt. for the respondents present and reply filed. Copy handed over to clerk to counsel for the appellant. To come up for arguments on 02.10.2014. Rejoinder, if any, in the meantime.

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

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

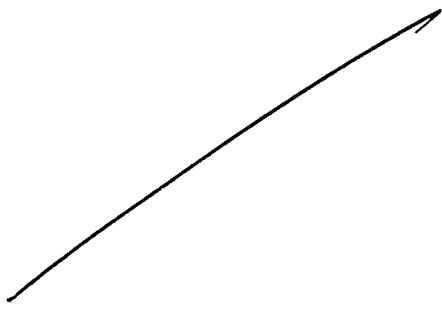

MEMBER

Appeal No. 985/2013
Mr. Durr-e-Ali

07.02.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Vide notification dated 24.07.1986 of the Government of Khyber Pakhtunkhwa Finance Department has allowed Higher Pay Scale to the teachers in the Special Education Department (Social Welfare). The appellant filed departmental appeal on 21.02.2013, for award of higher pay scale BPS-17 which has not been responded within the statutory period of 90 days, hence the instant appeal on 18.06.2013. He further contended that similar nature of appeal titled Naila Tabassum in Service Appeal No. 1112/2012 has already been admitted for regular hearing and pending before the learned Bench-II, therefore the instant appeal may also be clubbed with the said appeal. Points raised at the Bar 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 for submission of written reply on 20.03.2014 before the learned Bench-II.


Member



20.3.2014

Counsel for the appellant and AAG with Muhammad Javed Assistant for the respondents present. Respondents need time. To come up for written reply on 19.5.2014.

MEMBER 

MEMBER 

8.

Appellant deposited
Process fee/Security
of Rs. 220/- Bank Receipt
attached with the file


Appeal No. 986/2013

7. 27-11-2013. No one is present for
appellant. Due to strike
of lawyers. Counsel for the
appellant is not available.
To come up for P.H. as per order
sheet dated 1-11-2013 on 7-2-2014.

Members.

3
23.9.2013

No one is present on behalf of the appellant. To come up *for* preliminary hearing on 01.11.2013.


Chairman

4,
01.11.2013

Counsel for the appellant present and stated that similar nature of appeals has already been admitted to regular hearing in service appeal No, 744,745,746 are pending before Bench-II for 27.11.2013. The above mentioned service appeals may please be requisitioned for preliminary hearing on 06.11.2013.


Member

5,
07.11.2013

Since 6th November 2013 has been declared as holiday by the Provincial Govt vide Notification dated 05.11.2013, therefore, case adjourned to come up for preliminary hearing on 26.11.2013.


Member

6.
26.11.2013


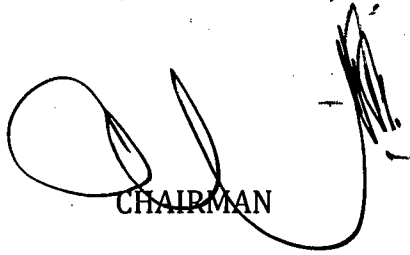
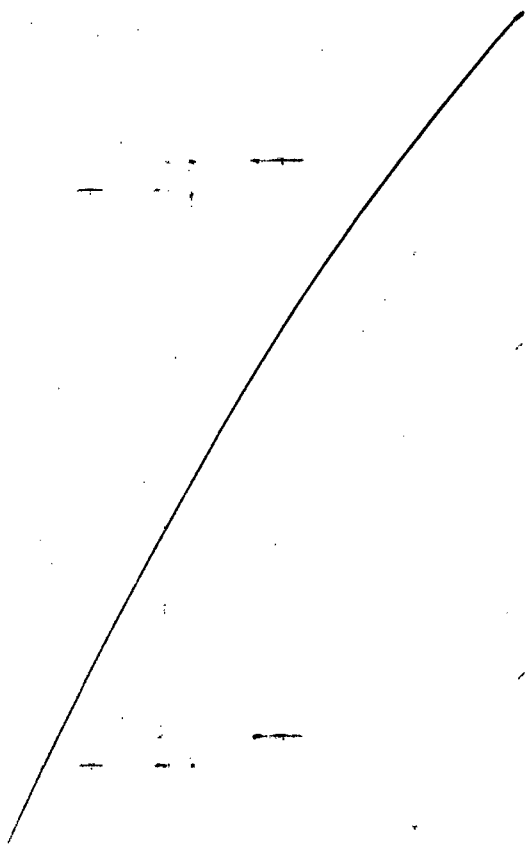
Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing as per order sheet dated 01.11.2013 on 27.11.2013.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 986/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/06/2013	<p>The appeal of Mr. Zulfiqar Ali presented today by Mr. Rehmanullah Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-7-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>23-8-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

IN THE SERVICE TRIBUNAL ,K.P.K PESHAWAR

Service Appeal No. 936/2013

Zulfiqar Ali PET (BPS-9)
Govt Institute for Blind Swabi..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 , <i>affidavit</i>		1-4
2	Addresses of Parties		5
3	Copy of appointment order, <i>Arrival Report</i>	<i>A, A1</i>	6-7.
4	Copy of Credentials/Documents of Appellant Copy of Appointment Order	B	8-18.
5	Copy of Notification Dated 24-07-1986	C	19-21
6	Copy of Supreme Court Judgment Dated 03-02-2010	D	22-26
7	Copy of Departmental Appeal of Appellant	E	27
8	Copy of Service appeal judgment dated 18/04/2012	F	28-31.
9	Wakalatnama		

Through

[Signature]
Appellant
[Signature]
Rahman Ullah

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

1

IN THE SERVICE TRIBUNAL ,K.P.K PESHAWAR

Service Appeal No. 986 /2013

Zulfiqar Ali PET (BPS-9)
Govt Institute for Blind Swabi. **Appellant**

-Vs-

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

1042
18-6-13

**SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT 1974
FOR GRANTING OF HIGHER PAY SCALE 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**

Prayer in Appeal:

On acceptance of this service appeal, the respondents may be directed to grant Higher Pay Scale from 09/05/2005 (BPS-17) 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 this colleague (Waheed Nawaz).

Filed to the
18/6/13

2

Respectfully Sheweth:

1. That the appellant was appointed as "PET Teacher" (BPS-09) on 09/05/2005 after recommendation of the Departmental Selection Committee, and now performing his duties in BPS-09 in Govt Institute for the Blind Swabi. **(Copy of appointment order Annexure A)**

2. That the appellant has the qualification of B.Ed 14 October 2004, B.A in 25th September 2001, and Diploma in Physical Education dated 05/05/2003. Thus the appellant is trained graduate teacher 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 (09-05-2005) as per Govt of NWFP Finance Department Notification dated 24-07-19986.
(Copy of Credential/Documents is Annexure B)

3. That then Govt of NWFP Finance Department issued a Notification on 24-07-1986 in which the teacher of special education institution have the qualification of B.A/B.Sc, with B.Ed have been granted their respective Higher Pay Scale. **(Copy of Notification dated 24-07-1986 is Annexure C).**

4. That one of the colleague of the appellant namely Waheed Nawaz on attaining of qualification B.Ed, applied to the Department for granting BPS-17 on the strength of the above referred Finance Department, s Notification and he was granted BPS-17 on 14-05-2004. Later on vide order dated 30-10-2004, the said benefits was withdrawn against which the appellant field an appeal before the Hon,ble Service Tribunal and the Hon,ble Service Tribunal dismissed the appeal of the appellant (Waheed Nawaz). The appellant against the judgment of the service Tribunal filed Civil Petition No. 449-P/2009 which was also dismissed on 02-07-2009. the appellant (Waheed Nawaz) filed Review Petition No. 10-P of

3

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 "D")**.

5. That as the appellant is also similar placed person, therefore, he departmental appeal for granting of Higher Pay Scale on 21/02/2013 and waited for 90days, but the said appeal met no response **(Copy of Departmental Appeal is Annexure "E")**.
6. That now the appellant come to this august Tribunal, inter alia, on the following grounds.

GROUND:

- A. That not awarding Higher Pay Scale as per Finance Department Notification and judgment and not deciding appeal of the appellant is against the norms of justice and law.
- B. That the appellant is trained graduate teacher and is fully entitled to Higher Pay Scale (BPS-17) as per Finance Department Notification and judgment of the Supreme Court.
- C. That the appellant has not been treated according to law and rules and has been discriminated by not awarding Higher Pay Scale as per Finance Department's Notification because the other colleague (Waheed Nawaz) etc enjoying the benefits of BPS-17 on the strength of the same notification of the Finance Department on the basis of which the appellant also Claimed the benefits of BPS-17.
- D. That the appellant is also entitled to his claim in light of the judgment reported as 1996 SCMR Page-1185, 2005 SCMR Page-499 and 2009 SCMR Page-1, in which it has been held by the Hon,ble Supreme Court of Pakistan then the good governance demand that such benefits should be extended to all the similar placed persons who might have not litigated instead of compelling that litigation. The appellant is also similarly placed person and is fully entitled to her claim.

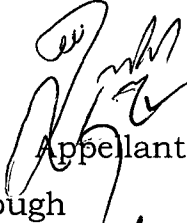
9

E. That an identical appeal Nos. 3066/2010 titled Javed Khan & 8 others -Vs- The Provincial Govt Through Chief Secretary, Govt of K.P.K Peshawar, were also decided by allowed this Hon,ble Tribunal on 18-04-2012.

(Copy of Judgment Attached Annexure F).

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

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 09/05/2005 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 part with his colleague (Waheed Nawaz).


Appellant
Through


Rahman Ullah
Advocate Peshawar.

AFFIDAVIT:

I Zulfiqar Ali PET (BPS-9) Govt Institute for Blind Swabi, do hereby solemnly affirm and declare on oath that the contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon,ble Tribunal.




DEPONENT

5

IN THE SERVICE TRIBUNAL, K.P.K PESHAWAR

Service Appeal No. _____/2012

Zulfiqar Ali PET (BPS-9)
Govt Institute for Blind Swabi..Appellant

-Vs-


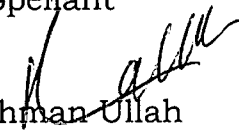
The Provincial Govt through Chief-Secretary,
Govt of K.P.K, Peshawar.....Respondents.

APPELLANT

Zulfiqar Ali PET (BPS-9)
Govt Institute for Blind Swabi.

RESPONDENTS:

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


Appellant
Through

Rahman Ullah
Advocate Peshawar

(A) (6)

OFFICE OF THE DISTRICT OFFICER SOCIAL WELFARE DEPDT. SWABI

OFFICE ORDER

In pursuance of the recommendations of the District Selection Committee, the competent authority has been pleased to approve and notify the following appointments against the posts mentioned with their names purely on contract basis in the office of the Govt. Institute for the blind Swabi with immediate effect as under:-

<u>S No.</u>	<u>Name</u>	<u>Father Name</u>	<u>Address</u>	<u>Designation</u>
1.	Zulfiqar Ali	Diyar Khan	Vilalge Dagi	PET BPS 9
2.	Shamraiz Khan	Muhammad Bashir	Village Maneri	Brail The. BPS 9
3.	Raza Ullah	Dawad Shah	Village Tarky	Can worker BPS 6
4.	Fida Muhammad	Shad Muhammad	Village Malik Abad Gadoon	Can worker BPS 6

Terms and Condatation

1. The appointments are purely temporary and on contract basis as per contract policy 2002
2. The candidate's will have to produce Medical Certificate^{of} their fitness from the Medical Supdt. GHQ Hospital Swabi as required under the rules before joining the duties.
3. No TA/DA will be allowed to them on account of joining duties.
4. You will have to sign a security/agreement bond with District officer Social welfare department Swabi to obey the contract policy and will have no right to challenge the policy in any court of law.
5. Your service ~~can~~ be terminated with out any reason.
6. If you wish to resign from service any time you will serve one month advance notice or deposit one month salary in lie of notice.
7. If you accept the post on above terms and conditions you should report for duty to the District office Social welfare department Swabi with in fifteen days.
8. The offer will be considered as cancel if you did not report for duty upto 6-6-2005.

Sd/-
District Coordination officer
Swabi

Dated 7/5/05

N.o 307-313 DO/SW/F-20

Copy forwarded to the.

1. District Nazim Ala Swabi.
2. District Coordination officer Swabi
3. Director Social Welfare NWFP Peshawar.
4. District Account officer Swabi
5. Supdt. Govt. Institute for the blind Swabi.
6. Officeial Concerned.
7. Office Record.

District Officer
Social Welfare Swabi.

(A1) (7)

To

The Superintendent
Govt Institute for the Blind,
Swabi, N.W.F.P.

Subject: Arrival Report

In compliance of District Officer Social Welfare Officer order
No, 307-313 DO/SW/F 26 Dated May 07, 2005 F.N.

I hereby submit my arrival report as Physical Education Teacher in
Government Institute for The Blind, Swabi today on May 09, 2005.

Mr Zulfiqar Ali
Physical Education Teacher
Government Institute for the Blind
Swabi, N.W.F.P

Superintendent
Government Institute for the Blind
Swabi, N.W.F.P
SUPERINTENDENT
Govt. Institute for the
Blind Swabi

Alho, Co. of
for

S. No. PB 038122

Annex (B)

(8)

Board of Intermediate & Secondary Education
PESHAWAR

DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination
(SCIENCE GROUP)

Session 19 97 (Annual/Supplementary)

Name

Zulfiqar Ali

Father's Name

Dewan Iqbal

Roll No.

124958

SUBJECT	Total Number of marks allotted	MARKS OBTAINED			
		Theory	Practical	In Figure	In Words
1. English	150			96	
2. Urdu	150			73	
3. Islamiyat	75			51	
4. Pakistan Studies	75			32	
5. Mathematics	100			42	
6. Physics	100	31	13	44	
7. Chemistry	100	27	13	40	
8. Biology	100	38	12	50	
Total	850			428	<i>Four hundred and Twenty Eight</i>

Note: Errors/Omissions excepted
F: Failed in the paper (s)

Prepared by:

[Signature]

Checked by:

[Signature]

Date 05 III 1997

Controller of Examinations
Board of Intermediate & Secondary Education
PESHAWAR

Attested

[Signature]
LECTURER
Govt Post Graduate College
S. . .

A

S. No. PBR- 006874



Roll No. 124958

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION 1997 (ANNUAL)
(SCIENCE GROUP)

THIS IS TO CERTIFY THAT Zulfiqar Ali

Son/Daughter of Deyar Khan

and a student of Govt. High School Hayat Abad Peshawar

has passed the Secondary School Certificate Examination

of the Board of Intermediate and Secondary Education, Peshawar held in April 1997

as a *Regular candidate*. He/She obtained 428 Marks out of 850

and has been placed in Grade C Representing Good

The Candidate passed in the following subjects.

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

Attested

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

Date of birth according to admission form is Fifteenth May,

one thousand nine hundred and Eighty One (15-5-1981)

LECTURER

Govt. Post Graduate College

Asst. Secretary

28th July, 1997

Secretary

This certificate is issued without alteration or erasure.

Board of Intermediate & Secondary Education PESHAWAR

DETAILED MARKS CERTIFICATE
Intermediate Examination *Humanities Group*
SESSION 19 99 (Annual/Supplementary)



Sr. No.

139951

Zulfiqar A.L.

Name

Father's Name

Deyar Khan

Roll No.

177454

Subjects	Subjects Marks	MARKS OBTAINED			
		Part-I	Part-II	Total in	
				Figures	Words
1. English	200			81	<i>Five hundred forty one</i>
2. Urdu	200			114	
3. Islamic Education	50			68	
4. Pakistan Studies	50			86	
5. <i>114</i>	200			96	
6. <i>200</i>	200			96	
7. <i>18</i>	200				
Total	1100			<i>541 - D.</i>	

Note : Errors/Omissions excepted.

Date

19

Controller of Examinations
Board of Intermediate & Secondary Education
PESHAWAR

Prepared by

Checked By

[Signatures]

LECTURER
Govt Post Graduate College
Swabi

S.No. 48013

Roll No. 177454

Group. Humanities



Board of Intermediate and Secondary Education Peshawar N.W.F.P. Pakistan

INTERMEDIATE EXAMINATION
SESSION 1999 - ANNUAL

This is to Certify that Zulfiqar Ali Son of Deyar Khan
and a student of Government College Swabi Registered No. 290-B/S-97
has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar
held in May/June, 1999 as a Regular Candidate. He obtained 541 Marks out of 1100
and has been placed in Grade D Representing Fair. He has been awarded Grade D on the
basis of internal assessment by the institution concerned. The Examination was taken as a whole.

[Signature]
Asstt Secretary

[Signature]
LECTURER
Government College
Swabi
Secretary

UNIVERSITY OF PESHAWAR (PAKISTAN)



Roll No. 30334

No 030334

Detail Marks Certificate

B.A. Part II Examination, 2001 (Annual)

Name Zulfiqar Ali

Father's Name Liyas Khan

Certified that the candidate secured the following marks and is placed in II Division.

Govt Post Graduate College
Swabi
LECTURER

Faisal

S U B J E C T S	MAXIMUM M A R K S	M A R K S O B T A I N E D	
		IN FIGURES	IN WORDS
1. English	75	33	Thirty three.
2. Pol/sc.	75	34	Thirty four.
3. Law.	75	39	Thirty nine.
4. Pakistan Studies	40	18	Eighteen.
Part-I marks	285	147	One hundred forty seven.
TOTAL	550	271	Two hundred seventy one. (2)

Errors & omissions are subject to subsequent rectification.

The Examination was taken as a WHOLE / IN PARTS.

**CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar (Pakistan)

Session ANNUAL 2001

ZULFIQAR ALI Son of DEYAR KHAN

GOVERNMENT COLLEGE SWABI

and a student of

having passed the prescribed examination held in

JUNE 2001

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 087826

Registration No. 99-S-3994

Roll No. 30334

Result declared on SEPTEMBER 25, 2001



Handwritten signature
ALEXANDER

LECTURER
Govt Post Graduate College
Swabi

Handwritten signature
Registrar

Handwritten signature
Countersigned
Vice-Chancellor



ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
RESULT INTIMATION CARD

14

Serial No. 122169

Registration No. 02NSI0080

Roll No. L642300

Certified that Mr/Ms. **ZULFIQAR ALI**
Father's Name **DEYAR KHAN**
has Successfully Completed the **B.ED(ARTS)**
programme. The detail of course is as under
Address:- **MOH ALLAH DAD KHAIL VILL & P/O DAGI, SWABI DIST. SWABI**

Semester	Course Code	Title of the Course	Marks	
			Maximum	Obtained
SPR- 02	0513	SCHOOL ORGANIZATION MANAGMENT	100	44
SPR- 02	0514	EVALUATION,GUIDANCE & RESEARCH	100	56
SPR- 02	0518	EDUCATIONAL TECHNOLOGY & CURR:	100	48
SPR- 02	0651	ENGLISH (C)	100	50
AUT- 02	0517	TEACHING OF PAKISTAN STUDIES,	100	60
AUT- 02	0657	TEACHING OF GENERAL SCIENCE	100	48
AUT- 03	0512	PROSPECTIVE OF EDUCATION	100	60
SPR- 03	0652	ISLAM, PAKISTAN AND MODERN WORLD	100	53
SPR- 03	0655	WORKSHOP	100	76

*Allo...
Swabi*
LECTURER
Govt Post Graduate College
Swabi

Total Credit Hours **

Total AIU Credits 6

Result declared on October 14, 2004

Date of Issue: FEB 13 2005

Total Marks Obtained

Percentage Marks 55

CGPA **

C
Fajir
Controller of Examinations

Note: This result card is issued as a notice only: errors and omissions are excepted. An entry appearing in it does not in itself confer any right or privilege independently to the grant of proper certificate/degree which will be issued under the Regulations in due course of time.

(15)

Allama Iqbal Open University Islamabad



Serial No. 98227

Certified that Mr. / Ms. ZULFIQAR ALI

Son / Daughter of DEYAR KHAN

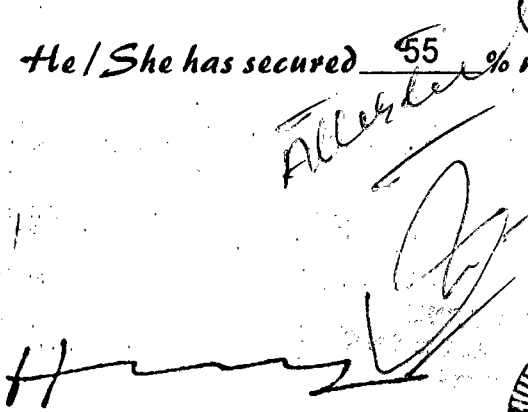
Registration No: 02-NSI-0080 Roll No: L-642300

having completed the prescribed requirements in semester

AUTUMN 2003 is awarded the degree of:

Bachelor of Education (B.Ed)

He / She has secured 55 % marks and has been placed in C grade.

Attested

CONTROLLER OF EXAMINATIONS

Result declared on: October 14, 2004

ISLAMABAD. DATED: June 16, 2007



Muhammad Raza
VICE-CHANCELLOR

(16) 07/17/17

DETAIL MARKS CERTIFICATE.

PHYSICAL EDUCATION TRAINING EXAMINATION 2002

Roll No. 97 Name Zulfiqar Ali
Son/Daughter of Mr, Dayar Khan

Serial No.	Subject.	Max Marks.	Marks Obtained	
			In figures	In words
1.	Prl.Organization and Admn.	100.	76	
2.	Se.of Movement	100	73	
3.	Theory of games.	100.	79	
4.	Olym.and recreative games.	100	78	
5.	Anomoty and Physiology.	100.	74	
6.	Health Edu:	100.	79	
7.	Teaching & Skill of Edu:Gym:	100.	77	
8.	Teaching & skill of Major Games.	100.	75	
9.	Teaching & Skill of Athel:	100.	74	
10.	Co-Curriculum, Activities.	40.	35	
11.	Practical Note Book.	20	17	
12.	Physical efficiency test.	20.	14	
13.	Morning Assembly/ Riffle Drill.etc:	70.	56	
Total		1050.	807	

FAILED/PASSED DIVISION.....

Prepared by.....
Checked by.....

N.B.--(i) Pass percentage 35% Aggregate 40%

(ii) Marks in circle not be counted.

(iii) Grace Marks not be counted.

(iv) A candidate may be considered un-successful in the subject comprising of theory and practical, if the ~~xxx~~ fails THEORY of the said subject.

Signature
Signature

LECTURER
Govt Post Graduate College

Signature

Registrar,
Departmental Examinations
Education Department, Peshawar.

MAY-2003



DOMICILE CERTIFICATE

Zulfiqar Ali Son/Daughter of Diyar Khan

hereby declare that I was born of parents who are permanently domiciled in North-West Frontier province having been born/settled in this Province.

I was born at Village/Mohallah/ Allah -dad Khail, Village 2, P/O Nagai,

Tehsil Swabi District Swabi.

Signature of the declarant

Date:- 11.07.97

Pursuance to the declaration dated 11.07.97 filed by

Mr/Miss Zulfiqar Ali Son/Daughter of Diyar Khan

domiciled in North West Frontier Province, it is hereby certified that the said Zulfiqar Ali S/O Diyar Khan is born of parents who are permanent residents of the North-West Frontier Province having been born/settled* within it.

I have satisfied my self from ^{N.T. Swabi} ~~personal knowledge/verification~~* that the above declaration is true and certify accordingly.

This 11 th day of July 1997.

Name M. Sajid Khan
Designation:- MAGISTRATE 1st Class
Topi/Lahor/Kalu Khan

(Seal) AS/SDM Swabi

COUNTERSIGNED

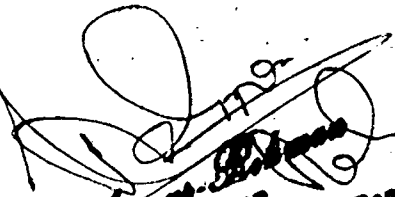


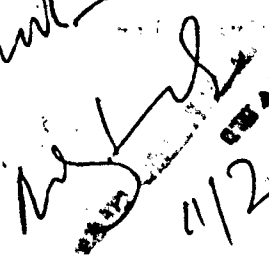
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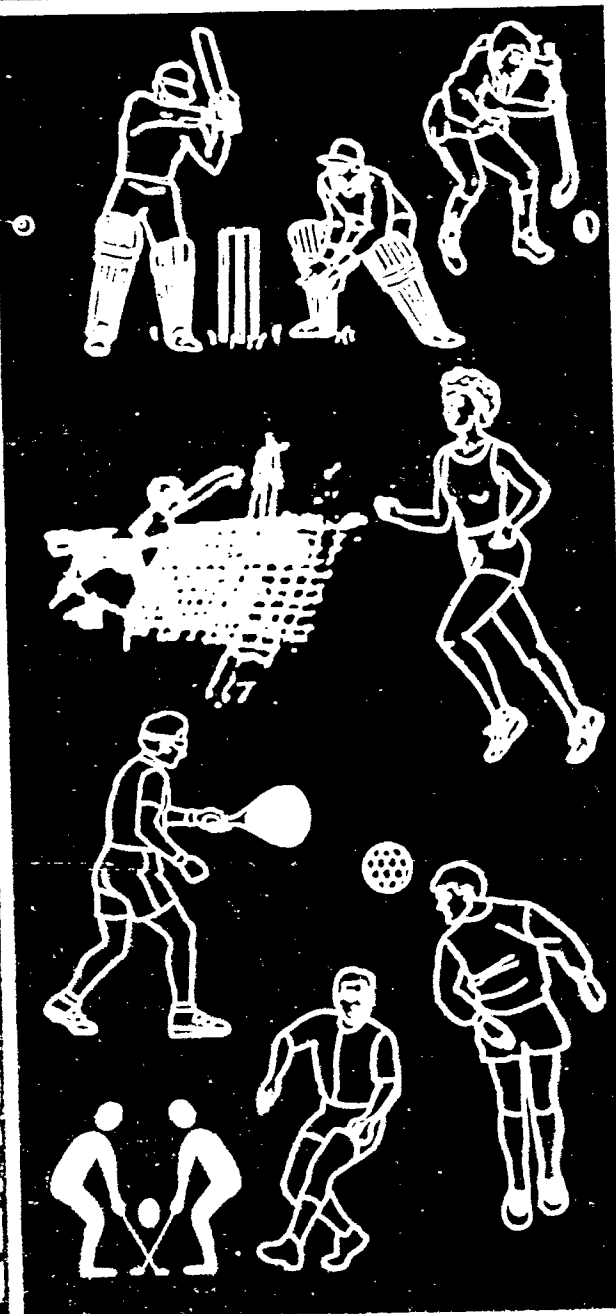
No. 5083 /G. Dated 14-7-97

(*Strike out which ever is not applicable)

certified that Mr
Zulfiqar Ali and his father
Dijar Khan are permanent
residents of village Dahi Ch. &
D/Sr Swabi


~~MANAGER~~
Agricultural Development Bank
of Pakistan Swabi

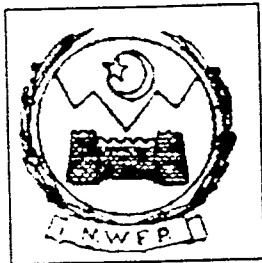
Verified D/Sr Swabi

1/2/97



S.No: 0747

Roll No: 097

GOVT COLLEGE OF PHYSICAL EDUCATION



N.W.F.P. KARAK.

JUNIOR DIPLOMA IN PHYSICAL EDUCATION

Session 2001-2002.

Student Name: Zulqarnain Ali
Dayar Khan

This student of this college has been declared successful in the Junior Diploma Examination held
Sept : 2002 as a regular candidate according to the gazette notification by
 the Government of North-West Frontier Province.

Obtained 807 marks out of 1050 and placed in 1st division
05-05-2003.

Principal
 Govt Post Graduate College
 Swabi

(Signature)
 (NAQIBULLAH KHAN WAZIR)

PRINCIPAL

Govt. College of Physical Education,
 N.W.F.P. Dera (Kohat)

Annexure ②

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

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

Dated Peshawar, the 24th July 1986

From

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

(19)

To

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

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

Sir,

I am directed to refer to the subject noted above and to say that the matter regarding grant of enhanced pay scales to different categories of teachers working in the institutions for the handicapped (i.e., 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.

...../2

Al...

1/16

(20)

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

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

To be Redesignated as

(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.)

Senior Special Educators 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 re-designated as Junior Special Educators 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 re-designated as Assistant Special Educators 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 existing designation

(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 to be

2
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./B.V.) with adequate knowledge of teaching; the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate).

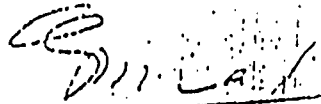
B-14 These teachers must acquire the qualification of B.A./B.Sc., B.Ed. within five years as at (a) above.

(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,

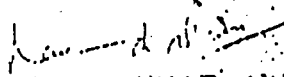


(SAFDAR ALI KHAN)
ADDL: FINANCE SECRETARY-I,
GOVERNMENT OF N.W.F.P.

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

Copy of the above is forwarded to:-

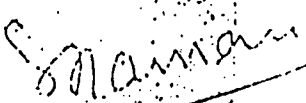
- 1) The Accountant General, N.W.F.P., Peshawar.
- 2) The Director, Social Welfare, N.W.F.P., Peshawar.


(SAAHEED AHMAD ALVI)
DEPUTY SECRETARY (REGULATION),
FINANCE DEPARTMENT.

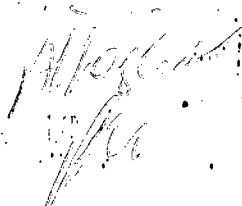
Endst. No. FD(SR-I)1-95/84-III. Dated Pesh. the 24th July, 1986.

A copy is also forwarded to:-

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


(FAKHR-UZ-ZAMAN)
SECTION OFFICER (SR-I)

Attested



Amir (B)

(22)

Dated: Peshawar 15th Feb, 2010

From

The Officer Incharge,
Supreme Court of Pakistan,
Peshawar.

To

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

*124-
10.2.2010*

CIVIL APPEAL NO. 04-P OF 2010

IN

Subject: CIVIL REVIEW PETITION NO. 10-P/2009

in

CIVIL PETITION NO. 449-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.449-P/2006 against the judgment and order of the NWFP Service Tribunal, Peshawar, dated 31.05.2006 passed in Appeal No.298/2005.

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

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

Kindly acknowledge the receipt of this letter immediately.

Encl: Order

Do the needful in time

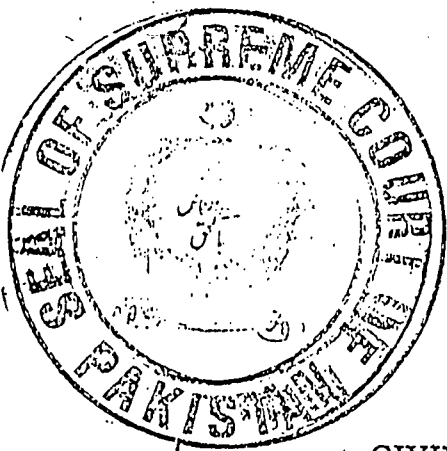
Supdt

17/2/10

[Signature]
(OFFICER INCHARGE)

Attestor
[Signature]

11



IN THE SUPREME COURT OF PAKISTAN
(Review Jurisdiction)

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 449-P of 2006)

Waheed Nawaz

...Petitioner

VERSUS

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

...Respondents

For the Petitioner:

Mr. Muhammad Esa Khan, ASC

On behalf of

Govt. of N.W.F.P.:

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

For Respondent No.5:

Falak Naz, Dist. Officer Social Welfare Bannu.

Date of Hearing:

03.02.2010

JUDGMENT

NASIR-UL-MULK, J.- The petitioner was serving as Junior Teacher in the Centre for Mentally Retired & 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

ATTESTED

[Signature]
Officer incharge
Supreme Court of Pakistan

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11/02

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

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

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

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

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[Signature]
 Officer Incharge
 High Court of Pakistan
[Signature]
 Registrar

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 16/06

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

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

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

To

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

Subject:-

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

Sir,

I am directed to refer to Zakat, Usher & Social Welfare Department's letter No. SO.II (SW)/II-15/Vol.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 vides 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

Attested
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26

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

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

Sd/- Mian Shakir Ullah Jan,
 Sd/- Mr. Nasir ul-Mulle,
 Sd/- Mr. Tariq Parvez,

J
J
J

Attended
1/10

Certified to be true copy

[Signature]
 Supreme Court of Pakistan
 Peshawar
 5/1/10

PESHAWAR
3rd January, 2010.

Mudassar/

[Signature]
15/1/10

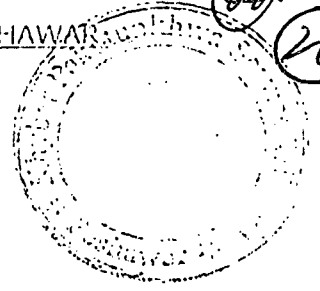
"NOT APPROVED FOR REPORTING"

Annex E
28/12

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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).

Handwritten signature and stamp of the appellant, Javed Khan.

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.

Handwritten signature of the member, Syed Manzoor Ali Shah.

Annex (E) 27

To

The Secretary, Govt of Khyber Pukhtun Khwa
Social Welfare, Special Education and Women
Development Department Peshawar.

Subject:

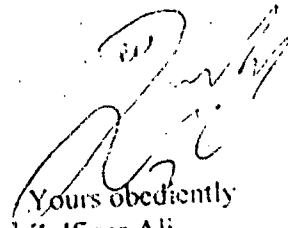
APPEAL FOR THE GRANT OF NEW SCALE OF PAY

(THROUGH PROPER CHANNEL)

Sir,

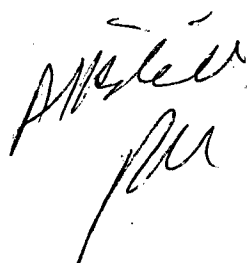
With due respect it is stated that, I am working as a Physical Education Teacher since May 09, 2005 in Govt Institute for the Blind Swabi in BPS-09, my qualification is B.A , B.Ed and I have submitted the request for the grant of BPS-17 VIDE District Officer's Office letter No; D/O/SW/SB 3026, Dated 21-10-2010 in accordance with the circular of Finance Department Dated 24-07-1986 & the apex court in its judgment Dated February 15, 2010 made it clear that bare reading of the circular of May 15, 1999 does not show that the circular of the Finance Department Dated; July 24, 1986 stands with drawn but no action is taken in this respect so far.

Hence in the light of the fore said judgment of the apex court I appeal once again that I may please be granted the new BPS-17. I shall be thankful forever.



Yours obediently
Zulfiqar Ali
Physical Education Teacher
Government Institute for the Blind, Swabi.


Date: 21-02-2013.



(29) (8) (8)

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. Lateron 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. Lateron representative of respondent No. 5 appeared on 21.12.2011 and defence of respondent No.5 restored. Written reply of respondent No. 5 filed on 4.1.2012. Ex-parte proceedings against respondents No. 1 to 4 remained intact.

Attested


4. Arguments heard and record perused.

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

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

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

Attested


(31)

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

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

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

ANNOUNCED
18.4.2012

(NOOR ALI KHAN)
MEMBER

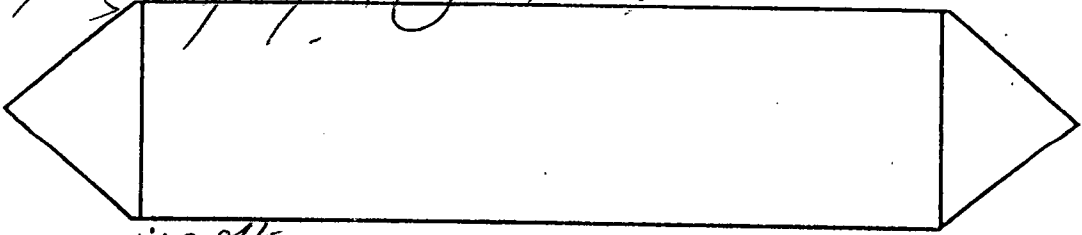
(SYED MANZOOR ALI SHAH)
MEMBER

Certified
Khyber
Service Tribunal,
Peshawar

Date of presentation of Application 24.4.2012
Number of Petitions 100
Copies 10
Fees 10
Honorarium 10
Date of Completion of Copy 31-5-2012
Date of Delivery of Copy 31-5-2012

Attested
R

بعدالت سرولیکٹ پیرونی فیصلہ تختہ ۱۹۱۱



2011، مخانب انتہائی
دو نصف کی بنام حکومتی دفتر

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کیلئے ~~کے لئے~~ محمد زبیر و محمد سعید
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم 15
ماہ جون 2011

العہد گواہ العہد

Umses

کے لئے منظور ہے۔

بمقام

Accepted

6/11/11

Umses

Umses

original

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.986/2013

Zulfiqar Ali, -----(Appellant)

Versus

Government of Khyber Pakhtunkhwa

Respondents

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DEPONENTS
Cell# 03339374624

BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR

Service Appeal NO.986/2013

Zulfiqar Ali (Appellant)

Versus

Government of Khyber Pakhtunkhwa

AFFIDAVIT

I Mr.Kibaz khan so-(Lit.) Social Welfare, Special Education & Women Empowerment Department, do hereby solemnly affirm and declare on oath that the comments on behalf of Respondent No.1,2,3, 4 & 5 are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable, Court.


DÉPONENT

**CNIC# 11101-1470588-3
Cell# 0336-9297618**

**Identified by
Government Pleader
Khyber Pakhtunkhwa,
Service Tribunal, Peshawar.**

2

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

Service Appeal No. 986/2013

Zulfiqar Ali, PET (BPS-09) Govt. Institute for the Blind Swabi.....
..... (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 got no locus standi to file appeal.
4. The Appeal is barred by law.


FACTS:


1. Pertain to record.
 2. Correct to the extent that the appellant possess the qualification of B.A/B. Ed but he is not entitled to be awarded Higher Pay Scale (BPS-17) as according to the rules Higher Pay Scale (BPS-17) is to be awarded to those teachers who possess the qualification of B.A/B.Ed alongwith a certificate to the effect that the teacher concerned has adequate knowledge to teach the Visually Handicapped/Blind children (**Annex-A**). Since the appellant does not possess the adequate knowledge certificate, he therefore cannot be awarded Higher Pay Scale (BPS-17) w.e.f the date of his appointment.
 3. Correct to the extent that the Finance Department's circular letter dated 24-07-1986 allows Higher Pay Scale (BPS-17) to those teachers who possess the qualification of B.A/B.Ed but as explained in para-2 above, the petitioner cannot be awarded Higher Pay Scale (BPS-17) as he lacks the adequate knowledge certificate.
 4. The appellant cannot be considered at par with Mr. Waheed Nawaz due to the reason mentioned in para-2 above and therefore cannot be awarded Higher Pay Scale (BPS-17).
 5. Incorrect and not admitted. The appellant cannot be considered at par with Mr. Waheed Nawaz as he does not possess the adequate knowledge certificate of teaching the Blind children and due to this reason that his appeal could not be considered.
- [Handwritten signature]*


GROUND.

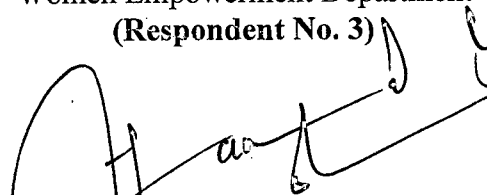
- A. Incorrect and not admitted. The appellant does not possess the adequate knowledge certificate of teaching the blind as per rules and is therefore not entitled to be awarded Higher Pay Scale (BPS-17).
- B. Incorrect and not admitted. The appellant although possesses the qualification of B.A/B.Ed but he lacks the adequate knowledge certificate as required under the rules. He, therefore, cannot be awarded Higher Pay Scale (BPS-17).
- C. Incorrect and not admitted. The appellant has been treated according to the rules .The question of discriminatory treatment does not arise at all.
- D. Incorrect and not admitted. Since the appellant lacks the requisite qualification, he therefore, cannot be treated at par with his other colleagues in light of the judgment of the Apex court.
- E. Incorrect the appellant cannot be considered at par with Mr. Javed Khan & others as he does not possess the adequate knowledge certificate of teaching the blind.
- F. The Department seeks permission of this Honourable Court to advance other grounds and proofs at the time of hearing of the case.

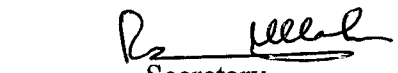
In view of the above mentioned factual position, it is prayed that, the appeal, being devoid of any merit, may graciously be dismissed please.


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


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


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


District Officer
Social Welfare, Special Education &
Women Empowerment Deptt: Swabi
(Respondent No. 4)


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



5-11

Annexure B

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

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

Dated Peshawar, the 24th July 1986

From

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

193 (11)

To

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

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

Sir,

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

(1) DEAF AND DUMB INSTITUTIONS

- (a) Trained Graduate Teachers (B.A./B.Sc., B.Ed.) with adequate knowledge in the Education of deaf and dumb to be certified by the Social Welfare Directorate. B-17
- (b) Untrained Graduate and post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge in the Education of deaf and dumb, to be certified by the Social Welfare Directorate. B-14 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.

Encl. 2

ATTACHED

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(12)

(20)

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

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

To be Redesignated as

Senior Special Educator Teacher

(2) BLINDS INSTITUTIONS.

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

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

To be Redesignated as Junior Special Educator Teacher

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

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

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

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

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

To be Redesignated as Assistant Special Educator Teacher

iii) Matric with Diploma/Certificate in a trade from a Blind Institute and proficiency in Braille or with adequate knowledge in teaching the blind (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

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

(21) (13)

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

B-14

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

(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

(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, 1986.

Copy of the above is forwarded to:-

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

Saeed Ahmad Alvi

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

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

A copy is also forwarded to:-

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

Fakhr-uz-Zaman

(FAKHR-UZ-ZAMAN)
SECTION OFFICER (SR-I)

ATTESTED

P. [Signature]

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.

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

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

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

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

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

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...../2

18
12

(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.

...../3

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Raw

ATTESTED
Raw

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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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B-11

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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 and text: "A To be True Copy" and "Raw".

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No.986/2013

Zulfiqar Ali, -----(Appellant)

Versus

Government of Khyber Pakhtunkhwa

Respondents

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DEPONENTS
Cell# 03339374624

BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR

Service Appeal NO.986/2013

Zulfiqar Ali (Appellant)

Versus

Government of Khyber Pakhtunkhwa

AFFIDAVIT

I Mr.Kibaz khan so-(Lit.) Social Welfare, Special Education & Women Empowerment Department, do hereby solemnly affirm and declare on oath that the comments on behalf of Respondent No.1,2,3, 4 & 5 are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable, Court.



DEPONENT

CNIC# 11101-1470588-3

Cell# 0336-9297618

**Identified by
Government Pleader
Khyber Pakhtunkhwa,
Service Tribunal, Peshawar.**

2

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

Service Appeal No. 986/2013

Zulfiqar Ali, PET (BPS-09) Govt. Institute for the Blind Swabi.....
..... (Appellant)

VERSUS

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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 got no locus standi to file appeal.
4. The Appeal is barred by law.

FACTS:

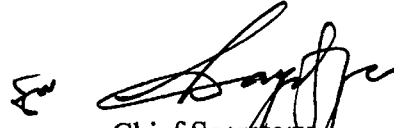
1. Pertain to record.
2. Correct to the extent that the appellant possess the qualification of B.A/B. Ed but he is not entitled to be awarded Higher Pay Scale (BPS-17) as according to the rules Higher Pay Scale (BPS-17) is to be awarded to those teachers who possess the qualification of B.A/B.Ed alongwith a certificate to the effect that the teacher concerned has adequate knowledge to teach the Visually Handicapped/Blind children (Annex-A). Since the appellant does not possess the adequate knowledge certificate, he therefore cannot be awarded Higher Pay Scale (BPS-17) w.e.f the date of his appointment.
3. Correct to the extent that the Finance Department's circular letter dated 24-07-1986 allows Higher Pay Scale (BPS-17) to those teachers who possess the qualification of B.A/B.Ed but as explained in para-2 above, the petitioner cannot be awarded Higher Pay Scale (BPS-17) as he lacks the adequate knowledge certificate.
4. The appellant cannot be considered at par with Mr. Waheed Nawaz due to the reason mentioned in para-2 above and therefore cannot be awarded Higher Pay Scale (BPS-17).
5. Incorrect and not admitted. The appellant cannot be considered at par with Mr. Waheed Nawaz as he does not possess the adequate knowledge certificate of teaching the Blind children and due to this reason that his appeal could not be considered.

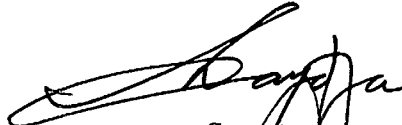
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GROUNDS.

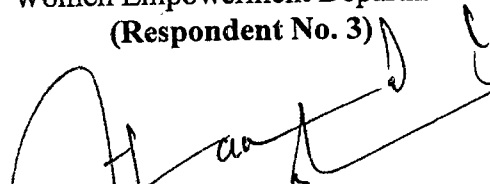
- A. Incorrect and not admitted. The appellant does not possess the adequate knowledge certificate of teaching the blind as per rules and is therefore not entitled to be awarded Higher Pay Scale (BPS-17).
- B. Incorrect and not admitted. The appellant although possesses the qualification of B.A/B.Ed but he lacks the adequate knowledge certificate as required under the rules. He, therefore, cannot be awarded Higher Pay Scale (BPS-17).
- C. Incorrect and not admitted. The appellant has been treated according to the rules. The question of discriminatory treatment does not arise at all.
- D. Incorrect and not admitted. Since the appellant lacks the requisite qualification, he therefore, cannot be treated at par with his other colleagues in light of the judgment of the Apex court.
- E. Incorrect the appellant cannot be considered at par with Mr. Javed Khan & others as he does not possess the adequate knowledge certificate of teaching the blind.
- F. The Department seeks permission of this Honourable Court to advance other grounds and proofs at the time of hearing of the case.


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


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


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


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


 District Officer
 Social Welfare, Special Education &
 Women Empowerment Deptt: Swabi
(Respondent No. 4)


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

Annexure 'B'

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

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

Dated Peshawar, the 24th July 1986

From

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

193 (11)

To

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

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

Sir,

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

(1) DEAF AND DUMB INSTITUTIONS.

- (a) Trained Graduate Teachers (B.A./B.Sc., B.Ed.) with adequate knowledge in the Education of deaf and dumb to be certified by the Social Welfare Directorate. B-17
- (b) Untrained Graduate and post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge in the Education of deaf and dumb, to be certified by the Social Welfare Directorate. B-10 These teachers must acquire B.Ed. within a period of three years.
- (c) Trained under-Graduate teachers (Metric/F.A./P.T.C. 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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(12)

(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 Re-designated as

(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).

Senior Special Educative 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 re-designated as Junior Special Educative Teacher

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

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

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

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

To be re-designated as Assistant Special Educative Teacher

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

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

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

Others not covered by the above

(3) MENTALLY RETARDED/PHYSICALLY HANDICAPPED INSTITUTIONS.

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

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

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

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

(c) Trained under-Graduate (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).

B-14

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

(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,

S. Ali

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

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

Copy of the above is forwarded to:-

- 1)-
- 2)-

The Accountant General, N.W.F.P., Peshawar.
The Director, Social Welfare, N.W.F.P., Peshawar.

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

Endst. No. FD(SR-I)1-95/84-III. Dated Pesh. the 24th July, 1986.
A copy is also forwarded to:-

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

S. M. Aman
(SAKHU B. ZAMAN)
SECTION OFFICER (SR, I).

Attested by *[Signature]*

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.

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

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

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

Sir,

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

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

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

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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 acquit B.Ed. within a period of Three years.

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

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

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

(3) MENTALLY RETARDED / PHYSICALLY HANDICAPPED INSTITUTIONS.

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

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

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

(c)

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

B-14

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

(d)

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

B-11

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

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

Your obedient servant

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

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

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