

15th Sept, 2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Nabi Gul, Supdt and Mr. Zeeshan, SO for respondents present.

Petitioner seeks adjournment on the ground that her counsel is busy in Peshawar High Court, Peshawar. To come up for further proceedings on 19.10.2022 before S.B.



(Kalim Arshad Khan)
Chairman

19th Oct, 2022

None for the petitioner. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Proper implementation report has not been submitted despite repeated directions. For the last five years they are not producing the order in compliance of the judgment of the Court, therefore, they are burdened with cost of Rs. 20000/- to be recovered from personal salaries of all the respondents in equal share. Respondents are directed to appear in person alongwith the implementation report on 08.11.2022 before S.B.

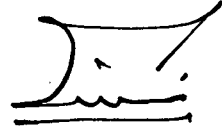


(Kalim Arshad Khan)
Chairman

02.06.2022

Clerk of learned counsel for the petitioner present.
Mr. Muhammad Adeel Butt, Additional Advocate General for
the respondents present.

Lawyers are on general strike, therefore, to come up
for arguments on 08.08.2022 before the S.B.



(Salah-Ud-Din)
Member (J)

8.8.2022 Due to The Public Holiday

The Case is Adjourned To 24-8-2022

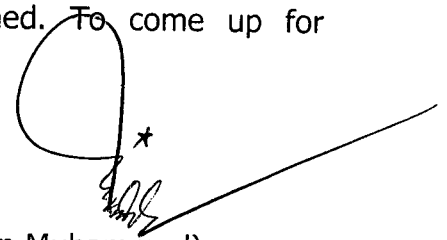


Reader

24.08.2022

Mr. Waleed Adnan, Advocate junior of learned counsel for
the appellant present. Mr. Muhammad Adeel Butt, Additional
Advocate General alongwith Mr. Nabi Gul, Superintendent for the
respondents present.

Junior of learned counsel for the petitioner requested for
adjournment on the ground that learned senior counsel for the
petitioner is not available today. Adjourned. To come up for
arguments on 19.09.2022 before S.B.

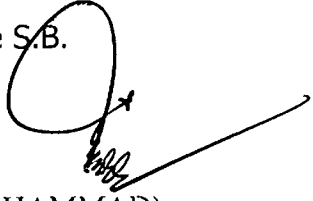


(Mian Muhammad)
Member (E)

29.03.2022

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Nabi Gul, Supdt for respondents present.

Learned counsel for the petitioner submitted copy of notification dated 01.01.2020 which is placed on file. A copy of the same is also provided to the learned AAG. Learned counsel for the petitioner contended that in the light of order sheet dated 07.09.2021 as well as 02.11.2021, an application was moved in the office of Registrar Service Tribunal for provision of the requisite record (attested copy of the judgement). However, action on part of the office is still pending. Registrar Service Tribunal is therefore, directed to dig out the relevant record and provide attested copies so that the court is arrived at a logical conclusion. Adjourned. To come up for further proceedings on 20.04.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

20th April, 2022

Junior to counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. AG alongwith Nabi Gul, Superintendent for the respondents present.

The record as directed on previous order sheet has been produced by the representative of the respondents. The said record shall be annexed with the file. To come up for arguments on 02.06.2022 before S.B.


Chairman

20.12.2021

Junior of learned counsel for the petitioner present.

Mr. Muhammad Adeel Butt, Additional Advocate General
alongwith Mr. Nabi Gul Superintendent for respondents present.

The needful as directed vide order dated 02.11.2021 is left
avoid on part of petitioner. He is directed to do the needful to avoid
dismissal of this execution petition for non-compliance of the order.
Adjourned. To come up for further proceedings on 08.02.2022
before S.B.


Chairman

8-2-2022

Due to retirement of the Honorable
Chairman the case is adjourned to come
up for the same as before on 29-3-2022


Reader.

27.09.2021

Counsel for the petitioner present. Mr. Kabirullah Khattak,
Addl: AG alongwith Mr. Nabi Gul, Supdt for respondents present.

Learned counsel for the petitioner requested for adjournment on the ground that legal heirs of the deceased are yet to be consulted. Adjourned. To come up for further proceedings before the S.B on ~~09.11~~ 20.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

02.11.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Nabi Gul, Superintendent for the respondents present.

There is an operative part of the judgment under execution that the petitioner was held entitled for the relief in light of the already extended relief to similarly placed employees by the Tribunal. Unless the copies of the underlying judgments are ~~not~~ produced it is not possible to give appropriate direction to the respondents to do the needful. Learned counsel for the petitioner is required to place on file the copies of the underlying judgments on or before the next date. Case to come up for further proceedings on 20.12.2021 before the S.B.


Chairman

28.07.2021

Junior to counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present. Senior counsel for the petitioner is not in attendance today due to general strike of the lawyers. To come up for consideration/arguments on 07.09.2021 before S.B.


Chairman

07.09.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned counsel for the petitioner submits that some other appellants having judgment of this Tribunal at credit and similarly placed with the petitioner were given the benefits in their Execution Petition No. 14/2017 titled "Zulfiqar Ali and others Vs. Government of Khyber Pakhtunkhwa, Peshawar & others". Learned counsel further contends that the petitioner is now died and he will submit the list of L.Rs of the deceased petitioner and Wakalatnama on their behalf. The file of the Execution Petition No. 14/2017 be also requisitioned for the next date. Moreover, the letter of the Finance Department pressed into service in the main appeal be also produced for placing on file. To come up for further proceedings on 27.09.2021 before S.B.


Chairman

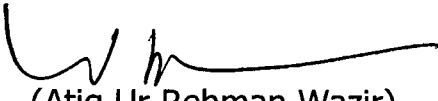
31.03.2021

None for the petitioner present.

Add: AG alongwith Mr. Nabi Gul, Supdt for respondents present.

Arguments could not be heard due to general strike of the Bar.

Adjourned to 07.06.2021 for further proceedings before S.B.


(Atiq Ur Rehman Wazir)
Member(E)

07.06.2021

Junior to counsel for the petitioner and Mr. Noor Zaman Khattak, District Attorney for the respondents present. No representative of the respondents is in attendance.

Junior to counsel for the petitioner states that senior counsel is not in attendance due to general strike of the Bar. Respondents be put on notice for next date of hearing. To come up for consideration/arguments on 28.07.2021 before S.B.



(Rozina Rehman)
Member(J)

10.12.2020

Shamsul Islam son of petitioner alongwith counsel present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Nabi Gul Superintendent for respondents present.

Today, minutes of meeting of Assessment Committee held on 10.10.2017 and 20.11.2017 were produced, copies whereof were provided to learned counsel for petitioner and file to come up for consideration/arguments in the light of available record on 01.02.2021 before S.B.



(Rozina Rehman)
Member (J)

01.02.2021

Counsel for the petitioner and Addl. AG alongwith Nabi Gul Superintendent for the respondents present.

Learned counsel requests for adjournment in order to further prepare the brief. Adjourned to 31.03.2021 for arguments before S.B.



Chairmah

EP 15/17

10.09.2020

Nemo for the parties.

On the last occasion, hearing was adjourned on the strength of Reader note. Office shall, therefore, send notices to the parties for next date of hearing.

Adjourned to 27.10.2020 before S.B.


Chairman

27.10.2020

Nemo for petitioner.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 10.12.2020 before S.B. Learned AAG is directed to make sure the submission of progress report in view of orders dated 08.10.2019 and 05.11.2019, on the date fixed.


(Rozina Rehman)
Member (J)

17.12.2019

Nemo for petitioner. Addl. AG alongwith Nabi Gul, Superintendent for the respondents present.

To come up for further proceedings on 29.01.2020 before S.B.


Chairman

29.01.2020

Shams ul Islam son of the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Nabi Gul Superintendent present and submitted copy of office letter dated 22.01.2020 issued from Directorate of Social Welfare, Special Education & Women Empowerment Jamrud Road and stated that in view of factual position described in the said office letter, higher pay scale could not be granted to the petitioner. Lawyers community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjournment requested. Adjourned to 11.03.2020 for arguments before S.B.


Member

11.03.2020

None present on behalf of the petitioner. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nabi Gul, Superintendent for the respondents present. Representative of the department seeks adjournment. Adjourned to 01.04.2020 for further proceedings before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

01.04.2020. Due to public holiday on account of Covid-19, the case is adjourned to 29.06.2020. To come up for the same before SB.


Reader

29.06.2020. The worthy Chairman is on leave, therefore the case is adjourned. To come up for the same on 10.09.2020, before SB.


Reader

EP 15/17

08.10.2019

Petitioner alongwith counsel and Addl. AG alongwith Nabi Gul, Superintendent for the respondents present.

Learned counsel for the petitioner has provided copy of death certificate pertaining to the petitioner wherein it is contained that she had demised on 08.02.2018.

In the circumstances, it shall be necessary to bring on record the list of legal heirs of the petitioner. Learned counsel shall do the needful on or before next date of hearing. The legal heirs of the petitioner are directed to submit an application to respondent No, 4/District Officer Social Welfare & Women Development & Special Education Department, Peshawar for processing the case for implementation of judgment, as the relief granted to the deceased petitioner by this Tribunal, may pass on service benefits/emoluments in favour of the legal heirs of deceased petitioner.

Adjourned to 05.11.2019 for further proceedings.

Chairman



05.11.2019

Counsel for the petitioner and Addl. AG alongwith Nabi Gul, Superintendent for the respondents present.

In pursuance to the order dated 08.10.2019 the legal heirs of the deceased petitioner have submitted application to respondent No. 3 on 30.10.2019. The representative of respondents undertakes to process the case of deceased petitioner ^{as from as} ~~since~~ the application reaches in the office of respondent No. 3.

To come up for further proceedings on 17.12.2019 before
S.B.

Chairman



27.08.2019

Petitioner in person and Addl. AG alongwith Nabi Gul Superintendent for the respondents present.

Once again the representative of respondents seeks further time for submission of implementation report. As per his statement the matter is in process and is lying with the respondent No. 3. The record suggests that similar requests were made by the respondents on previous two occasions (22.05.2019 and 03.07.2019).

In the circumstances, the respondents are allowed a further period for submission of implementation report till next date of hearing failing which the respondent No. 3/Director, Directorate of Social Welfare & Women Development and Special Education Department, Government of Khyber Pakhtunkhwa, Peshawar shall appear in person on 11.09.2019 before S.B.

Chairman



11.09.2019

Counsel for the petitioner and Addl. AG alongwith Nabi Gul Superintendent for the respondents present.

The representative of respondents states that the petitioner has demised. The evidence of her death/death certificate will be produced on next date of hearing.

Adjourned to 08.10.2019 before S.B.

Chairman



16.04.2019

Learned counsel for the Petitioner present. Mr. Muhammad Jan learned Deputy District Attorney for the respondent present. Representative of the respondent department also present and stated that a committee has been constituted for doing the needful.

Chairman of the committee i.e. Director SW, SE&WE KP is directed to furnish progress report in the matter. Adjourn. To come up for progress report and further proceeding on 22.05.2019 before S.B.



Member

22.05.2019

Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Nabi Gul Superintendent present. Representative of the respondent department seeks adjournment to furnish implementation/progress report. Adjourn. To come up for implementation/progress report on 03.07.2019 before S.B.



Member

03.07.2019

Petitioner in person and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Nabi Gul, Superintendent for the respondents present. Representative of the department stated that the implementation report is in process and requested for adjournment. Adjourned to 27.08.2019 for implementation report before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

17.12.2018

Learned counsel for the petitioner and Mr. Kabirullah Khattak learned AAG alongwith Nabi Gul Assistant present. Representative of the respondent departmenet seeks time to furnish implementation report. Granted. To come up for submission of implementation report on 30.01.2019 before S.B.


Member

30.01.2019

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nabi Gul, Superintendent for the respondents present and requested for further adjournment. Adjourned. To come up for implementation report on 15.03.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

15.03.2019

Learned counsel for the appellant petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Nabi Gul Superintendent present. Representative of the respondent department stated that Assessment Committee has been constituted for doing the needful. Adjournment requested. Adjourn. To come up for further proceedings on 16.04.2019 before S.B


Member

24.09.2018

Mr. Noor Muhammad Khattak, Advocate present. Mr. Nabi Gul, Superintendent alongwith Kabirullah Khattak, AAG for the respondents present.

The respondents produced copy of order sheet of the Peshawar High Court. Case to come up for further proceedings/arguments on 03.10.2011 before S.B.


Chairman

03.10.2018

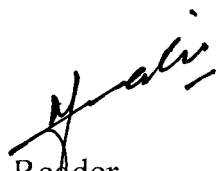
Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nabi Gul, Superintendent for the respondents present and requested for adjournment. Adjourned. To come up for further proceedings/arguments on 30.10.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

30.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on ~~17~~17.12.2018.




Reader

06.07.2018

None present on behalf of the petitioner. Mr. Sardar Shoukat Hayat, Additional AG for the respondents present. Implementation report not submitted. Requested for further adjournment. Adjourned. To come up for implementation report on 17.08.2018 before S.B. Notice be also issued to petitioner and his counsel for attendance for the date fixed.


(Muhammad Amin Khan Kundi)
Member

31.07.2018

Neither the petitioner nor her counsel present. Mr. Nabi Gul, Supdt alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Case to come up for further proceedings on 28.08.2018 before S.B alongwith connected execution petition.


Chairman

17.08.2018

Neither the petitioner nor his counsel present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Case to come up for further proceedings on 24.09.2018 before S.B alongwith the connected appeal.


Chairman

E.P No. 15/2017


16.01.2018

Petitioner with counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Nabi Gul, Superintendent for the respondents also present. Learned Additional AG requested for adjournment. Adjourned. To come up for further proceedings on 13.03.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

13.03.2018

Petitioner with counsel present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Nabi Gull, Superintendent for the respondents also present. Learned Deputy District Attorney seeks adjournment. Adjourned. To come up for further proceedings on 09.05.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

09.05.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 06.07.2018 before S.B.


Reader

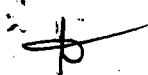
08.12.2017

None present on behalf of petitioner. District Attorney along with Nabi Gul, Superintendent for the respondents present. Learned District Attorney seeks adjournment. Adjourned. To come up for further proceedings on 16.01.2018 before S.B.


(Gul Zeb Khan)
Member (E)

09.06.2017

Petitioner in person and Mr. Nabi Gul, Supdt. alongwith Assistant AG for the respondents present. Representative of the respondent-department submitted written reply copy of which is handed over to the learned Assistant AG. To come up for further proceedings on 18.08.2017 before S.B.


(Ahmad Hassan)
Member

18/8/2017

Clerk of counsel for the petitioner and Mr. Kabirullah Khattak, Assistant AG for the respondents present. Clerk of counsel for the petitioner seeks adjournment. Adjourned. To come up for further *proceeding* on ~~18~~ 10/2017 before SB.


(GUL ZEB KHAN)
MEMBER




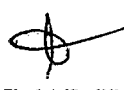
13.10.2017

Clerk to counsel for the petitioner and Addl:AG alongwith for respondent present. Clerk to counsel for the petitioner requested for adjournment as his counsel is not in attendance. Adjourned. To come up for further proceedings on 08.12.2017 before S.B.


(AHMAD HASSAN)
MEMBER

FORM OF ORDER SHEET

Execution Petition No. 15 /2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3 /
1	01.02.2017	<p>The Execution Petition of Mst. Robina Shaheen submitted today by Mr. Fazal Karam Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	2-2-2017	<p>This Execution Petition be put up before S. Bench on - <u>08-02-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	08.02.2017	<p>Counsel for petitioner present. Notice to respondents be issued for 24.03.2017 before S.B.</p> <p style="text-align: right;"> (ASHFAQUE TAJ) MEMBER</p>
	24.03.2017	<p>Petitioner in person, Mr. Rahim Shah, Assistant and Mian Hazrat Shah, Assistant alongwith Assistant AG for respondents present. Representative of the respondents-department requested for adjournment. Request accepted. To come up for implementation report on 09.06.2017 before S.B.</p> <p style="text-align: right;"> (AHMAD HASSAN) MEMBER</p>

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Execution Petition No. 15/2017

C.M. No. _____/2017

In

Service Appeal No. 1109/2012

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 62

Date: 1-2-17

Robina Shaheen as Junior Special Education Teacher (BPS-16) Government Institute for Blind (Girls) Peshawar.....(Petitioner/appellant)

VERSUS

1. The Provincial Government through Chief Secretary, Government of KPK, Peshawar.
2. Secretary, Social Welfare & Women Development & Special Education Department, Government of KPK, Peshawar.
3. Director, Directorate of Social Welfare & Women Development & Special Education Department, Government of KPK, Peshawar.
4. District Officer, Social Welfare & Women Development & Special Education Department, Peshawar.
5. Secretary Finance Department, Government of KPK, Peshawar.....(Respondent)

APPLICATION FOR THE
IMPLEMENTATION OF THE ORDER OF
THIS HON'BLE TRIBUNAL DATED
20/10/2016 PASSED IN THE ABOVE
NOTED SERVICE APPEAL NO. 1109/2012
IN MAIN SERVICE APPEAL NO. 744/2013
TITLED "TAYYAB SHAH..VS..THE
PROVINCIAL GOVT: ETC".

(2)

Respectfully Sheweth:

The petitioner humbly submits as under:

1. That the above mentioned Service Appeal was decided by this Hon'ble Tribunal in favour of appellant vide order dated 20/10/2016 in main Service Appeal No. 744/2013 titled "Tayyab Shah..VS..The Provincial Govt: etc". (Copy of appeal and order dated 20/10/2016 are attached as annexure "A").
2. That that in decision of this Hon'ble Tribunal it was directed that:

"direction to examine the case of the appellant to ascertain as to whether he was similarly placed official and if found so, to extend similar relief to the appellant as prayed for as already extended to similarly placed officials"
3. That there after the appellant/ petitioner approached the concerned authorities /respondents to implement the order of this Hon'ble Tribunal, but in vain.

4. That in this very order dated 20/10/2016 this Hon'ble Tribunal directed the respondents to directed the order of this Hon'ble Tribunal in letter in sprit.
5. That the respondents are badly failed and reluctant and prolonging the matter.
6. That the act of the respondents against the law and natural justice as well as the order of this Hon'ble Tribunal.
7. That the petitioner blind and all the respondents in their official and their concerned record in Peshawar.

It is, therefore most humbly prayed on acceptance of this application, the respondents and he may also be directed to implement the order of this Hon'ble Tribunal dated 20/10/2016, and any

other proceeding against the concerned respondents
may also be initiated according to law and justice.

Petitioner/ appellant

Through



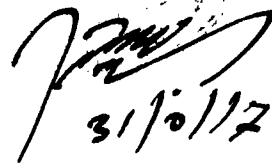
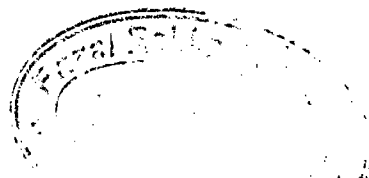
Dated: /01/2017

Fazal Karam Khan
Advocate High Court,
Peshawar.

AFFIDAVIT:

I, Robina Shaheen as Junior Special Education
Teacher (BPS-16) Government Institute for Blind (Girls)
Peshawar, do hereby solemnly affirm and declare, that
the contents of the **Application** are true and correct to
the best of my knowledge and belief and nothing has
been concealed from this Hon'ble Tribunal.

DEPONENT


31/01/17

(1)

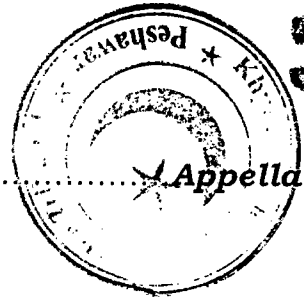
(1)

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12/10/12

IN THE SERVICE TRIBUNAL ,K.P.K PESHAWAR

Service Appeal No. 1109 /2012

Robina Shaheen as junior special education
Teacher (BPS-16) Govt Institute for Blind
(Girls), Peshawar.



-Vs-

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

**SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT 1974
FOR GRANTING OF HIGHER PAY SCALE 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 SACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT**

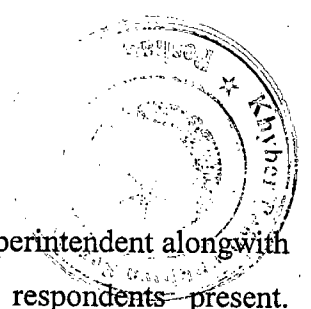
Hand to day
12/10/12
Prayer in Appeal:

12/10/12
On acceptance of this service appeal, the respondents may be directed to grant Higher Pay Scale from the date of acquiring qualification i.e. 10-02-2010 (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).

RECEIVED
[Signature]

1109/2012

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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.

sd/- Abdul Latif,
Member
sd/- Pir Bakhtish Shah,
Member

be true copy
Secretary, Government of Khyber Pakhtunkhwa
Peshawar

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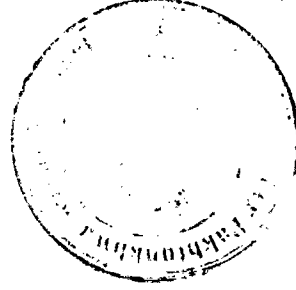
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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 744/2013

Date of institution ... 21.03.2013

Date of judgment ... 20.10.2016



Tayyab Shah

Junior Oral Master (BPS-9)

Govt. School for Deaf & Dumb Children Timergara Dir Lower

... (Appellant)

VERSUS

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

... (Respondents)

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

Mr. Rahman Ullah, Advocate.

Mr. Muhammad Adeel Butt, Additional AG

.. For appellant.

.. For respondents.

MR. ABDUL LATIF

MR. PIR BAKHSH SHAH

.. MEMBER (EXECUTIVE)

.. MEMBER (JUDICIAL)

JUDGMENT

ABDUL LATIF, MEMBER:-

Facts giving rise to the instant appeal are that

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

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

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

RECEIVED
 Director, Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

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

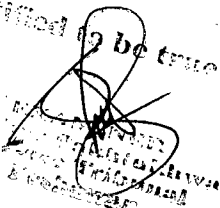
4. After hearing of pro & contra arguments of the learned counsels for the parties the Tribunal is of the considered view to remit the case to the respondent-department with direction to examine the case of the appellant to ascertain as to whether he was similarly placed official and if found so, to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

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

Announced
20.10.2016

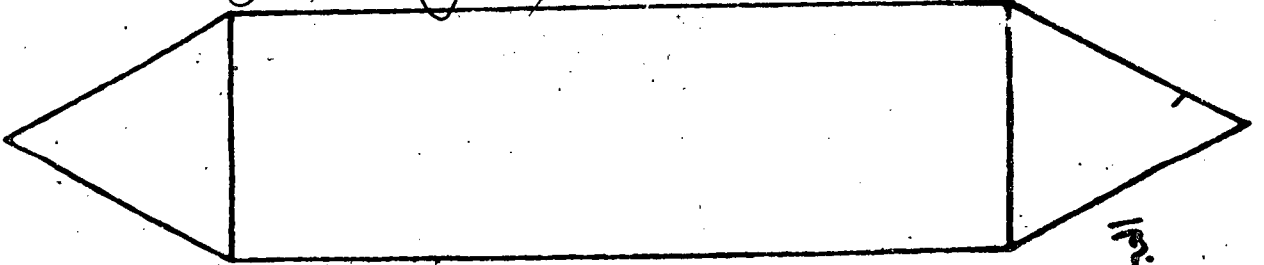
Sd/- Abdul Latif, Member

Sd/- Pk Bakhtish Shah, Member

Certified to be true copy


08-11-2016
 1200
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 Sd/-
 08-11-16
 08-11-16

بعدالت کو کٹر ہو چلے گا اور جس پر نکتہ اخذ ہوا



موردہ
مقدمہ
دعویٰ
جرم

سیدہ منجانب سائبر
سجاء اور منیر سائبر بنام گورنمنٹ و سروسز

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی دیکھی
کارروائی متعلقہ آن مقام کے لئے حاصل کر کے لیا اور اس
مقررہ کے اقرار کیا جاتا ہے کہ صاحب موصوت کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز
دیکسل صاحب کو کرنے راضی نامہ و تقررات و فیصلہ برطرف دینے جواب دی اور اقبال دعویٰ اور
بصورت دگری کرنے اجراء اور وصولی چیک در پیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
نہیں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دگری کیغرض یا اپیل کی برآمدگی اور منوعی
نیز دائر کرنے اپیل ٹکرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور دیکسل یا مختار قانونی کو اپنے ہمراہ یا اپنی جگہ تعین کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ
پیداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا۔
اگے کے مستحق دیکسل صاحب موصوت ہوں گے۔ نیز بقایا و خرچہ کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر
کوئی تاخیر پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکسل صاحب پابند نہ ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ذرا کالت نامہ لکھ دیا کہ سند رہے۔

سائبر

ماہ

المقوم

العبد ذوالقائد العبد العبد

Accepted

کے لئے منظور ہے۔

لکھ رہے

بقام

Attested by

F. D.

سیدہ منجانب سائبر
سجاء اور منیر سائبر بنام گورنمنٹ و سروسز
17301-9310019-8

BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 15/2017 in Service Appeal No. 1109/2012

Robina Shaheen as Junior Special Education Teacher (B-16) Government Institute for Blind
(Girls) Peshawar **Petitioner**

VERSUS

1. The Provincial Government through chief Secretary, Government of KPK, Peshawar.
2. Secretary Social Welfare, Special Education & Women Empowerment Department
Government of KPK Peshawar.
3. Director Social Welfare, Special Education and Women Empowerment, Khyber
Pakhtunkhwa Peshawar near Islamia College Jamrud Road Peshawar.
4. District Officer, Social Welfare, Special Education and Women Empowerment,
Peshawar.
5. Secretary Finance Department, Government of KPK Peshawar.

Respondents.

PRELIMINARY OBJECTIONS:

1. The petitioner has got no cause of action
2. The petitioner is not maintainable in its present form.
3. The petitioner is based on malafide intentions.
4. The petitioner has no locus standi.
5. The petitioner in hand is badly time barred.
6. The petitioner has not come to Honorable Tribunal with clean hands.
7. The petitioner has concealed the material facts from this Honorable
Tribunal, hence liable to be dismissed.
8. The application is against the prevailing law & rules.

PARA-WISE COMMENTS BY RESPONDENT NO. 1 TO 5.

Respectfully Sheweth,

1. Pertains to court judgment hence no comments.
2. Pertains to court judgment hence no comments.
3. Pertains to court judgment hence no comments.
4. Pertains to court judgment hence no comments.
5. Incorrect hence denied. To implement the judgment of the honorable Service Tribunal
dated 20-10-2016 in Service No. 744/2013 titled Tayyab Shah, Junior Oral Master

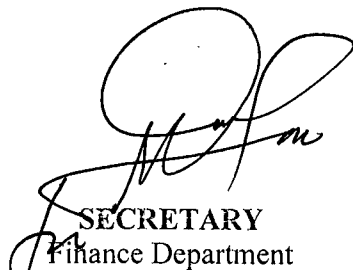
(BPS-09) and connected service appeals including the instant appeal, the respondents took several measures to examine these cases in detail. Prior to the judgment of Honorable Service Tribunal and keeping in view other similar nature court cases/ departmental appeals a meeting regarding Award of Higher Pay Scale to the Special Education Teachers was conducted on 28th July 2016. According to the record note of the said meeting (**Annexure A**), para 3 line 7, *“The Director Social Welfare was asked to constitute a committee for proper interviewing and assessment of the teachers before issuing the “Adequate Knowledge Certificate”. Adequate Knowledge Certificate being part and parcel of the prescribed qualification for award of Higher Pay Scale is an important instrument, therefore due care and process be adopted before issuance. Professional expert from each disability from the Special Education Institution may be nominated from the members of the committee”*. Consequently, 6 members committee vide order No. E-17/77/KC/DSW/788-96 dated 24-10-2016 (**Annex-B**) was constituted to assess the expertise/ Adequate knowledge of the Special Education Teachers before the issuance of Adequate Knowledge Certificate being mandatory for Award of Higher Pay Scale. In this connection letter No. E-17/77/DSW/Vol-13/19881-90 dated 14-12-2016 (**Annexure-C**) was dispatched to 09 applicants working as teachers in Special Education and ask them to deposit the required amount for verification of HEC for degrees and to appear before the assessment committee for certification of adequate knowledge in the relevant disability. Furthermore, separate letters vide letter No. E-17/77/DSW/Vol-13/889-90, letter No. E-17/77/DSW/Vol-13/887-88 and letter No. E-17/77/DSW/Vol-13/885-86 (**Annexure-D, E & F**) were dispatched to all the Managers, Superintendents & Principals of the concern centers/ institutes to furnish preliminary information on the enclosed format (**Annexure-G**) to the competent authority, so that the date for interview is fixed accordingly. In response to the above mention letter till dated 17-03-2017 only 6 teachers of various centers have provided their information on the prescribed format, whereas the reply of the appellant is still awaited.

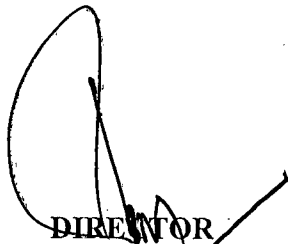
6. Incorrect hence denied. As evident from para 5 above, the act of the respondents are according to the law and natural justice and the respondents has implemented the judgment of Honorable Service Tribunal in letter and spirit.
7. The applicant has got no cause of action to file instant petition. Detail reply has been given in para 5 above.


In view of the above clarifications/explanations, it is therefore humbly prayed that the instant application may be graciously be dismissed having no weight and being based on malafide intention as the petitioner has concealed the facts of the case.

CHIEF SECRETARY
Government of Khyber Pakhtunkhwa
(Respondent No. 1)

SECRETARY
Social Welfare, Special Education and
Women Empowerment Department
Government of Khyber Pakhtunkhwa
(Respondent No. 2)


SECRETARY
Finance Department
Government of Khyber Pakhtunkhwa
(Respondent No. 5)


DIRECTOR
Social Welfare, Special Education and
Women Empowerment Peshawar
(Respondent No. 3)


DISTRICT OFFICER
Social Welfare, Special Education and
Women Empowerment Peshawar
(Respondent No. 4)

Annex 'A' 46



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND
WOMEN EMPOWERMENT DEPARTMENT**

No. SO-VI (SWD)/2-2/2016/kc
Dated Peshawar the 28 July 2016 /19011.

To,

1. **The Secretary to Govt. of Khyber Pakhtunkhwa,**
 - a) Establishment Department.
 - b) Finance Department.
 - c) Law, Parliamentary Affairs and Human Rights Department.

2. **The Director,**
SW, SE & WE, Khyber Pakhtunkhwa.

(Handwritten signature and initials)
AD (ESW)

Subject: **RECORD NOTE OF THE MEETING REGARDING AWARD OF HIGHER
PAY SCALE TO THE SPECIAL EDUCATION TEACHERS**

Dear Sir/Madam,

I am directed to refer to this department letter of even number dated 03-06-2016 on the subject noted above and to enclose herewith "Record Note" of the meeting held on 07-06-2016 under the chairmanship of Secretary Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, for information and necessary action, if any, please.

Yours faithfully,

Encls: AA

(Handwritten signature)
(Muhammad Adnan)
Section Officer- VI

Endst: Of Even & Date:-

Copy forwarded to the:-

1. PS to Secretary, SW, SE & WED, Khyber Pakhtunkhwa.

Section Officer- VI

17/77

**Directorate of
Social Welfare K.P.K.**
No: 18418
Date: 4-8-16

4

**RECORD NOTE OF THE MEETING REGARDING AWARD OF HIGHER PAY
SCALE TO THE SPECIAL EDUCATION TEACHERS**

In pursuance of the COC IN CASE OF MOHAMMAD MUSHTAQ AND OTHERS VS SECRETARY (SOCIAL WELFARE) IN WP NO.54-B/2012 IN PESHAWAR HIGH COURT BANNU BENCH and representation of Mr. Haider Nawaz, Senior Orai Master, Deaf School Bannu for award of (BS-17 Personal) from back date instead of with immediate effect, the meeting of the award of higher pay scale committee was held under the chairmanship of Secretary Social Welfare in his office on 07/06/2016 at 12:00 (Noon). The following attended the meeting:-

1.	Mr. Adeel Shah,	Additional Secretary, Social Welfare Department.
2.	Mr. Naeem Khan	Director, SW, SE & WE, Khyber Pakhtunkhwa.
3.	Miss Saira.	Deputy Legal Drafter, Law Department.
4.	Muhammad Adnan,	Section Officer-VI, Social Welfare Department.
5.	Muhammad Rauf,	Assistant Director (Estt), Directorate of Social Welfare, Khyber Pakhtunkhwa.

2. The representative of Finance and Establishment Department did not attend the meeting. However, the Director Social Welfare informed the forum that award of higher pay scale to the teachers of Hearing Impaired Schools was allowed with no back date benefits due to some apprehensions by the committee in terms of the notified policy of Finance Department. Consequently, out of seven teachers, one Mr. Haider Nawaz, SOM of Deaf School Bannu proceeded for COC against the department for allowing (BS-17 Personal) to him from back date.

3. The personal file of the teacher concerned was examined in detail and it was observed that Adequate Knowledge Certificate has been issued to him by the unauthorized officer which needs to be verified. Moreover no prior permission or leave was taken by Mr. Haider Nawaz for acquiring one year diploma in sign language from Islamabad through Skill Development Council, Lahore. The Committee also noticed that he has acquired B.Ed degree from Al-Khair University AIJK, therefore the status of the University along with degree needs to be authenticated and verified from Higher Education Commission. The Director Social Welfare was asked to constitute a committee for proper interviewing and assessment of the teachers before issuing the "Adequate Knowledge Certificate". Adequate Knowledge Certificate being part and parcel of the prescribed qualification for award of Higher pay Scale is an important instrument, therefore due care and process be adopted before issuance. Professional expert from each disability from the Special Education Institutions may be nominated from the members of the Committee.

The meeting ended with a vote of thanks.

Recommendations:-

- 1) Verification of degrees of all seven teachers from HEC.
- 2) Constitution of Interviewing & Assessment Committee for issuance of Adequate Knowledge Certificate.



091-9224253

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar

Dated Peshawar the 24/12/2016

ORDER

No. E-17/77/KC/DSW 787-96. With reference to Finance Department Notification No.FD(SR-I)1-95/84-III dated 24-07-1986 the Director Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa is pleased to constitute a committee comprising of the following members, to asses the expertise/Adequate knowledge of the Special Education Teachers/before the issuance of Adequate knowledge certificate being mandatory for Award of Higher Pay Scale.

- | | |
|--|----------|
| 1- Director SW,SE & WE KPK | Chairman |
| 2- Director Special Education Complex
Hayatabad Peshawar. | Member |
| 3- District Officer, Social Welfare, Peshawar | Member |
| 4- Muhammad Bashir, Manager MRPHC
Peshawar. | Member |
| 5- Mst: Tasleem Bibi, Senior Teacher | Member |
| 6- Mr. Habib ullah, Brail Teacher | Member |

Sd/---

Director

Social Welfare, Special Education and
Women Empowerment, Khyber Pakhtunkhwa

Copy forwarded to:

- 1- All above named members.
- 2- PS to Secretary, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.
- 3- PA to Director Social Welfare Khyber Pakhtunkhwa.
- 4- All District Officers, Social Welfare, in Khyber Pakhtunkhwa.

Muhammad Rauf
(MUHAMMAD RAUF)
Assistant Director (Estab)

o/c



091-9224253

Government of Khyber Pakhtunkhwa
 Directorate of Social Welfare, Special Education and
 Women Empowerment Jamrud Road Peshawar

No. E-17/77/DSW/Vol-13 19881-290
 Dated Peshawar the 14/12/2016

To

- 1-Haidar Nawaz,
 Junior Oral Master (BPS-16 Personal)
 Government School for Deaf Children Bannu.
- 2-Mst: Nadia Shafique,
 Senior Oral Mistress (BPS-16 Personal)
 Government School for Deaf Children Kohat.
- 3-Mst: Saima Roohi,
 Senior Oral Mistress (BPS-16 Personal)
 Government School for Deaf Children Kohat.
- 4-Mst: Shazia Wakil, Senior Oral Mistress (BPS-16 Personal)
 Government School for Deaf Children Kohat.
- 5-Mr. Tayyab Shah,
 Junior Oral Master (BPS-16 Personal)
 Government School for Deaf Children Dir Lower.
- 6-Mr. Sher Zamin Khan,
 Junior Oral Master (BPS-16 Personal)
 Government School for Deaf Children Dargai Malakand Agency.
- 7-Mst: Nagina Ali,
 Assistant Oral Mistress (BPS-16 Personal)
 Government School for Deaf Children Yakatoot Peshawar.
- 8-Mst: Humaira Taimoor,
 Junior Oral Mistress (BPS-09)
 Government School for Deaf Children Yakatoot Peshawar.
- 9-Mst: Farhat Bashir,
 Junior Oral Mistress (BPS-09)
 Government School for Deaf Children Yakatoot Peshawar.

Subject: **VERIFICATION OF DEGREES BY HEC FOR AWARD OF HIGHER PAY SCALE.**

I am directed to refer to the subject and to ask you to deposit the required amount for verification of HEC for your following degrees and submit the original deposit slips along with clear copies of the degrees/ diploma:

- 1- B.Ed.
- 2- M.A (SE) or ME.d in (SE)
- 3- Diploma or TD.

Further more you will be called to appear before the assessment committee for certification of your adequate knowledge in the relevant disability.


 (MUHAMMAD RAUF)
 (Assistant Director Estab)

Copy to PA to Director Social Welfare Peshawar.

(Assistant Director Estab)



091-9224253

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar.

No. E-17/77/DSW/Vol-13 889-90
Dated Peshawar the 03/11/2017

Annex D

500

To

The Manager,
Centre for Mentally Retarded & Physically Handicapped Children, Bannu,
Chitral, Haripur, Mansehra, Nowshera & Peshawar.

Subject: ASSESSMENT FOR ADEQUATE KNOWLEDGE CERTIFICATE & ADMISIBILITY
BEING PRE-PROCESS FOR AWARD OF HIGHER PAY SCALE.


The undersigned have the honor to refer various decisions and appeals of the Special Education Teachers for Award of Higher Pay Scale (Personal) on account of possessing Higher / Improved qualification in terms of Finance Department letter No.FD(SR-1)1-95/84-III dated 24th July 1986. During the scrutiny of the record and verification of documents it has been observed that the facility was availed in the past by the unjustified cadre holders in Special Education without their proper assessment by the Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa as the Finance Department had mentioned clearly that the adequate knowledge will be certified by the Director, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.

In view of the above a six (06) members committee of the disability experts has been constituted to examine all the applications, suitability for Higher Pay Scale and assess the applicants in person for issuance of Adequate Knowledge Certificate. Thus all the Teachers (Provincial Special Education) are advised to furnish their preliminary information on the enclosed format (07 copies each) to the undersigned so that the date for Interview is fixed accordingly. It may be noted that employees of Social Welfare & Devolved Institutes of the Federal Government are not entitled to avail this facility.

Encl: As above


(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.


o/c Assistant Director (Estab)



091-9224253

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar.

REGISTERED MAIL

Annex E

50

No. E-17/77/DSW/Vol-13 887-88
Dated Peshawar the 03/1/2017

To

The Superintendent,
Government Institute for the Blind Abbottabad, DI Khan, Mardan, Peshawar
(Male & Female), Swabi & Swat.

Subject: ASSESSMENT FOR ADEQUATE KNOWLEDGE CERTIFICATE & ADMISIBILITY
BEING PRE-PROCESS FOR AWARD OF HIGHER PAY SCALE.

The undersigned have the honor to refer various decisions and appeals of the Special Education Teachers for Award of Higher Pay Scale (Personal) on account of possessing Higher / Improved qualification in terms of Finance Department letter No.FD(SR-I)1-95/84-III dated 24th July 1986. During the scrutiny of the record and verification of documents it has been observed that the facility was availed in the past by the unjustified cadre holders in Special Education without their proper assessment by the Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa as the Finance Department had mentioned clearly that the adequate knowledge will be certified by the Director, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.

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Encl: As above

MA
(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.

MA
o/c Assistant Director (Estab)



091-9224253

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar.

No. E-17/77/DSW/Vol-13 885-86
Dated Peshawar the 3/11/2017

Arnek ^u ₅₀₇

To

The Principal,
Government School for Deaf Children, Abbottabad, Bannu, DI Khan,
Dir Lower, Haripur, Kohat, Malakand, Mansehra, Mardan & (Gulbahar &
Yakatoot) Peshawar.

Subject: ASSESSMENT FOR ADEQUATE KNOWLEDGE CERTIFICATE & ADMISIBILITY
BEING PRE-PROCESS FOR AWARD OF HIGHER PAY SCALE.

The undersigned have the honor to refer various decisions and appeals of the Special Education Teachers for Award of Higher Pay Scale (Personal) on account of possessing Higher / Improved qualification in terms of Finance Department letter No.FD(SR-I)1-95/84-III dated 24th July 1986. During the scrutiny of the record and verification of documents it has been observed that the facility was availed in the past by the unjustified cadre holders in Special Education without their proper assessment by the Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa as the Finance Department had mentioned clearly that the adequate knowledge will be certified by the Director, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.

In view of the above a six (06) members committee of the disability experts has been constituted to examine all the applications, suitability for Higher Pay Scale and assess the applicants in person for issuance of Adequate Knowledge Certificate. Thus all the Teachers (Provincial Special Education) are advised to furnish their preliminary information on the enclosed format (07 copies each) to the undersigned so that the date for Interview is fixed accordingly. It may be noted that employees of Social Welfare & Devolved Institutes of the Federal Government are not entitled to avail this facility.

Encl: As above

MA
03/11/2017

(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.

MA
o/c Assistant Director (Estab)

PROFORMA FOR AWARD OF HIGHER PAY SCALE
(For Provincial Special Education Teachers only)

Annex G
(7 copies will be required)

Name of Special Education Teacher:

Father Name:

Date of Birth:

Date of Appointment (Initial):

Designation / Post held with BPS:

Qualification on the date of recruitment:

Tick (v) your specialized field.

<input type="checkbox"/> Visual Impairment	<input type="checkbox"/> Hearing Impairment	<input type="checkbox"/> Mentally Retarded & Physically Handicapped
--	---	---

Job Description

1.	
2.	
3.	
4.	
5.	

Detail of In Service Teacher Trainings

S.No.	Particular of Course	Organized by	From	To	Period/Duration
-------	----------------------	--------------	------	----	-----------------

Award of Higher Pay Scales

1- Award of Higher Pay Scale BPS-11	Date	Order No.
2- Award of Higher Pay Scale BPS-14	Date	Order No.
3- Award of Higher Pay Scale BPS-16	Date	Order No.
4- Award of Higher Pay Scale BPS-17	Date	Order No.

Present Post & BPS:-

Do you possess any specialty in the relevant field?

Do you possess post graduate diploma of Teacher in Deaf

Do you possess Master in Special Education

Award of Higher Pay Scale BPS-11 BPS-14 BPS-16 is required on the basis of qualification _____

(Tick the appropriate BPS)

Signature
of Special Education Teacher

Principal/Head of the
Spl ;Edu; Institution

Anneu 'A' 46



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND
WOMEN EMPOWERMENT DEPARTMENT**

No. SO-VI (SWD)/2-2/2016/kc /19011.
Dated Peshawar the 28 July 2016

To,

1. **The Secretary to Govt. of Khyber Pakhtunkhwa,**
 - a) Establishment Department.
 - b) Finance Department.
 - c) Law, Parliamentary Affairs and Human Rights Department.

2. **The Director,**
SW, SE & WE, Khyber Pakhtunkhwa.

(Handwritten signature and initials)

Subject: **RECORD NOTE OF THE MEETING REGARDING AWARD OF HIGHER
PAY SCALE TO THE SPECIAL EDUCATION TEACHERS**

Dear Sir/Madam,

I am directed to refer to this department letter of even number dated 03-06-2016 on the subject noted above and to enclose herewith "Record Note" of the meeting held on 07-06-2016 under the chairmanship of Secretary Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, for information and necessary action, if any, please.

Yours faithfully,

(Handwritten signature)
(Muhammad Adnan)
Section Officer- VI

Encls: AA

Endst: Of Even & Date:-

Copy forwarded to the:-

1. PS to Secretary, SW, SE & WED, Khyber Pakhtunkhwa.

Section Officer- VI

17177

**Directorate of
Social Welfare K.P.K.**
No: 18418
Date: 4-8-16

4

**RECORD NOTE OF THE MEETING REGARDING AWARD OF HIGHER PAY
SCALE TO THE SPECIAL EDUCATION TEACHERS**

In pursuance of the COC IN CASE OF MOHAMMAD MUSHTAQ AND OTHERS VS SECRETARY (SOCIAL WELFARE) IN WP NO.54-B/2012 IN PESHAWAR HIGH COURT BANNU BENCH and representation of Mr. Haider Nawaz, Senior Orai Master, Deaf School Bannu for award of (BS-17 Personal) from back date instead of with immediate effect, the meeting of the award of higher pay scale committee was held under the chairmanship of Secretary Social Welfare in his office on 07/06/2016 at 12:00 (Noon). The following attended the meeting:-

1.	Mr. Adeel Shah,	Additional Secretary, Social Welfare Department.
2.	Mr. Naeem Khan	Director, SW. SE & WE, Khyber Pakhtunkhwa.
3.	Miss Saira.	Deputy Legal Drafter, Law Department.
4.	Muhammad Adnan,	Section Officer-VI, Social Welfare Department.
5.	Muhammad Rauf,	Assistant Director (Estt), Directorate of Social Welfare, Khyber Pakhtunkhwa.

2. The representative of Finance and Establishment Department did not attend the meeting. However, the Director Social Welfare informed the forum that award of higher pay scale to the teachers of Hearing Impaired Schools was allowed with no back date benefits due to some apprehensions by the committee in terms of the notified policy of Finance Department. Consequently, out of seven teachers, one Mr. Haider Nawaz, SOM of Deaf School Bannu proceeded for COC against the department for allowing (BS-17 Personal) to him from back date.

3. The personal file of the teacher concerned was examined in detail and it was observed that Adequate Knowledge Certificate has been issued to him by the unauthorized officer which needs to be verified. Moreover no prior permission or leave was taken by Mr. Haider Nawaz for acquiring one year diploma in sign language from Islamabad through Skill Development Council, Lahore. The Committee also noticed that he has acquired B.Ed degree from Al-Khair University AJK, therefore the status of the University along with degree needs to be authenticated and verified from Higher Education Commission. The Director Social Welfare was asked to constitute a committee for proper interviewing and assessment of the teachers before issuing the "Adequate Knowledge Certificate". Adequate Knowledge Certificate being part and parcel of the prescribed qualification for award of Higher pay Scale is an important instrument, therefore due care and process be adopted before issuance. Professional expert from each disability from the Special Education Institutions may be nominated from the members of the Committee.

The meeting ended with a vote of thanks.

Recommendations:-

- 1) Verification of degrees of all seven teachers from HEC.
- 2) Constitution of Interviewing & Assessment Committee for issuance of Adequate Knowledge Certificate.



091-9224253

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar

Dated Peshawar the 24/10/2016

Annex "B"

ORDER

No. E-17/77/KC/DSW 737-96. With reference to Finance Department Notification No.FD(SR-I)1-95/84-III dated 24-07-1986 the Director Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa is pleased to constitute a committee comprising of the following members, to asses the expertise/Adequate knowledge of the Special Education Teachers/before the issuance of Adequate knowledge certificate being mandatory for Award of Higher Pay Scale.

- | | |
|---|----------|
| 1- Director SW,SE & WE KPK | Chairman |
| 2- Director Special Education Complex Hayatabad Peshawar. | Member |
| 3- District Officer, Social Welfare, Peshawar | Member |
| 4- Muhammad Bashir, Manager MRPHC Peshawar. | Member |
| 5- Mst: Tasleem Bibi, Senior Teacher | Member |
| 6- Mr. Habib ullah, Brail Teacher | Member |

Sd/---

Director

Social Welfare, Special Education and
Women Empowerment, Khyber Pakhtunkhwa

Copy forwarded to:

- 1- All above named members.
- 2- PS to Secretary, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.
- 3- PA to Director Social Welfare Khyber Pakhtunkhwa.
- 4- All District Officers, Social Welfare, in Khyber Pakhtunkhwa.

Muhammad Rauf
27/10/2016
(MUHAMMAD RAUF)
Assistant Director (Estab)

o/l



091-9224253

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar

No. E-17/77/DSW/Vol-13 19 881-240
Dated Peshawar the 14/12/2016

To

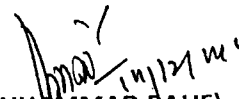
- 1-Haidar Nawaz,
Junior Oral Master (BPS-16 Personal)
Government School for Deaf Children Bannu.
- 2-Mst: Nadia Shafique,
Senior Oral Mistress (BPS-16 Personal)
Government School for Deaf Children Kohat.
- 3-Mst: Saima Roohi,
Senior Oral Mistress (BPS-16 Personal)
Government School for Deaf Children Kohat.
- 4-Mst: Shazia Wakil, Senior Oral Mistress (BPS-16 Personal)
Government School for Deaf Children Kohat.
- 5-Mr. Tayyab Shah,
Junior Oral Master (BPS-16 Personal)
Government School for Deaf Children Dir Lower.
- 6-Mr. Sher Zamin Khan,
Junior Oral Master (BPS-16 Personal)
Government School for Deaf Children Dargai Malakand Agency.
- 7-Mst: Nagina Ali,
Assistant Oral Mistress (BPS-16 Personal)
Government School for Deaf Children Yakatoot Peshawar.
- 8-Mst: Humaira Taimoor,
Junior Oral Mistress (BPS-09)
Government School for Deaf Children Yakatoot Peshawar.
- 9-Mst: Farhat Bashir,
Junior Oral Mistress (BPS-09)
Government School for Deaf Children Yakatoot Peshawar.

Subject: VERIFICATION OF DEGREES BY HEC FOR AWARD OF HIGHER PAY SCALE.

I am directed to refer to the subject and to ask you to deposit the required amount for verification of HEC for your following degrees and submit the original deposit slips along with clear copies of the degrees/ diploma:

- 1- B.Ed.
- 2- M.A (SE) or ME.d in (SE)
- 3- Diploma or TD.

Further more you will be called to appear before the assessment committee for certification of your adequate knowledge in the relevant disability.


(MUHAMMAD RAUF)
(Assistant Director Estab)

Copy to PA to Director Social Welfare Peshawar.

(Assistant Director Estab)

Annex 2^u 470



091-9224253

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar.

REGISTERED MAIL

Amir

500

No. E-17/77/DSW/Vol-13 889-90
Dated Peshawar the 3/1/2017

To

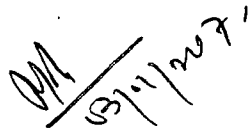
The Manager,
Centre for Mentally Retarded & Physically Handicapped Children, Bannu,
Chitral, Haripur, Mansehra, Nowshera & Peshawar.

Subject: ASSESSMENT FOR ADEQUATE KNOWLEDGE CERTIFICATE & ADMISIBILITY
BEING PRE-PROCESS FOR AWARD OF HIGHER PAY SCALE.

The undersigned have the honor to refer various decisions and appeals of the Special Education Teachers for Award of Higher Pay Scale (Personal) on account of possessing Higher / Improved qualification in terms of Finance Department letter No.FD(SR-I)1-95/84-III dated 24th July 1986. During the scrutiny of the record and verification of documents it has been observed that the facility was availed in the past by the unjustified cadre holders in Special Education without their proper assessment by the Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa as the Finance Department had mentioned clearly that the adequate knowledge will be certified by the Director, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.

In view of the above a six (06) members committee of the disability experts has been constituted to examine all the applications, suitability for Higher Pay Scale and assess the applicants in person for issuance of Adequate Knowledge Certificate. Thus all the Teachers (Provincial Special Education) are advised to furnish their preliminary information on the enclosed format (07 copies each) to the undersigned so that the date for Interview is fixed accordingly. It may be noted that employees of Social Welfare & Devolved Institutes of the Federal Government are not entitled to avail this facility.

Encl: As above


(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.


o/c Assistant Director (Estab)



091-9224253

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar.

REGISTERED MAIL

Amher 15/1/17

Sc

No. E-17/77/DSW/Vol-13 887-88
Dated Peshawar the 03/1/2017

To

The Superintendent,
Government Institute for the Blind Abbottabad, DI Khan, Mardan, Peshawar
(Male & Female), Swabi & Swat.

Subject: ASSESSMENT FOR ADEQUATE KNOWLEDGE CERTIFICATE & ADMISIBILITY
BEING PRE-PROCESS FOR AWARD OF HIGHER PAY SCALE.

The undersigned have the honor to refer various decisions and appeals of the Special Education Teachers for Award of Higher Pay Scale (Personal) on account of possessing Higher / Improved qualification in terms of Finance Department letter No.FD(SR-I)1-95/84-III dated 24th July 1986. During the scrutiny of the record and verification of documents it has been observed that the facility was availed in the past by the unjustified cadre holders in Special Education without their proper assessment by the Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa as the Finance Department had mentioned clearly that the adequate knowledge will be certified by the Director, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.

In view of the above a six (06) members committee of the disability experts has been constituted to examine all the applications, suitability for Higher Pay Scale and assess the applicants in person for issuance of Adequate Knowledge Certificate. Thus all the Teachers (Provincial Special Education) are advised to furnish their preliminary information on the enclosed format (07 copies each) to the undersigned so that the date for Interview is fixed accordingly. It may be noted that employees of Social Welfare & Devolved Institutes of the Federal Government are not entitled to avail this facility.

Encl: As above

MAR
(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.

MAR
o/c Assistant Director (Estab)



091-9224253

Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar.

REGISTERED MAIL

Amru "F" 54

No. E-17/77/DSW/Vol-13

885-86

Dated Peshawar the 3/1/2017

To

The Principal,
Government School for Deaf Children, Abbottabad, Bannu, DI Khan,
Dir Lower, Haripur, Kohat, Malakand, Mansehra, Mardan & (Gulbahar &
Yakatoot) Peshawar.

Subject: ASSESSMENT FOR ADEQUATE KNOWLEDGE CERTIFICATE & ADMISIBILITY
BEING PRE-PROCESS FOR AWARD OF HIGHER PAY SCALE.

The undersigned have the honor to refer various decisions and appeals of the Special Education Teachers for Award of Higher Pay Scale (Personal) on account of possessing Higher / Improved qualification in terms of Finance Department letter No.FD(SR-I)1-95/84-III dated 24th July 1986. During the scrutiny of the record and verification of documents it has been observed that the facility was availed in the past by the unjustified cadre holders in Special Education without their proper assessment by the Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa as the Finance Department had mentioned clearly that the adequate knowledge will be certified by the Director, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.

In view of the above a six (06) members committee of the disability experts has been constituted to examine all the applications, suitability for Higher Pay Scale and assess the applicants in person for issuance of Adequate Knowledge Certificate. Thus all the Teachers (Provincial Special Education) are advised to furnish their preliminary information on the enclosed format (07 copies each) to the undersigned so that the date for Interview is fixed accordingly. It may be noted that employees of Social Welfare & Devolved Institutes of the Federal Government are not entitled to avail this facility.

Encl: As above

MA
09/1/17
(MÜHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.

MA
o/c Assistant Director (Estab)

Anne G

PROFORMA FOR AWARD OF HIGHER PAY SCALE
(For Provincial Special Education Teachers only)

(7 copies will be required)

Name of Special Education Teacher

Father Name:

Date of Birth:

Date of Appointment (Initial):

Designation / Post held with BPS:

Qualification on the date of recruitment:

Tick (v) your specialized field.

Visual Impairment	Hearing Impairment	Mentally Retarded & Physically Handicapped
-------------------	--------------------	--

Job Description

1.	
2.	
3.	
4.	
5.	

Detail of In Service Teacher Trainings

S.No.	Particular of Course	Organized by	From	To	Period/Duration
-------	----------------------	--------------	------	----	-----------------

Award of Higher Pay Scales

1- Award of Higher Pay Scale BPS-11	Date	Order No.
2- Award of Higher Pay Scale BPS-14	Date	Order No.
3- Award of Higher Pay Scale BPS-16	Date	Order No.
4- Award of Higher Pay Scale BPS-17	Date	Order No.

Present Post & BPS:-

Do you possess any specialty in the relevant field?
 Do you possess post graduate diploma of Teacher in Deaf
 Do you possess Master in Special Education
 Award of Higher Pay Scale BPS-11 BPS-14 BPS-16 is required on the basis of qualification _____
 (Tick the appropriate BPS)

Signature
of Special Education Teacher

Principal/Head of the
Spl ;Edu; Institution

BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 15/2017 in Service Appeal No. 1109/2012

Robina Shaheen as Junior Special Education Teacher (B-16) Government Institute for Blind
(Girls) Peshawar **Petitioner**

VERSUS

1. The Provincial Government through chief Secretary, Government of KPK, Peshawar.
2. Secretary Social Welfare, Special Education & Women Empowerment Department
Government of KPK Peshawar.
3. Director Social Welfare, Special Education and Women Empowerment, Khyber
Pakhtunkhwa Peshawar near Islamia College Jamrud Road Peshawar.
4. District Officer, Social Welfare, Special Education and Women Empowerment,
Peshawar.
5. Secretary Finance Department, Government of KPK Peshawar.

Respondents.

PRELIMINARY OBJECTIONS:

1. The petitioner has got no cause of action
2. The petitioner is not maintainable in its present form.
3. The petitioner is based on malafide intentions.
4. The petitioner has no locus standi.
5. The petitioner in hand is badly time barred.
6. The petitioner has not come to Honorable Tribunal with clean hands.
7. The petitioner has concealed the material facts from this Honorable
Tribunal, hence liable to be dismissed.
8. The application is against the prevailing law & rules.

PARA-WISE COMMENTS BY RESPONDENT NO. 1 TO 5.

Respectfully Sheweth,

1. Pertains to court judgment hence no comments.
2. Pertains to court judgment hence no comments.
3. Pertains to court judgment hence no comments.
4. Pertains to court judgment hence no comments.
5. Incorrect hence denied. To implement the judgment of the honorable Service Tribunal
dated 20-10-2016 in Service No. 744/2013 titled Tayyab Shah, Junior Oral Master

(BPS-09) and connected service appeals including the instant appeal, the respondents took several measures to examine these cases in detail. Prior to the judgment of Honorable Service Tribunal and keeping in view other similar nature court cases/ departmental appeals a meeting regarding Award of Higher Pay Scale to the Special Education Teachers was conducted on 28th July 2016. According to the record note of the said meeting (**Annexure A**), para 3 line 7, *“The Director Social Welfare was asked to constitute a committee for proper interviewing and assessment of the teachers before issuing the “Adequate Knowledge Certificate”. Adequate Knowledge Certificate being part and parcel of the prescribed qualification for award of Higher Pay Scale is an important instrument, therefore due care and process be adopted before issuance. Professional expert from each disability from the Special Education Institution may be nominated from the members of the committee”*. Consequently, 6 members committee vide order No. E-17/77/KC/DSW/788-96 dated 24-10-2016 (**Annex-B**) was constituted to assess the expertise/ Adequate knowledge of the Special Education Teachers before the issuance of Adequate Knowledge Certificate being mandatory for Award of Higher Pay Scale. In this connection letter No. E-17/77/DSW/Vol-13/19881-90 dated 14-12-2016 (**Annexure-C**) was dispatched to 09 applicants working as teachers in Special Education and ask them to deposit the required amount for verification of HEC for degrees and to appear before the assessment committee for certification of adequate knowledge in the relevant disability. Furthermore, separate letters vide letter No. E-17/77/DSW/Vol-13/889-90, letter No. E-17/77/DSW/Vol-13/887-88 and letter No. E-17/77/DSW/Vol-13/885-86 (**Annexure-D, E & F**) were dispatched to all the Managers, Superintendents & Principals of the concern centers/ institutes to furnish preliminary information on the enclosed format (**Annexure-G**) to the competent authority, so that the date for interview is fixed accordingly. In response to the above mention letter till dated 17-03-2017 only 6 teachers of various centers have provided their information on the prescribed format, whereas the reply of the appellant is still awaited.

6. Incorrect hence denied. As evident from para 5 above, the act of the respondents are according to the law and natural justice and the respondents has implemented the judgment of Honorable Service Tribunal in letter and spirit.
7. The applicant has got no cause of action to file instant petition. Detail reply has been given in para 5 above.

In view of the above clarifications/explanations, it is therefore humbly prayed that the instant application may be graciously be dismissed having no weight and being based on malafide intention as the petitioner has concealed the facts of the case.

CHIEF SECRETARY
Government of Khyber Pakhtunkhwa
(Respondent No. 1)

SECRETARY
Social Welfare, Special Education and
Women Empowerment Department
Government of Khyber Pakhtunkhwa
(Respondent No. 2)

SECRETARY
Finance Department
Government of Khyber Pakhtunkhwa
(Respondent No. 5)

DIRECTOR
Social Welfare, Special Education and
Women Empowerment Peshawar
(Respondent No. 3)

DISTRICT OFFICER
Social Welfare, Special Education and
Women Empowerment Peshawar
(Respondent No. 4)



P07268506

حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

وفات سرٹیفکیٹ

DEATH CERTIFICATE

CRMS No: D173013-18-0049

FORM No: p007268506

NATURE OF DEATH : NORMAL

درخواست دہندہ کا نام: محمد قیوم خان

درخواست دہندہ کا شناختی کارڈ نمبر: 1730122433051

مستوفی کا رشتہ: بیوی

پتہ: مکان نمبر 33، گلہار روڈ، محلہ حسین آباد، شہر پشاور، تحصیل پشاور، ضلع پشاور

مستوفی کا نام	شوہر کا نام	تاریخ پیدائش	جنس	مذہب	جائے وفات	تاریخ دفن	وجہ موت	مدت علالت
مستوفی کا نام	شوہر کا نام	تاریخ پیدائش	جنس	مذہب	جائے وفات	تاریخ دفن	وجہ موت	مدت علالت
محمد قیوم خان	محمد قیوم خان	1-1-1976	عورت	اسلام	پشاور	8-2-2018	طبعی	9-2-2018

1730122433051 1730193100198

APPLICANT NAME: MOHAMMAD QAYUM KHAN

APPLICANT CNIC: 1730122433051 RELATION WITH DECEASED: Wife

ADDRESS: HOUSE #: 33, GULBAHAR ROAD, HUSSAIN ABAD,

CITY: PESHAWAR, TEHSIL: PESHAWAR, DISTRICT: PESHAWAR

DECEASED NAME/ CNIC	HUSBAND NAME/ CNIC	DATE OF BIRTH	SEX	RELIGION	PLACE/DATE OF DEATH	DATE OF BURIAL	REASON OF DEATH	SICKNESS PERIOD
ROBINA SHAHEEN 1730193100198	MOHAMMAD QAYUM KHAN 1730122433051	1-1-1976	FE- MALE	ISLAM	PESHAWAR 8-2-2018	9-2-2018	NATURAL	

BLOOD RELATION PERSON CAUSING DISPOSAL OF BODY

NAME: ZIA UL ISLAM

CNIC: 1730150671063

GRAVEYARD NAME: ABBOTTABAD

ENTRY DATE: 16-2-2018

ISSUE DATE: 16-2-2018

ADDITIONAL INFORMATION:

تدفین کنندہ

نام: ضیاء الاسلام

شناختی کارڈ نمبر: 1730150671063

قبرستان کا نام: ایبٹ آباد

تاریخ اندراج: 16-2-2018

تاریخ اجراء: 16-2-2018

اضافی معلومات:

Secretary Union Council
Junaid Abad

13/02/2018

16/02/2018

حضرت صاحب ڈاکٹر صاحب صاحب سوشل ویلفیئر سوشل ایجوکیشن ایڈووکیٹ وومن ایسوسی ایشن، ریسٹ ہاؤس

درخواست برائے عطا کیلئے مراعات آف Higher Pay Scale

حضرت عالی! مسئلہ حسب ذیل عرض و مسائل ہے۔

میرے مسئلہ کی والدہ ستہ رحیمہ شاہین اور صاحبان کے اہل سالیہ بلبر جوینر سوشل ایجوکیشن ٹیچر (BS-16) تعینات تھی اور خود فنانس ایڈووکیٹ فار پبلک ایڈ (گورنر) جیسے میں خدمات سرانجام دے رہی تھی۔

میرے مسئلہ کی والدہ نے اپنی ضمانت زندگی میں معاشرے کی سہولتیں حاصل کیں۔ اس پر 11/09/12 ضروری دستخطوں اور سرکاری سرٹیفکیٹ کے ساتھ درخواست کی گئی۔ 20/10/2018 کو مسئلہ کی والدہ کے حق میں فیصلہ ہو گیا تھا۔ چونکہ حکم نفاذ سرکاری سرٹیفکیٹ کے ساتھ کافیصلہ implement نہیں کر رہا تھا۔

میرے مسئلہ کی والدہ (جو) نے سرکاری سرٹیفکیٹ کے ساتھ Execution Petition دائر کی اور دوران Execution Petition کے دوران وفات ہو گئی۔

میرے والدہ (جو) کے قانونی وفادار ہیں، چاہے وہ بھی ہیں۔ چونکہ ضمانت ہیں، اور والدہ (جو) کے وفات کے وقت کے وفادار ہیں۔

لہذا استدعا ہے کہ مسئلہ اور مسائل کے بین ججوں کو والدہ (جو) کے تمام تقاضاؤں اور مراعات کے حق کو دیکھا جائے اور اس کے Proceedings کیے جائیں۔

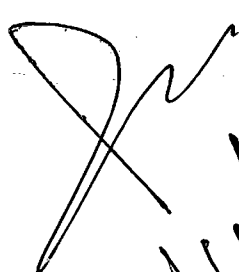
امدادیہ (پروم) کا حق آن کے قانونی مدعا کو جان کر ان کے
اصحاب سے مدد فرمائیں تاکہ ان کے حقوق بحال رہیں۔

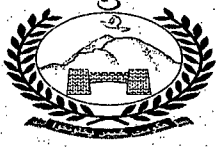
30/10/2019
الرحمن

الحجرت مسکن

شمس الاسلامیہ ولادہ و نسب
سائنس ڈیپارٹمنٹ، نیشنل انسٹیٹیوٹ آف سائنسز
شہر آباد، لاہور

Received
Dolat Khan
DSW


Wali



Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education
& Women Empowerment Jamrud Road,

No.E-16/271/DSW/ 3166-67
Dated Peshawar the 12/01/2020

To

✓ Mr. Shams ul Islam
Govt: Blind School House No.04 Nishtarabad
Peshawar.

Subject: **REQUEST FOR HIGHER PAY SCALE.**

I am directed to the subject noted above and to state that Mst. Robina Shaheen Ex-Basketry Supervisor (BPS-16) died on 08-02-2018, however, prior to her death she appeared on 20-11-2017 before the Assessment Committee for the grant of Higher Pay Scale and did not qualify as per minutes of the meeting of the said Committee which is mandatory for the award of Higher Pay Scale (Copy of the minutes is enclosed).

As per factual position mentioned above your request for implementation of Service Tribunal judgment merits no consideration at this stage please.


ASSISTANT DIRECTOR
Establishment-II

Copy for information to:

1. PA to Director Social Welfare, SE & WE Khyber Pakhtunkhwa.


ASSISTANT DIRECTOR
Establishment-II

1/02/2021

MEETING MINUTES OF ASSESSMENT COMMITTEE HELD ON 10-10-2017 FOR CERTIFICATION OF ADEQUATE KNOWLEDGE OF SPECIAL EDUCATION TEACHERS FOR AWARD OF HIGHER PAY SCALE.

In order to implement the judgment of the Khyber Pakhtunkhwa Service Tribunal in appeal No.745/2013, No.986/2013 & appeal No.1109/2012 dated 20-10-2016 and connected cases, a meeting of the Assessment Committee was held on 10-10-2017 for certification of Adequate Knowledge of the following Teachers:

- 1- Mr. Zulfiqar Ali, PTI BPS-10 Government Institute for the Blind Swabi.
- 2- Mr. Fazla Ilahi Munj Supervisor BPS-16 Government Institute for the Blind Swat.
- 3- Mst: Rubina Shaheen Supervisor BPS-9 Government Institute for the Blind (G) Peshawar.

The above mentioned Teachers of Special Education had requested Award of Higher Pay Scale (personal) on account of acquiring Higher Education in terms of Finance Department letter No.FD(SR-I)1-95/84-III dated 24th July 1986.

The following attended the meeting:-

- | | |
|---|----------|
| 1- Director Social Welfare SE & WE Peshawar | Chairman |
| 2- Director Special Education Complex Hayat Abad Peshawar | Member |
| 3- District Officer, Social Welfare Peshawar | Member |
| 4- Mst:Tasleem Bibi Senior Teacher | Member |
| 5- Mr. Habib Ullah Braille Teacher | Member |

The chair informed the members that the subject meeting is convened in pursuance of the Khyber Pakhtunkhwa Service Tribunal judgment dated 20-10-2016 where in Para-2 (reproduced below) it is stated. "direction to examine the case of the appellant to ascertain as to whether he was similarly placed official and if found so, to extend similar relief to the appellant as prayed for, as already to similarly placed officials."

In order to make above named officials at par with other similarly placed officials, provision of Adequate Knowledge Certificate is required. Non compliance of the above officials for appearance to the committee notified vide order No.E-17/77/KC/DSW/788-96 dated 24-10-2016 time and again is a great impediment in the implementation of the decision of the Khyber Pakhtunkhwa Service Tribunal.

The committee observed that until and unless they appear before the committee they cannot be justified for Award of Higher Pay Scale nor they can be brought at par with other similarly placed officials:

Another opportunity will be provided to them to implement the decision of the Honorable Service Tribunal.

H. Ullah

(Mr. Habib Ullah)
Braille Teacher SEC, Hayatabad Peshawar
Member

Javed Yousaf Ali
(Javed Yousaf Ali)
Director Special Education Complex
Hayatabad Peshawar
Member

Muhammad Younis Afridi
(Muhammad Younis Afridi)
District Officer Social Welfare Peshawar
Member

Tasleem Bibi
(Tasleem Bibi),
Senior Teacher SEC, Peshawar
Member

M. Habib Ullah
Director Social Welfare SE & WE Khyber
Pakhtunkhwa
(Chairman)

MEETING MINUTES OF ASSESSMENT COMMITTEE HELD ON 20-11-2017 FOR CERTIFICATION OF ADEQUATE KNOWLEDGE OF SPECIAL EDUCATION TEACHERS FOR AWARD OF HIGHER PAY SCALE.

In order to implement the judgment of the Khyber Pakhtunkhwa Service Tribunal in appeal No.745/2013, No.986/2013 & appeal No.1109/2012 dated 20-10-2016 and connected cases, where in Para-2 (reproduced below) it is stated. "direction to examine the case of the appellant to ascertain as to whether he was similarly placed official and if found so, to extend similar relief to the appellant as prayed for, as already to similarly placed officials." And judgment of Honorable Peshawar High Court DI Khan Bench dated 04-04-2017 where in Para-6 (reproduced below) it is stated. "In the light of above, this petition is disposed of with the directions to the respondents to comply with the judgment rendered by this court on 23-05-2013 within a period of 30 days and treat the petitioner at par with other PTIs as referred in the preceding para.", a meeting of the Assessment Committee was held on 20-11-2017 for certification of Adequate Knowledge of the following Teachers:

- 1- Mr. Muhammad Tahir PTI, Government Institute for the Blind DI Khan.
- 2- Mr. Muhammad Safdar Abbas Qureshi, (Junior Special Education Teacher) Principal, Government School for Deaf Children DI Khan.
- 3- Mr. Nawaz Gul Assistant Physiotherapist, Centre for Mentally Retarded & Physically Handicapped Children Bannu.
- 4- Mr. Fazal Ilahi Junior Special Education Teacher, Government Institute for the Blind Swat.
- 5- Mr. Zulfiqar Ali PTI, Government Institute for the Blind Swabi.
- 6- Mst: Rubina Shaheen, Supervisor, Government Institute for the Blind Girls Peshawar.
- 7- Mr. Muhammad Ayaz, Senior Special Education Teacher, Government Institute for the Blind Abbottabad.
- 8- Mr. Muhammad Shakeel Cane Supervisor, Government Institute for the Blind Abbottabad.
- 9- Mr. Niamat Ullah, Religious Teacher, Centre for Mentally Retarded & Physically Handicapped Children Bannu.
- 10- Mr. Haider Nawaz, Junior Oral Master, Centre for Mentally Retarded & Physically Handicapped Children Bannu.
- 11- Mst: Nargis Bibi & Rabia Gul, Vocational Teachers, District Office, Social Welfare Kohat.

The above mentioned Teachers of Special Education had either requested Award of Higher Pay Scale (personal) on account of acquiring Higher Education or had requested getting benefits of already awarded higher pay scale from a back date in terms of Finance Department letter No.FD(SR-I)1-95/84-III dated 24th July 1986.

The following attended the meeting:-

- 1- Director Social Welfare SE & WE Peshawar
- 2- Director Special Education Complex Hayat Abad Peshawar
- 3- District Officer, Social Welfare Peshawar
- 4- Mst:Tasleem Bibi Senior Teacher
- 5- Mr. Habib Ullah Braille Teacher

Chairman

Member

Member

Member

Member

In order to make above named officials at par with other similarly placed officials, provision of Adequate Knowledge Certificate is required. For the purpose the committee in its present meeting assessed the capabilities of those above mentioned teachers who appeared before it and made the below stated recommendations on the basis of following result of the said meeting:

S/S

S.No	Name & Designation of the applicant	Member (Habib Ullah)	Member Director Special Education Complex	Member District Officer, Social Welfare Peshawar	Member Tasleem Bibi	Chairman Director, Social Welfare, SE & WE	Total	Remarks
1	Zulfiqar Ali, PTI	(10) 5	(10) 4	(10) 4	(10) 5	(10) 2	(50) 20/50	Not Qualified
2	Mr. Muhammad Safdar Abbas Qureshi J.S.E.T	A	A	A	A	A	A	A
3	Mr. Nawaz Gul Physiotherapist	3	4	4	3	3	17/50	Not Qualified
4	Mr. Fazal Ilahi J.S.E.T	5	5	4	4	3	21/50	Not Qualified
5	Mst: Rubina Shaheen J.S.E.T	5	5	3	3	2/10	18/50	Not Qualified
6	Mr. Muhammad Ayaz S.S.E.T	6	4	4	2	2/10	19/50	Not Qualified
7	Muhammad Tahir PTI	5	5	5	5	5	25/50	Qualified
8	Mr. Muhammad Shakeel Cane Supervisor	5	6	5	5	5	26/50	Qualified
9	Mr. Niamat Ullah Religious Teacher	6	6	6	6	5	29/50	Qualified
10	Mr. Haider Nawaz Junior Oral Master	2	6	4	3	2	17/50	Not Qualified
11	Mst: Nargis Bibi Vocational Teacher	A	A	A	A	A	A	A
12	Rabia Gul Vocational Teacher	A	A	A	A	A	A	A

RECOMMENDATIONS:

- Based on the above result the committee unanimously certified the teachers at S.No.7, 8 & 9 of having the Adequate Knowledge and the judgment of the court / tribunal will be implemented in their respect.
- The absent teachers and those who are remarked as NOT QUALIFIED will be given another chance for their certification of Adequate Knowledge in due course of time.
- The incumbent at S.No.3 above is a physiotherapist and not a teacher and as per AHPS policy It is admissible to Special Education Teachers only, therefore he may not be called for further assessment.
- The teachers at S.No.2, 11 & 12 can neither be justified for their claim regarding award of higher pay scale unless and until they appear before the committee, nor they can be treated at par with other similarly placed officials.
- The committee observed that the following teachers are enjoying Award of Higher Pay Scale from the dates mentioned against their names and they failed to qualify the assessment of the committee.

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S.NO	Name & Original Designation of Teacher	AHPS	From Date	Applied for	Recommendations
1	Mr. Fazal Elahi Munj Supervisor At S.No.4 above	B-16	30-4-2008	B-17 w.e.f 13-10-2012	Without proper Certificate of Adequate knowledge, they are enjoying Awarded Higher Pay Scale personally from the dates mentioned against their names; it should be recovered and made be effective from the dates they are certified by the assessment committee.
2	Mst: Rubina Shaheen Cane Supervisor At S.No.5 above	B-16	28-12-1998	B-17	
3	Mr. Muhammad Ayaz Qari At S.NO.6 above	B-16	19-07-2011	B-17	
4	Mr. Haider Nawaz JOM at S.NO.10 above	B-16 B-17	18-09-2004 to 24-11-2015	B-17 w.e.f 18-09-2004	

- The committee unanimously recommended that if these 4 Teachers are failing to be certified even after teaching the concerned disabled children for more than 10 years, they cannot be justified for holding Higher Pay Scale as Award for them.

Habibullah

(Habibullah)
Braille Teacher, SEC Hayatabad Peshawar
(Member)

Javed Yousaf Ali
(Javed Yousaf Ali)
Director Special Education Complex
Hayatabad Peshawar
(Member)

Younis Afridi
(Younis Afridi)
District Officer Social Welfare Peshawar
(Member)

Tasleem Bibi
Mst: Tasleem Bibi, Senior Teacher
SEC Hayatabad Peshawar
(Member)

M. Anis
Director
Social Welfare, Special Education and
Women Empowerment, Khyber Pakhtunkhwa.
(Chairman)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Dated: Peshawar the 01st January, 2020.

NOTIFICATION:

No. SO-VII/SWD/III-108/H.P.S/PCI/1393-1442 : In pursuance of the decision taken in the meeting of Departmental Promotion Committee held on 28-11-2019, and after fulfilling all the codal formalities envisaged in the Finance Department circular letter No.FD(SR-1)/1-95/84-III dated 24-07-1986, the following Officers / Officials working in Special Education Institutions are hereby Awarded Higher Pay Scales as mentioned against their names from the date shown in column No.8.

S.#	Name & Designation with	Date of appoint:	Qualification	Exist: BPS	Higher BPS	Place of posting	Date of effect
1	2	3	4	5	6	7	8
1	Humaira Taimor Junior oral Address B.A, B.ed	30-06-2005	MA, Bed, M. Edu	BPS-11	BPS-17	Govt. High School for Deaf Children Yakatoot Peshawar	With immediate effect
2	Munammad Tariq Aman Senior Teacher B.A, B.ed	19-07-2006	MA, B.Ed	BPS-16	BPS-17	MR & PHC Peshawar	With immediate effect
3	Adam Khan Care Supervisor	02-01-2004	B.A	BPS-10	BPS-16	GIB,Swat	With immediate effect
4	Fazal Ellahi Munj Supervisor	29-12-2003	MA, BA, B.Ed	BPS-16	BPS-17	GIB Swat	With effect from 13-10-2012 In light of KP Service Tribunal Peshawar judgment in service appeal No 745/2012 dated 20-10-2016
5	Shazia Rouf Munj Supervisor	24-03-1992	MA, BA, B.Ed	BPS-9	BPS-17	GIB (Girls) Peshawar	With immediate effect

6	Tajamul Hussion Braille Teacher	23-5-2007	MA, BA, B.Ed	BPS-12	BPS-17	Abbottabad	With immediate effect
7	M. Qayyum Basketry Supervisor	25-8-2010	B.A	BPS-10	BPS-16	GIB (Male) Peshawar	With immediate effect
8	No. 3 Quresh Braille Teacher	26-01-1987	B.A	BPS-15	BPS-16	GIB (Male) Peshawar	With immediate effect
9	Saiqah Hussain Music Teacher	11-11-2016	M.A	BPS-10	BPS-16	GIB (Girls) Peshawar	With immediate effect
10	Habib Ullah Braille Teacher	25-07-2007	BA, B.ED, MA, M.Ed	BPS-12	BPS-17	Spl: Edu Complex Peshawar	With immediate effect
11	Muhammad Ishaq Braille Teacher	10-11-1994	BA, B.ED, MA Spl: Education	BPS-13	BPS-17	Spl: Edu Complex Peshawar	With immediate effect
12	Abdul Hai Braille Teacher	15-12-2008	B.A, B.Ed, M.A	BPS-12	BPS-16	Spl: Edu Complex Peshawar	With immediate effect
13	Kamal Yousaf Music Teacher	10-11-1994	BA, B.Ed, MA	BPS-16	BPS-17	Spl: Edu Complex Peshawar	With immediate effect
14	Muhammad Zahid Junior Teacher	06-02-2015	BA, B.Ed, MA	BPS-12	BPS-17	MR & PHC Mansehra	With immediate effect
15	Zulfiqar Ali P.T.I	24-4-2009	BA, B.Ed	BPS-09	BPS-17	Blind Swabi	With effect from 07-05-2005 in light of KP Service Tribunal Peshawar judgment in service appeal No 986/2013 dated 20-10-2016
16	Abida Religious Teacher	17-03-2011	BA, B.Ed, MA	BPS-10	BPS-17	MR & PHC Nowshera	With immediate effect
17	Muhammad Ayaz Qari	10-03-1994	BA, B.Ed, MA	BPS-16	BPS-17	GIB Abbottabad	With effect from 10-11-2010 in light of KP Service Tribunal Peshawar judgment in service appeal No. 694 & 695 dated 20-10-2016

18	Muhammad Usman Qari	29-08-2004	BA, B.Ed	BPS-09	BPS-17	GIB D.I. Khan	With immediate effect
19	Haider Nawaz Junior Oral Master	11-09-2002	BA, B.Ed, MA	BPS-17	BPS-17	GSDC, Bannu	Award of enhanced pay scale w-e-f 01-07-2004 in light of Peshawar High Court judgment dated 4-07-2013 in W.I No. 54-B/2012.

The Award of Higher Pay Scale shall be treated as personal to them and shall not confer any right on them to claim seniority over there elsewhere seniors in the normal course of promotion.

-sd-

**Secretary to Govt: of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education
& Women Empowerment Department**

Endst: No & Date Even.

Copy forwarded for information and further necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. Director, Social Welfare, Spi: Edu & Empowerment Peshawar.
5. Director, Special Education Complex, Hayatabad, Peshawar.
6. District Accounts Officers, Peshawar, Swat, Mansehra, Swabi, Nowshera, Abbottabad, D.I.Khan and Bannu.
7. District Officers, Social Welfare Peshawar, Swat, Mansehra, Swabi, Nowshera, Abbottabad, D.I.Khan and Bannu.
8. P S to Secretary Social Welfare, Khyber Pakhtunkhwa, Peshawar.
9. Principal, Govt. School for Deaf Children, Peshawar & Bannu.
10. Manager, MR & PHC Peshawar & Mansehra.
11. Superintendent Govt. Institute for the Blinds, Swat, Peshawar (Male & Girls), Swabi, Abbottabad & D.I.Khan.
12. Officers / Officials Concerned.
13. Office File.


Section Officer-VI

①



Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education &
Women Empowerment opp: Islamia Collegiate School
Jamrud Road Peshawar

No. DSW/Lit/1-57/ 4899

Dated Peshawar the 04/06/2021

**BRIEF FOR HONORABLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR IN APEAL NO. 1109 OF 2012**

Mrs. Robina Shaheen was initially appointed as Supervisor (BPS-9) in the year 1996. She was awarded higher pay scale BPS-16 in the year 1998 after acquiring prescribed qualification. Some of the employees of special education challenged the said rules in Peshawar High Court Peshawar vide write petition No 1854-P/2017, which was dismissed **(Copy at Annexure-I)**

A meeting of the Assessment Committee was held on 20.11.2017 in the Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa and interviewed the appellant along with other candidates and recommended the appellant not qualified for award of higher pay scale (BPS-17) (copy of the minutes attached).

Assistant Director
(Establishment)



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No:- 1354-P /2017.

- 1. Special Education Teachers Association, Khyber Pakhtunkhwa, Peshawar, through Israr Shah, President R/o polo susar p/o sari kot tehsil ghazi district haripur
- 2. Pakistan Association of the Blind (Provincial Branch) Khyber Pakhtunkhwa Peshawar through Saad Noor R/o presently Government School for Blind G.T Road Peshawar

..... Petitioner

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa through its Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2. Director, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa, Jamrud Road, Peshawar.
- 3. Govt. of Khyber Pakhtunkhwa through its Secretary, Social Welfare, Special Education & Woman

FILED TODAY

[Signature]

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT
PESHAWAR
(Judicial Department)



W.P.No.1854-P of 2017.

Date of hearing: 13.12.2018.

Mr. Shah Nawaz Yousafzai, advocate for the petitioner.

Syed Sikandar Hayat Shah, AAG alongwith M/s Muhammad Khalid Assistant Director Litigation and Ilyas Khan, Section Officer Litigation Social Welfare Department, Government of Khyber Pakhtunkhwa for the respondents.

JUDGMENT

MUHAMMAD AYUB KHAN, J. This

petition is with the prayer to declare the impugned order regarding constituting the Committee dated 03.01.2017 as illegal, unlawful, null and void with direction to respondents to upgrade/promote the petitioners Association as per Notification dated 24.07.1986 for grant of high pay scale.

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2. As per writ petition, petitioner No.1 is a registered Association of the Special Education Teacher and strives to work for the welfare of its members and its President, who has been duly authorized through a resolution dated 24.04.2017 for pursuing the petition.

TESTED

The petition is allowed and the respondents are directed to upgrade/promote the petitioners Association as per Notification dated 24.07.1986 for grant of high pay scale.



The first part of the document
 discusses the importance of
 maintaining accurate records
 and the role of the
 committee in this regard.
 It also mentions the
 need for regular
 communication and
 collaboration between
 all members of the
 organization.
 The second part of the
 document outlines the
 specific tasks and
 responsibilities of each
 member of the committee.
 It includes a list of
 the committee members
 and their respective
 areas of responsibility.
 The third part of the
 document provides a
 summary of the
 committee's findings
 and recommendations.
 It concludes with a
 statement of support
 for the committee's
 work and a commitment
 to continue to work
 together to improve
 the organization.

11/11/11

(4) (B)

instant matter. Petitioner No.2 is a registered Association for the Blind and strives to work for the welfare of its members and its President has been authorized through a resolution dated 22.04.2017 for pursuing the matter in hand. It is stated that vide Notification No.FD(SR-I)1-95/84-111 dated 24.07.1986 issued by Finance Department according to the annual confidential report adequate knowledge certificate is to be issued by respondent No.2 in accordance with general service rules. Now all the rules have been bypassed in awarding higher pay scale by respondent No.2, who constituted six members committee on 03.01.2017 taking oral interview from the applicants and on the basis of interview applicants either upgraded or refused. According to petitioners, the illegal Committee constituted by respondent No.2 gave reference to Notification No.FD(SR-I)1-95/84111 dated 24.07.1986 for award of higher pay scale though without mentioning any such provision in the said Notification. It is averred that in the Social Welfare Department, a Departmental Promotion Committee was constituted on the basis of the above mentioned notification and the committee proposed the promotion of the petitioner to the higher pay scale as authorized by the notification No.FD(SR-I)1-95/84-111 dated 24.07.1986. It is stated that the petitioner is not eligible for promotion to the higher pay scale as per the provisions of the notification No.FD(SR-I)1-95/84-111 dated 24.07.1986.

(4) (B)

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Committee already existed recommending their employees according to ACR, qualification and seniority for promotion but unfortunately the teachers for special education were deprived from the said Committee. In the year 2006, service rules have been enacted by the respondent department for their employees. According to it, the employees are promoted from BPS-1 to 17 against the basic qualification of Matric. On the other hand, teachers of special education teaching special children, their basic scale is 7, 9 and 10, which is contrary to Notification dated 24.07.1986. The said Notification speaks of promotion/award of higher pay scale but the respondents mala fide are depriving the due rights of special education teachers from the grant of such benefit. At the time of appointment of an employee, a Selection Committee has already been formed which recommends or refuse to appoint an employee but after 20/22 years of service, no interview or test is conducted in education department. Neither there is any rule for constitution of Special Committee, which after interview/test issue adequate respondents' reply (obj) for securing the due rights of special education teachers from the grant of such benefit. At the time of appointment of an employee, a Selection Committee has already been formed, which recommends or refuse to appoint an employee but after 20/22 years of service, no interview or test is conducted in

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knowledge certificate for promotion. A meeting was held by respondent No.2 regarding assessment/adequate knowledge certificate dated 01.04.2017, wherein, applicants were requested to appear before the Committee on 20.04.2017 at 10.00 am. In all 70 to 80 applicants applied to respondent No.2 for adequate knowledge certificate. The condition of acquiring the prescribed qualification for the stated posts within specific period was later on waived off. One Waheed Nawaz preferred an application for grant of higher pay scale on the strength of the Circular of the Khyber Pakhtunkhwa Finance Department dated 24.07.1986 which could not find favour with the respondents, however, the Hon'ble Supreme Court came to his rescue in Civil Review Petition No.10-P/2009 and orders were made for granting him higher pay scale. The petitioners Association held meeting dated 04.10.2010 with respondent No.2 etc, wherein, various demands were tendered, which are under consideration. It is averred that there is no service structure for special education teachers whereas the Notification dated 24.07.1986 is the only one which provides for the scale. Supreme Court in Civil Review Petition No.10-P/2009 orders were made for granting higher pay scale. The petitioners Association had meeting on 04.10.2010 with respondent No.2 etc, wherein, various demands were tendered, which are under consideration.

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source for promotion and if the same is not considered, then the petitioners association will suffer irreparable loss. It is asserted that writ petitions No.842-P of 2012 and 216-P of 2013 etc were decided by this court in light of Civil Review Petition No.10-P/2009 decided on 03.02.2010 and Notification dated 24.07.1986, hence this petition.

3. On 09.05.2017, comments were asked from respondents No.2 and 3, which have been received, wherein, issuance of source for promotion in the same in the writ is opposed.

4. Arguments heard and recorded through

5. Petitioners are aggrieved that letter No.E-1777/DSW/Vol-13/889-90 dated 03.01.2017 issued by Government of Khyber Pakhtunkhwa Finance Department is not in line with Notification No.FD(SR-I)1c/95/84-III dated 24th July, 1986.

6. As per Notification/letter dated 24.07.1986, matter regarding grant of enhanced pay scale to different category of teachers working in the Institutions for the

handicapped, it was required that Social Service Commission be aggrieved that letter No.E-1777/DSW/Vol-13/889-90 dated 03.01.2017 issued by Government of Khyber Pakhtunkhwa Finance Department is not in line with Notification No.FD(SR-I)1c/95/84-III dated 24th July, 1986.

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Welfare Directorate to certify the Adequate Knowledge in the education of Deaf and Dumb. For such Certificate, vide impugned letter dated 03.01.2017, a six members Committee of the disability experts was constituted to examine all the applications, suitability for higher pay scale and assess the applicants in person for issuance of Adequate Knowledge Certificate.

7. With the valuable assistance of learned counsel for the petitioners and Welfare Directorate and learned counsel for the respondents, we have examined both the impugned orders and the impugned letters mentioned above. We have not been able to detect that the impugned letter was issued with the view to accommodate specific individuals or for any other ulterior motive.

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Framing of rules admittedly fall in the executive domain of the respondents. The court can neither assume the role of a policy maker or that of a law maker. Change in policy is within the domain of the respondents and nobody can claim any vested right in the policy. Promotion nor the criteria set-out to aspire for promotion can be categorized as a right. The Government is always empowered to change the policy. The framing of rules is within the executive domain of the respondents. The court can neither assume the role of a policy maker or that of a law maker. Change in policy is within the domain of the respondents and nobody can claim any vested right in the policy.

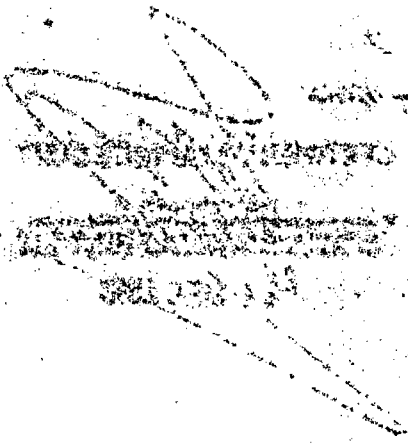
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promotion policy and the domain of the Government to prescribe qualification for a particular post through amendment in the relevant rules is not challengeable. This is also a settled law that notwithstanding fulfillment or the required qualification and other conditions contained in the rules, the promotion cannot be claimed as a vested right (2006 SCMR 1427).

8. In the above situation, when no ulterior motive is found and promotion being not a vested right, this petition, being bereft of merit, is hereby dismissed.

SENIOR PUISNE JUDGE

JUDGE

Announced
13.12.2018

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan 1973

24 DEC 2018

20191
Date of Presentation of Application 24/12/18
No of Pages 2
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In order to implement the judgment of the Khyber Pakhtunkhwa Service Tribunal in appeal No.745/2013, No.986/2013 & appeal No.1109/2012 dated 20-10-2016 and connected cases, where in para-2 (reproduced below) it is stated. "direction to examine the case of the appellant to ascertain as to whether he was similarly placed official and if found so, to extend similar relief to the appellant as prayed for, as already to similarly placed officials." And judgment of Honorable Peshawar High Court Division Bench dated 04-04-2017 where in Para-6 (reproduced below) it is stated. "In the light of above, this petition is disposed of with the directions to the respondents to comply with the judgment rendered by this court on 23-05-2013 within a period of 30 days and treat the petitioner at par with other PTIs as referred in the preceding para.", a meeting of the Assessment Committee was held on 20-11-2017 for certification of Adequate Knowledge of the following Teachers:

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- 8- Mr. Munammad Shakeel Cane Supervisor, Government Institute for the Blind Abbottabad.
- 9- Mr. Niamat Ullah, Religious Teacher, Centre for Mentally Retarded & Physically Handicapped Children Bannu.
- 10- Mr. Haider Nawaz, Junior Oral Master, Centre for Mentally Retarded & Physically Handicapped Children Bannu.
- 11- Mst. Nargis Bibi & Rabia Gul, Vocational Teachers, District Office, Social Welfare Kohat.

The above mentioned Teachers of Special Education had either requested Award of Higher Pay Scale (personal) on account of acquiring Higher Education or had requested getting benefits of already awarded higher pay scale from a back date in terms of Finance Department letter No. FD(SR-I)1-95/84-III dated 24th July 1986.

The following attended the meeting:

- | | |
|---|----------|
| 1- Director Social Welfare SE & WE Peshawar | Chairman |
| 2- Director Special Education Complex Hayat Abad Peshawar | Member |
| 3- District Officer, Social Welfare Peshawar | Member |
| 4- Mst. Tasleem Bibi Senior Teacher | Member |
| 5- Mr. Habib Ullah Braille Teacher | Member |

In order to make above named officials at par with other similarly placed officials provision of Adequate Knowledge Certificate is required. For the purpose the committee in its present meeting assessed the capabilities of those above mentioned teachers who appeared before it and made the below stated recommendations on the basis of following result of the said meeting:

No	Name & Designation of the applicant	Member (Habib Ullah)	Member Director Special Education Complex	Member District Officer, Social Welfare Peshawar	Member Tasleem Bibi	Chairman Director, Social Welfare, SE & WE	Total	Remarks
		(10)	(10)	(10)	(10)	(10)	(50)	
1	Zulfiqar Ali, PTI	5	4	4	5	2	20/50	Not Qualified
2	Mr. Muhammad Safdar Abbas Qureshi J.S.E.T	A	A	A	A	A	A	A
3	Mr. Nawaz Gul Physiotherapist	3	4	4	3	3	17/50	Not Qualified
4	Mr. Fazal ilahi J.S.E.T	5	5	4	4	3	21/50	Not Qualified
5	Mst: Rubina Shaheen J.S.E.T	5	5	3	3	2/10	18/50	Not Qualified
6	Mr. Muhammad Ayaz S.S.E.T	6	4	4	2	2/10	18/50	Not Qualified
7	Muhammad Tahir PTI	5	5	5	5	5	25/50	Qualified ✓
8	Mr. Muhammad Shakeel Cane Supervisor	5	6	5	5	5	26/50	Qualified ✓
9	Mr. Niamat Ullah Religious Teacher	6	6	6	6	5	29/50	Qualified ✓
10	Mr. Haider Nawaz Junior Oral Master	2	6	4	3	2	17/50	Not Qualified
11	Mst: Nargis Bibi Vocational Teacher	A	A	A	A	A	A	A
12	Rabia Gul Vocational Teacher	A	A	A	A	A	A	A

RECOMMENDATIONS:

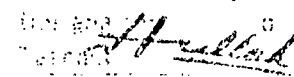
- Based on the above result the committee unanimously certified the teachers at S.No.7, 8 & 9 of having the Adequate Knowledge and the judgment of the court / tribunal will be implemented in their respect.
- The absent teachers and those who are remarked as NOT QUALIFIED will be given another chance for their certification of Adequate Knowledge in due course of time.
- The incumbent at S.No.3 above is a physiotherapist and not a teacher and as per AHPS policy, it is admissible to Special Education Teachers only, therefore he may not be called for further assessment.
- The teachers at S.No.2, 11 & 12 can neither be justified for their claim regarding award of higher pay scale unless and until they appear before the committee, nor they can be treated at par with other similarly placed officials.
- The committee observed that the following teachers are enjoying Award of Higher Pay Scale from the dates mentioned against their names and they failed to qualify the assessment of the committee.

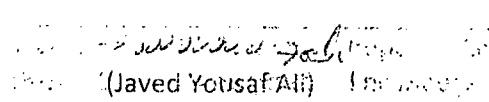
NOTICE OF APPEAL:

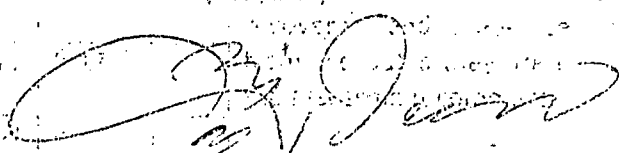
- Those who are aggrieved by the result of the assessment conducted by the committee at S.No. 1, 2, 3, 4, 5, 6, 10, 11 & 12 may file an appeal with the court / tribunal within the time limit specified in the court / tribunal order.
- The appeal should be filed in the court / tribunal within the time limit specified in the court / tribunal order.
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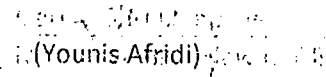
S.No	Name & Original Designation of Teacher	AHPS	From Date	Applied for	Recommendations
1	Mr. Fazal Elahi Munj Supervisor At S.No.4 above	B-16	30-4-2008	B-17 w.e.f 13-10-2012	Without proper Certificate of Adequate knowledge, they are enjoying Awarded Higher Pay Scale personally from the dates mentioned against their names; it should be recovered and made be effective from the dates they are certified by the assessment committee.
2	Mst: Rubina Shaheen Cane Supervisor At S.NO 5 above	B-16	28-12-1998	B-17	
3	Mr. Muhammad Ayaz Qari At S.NO.6 above	B-16	19-07-2011	B-17	
4	Mr. Haider Nawaz JOM at S.NO.10 above	B-16 B-17	18-09-2004 to 24-11-2015	B-17 w.e.f 18-09-2004	

- The committee unanimously recommended that if these 4 Teachers are failing to be certified even after teaching the concerned disabled children for more than 10 years, they cannot be justified for holding Higher Pay Scale as Award for them.


 Mr. Habibullah
 Sr. (Habibullah)
 Braille Teacher, SEC Hayatabad Peshawar
 (Member)


 Mr. (Javed Yousaf Ali)
 Director Special Education Complex
 Hayatabad Peshawar
 (Member)


 Mst: Tasleem Bibi, Senior Teacher
 SEC Hayatabad Peshawar
 (Member)



 Mr. (Younis Afridi)
 District Officer Social Welfare Peshawar
 (Member)

The committee unanimously recommended that if these 4 Teachers are failing to be certified even after teaching the concerned disabled children for more than 10 years, they cannot be justified for holding Higher Pay Scale as Award for them.

Director
 Social Welfare, Special Education and
 Women Empowerment, Khyber Pakhtunkhwa.
 (Chairman)

Mr. Habibullah
 Sr. (Habibullah)
 Braille Teacher, SEC Hayatabad Peshawar
 (Member)

Mr. (Javed Yousaf Ali)
 Director Special Education Complex
 Hayatabad Peshawar
 (Member)


 Mst: Tasleem Bibi, Senior Teacher
 SEC Hayatabad Peshawar
 (Member)

Mr. (Younis Afridi)
 District Officer Social Welfare Peshawar
 (Member)

Director
 Social Welfare, Special Education and
 Women Empowerment, Khyber Pakhtunkhwa.
 (Chairman)



Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education
& Women Empowerment Jamrud Road,

No.E-16/271/DSW/...
Dated Peshawar the .../01/2020

To

Mr. Shams ul Islam
Govt: Blind School House No.04 Nishtarabad
Peshawar.

Subject: REQUEST FOR HIGHER PAY SCALE.

I am directed to the subject noted above and to state that Mst. Robina
Shahzad Ex-Basketry Supervisor (BPS-16) died on 08-02-2018, however, prior to her death
she appeared on 20-11-2017 before the Assessment Committee for the grant of Higher
Pay Scale and did not qualify as per minutes of the meeting of the said Committee
(Copy of the minutes is enclosed).

As per the position mentioned above your request for implementation
of the same is not in consideration at this stage please.

ASSISTANT DIRECTOR
Establishment-II

Directorate of Social Welfare, SE & WE Khyber Pakhtunkhwa.

ASSISTANT DIRECTOR
Establishment-II

GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Dated: Peshawar the 01st January, 2020.

NOTIFICATION:

No. SO-VI/SWD/III-108/H.P.S/PCI/1393-1442: In pursuance of the decision taken in the meeting of Departmental Promotion Committee held on 28-11-2019, and after fulfilling all the codal formalities envisaged in the Finance Department circular letter No.FD(SR-1)/1-95/84-III dated 24-07-1986, the following Officers / Officials working in Special Education Institutions are hereby Awarded Higher Pay Scales as mentioned against their names from the date shown in column No.8.

S.#	Name & Designation with	Date of appoint:	Qualification	Exist: BPS	Higher BPS	Place of posting	Date of effect
1	2	3	4	5	6	7	8
1	Humaira Taimor Junior oral Address S.A, B.ed	30-06-2005	MA, Bed, M. Edu	BPS-11	BPS-17	Govt. High School for Deaf Children Yakatoot Peshawar	With immediate effect
2	Muhammad Tariq Aman Senior Teacher B.A, B.ed	19-07-2006	MA, B.Ed	BPS-16	BPS-17	MR & PHC Peshawar	With immediate effect
3	Adam Khan Cane Supervisor	02-01-2004	B.A	BPS-10	BPS-16	GIB,Swat	With immediate effect
4	Fazal Ellahi Munj Supervisor	29-12-2003	MA, BA, B.Ed	BPS-16	BPS-17	GIB Swat	With effect from 13-10-2012 In light of KP Service Tribunal Peshawar judgment in service appeal No 745/2012 dated 20-10-2016
5	Shazia Rouf Munj Supervisor	24-03-1992	MA, BA, B.Ed	BPS-9	BPS-17	GIB (Girls) Peshawar	With immediate effect

6	Tajamul Hussion Braille Teacher	23-5-2007	MA, BA, B.Ed	BPS-12	BPS-17	Abbottabad	With immediate effect
7	M. Qayyum Basketry Supervisor	25-8-2010	B.A	BPS-10	BPS-16	GIB (Male) Peshawar	With immediate effect
8	Noor Quresh Braille Teacher	26-01-1987	B.A	BPS-15	BPS-16	GIB (Male) Peshawar	With immediate effect
9	Saiqah Hussain Music Teacher	11-11-2016	M.A	BPS-10	BPS-16	GIB (Girls) Peshawar	With immediate effect
10	Habib Ullah Braille Teacher	25-07-2007	BA, BED, MA, M.Ed	BPS-12	BPS-17	Spl: Edu Complex Peshawar	With immediate effect
11	Muhammad Ishaq Braille Teacher	10-11-1994	BA, B.ED, MA Spl: Education	BPS-13	BPS-17	Spl: Edu Complex Peshawar	With immediate effect
12	Abdul Hai Braille Teacher	15-12-2008	B.A, B.Ed, M.A	BPS-12	BPS-16	Spl: Edu Complex Peshawar	With immediate effect
13	Kamal Yousaf Music Teacher	10-11-1994	BA, B.Ed, MA	BPS-16	BPS-17	Spl: Edu Complex Peshawar	With immediate effect
14	Muhammad Zahid Junior Teacher	06-02-2015	BA, B.Ed, MA	BPS-12	BPS-17	MR & PHC Mansehra	With immediate effect
15	Zulfiqar Ali P.T.I	24-4-2009	BA, B.Ed	BPS-09	BPS-17	Blind Swabi	With effect from 07-05-2005 in light of KP Service Tribunal Peshawar judgment in service appeal No 986/2013 dated 20-10-2016
16	Abida Religious Teacher	17-03-2011	BA, B.Ed, MA	BPS-10	BPS-17	MR & PHC Nowshera	With immediate effect
17	Muhammad Ayaz Qari	10-03-1994	BA, B.Ed, MA	BPS-16	BPS-17	GIB Abbottabad	With effect from 10-11-2010 in light of KP Service Tribunal Peshawar judgment in service appeal No. 694 & 695 dated 20-10-2016

18	Muhammad Usman Qari	29-08-2004	BA, B.Ed	BPS-09	BPS-17	GIB D.I. Khan	With immediate effect
19	Haider Nawaz Junior Oral Master	11-09-2002	BA, B.Ed, MA	BPS-17	BPS-17	GSDC, Bannu	Award of enhanced pay scale w-e-f 01-07-2004 in light of Peshawar High Court judgment dated 4-07-2013 in W.I No. 54-B/2012.

The Award of Higher Pay Scale shall be treated as personal to them and shall not confer any right on them to claim seniority over there elsewhere seniors in the normal course of promotion.

-sd-

**Secretary to Govt: of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education
& Women Empowerment Department**

Endst: No & Date Even.

Copy forwarded for information and further necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. Director, Social Welfare, Spi: Edu & Empowerment Peshawar.
5. Director, Special Education Complex, Hayatabad, Peshawar.
6. District Accounts Officers, Peshawar, Swat, Mansehra, Swabi, Nowshera, Abbottabad, D.I.Khan and Bannu.
7. District Officers, Social Welfare Peshawar, Swat, Mansehra, Swabi, Nowshera, Abbottabad, D.I.Khan and Bannu.
8. P S to Secretary Social Welfare, Khyber Pakhtunkhwa, Peshawar.
9. Principal, Govt. School for Deaf Children, Peshawar & Bannu.
10. Manager, MR & PHC Peshawar & Mansehra.
11. Superintendent Govt. Institute for the Blinds, Swat, Peshawar (Male & Girls), Swabi, Abbottabad & D.I.Khan.
12. Officers / Officials Concerned.
13. Office File.


Section Officer-VI



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 2983-86/ST Dated 28/10/2022

To:


- 1 The Secretary, Social Welfare & Women Development & Special Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2 Director, Directorate of Social Welfare & Women Development & Special Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3 District Officer, Social Welfare & Women Development & Special Education Department, Peshawar
- 4 Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar

SUBJECT:- **ORDER REGARDING PERSONAL APPEARANCE OF THE THE RESPONDENTS 2 TO 5 IN EXECUTION NO. 15/2017, TITLED ROBINA SHAHEEN-VS-SOCIAL WELFARE DEPARTMENT.**

I am directed to forward herewith a certified copy of order dated .19.10.2022, passed by this Tribunal in the above mentioned execution petition for strict compliance.

Encl. As above.

O.C.


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

E.P. 15/2017

C.M. No. _____/2017

In

Service Appeal No. 1109/2012

Robina Shaheen as Junior Special Education Teacher (BPS-
15) Government Institute for Blind (Girls)
Peshawar.....(Petitioner/appellant)

VERSUS

1. The Provincial Government through Chief Secretary,
Government of KPK, Peshawar.
2. Secretary, Social Welfare & Women Development & Special
Education Department, Government of KPK, Peshawar.
3. Director, Directorate of Social Welfare & Women
Development & Special Education Department, Government
of KPK, Peshawar.
4. District Officer, Social Welfare & Women Development &
Special Education Department, Peshawar.
5. Secretary Finance Department, Government of KPK,
Peshawar.....(Respondent)

APPLICATION FOR THE
IMPLEMENTATION OF THE ORDER OF
THIS HON'BLE TRIBUNAL DATED
20/10/2016 PASSED IN THE ABOVE
NOTED SERVICE APPEAL NO. 1109/2012
IN MAIN SERVICE APPEAL NO. 744/2013
TITLED "TAYYAB SHAH..VS..THE
PROVINCIAL GOVT: ETC".

Respectfully Sheweth:

The petitioner humbly submits as under:

1. That the above mentioned Service Appeal was decided by this Hon'ble Tribunal in favour of appellant vide order dated 20/10/2016 in main Service Appeal No. 744/2013 titled "Tayyab Shah..VS..The Provincial Govt: etc". (Copy of appeal and order dated 20/10/2016 are attached as annexure "A").

2. That that in decision of this Hon'ble Tribunal it was directed that:

"direction to examine the case of the appellant to ascertain as to whether he was similarly placed official and if found so, to extend similar relief to the appellant as prayed for as already extended to similarly placed officials"

3. That there after the appellant/ petitioner approached the concerned authorities /respondents to implement the order of this Hon'ble Tribunal, but in vain.

4. That in this very order dated 20/10/2016 this Hon'ble Tribunal directed the respondents to directed the order of this Hon'ble Tribunal in letter in sprit.
5. That the respondents are badly failed and reluctant and prolonging the matter.
6. That the act of the respondents against the law and natural justice as well as the order of this Hon'ble Tribunal.
7. That the petitioner blind and all the respondents in their official and their concerned record in Peshawar.

It is, therefore most humbly prayed on acceptance of this application, the respondents and he may also be directed to implement the order of this Hon'ble Tribunal dated 20/10/2016, and any

other proceeding against the concerned respondents
may also be initiated according to law and justice.

Petitioner/ appellant

Through




Dated: /01/2017

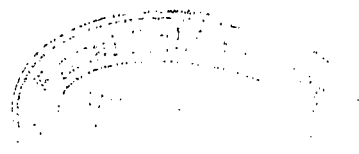
Fazal Karam Khan
Advocate High Court,
Peshawar.

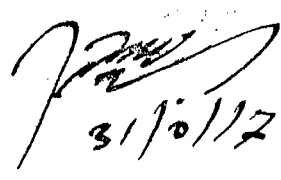
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PESHAWAR
1/01/2017
lant

AFFIDAVIT:

I, Robina Shaheen as Junior Special Education
Teacher (BPS-16) Government Institute for Blind (Girls)
Peshawar, do hereby solemnly affirm and declare, that
the contents of the **Application** are true and correct to
the best of my knowledge and belief and nothing has
been concealed from this Hon'ble Tribunal.


DEPONENT




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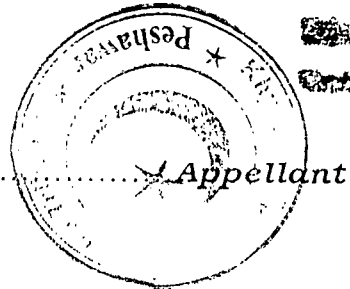
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IN THE SERVICE TRIBUNAL ,K.P.K PESHAWAR

Service Appeal No. 1109 /2012

Robina Shaheen as junior special education
Teacher (BPS-16) Govt Institute for Blind
(Girls), Peshawar.



1165
12/10/11

-Vs-

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

**SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT 1974
FOR GRANTING OF HIGHER PAY SCALE 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 SACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT**

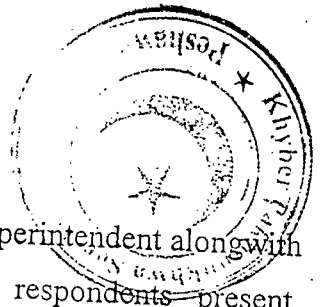
Prayer in Appeal:

12/10/12.

On acceptance of this service appeal, the respondents may be directed to grant Higher Pay Scale from the date of acquiring qualification i.e. 10-02-2010 (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).

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1109/2012



20.10.2016

Counsel for the appellant and Mr. Nabi Gul, Superintendent along with 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.

sd/- Abdul Latif,
Member

sd/- Mir Bakhtish Shah,
Member

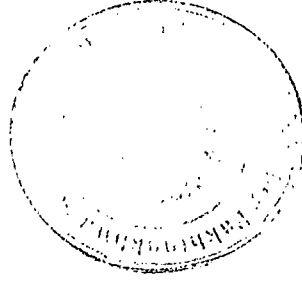
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Service Tribunal
Peshawar

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 744/2013

Date of institution ... 21.03.2013
Date of judgment ... 20.10.2016



Tayyab Shah
Junior Oral Master (BPS-9)
Govt. School for Deaf & Dumb Children Timergara Dir Lower

... (Appellant)

VERSUS

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

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

Mr. Rahman Ullah, Advocate.

.. For appellant.

Mr. Muhammad Adeel Butt, Additional AG

.. For respondents.

MR. ABDUL LATIF

.. MEMBER (EXECUTIVE)

MR. PIR BAKHSH SHAH

.. MEMBER (JUDICIAL)

JUDGMENT

ABDUL LATIF, MEMBER:-

Facts giving rise to the instant appeal are that

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

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

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

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 BY: [Signature]
 Khwaja Muhammad
 Service Tribunal
 Peshawar

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

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

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

Announced
20.10.2016

Sh. Abdul Latif, Member

Sh. P. B. Bakht Singh, Member

Certified to be true copy
10/10/2016

08-11-2016

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08-11-16

MEETING MINUTES OF ASSESSMENT COMMITTEE HELD ON 10-10-2017 FOR CERTIFICATION OF ADEQUATE KNOWLEDGE OF SPECIAL EDUCATION TEACHERS FOR AWARD OF HIGHER PAY SCALE.

In order to implement the judgment of the Khyber Pakhtunkhwa Service Tribunal in appeal No.745/2013, No.986/2013 & appeal No.1109/2012 dated 20-10-2016 and connected cases, a meeting of the Assessment Committee was held on 10-10-2017 for certification of Adequate Knowledge of the following Teachers:

- 1- Mr. Zulfiqar Ali, PTI BPS-10 Government Institute for the Blind Swabi.
- 2- Mr. Fazla Ilahi Munj Supervisor BPS-16 Government Institute for the Blind Swat.
- 3- Mst: Rubina Shaheen Supervisor BPS-9 Government Institute for the Blind (G) Peshawar.

The above mentioned Teachers of Special Education had requested Award of Higher Pay Scale (personal) on account of acquiring Higher Education in terms of Finance Department letter No.FD(SR-I)1-95/84-III dated 24th July 1986.

The following attended the meeting:-

- | | |
|---|----------|
| 1- Director Social Welfare SE & WE Peshawar | Chairman |
| 2- Director Special Education Complex Hayat Abad Peshawar | Member |
| 3- District Officer, Social Welfare Peshawar | Member |
| 4- Mst:Tasleem Bibi Senior Teacher | Member |
| 5- Mr. Habib Ullah Braille Teacher | Member |

New
The chair informed the members that the subject meeting is convened in pursuance of the Khyber Pakhtunkhwa Service Tribunal judgment dated 20-10-2016 where in Para-2 (reproduced below) it is stated. "direction to examine the case of the appellant to ascertain as to whether he was similarly placed official and if found so, to extend similar relief to the appellant as prayed for, as already to similarly placed officials."

In order to make above named officials at par with other similarly placed officials, provision of Adequate Knowledge Certificate is required. Non compliance of the above officials for appearance to the committee notified vide order No.E-17/77/KC/DSW/788-96 dated 24-10-2016 time and again is a great impediment in the implementation of the decision of the Khyber Pakhtunkhwa Service Tribunal.

The committee observed that until and unless they appear before the committee they cannot be justified for Award of Higher Pay Scale nor they can be brought at par with other similarly placed officials:

Another opportunity will be provided to them to implement the decision of the Honorable Service Tribunal.

H. Ullah

(Mr. Habib Ullah)
Braille Teacher SEC, Hayatabad Peshawar
Member

Javed Yousaf Ali
(Javed Yousaf Ali)
Director Special Education Complex
Hayatabad Peshawar
Member

Muhammad Younis Afridi
(Muhammad Younis Afridi)
District Officer Social Welfare Peshawar
Member

Tasleem Bibi
(Tasleem Bibi),
Senior Teacher SEC, Peshawar
Member

M. Habib Ullah
Director Social Welfare SE & WE Khyber
Pakhtunkhwa
(Chairman)

MEETING MINUTES OF ASSESSMENT COMMITTEE HELD ON 20-11-2017 FOR CERTIFICATION OF ADEQUATE KNOWLEDGE OF SPECIAL EDUCATION TEACHERS FOR AWARD OF HIGHER PAY SCALE.

In order to implement the judgment of the Khyber Pakhtunkhwa Service Tribunal in appeal No.745/2013, No.986/2013 & appeal No.1109/2012 dated 20-10-2016 and connected cases; where in Para-2 (reproduced below) it is stated. "direction to examine the case of the appellant to ascertain as to whether he was similarly placed official and if found so, to extend similar relief to the appellant as prayed for, as already to similarly placed officials." And judgment of Honorable Peshawar High Court DI Khan Bench dated 04-04-2017 where in Para-6 (reproduced below) it is stated. "In the light of above, this petition is disposed of with the directions to the respondents to comply with the judgment rendered by this court on 23-05-2013 within a period of 30 days and treat the petitioner at par with other PTIs as referred in the preceding para.", a meeting of the Assessment Committee was held on 20-11-2017 for certification of Adequate Knowledge of the following Teachers:

- 1- Mr. Muhammad Tahir PTI, Government Institute for the Blind DI Khan.
- 2- Mr. Muhammad Safdar Abbas Qureshi, (Junior Special Education Teacher) Principal, Government School for Deaf Children DI Khan.
- 3- Mr. Nawaz Gul Assistant Physiotherapist, Centre for Mentally Retarded & Physically Handicapped Children Bannu.
- 4- Mr. Fazal Ilahi Junior Special Education Teacher, Government Institute for the Blind Swat.
- 5- Mr. Zulfiqar Ali PTI, Government Institute for the Blind Swabi.
- 6- Mst: Rubina Shaheen, Supervisor, Government Institute for the Blind Girls Peshawar.
- 7- Mr. Muhammad Ayaz, Senior Special Education Teacher, Government Institute for the Blind Abbottabad.
- 8- Mr. Muhammad Shakeel Cane Supervisor, Government Institute for the Blind Abbottabad.
- 9- Mr. Niamat Ullah, Religious Teacher, Centre for Mentally Retarded & Physically Handicapped Children Bannu.
- 10- Mr. Haider Nawaz, Junior Oral Master, Centre for Mentally Retarded & Physically Handicapped Children Bannu.
- 11- Mst: Nargis Bibi & Rabia Gul, Vocational Teachers, District Office, Social Welfare Kohat.

The above mentioned Teachers of Special Education had either requested Award of Higher Pay Scale (personal) on account of acquiring Higher Education or had requested getting benefits of already awarded higher pay scale from a back date in terms of Finance Department letter No.FD(SR-I)1-95/84-III dated 24th July 1986.

The following attended the meeting:-

- 1- Director Social Welfare SE & WE Peshawar
- 2- Director Special Education Complex Hayat Abad Peshawar
- 3- District Officer, Social Welfare Peshawar
- 4- Mst:Tasleem Bibi Senior Teacher
- 5- Mr. Habib Ullah Braille Teacher

Chairman

Member

Member

Member

Member

In order to make above named officials at par with other similarly placed officials, provision of Adequate Knowledge Certificate is required. For the purpose the committee in its present meeting assessed the capabilities of those above mentioned teachers who appeared before it and made the below stated recommendations on the basis of following result of the said meeting:

Signature

No	Name & Designation of the applicant	Member (Habib Ullah)	Member Director Special Education Complex	Member District Officer, Social Welfare Peshawar	Member Tasleem Bibi	Chairman Director, Social Welfare, SE & WE	Total	Remarks
1	Zulfiqar Ali, PTI	5	4	4	5	2	20/50	Not Qualified
2	Mr. Muhammad Safdar Abbas Qureshi J.S.E.T	A	A	A	A	A	A	A
3	Mr. Nawaz Gul Physiotherapist	3	4	4	3	3	17/50	Not Qualified
4	Mr. Fazal Ilahi J.S.E.T	5	5	4	4	3	21/50	Not Qualified
5	Mst: Rubina Shaheen J.S.E.T	5	5	3	3	2/10	18/50	Not Qualified
6	Mr. Muhammad Ayaz S.S.E.T	6	4	4	2	2/10	19/50	Not Qualified
7	Muhammad Tahir PTI	5	5	5	5	5	25/50	Qualified
8	Mr. Muhammad Shakeel Cane Supervisor	5	6	5	5	5	26/50	Qualified
9	Mr. Niamat Ullah Religious Teacher	6	6	6	6	5	29/50	Qualified
10	Mr. Haider Nawaz Junior Oral Master	2	6	4	3	2	17/50	Not Qualified
11	Mst: Nargis Bibi Vocational Teacher	A	A	A	A	A	A	A
12	Rabia Gul Vocational Teacher	A	A	A	A	A	A	A

RECOMMENDATIONS:

- Based on the above result the committee unanimously certified the teachers at S.No.7, 8 & 9 of having the Adequate Knowledge and the judgment of the court / tribunal will be implemented in their respect.
- The absent teachers and those who are remarked as NOT QUALIFIED will be given another chance for their certification of Adequate Knowledge in due course of time.
- The incumbent at S.No.3 above is a physiotherapist and not a teacher and as per AHPS policy it is admissible to Special Education Teachers only, therefore he may not be called for further assessment.
- The teachers at S.No.2, 11 & 12 can neither be justified for their claim regarding award of higher pay scale unless and until they appear before the committee, nor they can be treated at par with other similarly placed officials.
- The committee observed that the following teachers are enjoying Award of Higher Pay Scale from the dates mentioned against their names and they failed to qualify the assessment of the committee.

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S.NO	Name & Original Designation of Teacher	AHPS	From Date	Applied for	Recommendations.
1	Mr. Fazal Elahi Munj Supervisor At S.No.4 above	B-16	30-4-2008	B-17 w.e.f 13-10-2012	Without proper Certificate of Adequate knowledge, they are enjoying Awarded Higher Pay Scale personally from the dates mentioned against their names; it should be recovered and made be effective from the dates they are certified by the assessment committee.
2	Mst: Rubina Shaheen Cane Supervisor At S.NO.5 above	B-16	28-12-1998	B-17	
3	Mr. Muhammad Ayaz Qari At S.NO.6 above	B-16	19-07-2011	B-17	
4	Mr. Haider Nawaz JOM at S.NO.10 above	B-16 B-17	18-09-2004 to 24-11-2015	B-17 w.e.f 18-09-2004	

- The committee unanimously recommended that if these 4 Teachers are failing to be certified even after teaching the concerned disabled children for more than 10 years, they cannot be justified for holding Higher Pay Scale as Award for them.

Habibullah

(Habibullah)
Braille Teacher, SEC Hayatabad Peshawar
(Member)

Javed Yousaf Ali
(Javed Yousaf Ali)

Director Special Education Complex
Hayatabad Peshawar
(Member)

Younis Afridi
(Younis Afridi)

District Officer Social Welfare Peshawar
(Member)

Tasleem Bibi

Mst: Tasleem Bibi, Senior Teacher
SEC Hayatabad Peshawar
(Member)

M. Ahmad
Director

Social Welfare, Special Education and
Women Empowerment, Khyber Pakhtunkhwa.
(Chairman)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

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No. *1015/17u*
 Appeal No. *1109* of 20*12*
11st. K. ... Appellant/Petitioner

Versus
Government of NWFP Respondent
 Respondent No. *?*

Notice to: - *Director, District Council, Peshawar*
1, F. B. ...

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *3-3-12* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you via this office
 Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this *13/3*

Day of *Feb* 20 *12*.

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appellant No. *10-15/176* Appeal No. *1109* of 20 *17*.

M. T. R. Khan Appellant/Petitioner
Versus

Government of Punjab Respondent
Respondent No. *2*

Notice to: *15/02/17*

Development Department, Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *3-02-17* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of *Appellation* appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this *12th*.....

Day of *Feb*..... 20 *17*.

For the respondent

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. *Petition No. 15/17 in*
Appeal No. *1109* of 20*17*
Mst. Rubina Shabbir Appellant/Petitioner
Versus
Provincial Govt through Chief Secretary Respondent
Respondent No. *I*

Notice to: *Provincial Govt through Chief Secretary*
Govt of KP, Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *24-3-2017* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by Advocate, duly supported by your power of Attorney. You are, therefore, required to file this Court at least seven days before the date of hearing 4 copies of written state alongwith any other documents upon which you rely. Please also take notice of default of your appearance on the date fixed and in the manner aforementioned appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition given to you by registered post. You should inform the Registrar of any change address. If you fail to furnish such address your address contained in this notice address given in the appeal/petition will be deemed to be your correct address, a notice posted to this address by registered post will be deemed sufficient for this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this Day of *Feb* 20*17*.

Supplemental notice report -

Reg
Khyber Pakhtunkhwa
Peshawar

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and 2. Always quote Case No. While making any correspondence.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

E/petitioner Appeal No. *8/1200* *1109* of 20 *12*.
Mr. R. R. Khan Appellant/Petitioner
Versus
Provincial Govt. Peshawar Respondent
Respondent No. *5*

Notice to: - *Secretary, Finance Deptt Govt*
of KPK Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appeal/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

C Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*13/12*.....

Day of.....*Feb*.....20 *17*.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Application No. 15/1700

APPEAL No. *1109* of 20*18*.

Mt. K. Sina, Director

Appellant/Petitioner

Versus

Municipal Education Officer, District Council, Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner

*Mt. K. Sina, Director
Union Special Education Teacher
(1st), District Council for Blind
(Girls), Peshawar*

Attendance

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *17/8/2018* at *10:00 AM*.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. E.P.No. 15/2017 of 20

Robina Shahera Appellant/Petitioner
Versus

Govt through Chief Secy: K/PK Respondent
Respondent No. 4

Lead

Notice to: - District officer, Social Welfare & Women
Development & Spcl: Edu: Dept: Pesh.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8/7/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of Appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 10th Day of June 2021.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

Appeal No. E.P. No. 15/2017 of 20

Robina Shaher Appellant/Petitioner
Versus

Govt through Chief Secy. KP Respondent
Respondent No. 3

Notice to: - Director, Directorate of Social Welfare & Women Development & Spcl. Edu. Deptt.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 28/7/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 10/7

Day of June 20 21

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

S-B

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. E.P.No. 15/2017 of 20

Robina S. Sheen Appellant/Petitioner
Versus

Govt through Chief Secy: KPK Respondent
Respondent No. 2

Notice to: — Secy: Social Welfare & Women Development
& Spl: Edu: Deptt: KPK Pesh.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of Appel has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....10th.....
Day of.....June.....2021

Registrar
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No. E.P. No. 15/2017 of 20

Robina Shakeer Appellant/Petitioner
Versus

Govt through Chief Secy. KPK Respondent
Respondent No.

Notice to: — Provincial Govt through Chief Secy. Govt of
KPK Pesh.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....16th.....

Day of.....June.....20 21

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

Appeal No. E.P. No. 15/2017 of 20

Robina Shabeer Appellant/Petitioner
Versus

Govt through Chief Secy: KPK Respondent
Respondent No. 5

Notice to: — Secretary Finance Deptt: Govt of KPK
Regd. No. 1416

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 28/7/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal ^{EP} has already been sent to you vide this office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 10th Day of June 20 21

Secy: Finance KPK
Dairy No.
Date 14/6

M. J. ...
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.