

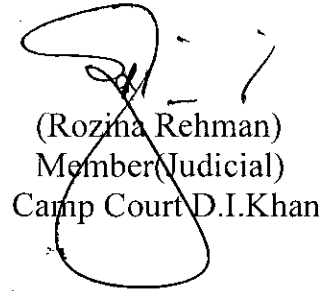
Service Appeal No. 851/2015

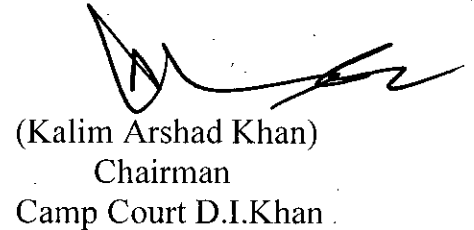
27th Oct, 2022

1. Learned counsel for the appellant (Mr. Abdullah Baloach, Advocate) present and submitted wakalatnama on behalf of the appellant. Mr. Muhammad Jan, District Attorney for respondents present.

2. At the very outset, learned counsel for the appellant submitted that the appellant would be satisfied if, in the light of paragraph 4 of the reply of the respondents, the case of the appellant is considered for the desired relief. The learned District Attorney has also no objection on this, therefore, the appellant shall make an application to the respondents for placing his case before the relevant committee for consideration of the desired relief. Disposed of accordingly. Consign.

3. *Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal on this 27th day of October, 2022.*


(Rozina Rehman)
Member(Judicial)
Camp Court D.I.Khan


(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan



KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE HIGH COURT

MUHAMMAD ABDULLAH

Advocate
bc-09-0944
Date of issue: June 2021
Valid upto: June 2024



وکالت نامہ

کورٹ
فیس

Secretary
KP Bar Council

Before the Honourable KP Service Tribunal

Appellant - مخانب Camp at D.I. Khan
محمد صفر عیسیٰ قریبی نامہ

دعویٰ یا جرم

Service Appeal # 851/2015

باعث تحریر آنکہ

D. I. Khan

Muhammad Abdullah Baloch MAE

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات پر پیشی یا تصفیہ مقدمہ بنام
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ دو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری ظہیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا بیچے پیش ہونے
پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے بجز
کو کھل ساختہ پر داختم صاحب موصوف مثل کردہ ذات نور منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسانے ڈگری
نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر پالیسی یا راضی نامہ و فیصلہ برحالیہ کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ مرکز بیرون از پکھری صدر بیرونی مقدمہ مرکز نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوقی ڈگری ایک طرف یا درخواست حکم امتناعی یا ترقی
یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختص بیرونی کا اختیار ہو گا اور تمام ساختہ پر داختم صاحب موصوف مثل کردہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا محترم کو اپنے نمائندہ یا اپنے ہمراہ مقرر کریں اور اپنے مشیر قانون کو بھی ہر امر میں دان اور اپنے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواہ پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

28 مارچ 2022 مورخہ

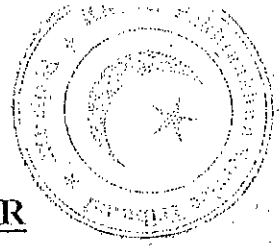
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Advocate
Signature

Signature

Appellant

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR



S.W.F. Province
Service Tribunal
Diary No. 290
Date 29-3-2016

Service Appeal No. 399 /2016

Aurangzeb Khan S/O Muhammad Jan Khan R/O Gali Bagh Wali,
Street No.5 Neaby Jame Masjid Usman-e-Ghani District Dera Ismail
Khan (Cell No.0321-9623761, 0342 8458687)

.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa Through Secretary,
Elementary and Secondary Education Peshawar
2. Director General Social Welfare Department Peshawar.
3. District Officer Social Welfare Department Dera Ismail Khan
4. Account General Khyber Pakhtunkhwa Peshawar
5. District Account Officer D.I.Khan
6. Mr. Mumtaz Khan C.T Teacher Govt: Institute for Blind District
D.I.Khan.
7. Mr. Faisal Haq Religious Teacher Institute for Blind District
D.I.Khan..... Respondents

APPEARED

APPEARED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Filed to the

29/3/16

Service Appeal U/S 4 of the KPK Service Tribunal Act 1974 Against Arrears of Pay Scale of BPS-16 With Effect From 24-08-2004 to 29-12-2006 while from 29-12-2006 to 28-02-2010 of BPS-17 Which is Granted to other Employees (Respondents No.06, 07 and Others) of the Respondents' Department While The Petitioner's Arrears are withheld Till Date without Lawful Authority and the act of the Respondents is Discriminatory, against the Law and Facts.

PRAYER :

re-submitted to App
and filed.

14/4/16

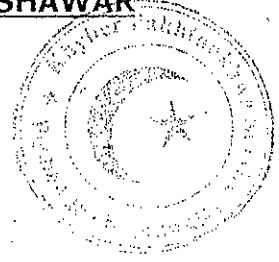
On acceptance of instant civil appeal, the respondents No.1 to 5 may graciously be directed to give Arrear of Pay Scale With Effect From 24-08-2004 to 29-12-2006 in BPS-16 while from 29-12-2006 to 28-02-2010 in BPS-17.

(Signature)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.399/2016

Date of Institution: 29.03.2016
Date of Decision: 04.12.2020



Aurangzeb Khan S/O Muhammad Jan Khan R/O Gali Bagh Wali, Street No. 5
Nearby Jame Masjid District Dera Ismail Khan.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education and Six others.

... (Respondents)

Tanveer Ahmad Baloch,
Advocate

... For Appellant

Mr. Muhammad Jan,
Deputy District Attorney

... For Respondents

Mrs. Rozina Rehman
Mr. Atiq Ur Rehman Wazir

... MEMBER (J)
... MEMBER (E)

ATTESTED

JUDGMENT: -


Mr. ATIQ UR REHMAN WAZIR: - Brief facts of the case are that the appellant Mr. Aurangzeb Khan, was initially appointed as Oral Master in BPS-9 dated 24-08-2004 by the respondents; that post of teachers were upgraded by the respondents to BPS-16 & 17 in compliance of various judgments of various courts of law and implementing Finance Department circular dated 24-07-1986; that the appellant also performed duty as oral master w.e.f. 24-08-2004 to 28-02-2010 and was qualified as well as entitled for the benefits of up-gradation; that respondent granted arrears benefits of scale 16 and 17 to other employees

i.e. respondents No. 6 & 7 being colleagues of the appellant and others from the dates of acquiring prescribed qualifications, but the appellant was not granted the said benefits. The appellant preferred departmental appeal, which remained unanswered, hence the instant service appeal with prayers that respondents may be directed to give arrears of pay scale with effect from 24-08-2004 to 29-12-2006 in BPS-16 while from 29-12-2006 to 28-02-2010 in BPS-17.

2. Written reply/comments were submitted by respondents.

3. Arguments heard and record perused.

4. Learned counsel for the appellant, while narrating the story of up-gradation, referred to Finance Department Circular dated 24-07-1986, upgrading the posts of teachers in various grades, including the grade of appellant to BPS-16 & 17, based on upgraded qualifications, which were offered to certain teachers by way of personal scales on political basis. Considering the same discriminatory, one of the employees, Wahid Nawaz struggled on individual basis fighting a long legal battle and finally succeeded and Supreme Court of Pakistan dated 03-02-2010 vide its Judgment passed in review petition No. 10-P/2009 r/w 2009 SCMR-1, whereby Up-gradation and back benefits were allowed to him retrospectively. Learned counsel for the appellant contended that the said Wahid Nawaz was followed by rest of the employees of the same category and they obtained individual reliefs either through Writ Petitions or through appeals from this worthy Tribunal. Likewise the appellant also served as Assistant Oral Master (BPS-9) in special education at Deaf & Dumb Institute at D.I. Khan, being supervised by Social Welfare Department. Learned counsel for the appellant further contended that the appellant remained in the same capacity since the year 2004 up-to the year 2010 and quit the same job on appointment as Civil

ATTACHED


Judge; that during the course, the posts were finally up-graded from BPS-9 to BPS-16 & 17 on the basis of upgraded qualifications, in light of Finance Department Circular dated 24-07-1986. It was further contended that the appellant was duly qualified for the said benefits at that time along-with his other colleagues, that respondents granted ante dated promotions to other co-employees of the appellant, but the appellant has been ignored. It was further contended that at the time of grant of arrears and ante dated promotion to other co-employees, the appellant had vacated the job on joining the new assignment, but was legally entitled to get benefits of ante dated promotion on the same analogy, which was granted to other colleagues of the appellant. It was further contended that the appellant sought the same relief from the respondents, but the same was kept unanswered, hence the instant service appeal with prior permission of the worthy High Court, Peshawar and with prayers of condonation of delay. Learned counsel for the appellant further contended that the same benefit has already been awarded to the then co-employees of the appellant. Reliance was placed on 1991 SCMR 1041, 1993 SCMR 2104, 2016 PLR 1603 (Peshawar), unreported case law in WP No. 216-P- 2013 and WP No 54-P-2012. Learned counsel for the appellant pointed out that the case of appellant is also having synonymous facts with the case laws relied upon, hence the same benefit may also be allowed to the appellant.

5. The learned Deputy District Attorney appeared on behalf of the respondents agreed to the extent that colleagues of appellant through court judgments were awarded higher pay scale in light of Finance Department Circular Dated 24-07-1986. The Learned Deputy District Attorney contended that for the purpose a committee has been constituted and the appellant is required


ATTESTED


to attend to that committee for adequate knowledge certificate and if found eligible, would give him his due rights.

6. We have heard learned counsel for the parties and perused the record. We have observed that Finance Department Circular dated 24-07-1986 regarding up-gradation of posts of teachers of Deaf & Dumb Institutions to BPS-16 & 17 is very clear and it was obligatory upon the respondents to up-grade such positions without intervention of the Court. It was also observed that in various courts judgments referred to above by counsel of the appellant, the same benefits have already been extended to co-employees of the appellants on the directions of Courts. The respondents at a belated stage also realized and constituted a Committee to deal with such cases. Record reveals that total 53 employees including respondent No. 6 & 7 have been awarded higher pay scales with retrospective effect i.e. from the date of acquiring the prescribed qualification. We are also conscious of the fact that the appellant was qualified in every respect for the said benefit, which have already been granted to his other colleagues. In view of the situation, the instant appeal is accepted as prayed for. No orders as to costs. File be consigned to record room.

ANNOUNCED
04.12.2020


(ROZINA REHMAN)
MEMBER(J)

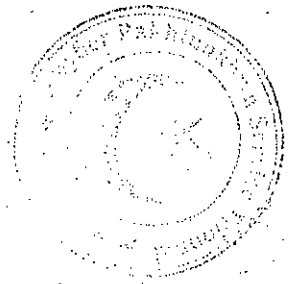

(ATIQU UR REHMAN WAZIR)
MEMBER (E)

Certified to be true copy

Secretary

Value of Presentation of Application _____
Number of Words 2000
Applying Fee 22.00
Stamp 4.00
Total 26.00
Number of Clerks _____
Date of Completion of Work 11-12-2020
Date of Delivery of 11-12-2020

04.12.2020

Representative of appellant present.




Muhammad Jan, learned Deputy District Attorney for respondents present.

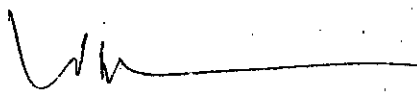
Vide our detailed judgment of today of this Tribunal, placed on file, the present service appeal is accepted. No order as to costs.

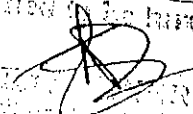
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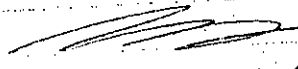
ANNOUNCED

04.12.2020


(ROZINA REHMAN)
MEMBER (J)


(ATIQ UR REHMAN WAZIR)
MEMBER (E)

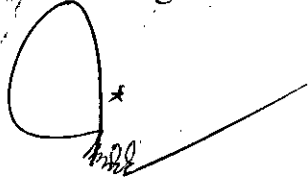
Certified to be true copy

Secretary
Government of Punjab
Lahore

11-12-2020
800
10.00
4.00
14.00

11-12-2020
11-12-2020

30th June 2022

Neither appellant nor his counsel present. Mr. Farhaj Sikandar, District Attorney for respondents present.

Niether appellant nor his counsel could be served, therefore, let it be fixed on the date already fixed i.e on 27.07.2022 for arguments before D.B at camp court D.I.Khan.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

27/07/22

Due to summer vacation same
up to 28/09/2022

28th Sept 2022

Mr. Muhammad Abdullah Baloch, Advocate submitted wakalatnama on behalf of the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant seeks time to prepare the case. Last chance is given to argue the case on the next date failing which the case will be decided without arguments. To come up for arguments on 27.10.2022 before D.B at camp court D.I.Khan.




(Salah Ud Din)
Member(J)



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

24.01.2022

Tour is Cancelled, therefore, case is adjourned to
23.05.2022 for the same as before.


Reader.

23.05.2022

Nemo for the appellant. Mr. Muhammad Adeel Butt,
Additional Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore,
notice for prosecution of the appeal be issued to the appellant as
well as his counsel through registered post and to come up for
arguments on 27.07.2022 before the D.B at Camp Court
D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court D.I.Khan



(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

27th June, 2022

Because of less number of cases fixed for the week
commencing from 27.06.2022, the office was directed to fix
some old cases. The office is fix this case but as no notices
could be issued to the parties and their counsel, therefore,
notices be issued to the parties and their counsel for arguments
on 30.06.2022 before D.B at camp court D.I.Khan.



(Mian Muhammad)
Member(E)

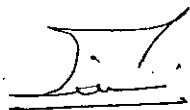


(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

22.11.2021

Appellant alongwith Mr. Ishtiaq Qureshi, junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant has left for his home due to some emergency. Adjourned. To come up for arguments before the D.B on 24.01.2022 at Camp Court D.I.Khan.



(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan



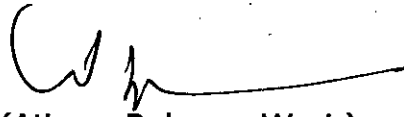
Chairman
Camp Court D.I.Khan

24.02.2021

Nemo for parties.

Riaz Khan Paindakheil learned A.A.G for for respondents present.

Preceding date was adjourned on a reader's note, therefore, notice be issued to both the parties for 24.05.2021 before D.B for arguments at Camp Court D.I Khan

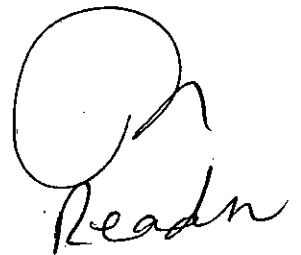


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

*Due to COVID-19 therefore to
come up for the same on 27/9/21*

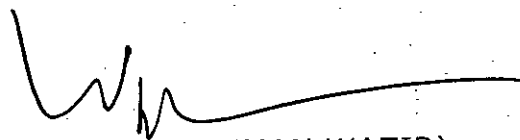


Reader

27.09.2021

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments before the D.B on 22.11.2021 at Camp Court D.I.Khan.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

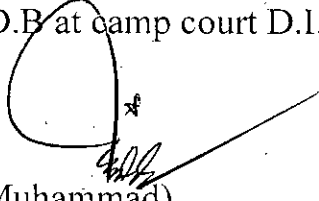


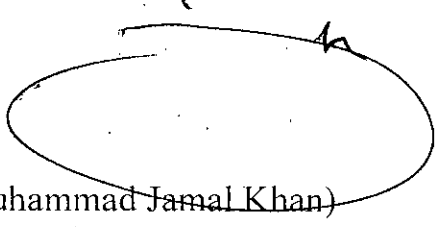
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

26.10.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith Mr. Sahibzada Naeem, District Officer Social Welfare for respondents is present.

Since the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, the case is adjourned to 24.11.2020 for arguments before D.B at camp court D.I.Khan.


(Mian Muhammad)
Member(E)



(Muhammad Jamal Khan)
Member(J)
Camp Court D.I Khan


24.11.2020

Appellant present in person.


Muhammad Jan learned Deputy District Attorney alongwith Sahibzada Naeem District Officer ~~for~~ for respondents present.

Former made a request for adjournment as his counsel is not available. Adjourned. To come up for arguments on 26.01.2021 before D.B at Camp Court DI.Khan.


(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan


(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

*Due to Covid, 19 case is adjourned
to 24-02-2021.*


Reader

24/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 20/4/2020 at Camp Court, D.I Khan


Reader

20/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 21/9/2020 at Camp Court, D.I Khan

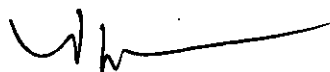

Reader

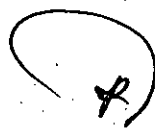
21.09.2020

Nemo for parties.

Mr. Muhammad Jan, learned Deputy District Attorney for respondents present.

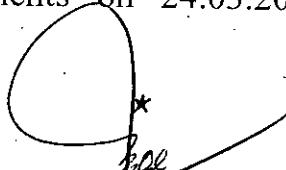
The preceding two dates were adjourned on a reader's note, therefore, notice be issued to both the parties for arguments on 26.10.2020 before D.B at Camp Court, D.I Khan.

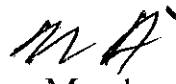

(Attiq-ur-Rehman Wazir)
Member
Camp Court, D.I Khan


(Rozina Rehman)
Member
Camp Court, D.I Khan

25.02.2020

Clerk to counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 24.03.2020 before D.B at camp court D.I.Khan.


Member


Member
Camp Court D.I.Khan

22/10/2019

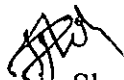
Since tour to D.I.Khan has been cancelled .To come for the same on 26/11/2019.




Reader

26.11.2019

None present on behalf of the appellant. Mr. Ziaullah, Deputy District Attorney for the respondents present. Notice be issued to appellant and his counsel for attendance and arguments for 28.01.2020 before D.B at Camp Court D.I.Khan.




(Hussain Shah)
Member
Camp Court D.I.Khan




(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

28.01.2020

Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani, District Attorney for the respondents present. Adjourned to 25.02.2020 for arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan




(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

26.03.2019

Counsel for the appellant and Mr. Farkhaj Sikandar,
District Attorney for the respondents present.

It is already pasted 4.00 P.M. Adjourned to 25.06.2019
before the D.B at camp court, D.I.Khan.



Member


Member
Camp Court, D.I.Khan

25.06.2019

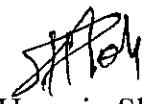
Counsel for the appellant and Mr. Farhaj Sikandar,
District Attorney for the respondents present. Representative of
the department is not present therefore, notice be issued to the
respondents with the direction to direct the representative to
attend the court on the next date positively. Adjourned to
26.08.2019 for arguments before D.B at Camp Court D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

26.08.2019

None present on behalf of the appellant. Mr. Farhaj
Sikandar, District Attorney for the respondents present. Notice be
issued to appellant and his counsel for attendance and arguments
for 22.10.2019 for arguments before D.B at Camp Court
D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

17.12.2018

As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 17.12.2018 has been rescheduled and the case is re-fixed for 26.12.2018.


Reader

26.12.2018

None present for appellant. Mr. Farhaj Sikandar, District Attorney for the respondents present. Notice be issued to appellant and his counsel for attendance and arguments for 25.02.2019 before D.B at Camp Court D.I.Khan.


(Hussain Shah)

Member
Camp Court D.I.Khan

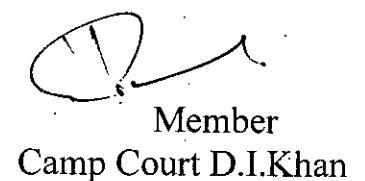

(Muhammad Amin Khan Kundi)

Member
Camp Court D.I.Khan

25.02.2019

Appellant with junior to counsel for the appellant and Mr. Farhaj Sikandar learned District Attorney present. Appellant submitted application for adjournment. Application allowed. Adjourn. To come up for arguments on 26.03.2019 before D. B at Camp Court D.I.Khan.

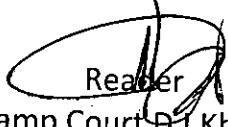

Member


Member
Camp Court D.I.Khan

Service Appeal No. 851/2015


12.09.2018

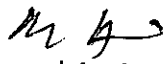
12th September has been declared as public holiday on account of 1st Muharram therefore, the case is adjourned for the same on 26.11.2018 before D.B at Camp Court D.I.Khan.


Reafer
Camp Court D.I.Khan

26.11.2018

Appellant alongwith his junior counsel present. Mr. Usman Ghani, District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court D.I.Khan Bench. Adjourned. To come up for arguments on 27.11.2018 before D.B at Camp Court D.I.Khan.



(Ahmad Hassan)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.11.2018

Mr. Muhammad Ishtiaq Quraishi, Advocate and Mr. Rahim Ullah, Advocate, counsels for the appellant present and submitted Wakalat Nama. Mr. Usman Ghani, District Attorney for respondent present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments 17.12.2018 for arguments before D.B at camp court D.I.Khan.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

21.02.2018


Counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.04.2018 before D.B at Camp Court D.I.Khan.

(Ahmad Hassan)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

25.05.2018

Due to retirement of the worthy Chairman, the Tribunal is non-functional. To come up for the same on 20.06.2018. Notices be issued to the parties accordingly.


Member

20.06.2018

Neither the appellant nor his counsel present. Mr. Usman Ghani, learned District Attorney for the respondents present. Adjourned. To come up for arguments on 27.08.2018 before the D.B. at camp court D.I.Khan.


Member


Chairman
Camp Court, D.I.Khan

27.8.18

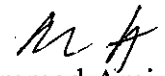
No one present on behalf of the appellant. Mr. Kamran competent instructor for respondents present. Court is hereby cancelled, therefore the case is adjourned for the same on 12.9.18 at camp court D.I.Khan.



Service Appeal No. 851/2015


30.11.2017


Appellant in person present. Mr. Farhaj Sikandar, District Attorney alongwith Sahibzada Muhammad Naeem, Superintendent for the respondents also present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 22.01.2018 before D.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

22.01.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents also present. Through the instant appeal the issue of up-gradation has been agitated which according to the judgment of the Supreme Court of Pakistan is beyond the jurisdiction of this Tribunal. Moreover, the appeal is also time barred as well. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on the maintainability of appeal in hand. To come up for arguments on 21.02.2018 before D.B at Camp Court D.I.Khan.


(Ahmad Hassan)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.12.2016

Appellant in person and Mr. Farhaj Sikandar, Government Pleader for the respondents present. Written reply not submitted. Representative of the respondent-department is not in attendance today therefore, fresh notice be issued to the respondents for written reply/comments for 29.03.2017 before S.B at Camp Court D.I.Khan.


ASHFAQUE TAJ
MEMBER
Camp Court D.I.Khan


29.03.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 23.08.2017.


Reads


23.08.2017

None present on behalf of the appellant. Mr. Farhaj Sikandar, District Attorney for the respondents present. Representative of respondent-department is not in attendance, therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 30.11.2017 before S.B at Camp Court D.I.Khan. Notice be also issued to appellant and his counsel for attendance for the date already fixed.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

23.2.2016

Counsel for the appellant and Mr. Farhaj Sikandar, GP with Khalid Saeed, ADO for the respondents present and requested for adjournment. Case to come up for written reply on 29.3.16 at Camp Court D.I.Khan.


MEMBER
Camp Court, D.I.Khan


29.3.2016

Clerk of counsel for the appellant present. The learned GP (Farhaj Sikandar) also present. Fresh notices be issued to the respondents positively for written reply on 30.8.16 at Camp Court, D.I.Khan.


MEMBER
Camp court, D.I.Khan

30.08.2016

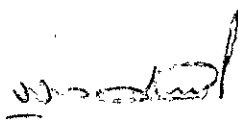
Appellant in person and Mr. Sahibzada Muhammad Naeem, Supdt alongwith Mr. Farhaj Sikandar, GP for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply on 27.12.2016 at camp court D.I Khan.

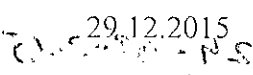

Member
Camp court D.I. Khan

23.11.2015



None is available on behalf of the appellant.
Notices be issued to appellant and his counsel. Case to
come up for preliminary hearing at Camp court, D.I.Khan
on 29-12-2015.


MEMBER
Camp Court, D.I.Khan



29.12.2015


2015 12-15
Since tour to D.I.Khan for the month of December, 2015
has been cancelled, therefore, case is adjourned to 26-1-2016
for the same.



MEMBER
Camp Court, D.I.Khan

26.01.2016




Counsel for the appellant present and requested
for adjournment. To come up for preliminary hearing at
camp-court D.I.Khan on 23-2-16


MEMBER
Camp court, D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 851/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28.07.2015	<p>The appeal of Mr. Muhammad Safdar Abbas resubmitted today by Mr. Muhammad Abid Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2	29-02-2015	<p>This case is entrusted to Touring Bench D.I.Khan for preliminary hearing to be put up thereon <u>24-08-2015</u></p> <p> CHAIRMAN</p>
	26.10.2015	<p>None is available on behalf of the appellant. Fresh notice be issued to appellant and his counsel. Case to come up for preliminary hearing at camp court, D.I.Khan on <u>23-11-15.</u></p> <p> MEMBER Camp Court, D.I.Khan</p>


The appeal of Mr. Muhammad Safdar Abbas Qureshi son of Abbas Qureshi of Distt. D.I.Khan received to-day i.e. on 13.07.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

not remand

- ① In the memo of appeal places have been left blank which may be filled in.
- ② Affidavit may be got attested by the Oath Commissioner.
- ③ All annexures of the appeal are illegible which may be replaced by legible/better one.
- 4- Appeal may be page marked according to the Index of the appeal.
- 5- Annexures of the appeal may be attested.
- 6- Wakalat Nama in favour of appellant may be placed on file.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1083 /S.T,

Dt. 14-7 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Abid Advocate
Dera Ismail Khan High Court.

BEFORE THE NWFLP SERVICES TRIBUNAL, PESHAWAR

In Service Appeal No. 851 /2015

M Saffdar abbas
(Appellant)

Versus

Govt. of KPK, etc
(Respondents)

INDEX

S.No.	Description of document	Annexure	Pages
1	Service Appeal with application for condonation of delay	--	1-6
2	Copy of appointment letter of appellant	A	7-9
3	Copy of Promotion Order	B	10
4	Copies of appointment orders	C & D	11-12
5	Copy of Departmental appeal	E	13-14
6	Wakalatnama	--	15

10/07/2015


Appellant's counsel

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

In Service Appeal No. 851 /2015

M.SAFDAR ABBAS

VERSUS

GOVT OF KPK, ETC

(Appellant)

(Respondents)

A.W.F. Province
Service Tribunal

Diary No. 834

Dated 13/7/15

SERVICE APPEAL

APPLICATION FOR THE CONDONATION OF FIVE DAY DELAY

Respectfully Sheweth:-

1. That the Service appeal of the appellant is being filed in this Honourable Tribunal and instant application may please be considered as part of main service appeal.
2. That the mother of appellant has been seriously ill and the appellant have to take her in Islamabad due to medical treatment. That is why the instant service appeal is being filed with delay of 05 days.
3. That the Honourable Tribunal has got vast and ample power to entertain this service appeal.

In view of the above it is humbly prayed that five days delay in filing of instant Service Appeal may kindly be condoned by delivering Judgment on merit.

Your Humble Appellant

Date: 10/07/2015

Through Counsel

Affidavit

I, **Muhammad Abid Advocate** for appellant on behalf of appellant, it is stated on oath that all the contents of application are true to the best of the appellant knowledge furnished to me.

Date: 10/07/2015



DEPONENT

BEFORE THE KPK SERVICES TRIBUNAL, CAMP D.I.KHAN

Service Appeal No. 851 /2015

Muhammad Safdar Abbas Qureshi son of Abbas Qureshi, caste Qureshi, resident of sheikh Yousaf, District D.I.khan DIKhan

.....(**APPELLANT**)

**N.W.F. Province
Service Tribunal
Diary No. 834
Dated 13-7-2015**

VERSUS

1. Government of KPK, Through Secretary health and welfare department KPK Peshawar
2. Directorate of Social Welfare, special Education and Women Empowerment Department KPK Peshawar
3. Director of Social Welfare, special Education and Women Empowerment Department KPK Peshawar
4. District Officer, Social Welfare Department DIKhan

..... (**RESPONDENTS**)

APPEAL UNDER SECTION 4 OF THE NWFP SERVICES TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 26.1.2015, VIDE NO.E17/77/DSW/2015/8180-85, DATED 26.01.2015, RECEIVED BY THE PRESENT APPELLANT ON 22.02.2015 against the omission on the part of respondent no — for indecision on the departmental appeal of the petitioner and against the refusal thereon IN VIOLATION OF LAW AND RULES AND THE APPELLANT WAS DISCRIMINATED IN THE MATTER OF PROMOTION FOR NOTHING BUT MALAFIDES.

**Filed today
Registrar
13/7/15**

PRAYER

On acceptance of this appeal, the appointment order No. E-4/64/DSW/87 dated 22.03.1992 may please be amended, entry of date of appointment of appellant may please be rectified/corrected and refusal/indecision of departmental appeal may please be set-aside.

re-submitted to-487 and filed.

**Registrar
28/7/15**

Respected Sir,

1. That the appellant joined the social welfare department as CT teacher in year 1992 vide appointment order No. E-4/64/DSW/87 dated 22.03.1992. Copy of appointment order is annexed as **Annexure-A**
2. That vide promotion order No. nil dated 28.01.2000, the appellant was promoted to BPS 16 and the effective date of his promotion was mentioned as **22.03.1996**. Pertinent to mention here that appointment date was **22.03.1992**. copy of promotion order is annexed as **Annexure "B"**.
3. That one Mr. Mumtaz khan and Mr. Faisal Haq, in this department, were appointed as teachers both on dated 20.08.2004. Copies of appointment orders are annexed as **Annexures "C&D"**.
4. That thereafter, vide corrigendum order 8180-85 dated 26.01.2015, these two servants of this department were promoted to BPS.(16) and importantly their promotion order is effective from the date of their appointment i.e 26.01.2015. Here, at this stage the present appellant was astonished to note that why his promotion date was effective from 22.03.1996 instead of 22.03.1992 (date of appointment). High ups were contacted in this concern and ultimately appellant was told that in promotion order dated 28-01.2000, the date of effectiveness against S.No.2 was infact a clerical mistake and it should be 22.03.1992 instead of 22.03.1996, and they also promised that it will be corrected.
5. That request of the appellant had been shuffling from desk to desk and deliberate procrastination of the respondent prompted the appellant to pursue the matter and appellant preferred departmental appeal on 04.03.2015 duly forwarded by district officer to the respondent no.3/director on 05.03.2015 being appellate authority. After the laps of statutory period of limitation cause of action arose to the appellant for the instant appeal, hence the present appeal. Copy of departmental appeal is annexed as **Annexure-E**
6. That refusal order/indecision of departmental appeal of the appellant and impugned promotion order dated 28.01.2000 to the extent of wrong entry of the effective date of promotion of

4

appellant is being challenged by way of instant appeal, on inter alia the following grounds:-

GROUNDS

- a. That impugned orders dated 28/01/2000 of respondent No.3 is against law, admitted realities and are violative of the principles of justice.
- b. That date of promotion of appellant must be as per of same as others are given as per date of appointment
- c. That in view of the seniority position of appellant, his hard work and better performance as also in view of his laudable and favourable and be treated on equality.
- d. That non awarding promotion to the petitioner cast an adverse effect upon her entire career which badly resulted his expected ancillary benefits thereon.
- e. That non-promotion of petitioner for the said post has brought a bleak disaster not only to his impeccable career but also has financially straightened.
- f. That petitioner was entitled for the promotion with effect from date of appointment.
- g. That the appellant has been discriminated in the matter of promotion and as the said discrimination smacks of malafides, the impugned orders merit annulment.

For the afore-stated grounds, this appeal may please be allowed as prayed above.

10/07/2015

Your humble appellant,


**MUHAMMAD SAFDAR ABBAS
QURASHI**

Through counsel:-


MUHAMMAD ABID ADVOCATE


YASIR ZAKRIA ADVOCATE

5

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

In Service Appeal No. _____/2006

M.safdar abbas
(Appellant)

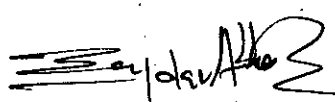
Versus

govt of kpk, etc
(Respondents)

AFFIDAVIT

I, Muhammad safdar abbas qurashi son of Muhammad Abasa qurashi, resident of Sheikh yousaf DIKhan, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal, nor anything contained therein is based on exaggeration or distortion of facts.

10/07/2015



Deponent

VERIFICATION

Verified on oath at DIKhan, this 12th day of August, 2006, that all contents of the above appeal are true and correct.

10.07.2015

Appellant



6

**BEFORE THE KPK SERVICES TRIBUNAL, CAMP
DIKHAN**

In Service Appeal No. _____/2015

Saffdar abbas
(Appellant)

Versus

govt bof kpk, etc
(Respondents)

ADDRESSES OF PARTIES

APPELLANT

Muhammad Saffdar abbas s/o Muhammad abbas, basti
sheikh yousaf DIKhan

RESPONDENTS

1. Government of KPK, Through Secretary health and welfare
department KPK Peshawar
2. Directorate of Social Welfare, special Education and Women
Empowerment Department KPK Peshawar
3. Director of Social Welfare, special Education and Women
Empowerment Department KPK Peshawar
4. District Officer, Social Welfare Department DIKhan

Your humble appellant,



**MUHAMMA SAFDAR ABBAS
QURASHI**

Through counsel:-

Annexure - A

(7)

GOVERNMENT OF N.W.F.P.
DIRECTORATE OF SOCIAL WELFARE,
SIDDIQUE COLONY, MID GAN ROAD,
PESHAWAR CITY.

No. E-4/64/DSW/ 27

Dated, Peshawar the 22nd 5. 1992.

To

Mr. Safdar Qureshi S/O
Abbass Qureshi, Vill: Sheikh Mousaf,
P.O. Ratta Kulachi, Teh: & Distt:
D.I.Khan

Subject:- APPOINTMENT AS C.T. TEACHER (BPS-9)

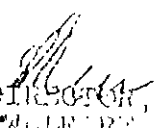
You are hereby appointed as C.T. Teacher (BPS-9)
plus other usual allowances in the office
of the Supdt: Institute for the Blind, D.I.Khan

The terms and conditions of your appointment
are as follows:

1. The appointment is purely temporary and can be terminated any time without any reason by giving fifteen days notice. In case you wish to leave service, similar notice of fifteen days shall be given by you or fifteen days pay surrendered in lieu thereof.
2. You are liable to be transferred any where in N.W.F.P.
3. The appointment is subject to medical fitness.
4. You will be on probation for a period of two years.

If you accept the offer of appointment on the above terms and conditions, you are directed to report for duty to the Supdt: Institute for the Blind, D.I.Khan

on 24.4.1992. In case you did not report for duty by the target date the offer shall be deemed to have been cancelled.


DIRECTOR,
SOCIAL WELFARE, N.W.F.P.

Encl: Even No. & Date.

Copy to:

1. The Accountant General, N.W.F.P., Peshawar.
2. The Distt: Accounts Officer D.I.Khan
3. The P.S. to Secretary, Health & Social Welfare Department, N.W.F.P., Peshawar.
4. The ~~Temporary~~ ~~Supdt:~~ ~~Supdt: Institute for the Blind,~~ ~~D.I.Khan~~ with the direction to check the original certificates/testimonials of the

...P/2.

(2)

1823

GOVERNMENT OF N.W.F.P.
DIRECTORATE OF SOCIAL WELFARE
SADDIQUE COLONY BID GAN ROAD
PESHAWAR.

DATED PESHAWAR THE/..... 2000.

ORDER

In pursuance of Government of N.W.F.P, Finance Department circular letter No. FD(SR-I)95-84, dated 24.7.86 the following teachers of handicapped Institutions who possess prescribed qualification are hereby granted higher pay scale (Personal scale) with effect from the date as shown against their names.

S. NO.	NAME & DESIGNATION.	OFFICE	QUALIFICATION.	PRES. ENT. (P.S.)	HIGHER SCALE AWARD -ED.	WITH EFFECT FROM.
1	2	3	4	5	6	7
1.	Mr. Abdur Rehman Braille Teacher.	Govt: Institute for the Blind, Swat.	B.A. with 5 years certificate.	14	16	31.12.97
2.	Mr. Muhammad Saifdar Abass Gureshi, C.T. Teacher.	Govt: Institute for the Blind D.I.Khan.	B.A. (D.A.E) (Electrical Tech.) certificate in Braille.	9	16	22.3.96
3.	Mr. Sahibz da Muhammad Nagem, Music teacher.	-do-			16	24.9.89
4.	Mr. Fazal Mehmood P.T.I.	Govt: Institute for the Blind Mardan.	i) B.A. ii) Exp: and adequate knowledge certificate.		16	22.7.94
5.	Mr. Javed Khan Braille Teacher.	-do-	i) B.A. ii) 5 years certificate in Braille.		16	27.1.99
6.	Mr. Ali Zaman, Braille Teacher.	Govt: Institute for the Blind Abbottabad.	i) B.A. ii) 5 years certificate in Braille.		16	31.12.97
7.	Mr. Muhammad Saddique, Munj Supervisor.	Govt: Institute for The Blind Swat.	i) B.A. ii) 5 years certificate in Braille.		16	31.12.97
8.	Mr. Janis Khan Religious.. Teacher.	-do-	i) B.A. ii) 5 years certificate in Braille.		16	23.12.93

Attached to be Imaged
 (Signature)

(2)

9. Mr. Muhammad Siddique R/ Teacher.	Govt: Institute for the Blind	1) B.A. ii) 5 years certificate in Braille.	16	31.12.97
10. Mr. Hafiz-ur-Rahman, Music Teacher.	Govt: Institute for the Blind Faisalabad.	1) B.A. ii) 5 years certificate in Braille.	16	24.12.97
11. Mr. Khalid Mahmood (P.T.I).	Govt: Institute for the Blind Abbottabad.	1) Metric ii) Experience & adequate knowledge certificate.	14	1.2.92
12. Mr. Raheel Ahass, Music Teacher.	-do-	-do-	14	1.2.92
13. Mr. Muhammad Anis, Supervisor.	Govt: Institute for the Blind D.J.I Khan.	1) Metric ii) adequate knowledge certificate.	14	31.3.99
14. Mr. Zafer Alam C.T. Teacher.	Govt: Institute for the Blind Swat.	1) F.A. ii) Certificate in Braille.	14	10.3.99
15. Mr. Amanullah Supervisor.	Govt: Institute for the Blind Abbottabad.	1) Metric ii) 5 years certificate in the relevant field.	14	12.3.99
16. Mr. Falak Naz, Music Teacher.	Govt: Institute for the Blind Swat.	1) Metric ii) certificate in the relevant field.	14	12.4.91
17. Mr. Amin Bad Shah (P.T.I).	-do-	1) Metric ii) Ex-service man (Hav:) Pak Army	11	22.3.94
18. Mr. Zahid Nawaz Braille Teacher.	Govt: Institute for the Blind Swabi.	1) F.A. with certificate in Braille.	14	9.3.99
<u>MENTALLY RETARDED & PHYSICALLY HANDICAPPED.</u>				
19. Mr. Zahid Nawaz Junior Teacher.	Mentally Retarded & Physically Handicapped Bannu.	1) M.Sc ii) C.T. Certificate iii) Exp: certificate.	16	10.5.98
20. Mr. Niematullah R/ Teacher.	-do-	1) Metric ii) Hafizul Quran Hon: in Arabic. iii) Exp: certificate.	11	19.7.92
21. Mr. Ishfaq Ahmad Music Teacher.	-do-	1) F.A. ii) Certificate in the relevant field not available.	11	11.4.94

9

1/8

(3)

1	2	3	4	5	6	7
22.	Mr. Muhammad Rafique, Jr. Teacher.	Manager Centre for Mentally Retarded & Physically Handicapped Mahsehra.	i) F.A. with C.T.		14	24.9.94
23.	Mr. Taj Malook Religious Teacher.	Centre for Mentally Retarded & Physically Handicapped Chitral.	i) F.A. ii) Certificate from Wifaqal maddas, Multan.		14	3.4.96
24.	Mr. Muhammad Nasir, Elec: Instructor.	Manager, Centre for Mentally Retarded & Physically Handicapped Bannu.	i) B.A. ii) C.T. certificate.		16	2.4.97
25.	Mr. Rohmat Nawaz, Jr. Teacher.	Manager, Centre for Mentally Retarded & Physically Handicapped Chitral.	i) B.A. ii) C.T. certificate. iii) Adequate Knowledge in relevant field.		16	1.4.98

SCHOOL FOR DEAF CHILDREN.

26.	Mr. Muhammad Idrees, Jr. Oral Master.	Principal, School for Deaf Children, Gulbahar, Peshawar.	i) Matric ii) F.A. iii) P.T.C. iv) Adequate Knowledge in the field of Deaf.		14	10.2.98
27.	Mr. Amir Eaman Assistant Physiotherapist.	Manager, Centre for Mentally Retarded & Physically Handicapped Chitral.	i) Matric ii) F.A. iii) B.A. iv) M.A.		16	12.3.97

Attached to be true copy

[Signature]
 DIRECTOR
 SOCIAL WELFARE, N.W.F.P.

(4)

Order: No. DSW/1002/1

Dated Peshawar: 15/11/51

Copy of the above is forwarded to:-

1. The Accountant General NWFP, Peshawar.
 2. All the District Accounts Officers
 3. The Section Officer-II, Social Welfare Department, NWFP, Peshawar.
 4. All the Assistant Directors, Directorate of Social Welfare and Divisional level in NWFP,
 5. All the Superintendent, Govt: Institute for the Blind (Girls) & (Male) in N.W.F.P.
 6. All the Principal, Govt: School for Deaf Children in N.W.F.P.
 7. All the Manager, Centre for Mentally Retarded & Physically Handicapped in N.W.F.P.
- All the officials concerned.

Historical
JW
 The Director
 Social Welfare, N.W.F.P.

[Signature]
 DIRECTOR
 SOCIAL WELFARE, N.W.F.P.

Anexure B- 10



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF SOCIAL WELFARE, SPECIAL EDUCATION &
WOMEN EMPOWERMENT, OPPOSITE ISLAMIA COLLEGE JAMRUD
ROAD, PESHAWAR.

Dated Peshawar the 26/11/2015

091-9216099

CORRIGENDUM

No. E-1777/DSW/2015/ 8180-85 Reference - this Directorate Order No. E-1777/DSW/2015/7934-40 dated 16.01.2015; the information / date / designation of the following teachers may be read as follow:

S.No	Name	Designation	Institution	Higher Pay Scale	From
1	Mr. Mumtaz Khan	C.Teacher	Govt. Institute for the Blind DIKhan.	16	20.08.2004 ✓
2 ✓	Mr. Faizal Haq	Religious Teacher	Institute for the Blind DIKhan.	16	23.08.2004

Other terms and conditions as mentioned in the original order shall apply.

Assistant Director
(Establishment)

Copy forwarded to:

1. The District Accounts Officer, DIKhan.
2. PS to Secretary (SW, SE&WE).
3. Section Officer-II (SW, SE&WE).
4. The District Officers, Social Welfare, DIKhan.
5. Superintendent, GIB, DIKhan.
- ✓ 6. The officials concerned.

Assistant Director
(Establishment)

Order to be
true copy of

C - 11

DISTRICT GOVERNMENT
OFFICE OF THE DISTRICT OFFICER,
SOCIAL WELFARE DEPARTMENT
AZED AWAN ROAD D.I.KHAN CANTT

Dated 26-08-2004

ORDER

No. DO/SWD/DIK/2004/784-88 On the recommendation of District Selection Board, Mr. Mumtaz Khan S/O Alta Ullah Khan resident of Kulachi Distt: D.I.Khan is hereby appointed as C.T. Teacher in the Govt: Institute for the Blind, D.I.Khan.

- I) That the appointment shall be purely on contract basis, initially for the period up to 30th June 2005, however is likely to be extendable on yearly basis.
- II) That the appointee shall be entitled to get pay Rs. 4083/- (Rupees Four Thousand & Eighty three only).
- III) That the contract can be terminated without assigning any reason, at one month's written notice from either side.
- IV) That this appointment shall automatically be terminated on abolition of the project.
- V) That no TADA shall be admissible for joining the duty.
- VI) That this appointment is subject to your medical fitness and verification of antecedents.
- VII) On expiry/completion of the contract, services of the appointee shall stand terminated and shall not confer on the individual any right of absorption elsewhere or regularization of his services.
- VIII) Rest of the terms & conditions will be the same as mentioned in the agreement deed to be properly executed between the appointee and the District Government, Social Welfare (A copy of Specimen of Agreement Bond is attached)

MOHAMMAD BASHIR KHAN
DISTRICT OFFICER,
SOCIAL WELFARE DEPTT: D.I.KHAN

Encl: No. & Date given
Copy forwarded to

1. The District Coordination Officer, D.I.Khan
2. The Director, Social Welfare NWFP, Peshawar.
3. The District Accounts Officer, D.I.Khan
4. The Superintendent, Govt: Institute for the Blind, DIKhan
5. The Official concerned.

M Bashir
DISTRICT OFFICER,
SOCIAL WELFARE DEPTT: D.I.KHAN

ATTESTED

M Bashir
District Officer
Social Welfare Deptt:
D. I. Khan

*Order to be
issued by
26/8/04*

DISTRICT GOVERNMENT
OFFICE OF THE DISTRICT OFFICER,
SOCIAL WELFARE DEPARTMENT
AZED AWAN ROAD D.I.KHAN CANTT

Dated 20-08-2004

D - (12)

ORDER

No. DO/SW/DIK/2004/794-98 On the recommendation of District Selection Board, Mr. Fazal Haq (Mr. Fazal Haq resident of 'Haroon Shahee' Colony D.I.Khan is hereby appointed as Religious Teacher in the Govt. Institute for the Blind, D.I.Khan.

- I) That this appointment shall be purely on contract basis, initially for the period up to 30th June 2005, however is likely to be extendable on yearly basis.
- II) That the official shall be entitled to get pay Rs.4083/- (Rupees Four Thousand & Eighty three only).
- III) That the contract can be terminated without assigning any reason, at one month's written notice from either side.
- IV) That this appointment shall automatically be terminated on abolition of the project.
- V) That no TA/DA shall be admissible for joining the duty.
- VI) That this appointment is subject to your medical fitness and verification of antecedents.
- VII) On expiry/completion of the contract, services of the appointee shall stand terminated and shall not confer on the individual any right of absorption elsewhere or regularization of his services.
- VIII) Rest of the terms & conditions will be the same as mentioned in the agreement deed to be properly executed between the appointee and the District Government, Social Welfare (A copy of Specimen of Agreement Bond is attached)

MOHAMMAD BASHIR KHAN
DISTRICT OFFICER,
SOCIAL WELFARE DEPT. D.I.KHAN

Encls: No, & date even

Copy forwarded to

1. The District Coordination Officer, D.I.Khan
2. The Director, Social Welfare NWFP, Peshawar.
3. The District Accounts Officer, D.I.Khan
4. The Superintendent, Govt. Institute for the Blind, DIKhan.
5. The Official concerned.

M. Bashir Khan
DISTRICT OFFICER,
SOCIAL WELFARE DEPT. D.I.KHAN

ATTESTED

M. Bashir Khan
District Officer
Social Welfare Deptt.
D.I.Khan

Attested to be true copy
(Signature)

Aneer E - 13

The Director,
Directorate of Social Welfare,
SE & Women Empowerment Department,
Peshawar. Khyber Pakhtunkhwa.

Through Proper Channel.

Subject REPRESENTATION CORRECTION/RECTIFICATION OF CLERICAL MISTAKE IN LETTIR NO DSW/4886 PESH DATED 25/01/2000 AT SERIAL No.2.

Respected Sir,

APPLICANT SUBMITS AS UNDER:

1. That applicant was appointed as CT Teacher in BPS-9 vide office order No E-4/64/dsw87 dated 22/03/1992
2. That up-gradation order was issued vide office order DSW/4886 dated 25/01/2000 wherein at serial No. 2 applicant was up-graded from BPS 9 TO BPS 16 w.e.f 22/03/1996 whereas actually the effective date is 22/03/1992 (the date of appointment)
3. That, similarly in office order no DSW/4886 mentioned above, other colleagues were also up-graded and the effective date of promotion was the date of their appointments.
4. That recently an office order No E17/77/DHW/2015/8180-85 Dated 26/01/2015 Has also been issued, wherein two employees of the same department were up-graded and effective date is the date of their appointment in this Department.
5. That continuance of clerical mistake/error would create complications and in order to avoid future problems, correction of effective date is the fundamental right of the applicant

Your Humbly,

Dated: 03/03/2015

Murad Abbas

MURATIMAD SAFDAR ABBAS QURESHI
Junior Special Education Teacher BPS-16
Govt Institute for the Blind / Drawing and
Disbursing Officer, Government School for Deaf &
Mum Children, Dera Ismail Khan.

Received
4/2/2015

*collected to be
GPO*

14

OFFICE OF THE DISTRICT OFFICER
SOCIAL WELFARE, SPL. EDU. & W.E. DEPTT.
WENSUM HOUSING SCHEME DIKHAN

No. DO/SWD/DIK/Estt/2015/ 70-71

Dated DIKhan the 05/03 /2015

To

The Director
Social Welfare, Spl: Edu: & WED
Peshawar.

Subject:- REPRESENTATION CORRECTION/RECTIFICATION OF CLERICAL MISTAKE IN LETTER NO DSW/4886 PESH DATED 25/01/2000 AT SERIAL NO. 2.

Kindly find enclosed herewith a plea in respect of Mr.. Mohammad Safdar Abbas Qureshi, Junior Special Education Teacher BPS-16 for subjected quoted matter, ~~which seems a~~ genuine request of the applicant.

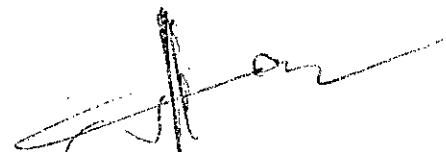
Your kind-self is requested for favorable consideration please.


DISTRICT OFFICER
SOCIAL WELFARE, SE & WED
D.I.KHAN

Encls: No & Date even

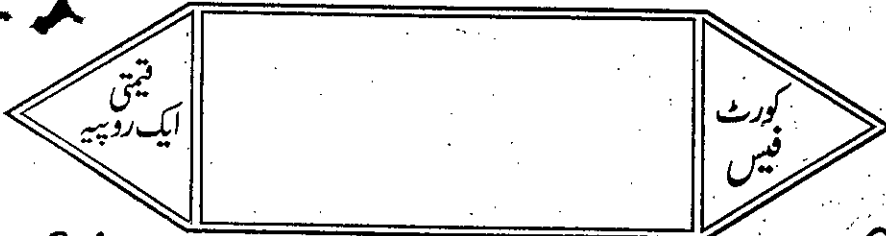
Copy to

Mohammad Safdar Abbas Qureshi, JSET


DISTRICT OFFICER
SOCIAL WELFARE, SE & WED
D.I.KHAN

attached to be
true copy 

وکالت نامہ



Before Honourable KPK Service Tribunal
Petitioner: M. Sajid Abbas منجانب KPK پشاور KPK

Service Appeal

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

Dikhan

باعث تحریر آنکہ

Muhammad Aftab - Yasir Zakria - Kamran Qudus

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بروہی و جواب دہی برائے جی ٹی یا تصفیہ مقدمہ نام
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر جی ٹی پر منظر حاضر نہ ہو اور مقدمہ پیری غیر حاضری کی ذمہ داری کسی طور میرے خلاف ہو گیا تو صاحب
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صمد مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل
بروہی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صمد مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا جنت نہ دہاں کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ
کو کل ساختہ پر داخستہ صاحب موصوف مش کر وہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دہی یا جواب دہی یا درخواست اجراء اسمائے ذکری
نظر ثانی اکیلے نمائندگی و برہم درخواست برہم کے جان دہیے اور پر پائی یا راضی نامہ و فیصلہ بر عطف کرنے اقبال دہی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ جی ٹی مقدمہ بزور بروہی از پکھری صمد مقام بروہی مقدمہ مزکورہ نظر ثانی اکیلے و نمائندگی مقدمہ یا منسوخی ذکری یک طرفہ یا درخواست حکم اتحالی یا قرتی
یا گرفتاری قبل از فیصلہ اجراء ذکری بھی صاحب موصوف کو بشرط ادا جنگی ٹیبلٹھ ختام بروہی کا اختیار ہو گا اور تمام ساختہ برداشتہ صاحب موصوف مش کر وہ
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی
اکیلے نمائندگی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا برسر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی بر امر میں دہی اور دہیے
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب الزام پڑے گا وہ صاحب موصوف کا حق ہو گا مگر
صاحب موصوف کو پوری فیس تاریخ جی ٹی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروہی نہ کریں اور ایسی صورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہو
2015
27 مارچ 07

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح لکھ لیا ہے اور منظور ہے

Signature

حسن کاہنہ مشیر قانون بہتان زور مارنے والے اکیلے جاننے والے ذمہ دار اسماعیل خان نمبر: 714812

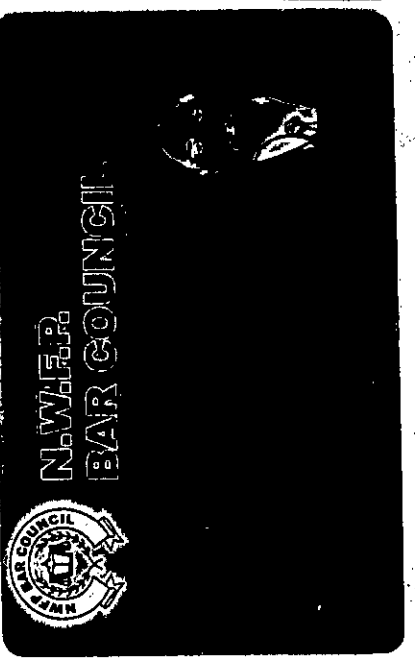
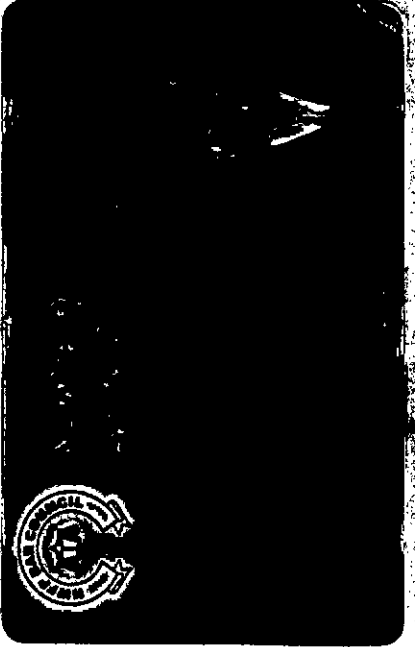
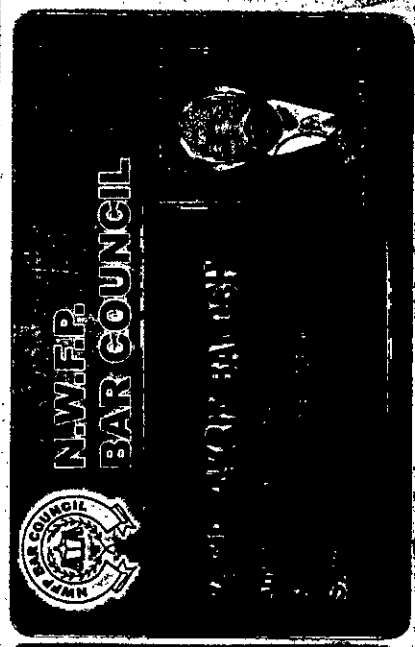
Attc

Petitioner

Signature

Signature

Signature



Father's Name: GHULAM ZAKRIA BALOCH
Address: MALANA D.I. KHAN

Office Tel: 0966-712131, RES: 0966-611157
Enrolment Dt. L.C: 28-05-2007
Enrolment Dt. R.G: 03-10-2001
Place of Practice: D.I. KHAN
Date of Birth: 02-07-1983
Blood Group:

NWFP BAR COUNCIL
1st Floor G-Block, Khyber Road Peshawar. Ph. 091-9211172
E-mail: nwpbarcouncil@hotmail.com

Father's Name: MUHAMMAD ZAKI
Address: SHAKID HOUSE BHEKHI YOUNG TOWN
(BHEKHI YOUNG) D.I. KHAN
Office Tel: 0345-5521110, RES: 0321-6662933
Enrolment Dt. L.C: 27-05-2007
Enrolment Dt. R.G: 03-10-2001
Place of Practice: D.I. KHAN
Date of Birth: 01-02-1982
Blood Group: O + ve

NWFP BAR COUNCIL
1st Floor G-Block, Khyber Road Peshawar. Ph. 091-9211172
E-mail: nwpbarcouncil@hotmail.com

Father's Name: AHMAD NAWAZ
Address: MIAN STREET GILANI TOWN
D.I. KHAN
Office Tel: 0966-712131, RES: 0595-628307
Enrolment Dt. L.C: 25-05-2007
Enrolment Dt. R.G: 03-10-2001
Place of Practice: D.I. KHAN
Date of Birth: 03-10-1983
Blood Group:

NWFP BAR COUNCIL
1st Floor G-Block, Khyber Road Peshawar. Ph. 091-9211172
E-mail: nwpbarcouncil@hotmail.com

OFFICE OF THE DISTRICT OFFICER
SOCIAL WELFARE, SPL: EDU: & W.E.DEPTT:
WENSUM HOUSING SCHEME DIKHAN.

No. DO/SWD/DIK/2016/ 903

Dated DIKhan the 29/08/2016

ATHORITY LETTER

Mr. Sahibzada Mohammad Naeem Superintendent Child Welfare Home DIKhan is hereby authorized to attend the Khyber Pakhtunkhwa service tribunal court at DIKhan in service appeal No.851/15 Mr.Mohammad Safdar Abbas Qureshi versus KPK.


DISTRICT OFFICER
SOCIAL WELFARE, SE & WED
D.I.KHAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, D.I.KHAN,

Service appeal No. 851/ 2015,

M. Safdar Abbas QureshiAppellant

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary Social Welfare, Special Education & Women Empowerment Department.
2. Directorate of Social Welfare, Special Education and Women Empowerment, Peshawar.
3. Director, Social Welfare, Special Education and Women Empowerment, Peshawar.
4. District Officer, social Welfare Department D.I. Khan.....**Respondents.**

PRELIMINARY OBJECTIONS:


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

PARA-WISE COMMENTS BY RESPONDENT NO. 2, 3 & 4 Respondents.

Respectfully Sheweth,

FACTS

1. Correct to the extent that the appellant was appoint on 22/03/1992 as C.T Teacher BPS-9 in Govt. Institute for the Blind D.I.Khan on qualification of B.A and DAE.
2. Incorrect hence denied, as per criteria of finance department letter no FD (SR-1)1-95/84-III the staff of special educations is awarded higher pay scale as per their qualification and experience as mentioned above (**Annexure-A**).
3. Correct.
4. Incorrect hence denied. A committee has been constituted vide notification No.SO II /1-1/(SWD) Restructuring-comit;/2016/4158-65 dated 12 August 2016 in pursuance of the Peshawar High Court (Dar-ul-Qaza) Swat judgment dated 13/07/2016 (**Annex-B**). Meeting of the said committee was held on 31/08/2016 vide No.E-17/Q80/DSW/vol-8/3698-05 dated 29/08/2016 (**Annex-C-D**). All cases of award of Higher Pay Scale will then be dealt in the light of new policy guideline that will include a test of adequate knowledge in the relevant discipline. All Special Education Teachers will have to be proceeded through a process. As per TOR the committee will also remove the anomalies in award of higher Pay Scale allowed from the retrospective dates (**Annex-E**). In this connection the Directorate of Social Welfare, Special Education and Women Empowerment Peshawar issued order No. E-17/77/KC/DSW/788-96 dated 24-10-2016 and constituted committee of 6 members to asses the expertise/adequate knowledge of the



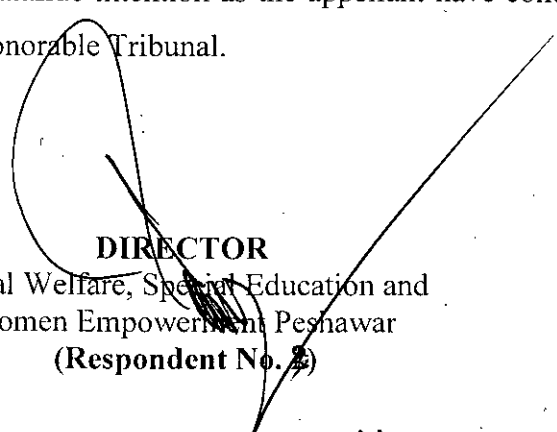
Teachers. Furthermore letter No E-17/77/DSW/Vol-13/885-86, 887-88 and 889-90 (Annex-F) already dispatched to all the concern heads of the Special Education Centers/ Institutions to furnish their preliminary information on the enclosed format (Annex-G), so that the date for interview is fixed accordingly. The appellant of the instant Service Appeal Mr. Muhammad Safdar Abbas Qurashi is therefore required to provide all his relevant documents on the prescribed format and appear before the notified committee for adequate knowledge certificate, if found eligible, this directorate ensure to give him his due right.

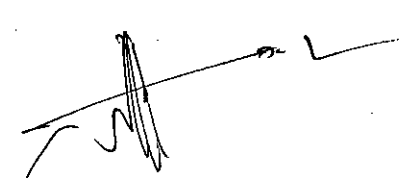
5. As explained Above
6. Incorrect hence denied. Based on the above mentioned factual position the promotion order dated 28/01/2000 is correct.

GROUND

- a. Incorrect hence denied. Based on the above mentioned factual position order dated 28/01/2000 is lawful and according to the principles of justice.
- b. Incorrect hence denied. The date of promotion of the appellant is correctly mentioned as the appellant failed to acquire the requisite qualification and certification within due time.
- c. Incorrect hence denied.
- d. Incorrect hence denied. Factual position has been explained in the preceding para's.
- e. Incorrect hence denied.
- f. Incorrect hence denied. The petitioner was not eligible according to the Notified promotion criteria of the Finance Department dated 24/07/1986. As he was suppose to obtain the requisite qualification within due time.
- g. Incorrect hence denied. The appellant has not been discriminated in the matter of his promotion and on the basis of the above factual position it is quite evident that the respondents have no malafide intention.

In view of the above clarifications/explanations, it is therefore humbly prayed that the instant appeal may graciously be dismissed having no weight and being based on malafide intention as the appellant have concealed the facts of the case to misguide this honorable Tribunal.


DIRECTOR
Social Welfare, Special Education and
Women Empowerment Peshawar
(Respondent No. 2)


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



1983
Basic pay scale

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

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

DATED Peshavar, the 24th July, 1986

From:

Saeed Ullah Jan,
Secretary to
Government of N.W.F.P.,
Peshavar.

To

The Secretary to
Government of N.W.F.P.,
Health And Social Welfare Deptt:
Peshavar.

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

Sir,

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

(1) DEAF AND DUMB INSTITUTIONS

- (a) Trained Graduate Teachers (B.A./B.Sc., B-17 B.Ed.) with adequate knowledge in the education of deaf and dumb (to be certified by the Social Welfare Directorate).
- (b) Untrained Graduate and post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge in the education of deaf and dumb; to be certified by the Social Welfare Directorate. B-16 These teachers must acquire B.Ed. within a period of three years.
- (c) Trained under-Graduate Teachers (Matric/F.A./F.Sc. with C.T. or P.T.C. or T.D., etc.). B-14 These teachers must acquire the qualification of B.A./B.Sc./B.Ed. within five years as at (a) above.
- (d) Untrained, under Graduate Teachers with adequate knowledge of teaching deaf and dumb (to be certified by the Social Welfare Directorate). B-11 These teachers should continue in B-11, till such time they cross to the next stages of B-14/16.

(2) BLINDS INSTITUTIONS.

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

(b) Un-trained Graduate and post-Graduate teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge of Braille or teaching the blind (to be certified by the Social Welfare Directorate). B-16

(c) Trained under-Graduate teachers: B-14
i) F.A., C.T., and proficiency in Braille or adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate).

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

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

(d) Un-trained, under Graduate Teachers with proficiency in Braille or adequate knowledge of teaching the blind (to be certified by the S.W. Directorate). B-11

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

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

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

(3) MENTALLY RETARDED/PHYSICALLY HANDICAPPED INSTITUTIONS.

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

(b) Untrained Graduate and post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge of teaching the mentally retarded & physically disabled (to be certified by the S.W. Directorate). B-16

(c) Trained under-Graduate (F.A./F.Sc. with C.T./P.T.C./S.V.) with adequate knowledge of teaching the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate). B-14

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

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

- (a) Untrained under-Graduate Teachers B-11 These teachers should continue in B-11, till such time they cross to the next stages of B-14/16. with adequate knowledge of teaching the mentally retarded and physically disabled (to be certified by the S.W. Directorate).

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

Your obedient servant,

Sd/-

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

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

Copy of the above is forwarded to:-

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

Sd/-

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

Endst: No. FD(ST-1)1-95/84-III. Dated Peshawar the 24th July, 1986.

A copy is also forwarded to:-

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

SD/-

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

Endst: No. M-1/244/DSW/8311-31 Dated, Peshawar the 28th July, 1986

Copy forwarded to:-

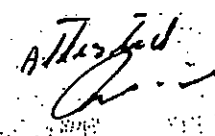
1. The Director General, Directorate General of Spl. Education, 14-C Almarkaz Plaza, P-8, Islamabad.
2. The Director General, Directorate General of Social Welfare, Govt. of Punjab, Shah Bin Badis Road, Lahore.
3. The Director, Directorate of Social Welfare, Govt. of Sind, Civil Secretariat, Karachi.
4. The Director, Social Welfare, Govt. of Baluchistan, Quetta.
5. The Assistant Director, Special Education, NWFP.

- 4 -

D. J. K.

- 6. ✓ The Supt: Institutes For the Blind in N.W.F.P.
- 7. The Managers, Institutes For Mentally Retarded And Physically Disabled Children in N.W.F.P.
- 8. The Senior Oral Masters, Schools For Deaf Children in N.W.F.P.

(MOHAMMAD SAFDAR ZAMAN)
 DIRECTOR,
 SOCIAL WELFARE, N.W.F.P.

Attested


Attested


Superintendent
 Govt. Institute for the Blind
 Mangura Swat

Annex P-2

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)**

W.P No. 554-M/2014

JUDGMENT

Date of hearing: 12.07.2015

Petitioner(s): (Sawab Gul) by
Mr. Shams-ul-Hadi Advocate

Respondent(s): (Director Social Welfare
and others) by Mr. Sabir Sheikh S.C.

Respondent No in Person

LAL JAN KHATTAK, J.- Through this

single judgment we shall also decide the
connected W.P No. 20-M/2015 as common

questions of law and facts are involved in both
the petitions.

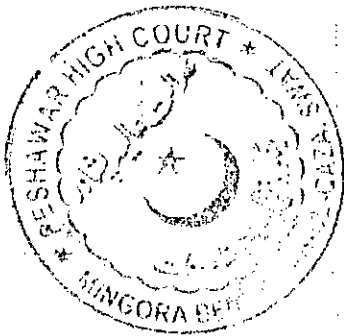
2. Petitioner Sawab Gul through the
instant petition has prayed for issuance of an
appropriate writ to the following effect:-

"It is, therefore, humbly prayed that on
acceptance of this writ petition, the
respondents may kindly be directed to:

- (i) Extend the relevant rules and service structure of Industries, Commerce and Technical Education Khyber Pakhtunkhwa to the petitioners and further give

benefits, in shape of promotion according to his seniority through Notification dated 3rd April, 1990 and Notification dated 3rd December 2010 to the petitioners.

- (ii) Formulate a policy and service structure for teaching cadre/ Instructors of Social Welfare Departments".



3. Facts of the case need no reiteration as at the very outset, respondent No.1, who appeared before the Court in person, stated that grievance of the petitioner (s) will be redressed shortly and to this effect a process for making service structure and relevant rules is in progress which is likely to be completed by the end of the current year. When learned counsel for the petitioner (s) was confronted with the above stated development, he submitted at the bar that he would not press the petition (s) anymore but the respondent be directed to expedite the rule making process by taking it to its logical end as working in the blocked cadre petitioner (s) is/are suffering a lot.

51

4. In view of the above, we dispose of this and the connected writ petition with direction to the concerned department to act quickly by expediting the rule making process and avoid to the possible extent the snail's pace in achieving the target. We hope that the department will live up to the commitment so made by it before this Court by the respondent No. 1 and will complete the process by the end of December, 2016.

Sd. Muhammad Daud Khan-1
Sd. Lal Jan Khattak-J

Announced.
Dt: 13.07.2016

No.	2992
Name of Applicant	K. Hussain
Date of Presentation of Application	14.7.16
Date of Completion of Copies	18.7.16
No. of Copies	4
Urgent Fee	✓
Fee Charged	8/-
Date of Delivery of Copies	18.7.16

offic
14/7

Certified to be true copy

[Signature]
EXAMINER

Deputy Registrar
Peshawar High Court, Mingora

18/7/16

Annex B

29



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

No. E- 17/80/DSW/Vol-8 3698-05
Dated Peshawar the 29/8/2016

To

- 1- The Deputy Secretary,
Social Welfare, Special Education & Women Empowerment
Department Khyber Pakhtunkhwa.
- 2- Mr. Muhammad Bashir Khan,
Manager, Centre for Mentally Retarded & Physically Handicapped
Children Peshawar.
- 3- Mrs. Zubaida Khatoon,
Superintendent, Government Institute for the Blind (Girls) Peshawar.
- 4- Mr. Riaz Ur Rehman,
Principal Special Education Complex Mardan.
- ✓ 5- Mr. Khalid Khan,
Assistant Director, (Lit) Directorate of Social Welfare, Special Education
& Women Empowerment Khyber Pakhtunkhwa.
- 6- Mr. Abdur Rashid,
Deputy Director, Special Education Complex Mardan.
- 7- Mr. Javid Yousaf,
Director, Special Education Complex Hayatabad Peshawar.

Subject: MEETING OF THE COMMITTEE NOTIFIED VIDE NOTIFICATION NO.SOH
(SWD) RESTRUCTURING-COMIT;/2016/4158-65 DATED 12-08-2016.

I am directed to refer to the subject and to inform you that Director, Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa (Chairman of the Committee) is pleased to convene first meeting of the Restructuring Committee on 31 August 2016 at 9:00 AM in the Directorate of Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa. Hence all the honorable members are requested to attend the meeting along with draft preliminary proposal of the assignment.

Muhammad Rauf
29/08/2016

(MUHAMMAD RAUF)
(Assistant Director Estab)

Copy to PA to Director Social Welfare Peshawar.

(MUHAMMAD RAUF)
(Assistant Director Estab)

Annex D

MINUTES OF THE MEETING OF THE RE-STRUCTURING COMMITTEE
HELD ON 31-8-2016

The first meeting of Re-Structuring Committee was held on 31-8-2016 at 09.00 AM in the Committee Room of Directorate of Social Welfare, Special Education and Women Empowerment Khyber Pakhtunkhwa Peshawar. The following attended the meeting.

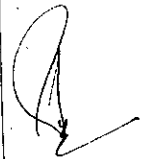
- Mr. Asghar Khan, Dy. Secretary, SW, SE & WE.
- Mr. Riaz-ur-Rehman, Principal, Special Education Centre, Mardan
- Muhammad Bashir Khan, Manager, Centre for MR & PH Peshawar.
- Mr. Shoaib Khan, Asstt: Director (Reg)
- Mr. Noor Muhammad, Asstt: Director (B&A)
- Mr. Muhammad Rauf, Khattak, Asstt: Director (Estab).

The meeting was started with recitation from the verses of Holy Quran and thereafter the Chairman / Director Social Welfare welcome the participants/members and highlight in brief the purposes, TORs, Mandate and work to be done in Re-organization/Re-structuring of the Department.

It was unanimously agreed that Mr. Muhammad Bashir Khan will prepare the draft presentation after consultation and compilation of all existing posts in Social Welfare and Special Education. It was also agreed that the Devolved Institution employees will be given their due role in Special Education after their absorption. Un-necessary posts or different posts of similar job description should be amalgamated to revise the nomenclature of posts for uniformity and matching with the similar posts in Devolved Institutions. It was also agreed that after cutoff the un-necessary and non standard posts the teaching and non teaching cadre will be bifurcated thereafter.

Moreover the pending cases will be dealt with by existing policy. However, it will be appropriate that a committee of expert be constituted under the Chairmanship of Director, Social Welfare, SE & WE Khyber Pakhtunkhwa as only Director cannot ascertain the adequate knowledge gain by the teachers at Braille or sign languages.

The meeting ended with the vote of thanks from the Chair.



Annex 'E' Annex 'A' 172
GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 12th August, 2016

Notification:

4158-65

WD/SW/Restructuring-commit/2016/ A committee for the purpose of restructuring process in Social Welfare Department and its attached offices is hereby constituted comprising of the following members:

- | | |
|--|------------------|
| 1. Mr. Muhammad Naeem
Director, Social Welfare, Special Education &
Women Empowerment. | Chairman |
| 2. Deputy Secretary (SW)
Social Welfare Department. | Member |
| 3. Mr. Mohammad Bashir Khan
Manager MR&PH, Peshawar | Member |
| 4. Mrs. Zubaida Khathoon
Superintendent GIB (Girls), Peshawar | Member |
| 5. Mr. Riaz ur Rehman
Principal, Special Education Complex, Mardan. | Member |
| 6. Mr. Khalid Khan
Assistant Director (Legal). | Member |
| 7. Mr. Mohammad Rauf Khattak
Assistant Director (Establishment) | Member/Secretary |

Terms:

- a. Recommendations for Restructuring and reorganization of the existing set up of Social Welfare, Special Education & Women Empowerment.
- b. Rationalization.
- c. Proposal for reducing and amalgamation of various nomenclatures of Posts and BPS off the identical job description for uniformity and matching with the similar posts in devolved institutes.
- d. Bifurcation of Teaching and nonteaching cadres.
- e. Absorption of devolved employees and their seniority.
- f. Revision of existing service rules and providing opportunities of career Progression for all block and single cadres posts.
- g. **Concrete proposal for resolving complications in Award of higher Pay Scale policy**
- h. Any other assignment given by the competent authority.

02. The committee will finalize its recommendations within a period of 03 months.

-Sd/-

Secretary to Government of Khyber Pakhtunkhwa,
Zakat, Ushr, Social Welfare, Special Education &
Women Empowerment Department.

Encl: of Even No & dated

Copy is forwarded to the:-

1. PS to Secretary, Social Welfare, Special Education & Women Empowerment Department.
2. All members of the committee.

Department of
Social Welfare, P.K.
No. 10/15/16
Date: 10/15/16

[Signature]
Secretary



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

To

The Principal,
Government School for Deaf Children, Abbottabad, Bannu, DI Khan,
Dir Lower, Haripur, Kohat, Malakand, Manshra, 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-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

M.A.
09/11/2017
(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.

MA
o/c Assistant Director (Estab)



091-9224253

REGISTERED MAIL

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

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

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-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

MMA
4/1/17
(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.

MMA
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

No. E-17/77/DSW/Vol-13 889-90
Dated Peshawar the 31/1/2017

To

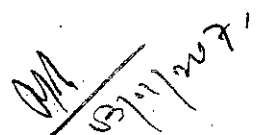
The Manager,
Centre for Mentally Retarded & Physically Handicapped Children, Bannu,
Chitral, Haripur, Mansehra, Nowshera & Peshawar.

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-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)

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

Annex G 503
(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

DO(SW)



091-9224253

**Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education and
Women Empowerment, Oppt: Islamaia College,
Jamrud Road Peshawar.**

No. E-18/4/DSW/Vol-VII 4630-37

Dated Peshawar, the 23 / 3 / 2017

To

1. Mr. Asghar Khan, Dy: Secretary (SW, SE & WE),
2. Mr. Riaz-ur-Rehman, Principal, Special Education Center, Mardan.
3. Mr. Muhammad Bashir Khan, Manager, MRPH, Peshawar.
4. Mr. Shoaib Khan, Assistant Director (Reg:) Directorate of SW.
5. Mr. Noor Muhammad, Assistant Director (B&A) Directorate of SW.
6. Mr. Muhammad Rauf, Ex-AD (Estab) Now Admn: Officer, Special Education Center Hayat Abad Peshawar.

Subject: **MINUTES OF THE MEETING OF THE RE-STRUCTURING COMMITTEE HELD ON 31.08.2016.**

I am directed to refer the subject noted above and to enclose herewith minutes of the meeting of the re-structuring committee held on 31.08.2016 under the Chairmanship of Director, Social Welfare, SE & WE, Khyber Pakhtunkhwa.

Encl: As above.

Assistant Director (Estab)
SW, SE & WE Khyber Pakhtunkhwa.

Copy to the:-

1. PA to DSW.
2. The Assistant Director (Litigation) Directorate of SW.

Assistant Director (Estab)
SW, SE & WE Khyber Pakhtunkhwa.

MINUTES OF THE MEETING OF THE RE-STRUCTURING COMMITTEE
HELD ON 31-8-2016

The first meeting of Re-Structuring Committee was held on 31-8-2016 at 09.00 AM in the Committee Room of Directorate of Social Welfare, Special Education and Women Empowerment Khyber Pakhtunkhwa Peshawar. The following attended the meeting.

Mr. Asghar Khan, Dy. Secretary, SW, SE & WE.
Mr. Riaz-ur-Rehman, Principal, Special Education Centre, Mardan
Muhammad Bashir Khan, Manager, Centre for MR & PH Peshawar.
Mr. Shoaib Khan, Asstt: Director (Reg)
Mr. Noor Muhammad, Asstt: Director (B&A)
Mr. Muhammad Rauf, Khattak, Asstt: Director (Estab).

The meeting was started with recitation from the verses of Holy Quran and thereafter the Chairman / Director Social Welfare welcome the participants/members and highlight in brief the purposes, TORs, Mandate and work to be done in Re-organization/Re-structuring of the Department.

It was unanimously agreed that Mr. Muhammad Bashir Khan will prepare the draft presentation after consultation and compilation of all existing posts in Social Welfare and Special Education. It was also agreed that the Devolved Institution employees will be given their due role in Special Education after their absorption. Un-necessary posts or different posts of similar job description should be amalgamated to revise the nomenclature of posts for uniformity and matching with the similar posts in Devolved Institutions. It was also agreed that after cutoff the un-necessary and non standard posts the teaching and non teaching cadre will be bifurcated thereafter.

Moreover the pending cases will be dealt with by existing policy. However, it will be appropriate that a committee of expert be constituted under the Chairmanship of Director, Social Welfare, SE & WE Khyber Pakhtunkhwa as on... Director cannot ascertain the adequate knowledge gain by the teachers at Braille or sign languages.

The meeting ended with the vote of thanks from the Chair.

BEFORE THE KPK SERVICES TRIBUNAL, CAMP D.I.KHAN

Service Appeal No. _____/2015

Muhammad Safdar Abbas Qureshi son of Abbas Qureshi, caste Qureshi, resident of sheikh Yousaf, District D.I.khan DIKhan

.....(**APPELLANT**)

VERSUS

1. Government of KPK, Through Secretary health and welfare department KPK Peshawar
2. Directorate of Social Welfare, special Education and Women Empowerment Department KPK Peshawar
3. Director of Social Welfare, special Education and Women Empowerment Department KPK Peshawar
4. District Officer, Social Welfare Department DIKhan

..... (**RESPONDENTS**)

APPEAL UNDER SECTION 4 OF THE NWFP SERVICES TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 26.1.2015, VIDE NO. F17/77/DSW/2015/8180-85, DATED 26.01.2015, RECEIVED BY THE PRESENT APPELLANT ON 22.02.2015 against the omission on the part of respondent no for indecision on the departmental appeal of the petitioner and against the refusal thereon IN VIOLATION OF LAW AND RULES AND THE APPELLANT WAS DISCRIMINATED IN THE MATTER OF PROMOTION FOR NOTHING BUT MALAFIDES.

PRAYER

On acceptance of this appeal, the appointment order No. E-4/64/DSW/S7 dated 22.03.1992 may please be amended, entry of date of appointment of appellant may please be rectified/corrected and refusal/indecision of departmental appeal may please be set-aside.

Respected Sir,

1. That the appellant joined the social welfare department as CT teacher in year 1992 vide appointment order No. E-4/64/DSW/87 dated 22.03.1992. Copy of appointment order is annexed as **Annexure-A**
2. That vide promotion order No. nil dated 28.01.2000, the appellant was promoted to BPS 16 and the effective date of his promotion was mentioned as **22.03.1996**. Pertinent to mention here that appointment date was **22.03.1992**. copy of promotion order is annexed as as **Annexure "B"**.
3. That one Mr. Mumtaz khan and Mr. Faisal Haq, in this department, were appointed as teachers both on dated 20.08.2004. Copies of appointment orders are annexed as **Annexures "C&D"**.
4. That thereafter, vide corrigendum order 8180-85 dated 26.01.2015, these two servants of this department were promoted to BPS.(16) and importantly their promotion order is effective from the date of their appointment i.e 26.01.2015. Here, at this stage the present appellant was astonished to note that why his promotion date was effective from 22.03.1996 instead of 22.03.1992 (date of appointment). High ups were contacted in this concern and ultimately appellant was told that in promotion order dated 28-01.2000, the date of effectiveness against S.No.2 was infact a clerical mistake and it should be 22.03.1992 instead of 22.03.1996, and they also promised that it will be corrected.
5. That request of the appellant had been shuffling from desk to desk and deliberate procrastination of the respondent prompted the appellant to pursue the matter and appellant preferred departmental appeal on 04.03.2015 duly forwarded by district officer to the respondent no.3/director on 05.03.2015 being appellate authority. After the laps of statutory period of limitation cause of action arose to the appellant for the instant appeal, hence the present appeal. Copy of departmental appeal is annexed as **Annexure-E**
6. That refusal order/indecision of departmental appeal of the appellant and impugned promotion order dated 28.01.2000 to the extent of wrong entry of the effective date of promotion of

appellant is being challenged by way of instant appeal, on inter alia the following grounds:-

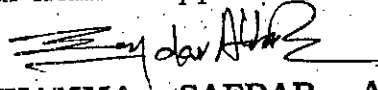
GROUND

- a. That impugned orders dated 28/01/2000 of respondent No.3 is against law, admitted realities and are violative of the principles of justice.
- b. That date of promotion of appellant must be as per of same as others are given as per date of appointment
- c. That in view of the seniority position of appellant, his hard work and better performance as also in view of his laudable and favourable and be treated on equality.
- d. That non awarding promotion to the petitioner cast an adverse effect upon her entire career which badly resulted his expected ancillary benefits,thereon.
- e. That non-promotion of petitioner for the said post has brought a bleak disaster not only to his impeccable career but also has financially straightened.
- f. That petitioner was entitled for the promotion with effect from date of appointment.
- g. That the appellant has been discriminated in the matter of promotion and as the said discrimination smacks of malafides, the impugned orders merit annulment.


For the afore-stated grounds, this appeal may please be allowed as prayed above.

10/07/2015

Your humble appellant,


MUHAMMA SAFDAR ABBAS
QURASHI

Through counsel:-


MUHAMMAD ABID ADVOCATE


YASIR ZAKRIA ADVOCATE



KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE

RAHIM ZULAH KHAN

Advocate
bc-17-7841
Date of issue: August 2018
Valid upto: August 2021



Secretary
KP Bar Council



KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE-HIGH COURT

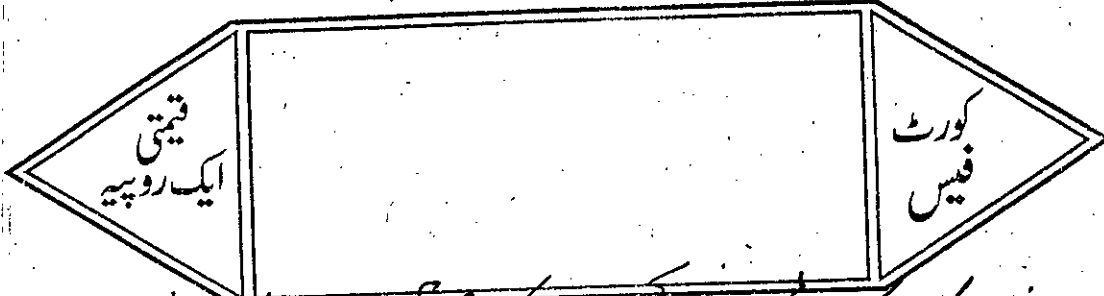
MUHAMMAD ISHTIAQ QURESHI

Advocate
bc-10-4282
Date of issue: September 2018
Valid upto: September 2021



Secretary
KP Bar Council

وکالت نامہ



صاحب عدالت کی طرف سے پیش کردہ درخواست گزار کا نام

(Petitioner) محمد سعید زیدی

نام محمد سعید زیدی وکیل و صاحب عدالت KP

بجائے

دعوی یا جرم

تفصیل دعوی یا جرم

Promotion appeal

باعث تحریر آنکہ

حجرت عالیہ کی طرف سے پیش کردہ درخواست گزار کا نام Dik. محمد سعید زیدی

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بذریعہ رو بہ عدالت حاضر ہوتا رہوں گا اور ہر وقت یکدم سے جاملے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر ہوں گا اور اگر کوئی پر مطلع نہ ہو اور مقدمہ جاری نہیں ہوئی ہو تو میں حاضر ہوں گا اور ہر وقت یکدم سے جاملے مقدمہ وکیل صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ باعث ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مطلع کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واجب کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذگری نظر ثانی دینی نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تالیفی یا راضی نامہ و فیصلہ برحطف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ذگری یک طرفہ یا درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ ضمانت بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخست صاحب موصوف مثل کردہ از خود قبول و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پردی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے
2018 مارچ 27 مورخہ

مضمون وکالت نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Free of Charge
Chauhan

Accepted
[Signature]

[Signature]
[Signature]

بفعلک جناب سرور میں فریضہ شریف اور اسکا عمل کا

بفعلک جناب سرور میں فریضہ شریف اور اسکا عمل کا

بفعلک جناب سرور میں فریضہ شریف اور اسکا عمل کا

جناب عالی! میں نے ذیل عرض کیا ہے

① یہ کہ فقہاء و علما نے جو احکام بیان کیے ہیں ان سے عمل کرنا واجب ہے۔

صحبہ آراء میں جو احکام

② یہ کہ ایسی چیزیں جو کفر و کجی سے ہیں ان سے اجتناب کرنا واجب ہے۔

جناب سرور! اسکا عمل

میں اسکا عمل ہے کہ جو احکام بیان کیے ہیں ان سے عمل کرنا واجب ہے۔

ایک طرف

ایک طرف

25/02
19