

17th Oct., 2022 Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Request for adjournment was made due to engagement of learned senior counsel for the appellant in the Hon'ble Peshawar High Court today. Last opportunity is granted. To come up for arguments on 04.11.2022 before D.B.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

4th Nov. 2022 Lawyers are on strike today.

To come up for arguments on 16.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

16th Dec. 2022 Counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Mrs. Rozina Rehman, learned Member (J) is on leave, therefore, the case is adjourned to 08.03.2023 for arguments before the D.B.

SCANNED
K-11
Peshawar


(Fareeha Paul)
Member(E)

14-3-22

*Due to retirement of the Hon'ble
Chairman the case is adjourned to come
up for the same as before on 16-6-22*

Reader

16.06.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 07.07.2022 before the D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

07.07.2022

Clerk of learned counsel for the appellant present. Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 17.10.2022 before the D.B.



(Mian Muhammad)
Member (E)




(Salah-ud-Din)
Member (J)

15.07.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present.
Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant stated that an application was submitted for impleadment of Director Social Welfare, Special Education and Women Empowerment as respondent in the instant appeal, however the same is still pending adjudication.

Learned Additional Advocate General requested that time may be granted to him for reply of the application. Adjourned. To come up for reply and arguments on the application on 20.10.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

20.10.2021

Counsel for appellant present.

Muhammad Rasheed learned D.D.A for respondents present.

Joint request for adjournment was made. Request is accorded with direction to learned A.A.G to submit reply/comments. To come up for arguments on 01.12.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

01.12.2021 Due to non-availability of DB, the case is adjourned to 14-03-2022.


Amir
Reader

17.08.2020

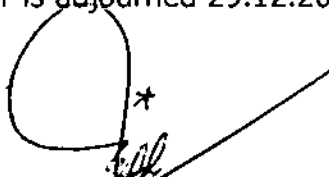
Due to summer vacations, the case is adjourned to 19.10.2020 for the same.


Reader

19.10.2020

Junior to counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 29.12.2020 for hearing before the D.B.


(Mian Muhammad)
Member


Chairman

29.12.2020

Due to summer vacation, case is adjourned to 31.03.2021 for the same as before.



Reader

31.03.2021

Appellant in person present.

Mr. Kabirullah Khattak, Addl. A.G for respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, case is adjourned to 15.07.2021 for arguments before the D.B.


(Atiqur Rehman Wazir)
Member(E)


(Rozina Rehman)
Member(J)

13.11.2019

Appellant present. Junior to counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Nabi Gul Superintendent present. Junior to counsel for the appellant submitted application for adjournment. Adjourn. To come up for arguments on 15.01.2020 before D.B.


Member


Member

15.01.2020

Appellant absent. Learned counsel for the appellant absent. Sajid Superintendent representative of the respondents present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 09.03.2020 before D.B. Appellant be put to notice for the date fixed.


Member


Member

09.03.2020

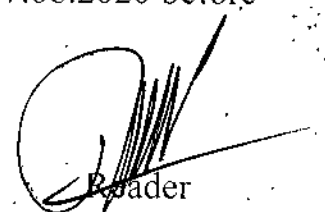
Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for arguments on 13.05.2020 before D.B.


Member


Member


13.05.2020

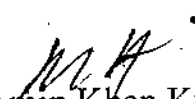
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.08.2020 before D.B.


Reader

03.07.2019

Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Nabi Gul, Superintendent for the respondents present. Learned counsel for the appellant stated that so many posts of Principals (BPS-17) are lying vacant since 2006 with the respondent-department and the appellant alongwith others are eligible for such promotion but the respondent-department are not going to filled up the post of Principals through promotion therefore, concerned Director of the department is directed to appear in person alongwith the record to assist the court that why the posts of Principals are not filled up through promotion. To come up for arguments, record and attendance of Director of the respondents on 29.08.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

29.08.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith M/S Nabi Gul Superintendent and Sajid Superintendent present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 13.11.2019 before D.B


Member


Member

14.02.2019

Clerk of counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourned to 25.03.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.03.2019

Due to non available of D.B the case is adjourned for the same on 16.05.2019

~~13.05.2019~~

~~Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for rejoinder and arguments on 03.07.2019 before D.B.~~

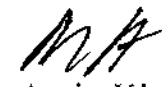
~~(Ahmad Hassan)~~
~~Member~~

~~(M. Amin Khan Kundi)~~
~~Member~~

16.05.2019


Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for rejoinder and arguments on 03.07.2019 before D.B.

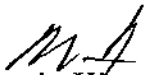

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

Service Appeal No. 442/2016

18.09.2018 Mr. Taimur Ali Khan, junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Representative of the department is not in attendance nor reply on impleadment application submitted therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit reply on impleadment application. Adjournd. To come up for reply and arguments on impleadment application and further proceedings on 31.10.2018 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member


31.10.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.


READER

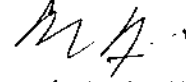
19.12.2018

Junior to counsel for the petitioner and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Junior to counsel for the appellant requested for adjournment as counsel for the appellant is not in attendance. Adjournd. To come up for arguments on 14.02.2019 before D.B.


(Hussain Shah)
Member



(Muhammad Amin Kundi)
Member

25.05.2018 Junior counsel for appellant and Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 03.08.2018 before D.B.




(Muhammad Amin Khan Kundi)
Member

03.08.2018 Appellant absent. Learned counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Nabi Gul, Superintendent for the respondents present and requested for adjournment to furnish reply to the application submitted by the learned counsel for the appellant for impleadment of Director Social Welfare, Special Education & Women empowerment as respondent in the service appeal. Adjourned. To come up for reply and arguments on the said application and further proceedings on 18.09.2018 before D.B.



(Ahmad Hassan)
Member (E)



(Muhammad Hamid Mughal)
Member (J)

10.11.2017

Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Nabi Gull, Superintendent for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 19.01.2018 before D.B.

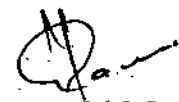

(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

19.01.2018


Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, Learned Additional Advocate General for the respondents present. Clerk of the counsel seeks adjournment as counsel for the appellant is not available. Adjourned. To come up for arguments on 26.03.2018 before D.B


(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

26.03.2018

Junior to counsel for the appellant and Mr. Usman Ghani, learned District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourn. To come up for arguments on 25.05.2018 before D.B


(Muhammad Amin Kundi)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

14.02.2017

Counsel for the appellant and Mr. Nabi Gul, Supdt. alongwith Addl. AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 18.05.2017 before D.B.



(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

18.05.2017


Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG for the respondents present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 06.09.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member


06.09.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondent present. Arguments could not be heard due to incomplete bench. To come up for arguments on 10.11.2017 before D.B.


(Muhammad Hamid Mughal)
Member

06.10.2016

None present for the appellant. Mr. Nabi Gul, Supdt. and Shakeel ahmad, District Officer, alongwith Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 21.11.2016 before S.B.


(Muhammad Aamir Nazir)
(Member)

21.11.2016

Appellant with counsel and Additional AG for the respondents present. Written reply on behalf of the respondents not submitted. Learned Additional AG requested for further time. Last opportunity granted to the respondents for submission of written reply. To come up for written reply/comments on 21.12.2016 before S.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

21.12.2016

Appellant in person and Mr. Salah-ud-Din, Assistant Director alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 14.02.2017.


(MUHAMMAD AAMIR NAZIR)
MEMBER

11.05.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Senior Oral Master BPS-17 and on the strength of notification dated 13.11.2008 entitled to promotion as Principal having the required qualification and experience. That despite availability of vacancy and eligibility of appellant, respondents are bent upon to appoint person by initial recruitment in violation of the said notification constraining the appellant to prefer departmental appeal on 11.1.2016 which was not responded and hence the instant service appeal on 26.4.2016.

That the appellant is entitled to be considered for promotion as Principal fulfilling the pre-requisites and as such respondents are not authorized to seek appointment by initial recruitment against the said vacancy.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 08,09.2016 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

08.09.2016




Counsel for the appellant and Mr. Nabi Gul, Supdt. Alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 06.10.2016 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 442/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.04.2016	<p>The appeal of Mr. Dilawar Shah presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28-04-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>S-S-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	5.5.2016	<p>Junior to counsel for the appellant present. Requested for adjournment. Adjourned for preliminary hearing to 11.5.2016 before S.B.</p> <p style="text-align: right;"> Member</p>

SCANNED
KPST
Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 442/2016

Dilawar Shah

V/S

Social Welfare Deptt:

INDEX


S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	1-4
2.	Copy of academic documents	A	5-13
3.	Copy of seniority list	B	14-15
4.	Copy of notification	C	16-20
5.	Copy of notification dated 13.1.2008	D	21
6.	Copy of departmental appeal	E	22
7.	Vakalat nama	-----	23

APPELLANT

THROUGH:


(M.ASIF YOUSAEZAI)

&


(TAIMUR ALI KHAN)

ADVOCATES, PESHAWAR

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO. 442 /2016

P.W.F. Province
Service Tribunal
Diary No. 415
Dated 26-4-2016

Dilawar Shah, Senior Oral Master,
Govt: School for Deaf Children Dargai.

(APPELLANT)

VERSUS

1. The Secretary Zakat, Usher, Social Welfare, Special Education & Women Empowerment, Department.
2. The District Officer Social Welfare, Women Empowerment & Special Education, Dargai Malakand.
3. The Secretary Finance Deptt: KPK Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 FOR DIRECTING THE RESPONDENTS TO CONSIDER THE APPELLANT FOR PROMOTION ON THE POST OF PRINCIPAL (BPS-17) BEING ELIGIBLE AND SENIOR AS WELL AS POST IS ALSO AVAILABLE IN PROMOTION QUOTA, AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINE DAYS.

PRAYER:

Recd to-2016
26/4/16

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION ON THE POST OF PRINCIPAL (BPS-17) BEING ELIGIBLE AND SENIOR MOST AS WELL AS POST IS ALSO AVAILABLE IN PROMOTION QUOTA WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND

APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as SOM (BPS-9) in the department of Zakat, Usher, Social Welfare, Special Education & Women Empowerment. The appellant has MA/MSc M.Ed, B.Ed and M.Ed (SPL. EDU:) qualification and with the passage of time the appellant was promoted/upgraded Senior Oral Master (BPS-17) and the appellant is at S.No.3 of the seniority list. All the dates with qualification have been mentioned in the seniority list of 2015. (Copies of academic documents and seniority list are attached as Annexure-A&B).
2. That the Deptt: issued a notification, 1993 wherein the criteria laid down for the promotion to the post Principal/Senior teacher BPS-17 in School for Deaf Children is by promotion on the basis of seniority cum-fitness; from amongst junior teacher with three year's experience and senior oral Master/ mistress with five years as such. (Copy of notification is attached as Annexure-C)
3. That the Deptt: amended the notification No. SO (SW) II-12/93 on 13.11.2008, whereby for the post of Principal (BPS-17) is to filled in by promotion on the basis of seniority cum fitness from amongst Junior Teachers (B-16) with three years service and Senior Oral Master (B-15) with five years service as such. If no suitable persons is available for promotion then by initial recruitment. (Copy of notification 13.11.2008 is attached as Annexure-D)
4. That as the appellant possessed the requisite qualification along with experience, and the posts are also available at Dargai, Takhat Bhai and Mansehra for the last three years, but despite that the appellant has not been considered for the post of Principal (BPS-17), therefore, he filed departmental appeal on 11.1.2016 for his grievance, which has not been responded within the statutory period of ninety days. (Copy of departmental appeal is attached as annexure-E)
6. That now the appellant come to this august tribunal on the following grounds amongst others.

GROUNDS:

- A) That not considering the appellant for promotion to the post of Principal (BPS-17) despite being senior most and eligible, and not taking action on the departmental appeal of the appellant within the statutory period are against the law, facts, norms of justice and material on record.
- B) That the appellant has not been treated in accordance with law rules and has been kept deprived from the benefits of promotion in an arbitrary manner which is not maintainable in eyes of law.
- C) That the appellant is fully eligible and entitled for promotion as well as under section 9 of the Civil Servants Act, 1973, the respondents are legally bound to consider the appellant for promotion along with other officials against the posts which are available for the last three years.
- D) That according to the criteria of promotion, senior oral master will be promoted on the post of principal, but the department appointed social welfare officers from other section of the department on the post of principal and ignore the appellant despite the fact that the post of Principal is a promotion post and cannot be filled in by transfer. Thus the appellant has been deprived from promotion in an illegal manner and arbitrary use of official power.
- E) That the appellant was not treated according to law and rules and has been deprived from his legal right of promotion to the post of principal.
- F) That not responding on the departmental appeal of the appellant is the violation of the Supreme Court judgment reported 2011 SCMR-01.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dah.

APPELLANT

Dilawar Shah

THROUGH:

M. Asif Yousafzai

(M.ASIF YOUSAFZAI)

Taimur Ali Khan

(TAIMUR ALI KHAN)

&

**(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR.**

University of Peshawar
(Pakistan)

Session ANNUAL 1999

DILAWAR SHAH

SON OF

SABIR SHAH

and a student

of GOVT POSTGRADUATE COLLEGE ABBOTTABAD

held in JANUARY 2000, is this day admitted by the University of Peshawar

to the Degree of

Master of Science

In the

SECOND

Division

The Subject of examination being

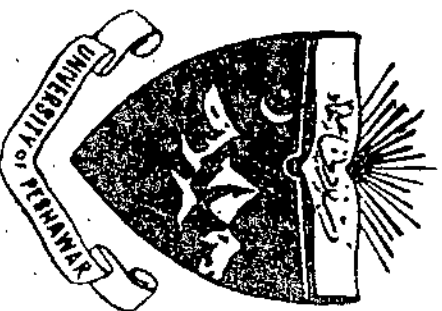
The Examination was taken as a whole / in parts

Serial No 006048

Registered No. 94-DIX-1128

Roll No. 3907

Result declared on 19TH JUNE 2000



Attested

DAUD SHAH
J.S.E.T BPS-17
GSDC Dargai

Countersigned

Vice-Chancellor

Handwritten signature

Handwritten number 7

University of Peshawar

(Pakistan)

Session ANNUAL 1996

DILAWAR SHAH ✓ Son of SABIR SHAH ✓ and a student

of GOVT. COLLEGE DARGAI ✓ habing passed the prescribed examination held in August 1996, is this day admitted by the University of Peshawar to the Degree of

Bachelor of Science

in the SECOND Division.

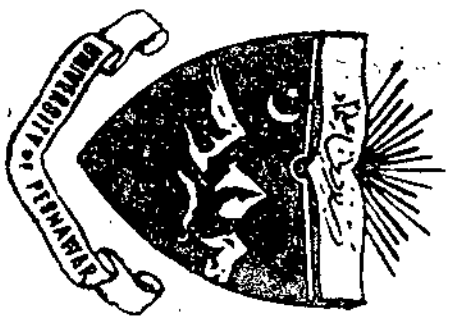
The Examination was taken as a whole and is hereby certified

Serial No: 014086

Registered No. 94-DNK-1128

Roll No. 7510

Result declared on FEBRUARY 15, 1997



Attested

Handwritten signature of the Registrar

Handwritten signature of the Registrar

DAUD SHAIKH
J.S.E.T BPS-II
GSDC Dargai

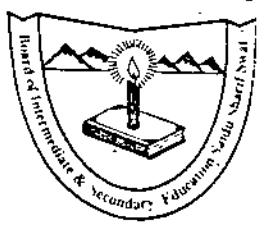
Countersigned

Handwritten signature of the Vice-Chancellor

Vice-Chancellor

SW No. (IA) S23

Roll No. 31352



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
Saidu Sharif Swat N.W.F.P. Pakistan
Intermediate Examination
PRE-ENGINEERING GROUP
SESSION ANNUAL 1994

THIS IS TO CERTIFY THAT DILAWAR SHAN

Son/Daughter of SADIR SHAN

and a student of GOVT. DEGREE COLLEGE DARGAI MKDAGENCY

Registered No. 85-B/376-92 has passed the Intermediate Examination of the Board of Intermediate and Secondary Education, Saidu Sharif Swat held in 1994 as a *Regular/Private candidate*. He/She obtained 628 Marks out of 1100 and has been placed in Grade C Representing GOOD

The Examination was taken as a whole/in parts and the candidate passed the following subjects:

- | | | |
|------------|---|------------|
| 1. English | 3. Islamic Education - Pakistan Studies | 5. MATHS |
| 2. Urdu | 4. CHEMISTRY | 6. PHYSICS |

Date of birth according to admission form is XXXX

one thousand nine hundred and XXXX

Asst. Secretary

This certificate is issued without alteration or erasure.

[Signature]
Secretary

[Signature]
DAUD SHAH
J.S.E.T RPS-17
GSDC Dargai

10

10

Allama Iqbal Open University Islamabad



Serial No. 2504

Certified that Mr. / Ms. DILAWAR SHAH

Son / Daughter of SADIR SHAH

Registration No: 97-NINA-0435 Roll No: J-6561129

having completed the prescribed requirements in semester
SPRING, 2001 is awarded the degree of:

Master of Education (M.Ed.)

He / She has secured 50 % marks and has been placed in C grade.

Attested

DAUD SHAH
J.S.E.T BPS
GSDC

Fajir

CONTROLLER OF EXAMINATIONS



[Signature]
VICE-CHANCELLOR

Result declared on: APR. 16, 2002.

ISLAMABAD. DATED:

THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT, ISSUED SEPARATELY

Roll No. G-6486313

Serial No. 35309

12

ALLAMA IQBAL OPEN UNIVERSITY

Roll No. G-6486313

Allama Iqbal Open

DILAWAR SHAH

son/daughter of SABIR SHAH

having completed the prescr

in AUTUMN, 19 98 is award

Bachelor of Edui

He/She secured 63 % ma

in B gra

Islamabad

Dated : 31st JUL, 1999

Prepared by: [Signature]

Checked by: [Signature]

Chamail Khattak
Controller of Examinations

13

13

Result Intimation Card
Degree Level: M.ED(SPL.EDU)

Name: DILAWAR SHAH
Father Name: SABIR SHAH
Address: GOVT SCHOOL FOR DEAF CHILDRE
DARGAI NEAR RAILWAY STATION
KHARKAI
Tehsil: DARGAI

Roll No:	AU615285
Reg No:	97NMD0435

District: MALAKAND

Code	Total Assignment Marks	Examination Marks	Conflated Marks	Grade	Result
Spring: 2013					
0671	150	50	58	C	PASS
0672	120	47	51	C	PASS
0673	143				R/E
0846	178	42	56	C	PASS
Autumn: 2013					
0673	143	48	55	C	PASS
0680	159	34			R/E
0681	130	40	48	D	PASS
0682	136	60	62	B	PASS
0683	141	60	63	B	PASS
Spring: 2014					
0680	159	30			R/E
0831	175	57	66	B	PASS
0837	184	55	66	B	PASS
0838	177	60	69	B	PASS
3600	43	20	63	B	PASS
Autumn: 2014					
0680	159	47	57	C	PASS

* AREAP=Again Re-appear, * REAP=Re-appear, * ABST=Absent

Total = 714 / 1200

(PrintResultHistory.asp?)

no=AU615285&LevelName=M.ED(SPL.EDU)

59.5%

ATTESTED

TENTATIVE SENIORITY LIST OF SENIOR ORAL MASTER (BPS-15)/JUNIOR TEACHER (BPS-16) OF SCHOOL FOR DEAF CHILDREN IN SOCIAL WELFARE, SPECIAL EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA AS STOOD ON 31.8.2015.

S.No	Name & F/Name	Date of Birth	Domicile	Qualification	Date of 1 st Entry into Govt. Service	BPS	Date Present appointment /promotion to the present post	Date from which HPS awarded with BPS	Place of present posting	Remarks
1	Mst: Nadia Shafiq D/O Ghulam Shafiq	18-4-1979	Kohat	M.A, B.Ed Spl. edu.	2-10-2006 SOM (BPS-15)	16	Appointed as SOM (BPS-15) on 2-10-2006	BPS-15 w.e.f. 1-10-2016 dated 20-2-2015	Govt School for Deaf Children Kohat	
2	Mr. Fazle Wahid S/O Muhammad Rashid	1-1-1969	Dir Lower	F.A	4-8-1990 JOM(BPS-9)	15	BPS-15(SOM) w.e.f 23.5.2008 dated 23.5.2008 (promoted)		Govt School for Deaf Children Timargara Dir Lower	
3	Mr. Dilawar Shah S/O Sabir Shah	1-5-1976	Malakand Agency	M.A/Misc M.Ed, B.Ed	1-7-2003 SOM(BPS-9)	15	Regularized as SOM (BPS-9) w.e.f. 1-7-2008	BPS-15 w.e.f. 1-7-2008 dated 31-3-2012	Govt School for Deaf Children Daragai Malakand	The post of SOM upgraded from BPS-9 to BPS 15 w.e.f 8-9-2011
4	Mst: Samina Sardar O/O Sardar Khan	2-1-1965	Peshawar	F.A/PTC	1-2-1987 JOM(BPS-9)	15	BPS-15(SOM) w.e.f 30-12-2003 (Promoted)		Govt School for Deaf Children Yakatoot Peshawar	
5	Mst: Samina Aziz O/O Aziz Bakhsh	29-8-1966	Peshawar	B.A, PTC	15-5-1987 AOM (BPS-9)	15	BPS-15(SOM) w.e.f 30-12-2003 (Promoted)		Govt School for Deaf Children Gulbahar Peshawar	

ATTESTED

HIL

B (14)

APPENDIX

(7)

Nomenclature of Post	Maximum qualification for appointment by initial recruitment.	Age Limit	Method of recruitment
Assistant Director BPS-17.	PART-I Master's degree in Social Work/ Sociology from a recognised University.	21-30 years.	i) By transfer from amongst the Assistant Directors of the Social Welfare Deptt. Managerial posts. ii) Handicapped Children, Principals in the Schools for deaf Children & Superintendents in the Institutions for Blind.
1. Principal/Senior Teacher: BPS-17.	PART-II SCHOOL FOR DEAF CHILDREN Master's degree with Physics as one of the subjects from a recognised University.	21-28 years.	i) By promotion on the basis of seniority-cum-fitness, from amongst Junior Teachers with three year's experience and Senior Oral Master/Mistress with five years experience as such. ii) By initial recruitment; or by transfer from Social Welfare Department, if no suitable candidate is available.
2. Assistant Audiologist- BPS-16. Junior Teacher: BPS-16.	Bachelor's degree with Physics as one of the subjects from a recognised University.	21-28 years.	By initial recruitment.
Senior Oral Master/Mistress: BPS-15.	a) Bachelor's degree; b) Bachelor of Education from a recognised University; and c) Diploma in teaching of deaf e) Bachelor's Degree; b) Bachelor of Education from a recognised University; and c) Diploma in teaching of deaf from a recognised Institute.	21-28 years. 21-28 years. 21-28 years.	i) By initial recruitment. ii) By promotion on the basis of seniority-cum-fitness, from amongst the Junior Oral Masters/Assistant Oral Masters/Mistress with at least five years experience as such. iii) By vice as such. iv) By five percent by initial recruitment.

ATTACHED

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(15)

8

17

2
Oral Master/B-9,
Asst. Oral Master/
Historian's Instructor.
BPS-14.

3
Intermediate with certificate in Teaching from a recognised Institute. years
Bachelor's degree with diploma of two years duration from a Government Vocational Institute in Tailoring.

4
1) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst Vocational teachers (Tailoring) with five years experience as such; and
ii) Fifty percent by initial recruitment.

8. Vocational Teacher Tailoring. BPS-9.

Secondary School Certificate with diploma of two years duration from a recognised Institute with Tailoring as a subject.

By initial recruitment.

9. Vocational Teacher B-7 (Embroidery/Knitting).

Secondary School Certificate with certificate in Embroidery/Knitting from a recognised Institute.

By initial recruitment.

10. Physical Training Instructor. BPS-9.

Intermediate with diploma in Physical Education from a recognised Institute.

By initial recruitment.

11. Drawing Master. B-9.

Intermediate with diploma in Drawing from a recognised Institute.

By initial recruitment.

12. Store Keeper. B-8.

Secondary School Certificate with two years experience of Storekeeper.

By initial recruitment.

PART-III

GRATES FOR MERITALLY REWARDED AND MERITOUSLY HANDICAPPED CHILDREN.

1. Teacher. BPS-17.

Master's Degree in Psychology (Applied Psychology) from a recognised University with two years experience as such.

21-30 years

i) Twenty-five percent by promotion on the basis of seniority-cum-fitness, from amongst the Senior Teachers with five years service as such.
ii) Twenty-five percent by temporary transfer from amongst the officers of the Social Welfare Deptt. holding appointments in BPS-17 on Regular basis and

ANNEXED

SECRETARY
SOCIAL WELFARE
DEPTT. 2
MTP, BSHAWAR

19

Senior Teacher
BPS-15.

Junior Teacher

Social Care Worker
BSP-16.

Vocational Teacher
BPS-9.

Religious Teacher
BPS-9.

Music Teacher
BPS-9.

Electrician/
Electronic Technician
BPS-11.

Assistant Physical Education
Teacher BPS-11.

By transfer from amongst the B-17
Officers of Social Welfare Department.

By initial recruitment.

By initial recruitment.

By initial recruitment.

By initial recruitment.

By initial recruitment.

By initial recruitment.

By initial recruitment.

By initial recruitment.

D/S

SECTION OFFICER (SW)
ZAKATE SOCIAL WELFARE DEPT.
MWP, PESHAWA

17

26

10. Blind Worker.
BPS-7.

Secondary School Certificate from a recognised Board with five years certificate in the relevant field from a recognised Blind's Institute.

18-30 years

By initial recruitment.

11. Disruptive.
BPS-5.

Secondary School Certificate and Disruptive Certificate from a recognised Institute/Faculty.

12-30 years.

By initial recruitment.

12. Disabled.
BPS-9.

Secondary School Certificate or equivalent qualification from a recognised Board/Institute with credit in Urdu from a recognised religious Institute.

18-30 years.

By initial recruitment.

Handwritten signature

SECTION OFFICER(SW)
TRAINING & RECRUITMENT DIVISION
NEW DELHI, INDIA

Handwritten mark

(Peshawar, dated the 13-11-2008)

NOTIFICATION

No. SOII (SW) II-12/93/ Vol-V

In pursuance of the provisions contained in sub-rule (2) of rule (3) of the North-West Frontier Province Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Zakat, Ushr, Social Welfare and Women Development Department, in consultation with Establishment Department and the Finance Department, hereby directs that in this Department's Notification No.SO(SW)II-12/93, the following amendment shall be made, namely:

AMENDMENT

In the appendix, in part-II, against serial No.1, for the existing entries in column 2 to 5, the following shall be substituted:

S. #	Nomenclature of the post.	Qualification for appointment by initial recruitment	Age limit	Method of recruitment
1	2	3	4	5
1.	Principal (BPS-17)	(a) Second Class Master's degree in Social work, Sociology, anthropology, Psychology from recognized University; and (b) Teaching diploma for the Deaf from a recognized Institute. OR Second Class Master's degree in Special Education from a recognized University. OR (a) Second Class Bachelors degree (Arts/Science) from a recognized University; (b) Bachelors in Education from a recognized University; and (c) Teaching diploma for the Deaf from a recognized Institute.	21-35 years	(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Teachers (BS-16) with three years service and Senior Oral Masters (BS-15) with five years service as such; and (b) if no suitable person is available for promotion then by initial recruitment.

Secretary to Govt. of NWFP
Zakat, Ushr, Social Welfare & WD Deptt.

Encls: NO.SOII (SW) II-12/93/Vol-IV/651-68 Dated Peshawar, the 13-11-2008.

Copy is forwarded to:-

1. All the Administrative Secretaries to Govt. of NWFP.
2. All Heads of the Attached Department.
3. All Distt. Coordination Officers in NWFP.
4. Director, Social Welfare and Women Dev: NWFP Peshawar. ✓
5. Manager, Printing Press, NWFP Peshawar for information and publication in the officer's gazette.
6. PS to Chief Secretary, NWFP.
7. PS to Secretary, Zakat, Ushr, Social Welfare & WD Deptt NWFP.

(Muhammad Saeed)
Section Officer-II

ATTACHED

To

The Secretary GOVT of KPK
Social Welfare Women Development
And Special Education Department

Subject: Appeal for the recruitment of principal by promotion

Sir,

With due respect I hereby submit my humble submission for the subject post on promotion in the following few lines for your kind personal and sympathetic consideration pleas.

"By promotion as per Amendment made in notification No Ends No so 11 (SW) 11/12/93/vol/iv/651-68 date 13-01-2008 (method of recruitment) copy attached.

By promotion the basis of seniority fitness from amongst the junior teacher BPS 16 with three years' service and senior oral master (BPS 15 with five years as such)

If no suitable person is available for promotion then by initial recruitment

I qualify the criteria amendment as discussed above and documentary evidence in this regard is attached with my application in the shape of appeal sir.

Keeping in view mentioned facts your honor is very humble requested to kindly draw sympathetic consideration on my appeal. I may kindly be given a chance for promotion as a principal on promotion and obliged, as there are some vacant posts available and no recruitment has been made.

Thanking you sir in anticipation

Sincerely yours

Dilawar Shah

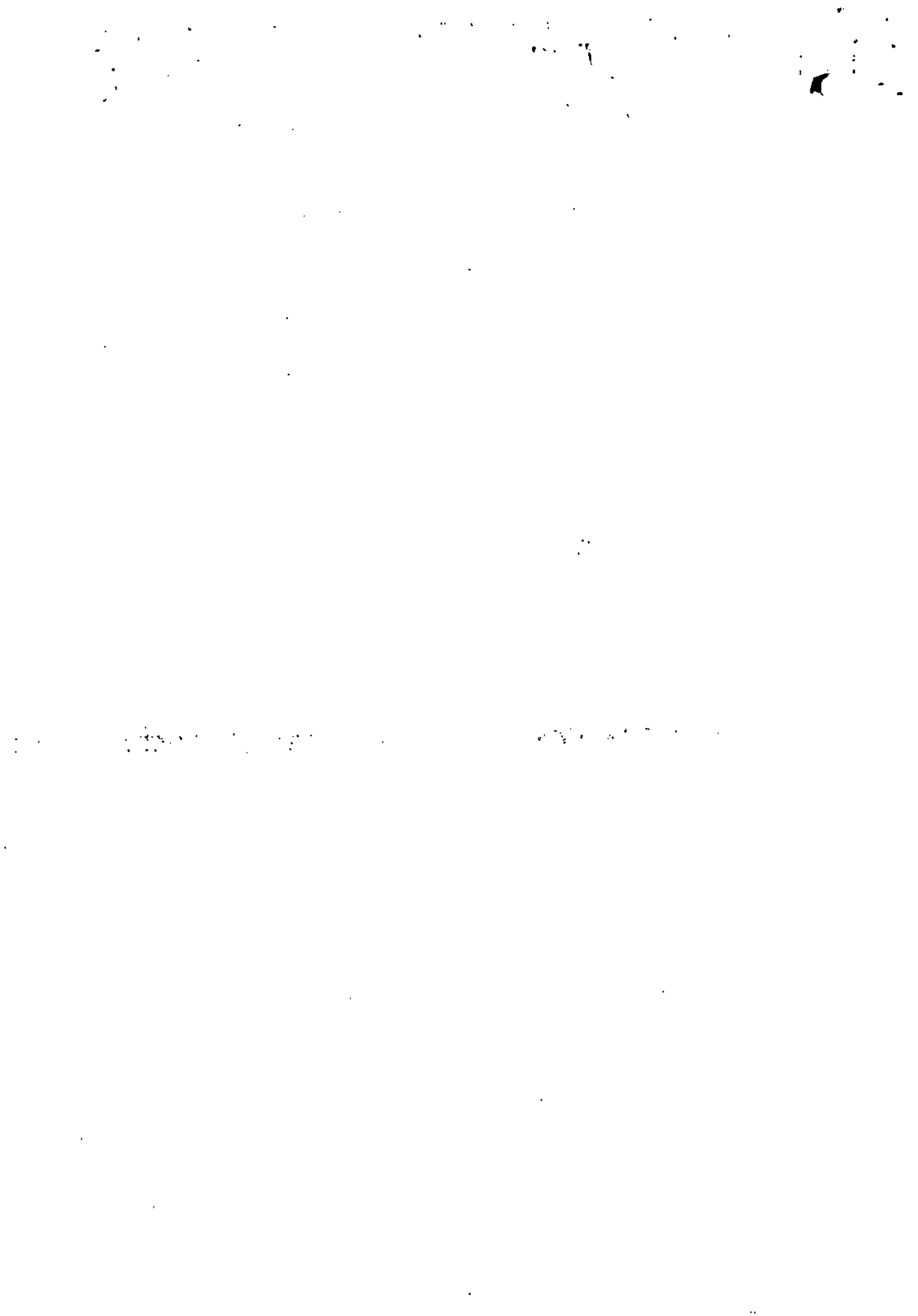
Dilawar Shah
11/01/2016

Senior Oral Master

Govt School for Deaf Children Dargai.

- Govt School Jandayaf .p
children dargai
- " " Mansehra .
" " Takhti Bhai .
for last 3 years .

RECEIVED



VAKALAT NAMA

NO. _____/20

IN THE COURT OF Sewice Tribunal, Peshawar

Dilawar Shah

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Social welfare Deptt

(Respondent)
(Defendant)

I/We Dilawar Shah

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Rah

(CLIENT)

ACCEPTED

M. Asif Yousafzai

M. ASIF YOUSAFZAI
Advocate

Taimur Ali Khan

TAIMUR ALI KHAN
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room.No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

1
2
3

Before the Service Tribunal Khyber Pakhtunkhwa,
Peshawar
Service Appeal No.442/ 2016

Dilawar shah Senior Oral Master Govt. School for Deaf Children, Dargai,
Malakand.....**APPELLANT**

VERSUS

1. The Secretary, Zakat, Ushar, Social Welfare Special Education & Women Empowerment Department.
2. The District Officer Social Welfare, Women Empowerment Special Education, Dargai, Malakand.
3. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar..... **(Respondents)**

PRE-LIMINARY OBJECTIVES:

1. That the Appellant has no cause of action.
2. That 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 hand.
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 mis-joinder and non-joinder necessary parties.
9. The appeal is against the prevailing law & rules.

PARA- WISE COMMENTS BY RESPONDENT NO.1 TO 3.

FACTS

1. Pertains to record, need, no comments.
2. Pertains to record, need, no comments.
3. Pertains to record, need, no comments.
4. Incorrect, Promotion to the Post of Principal is considered on the basis of seniority cum fitness and the appellant is not the senior most in the seniority list.

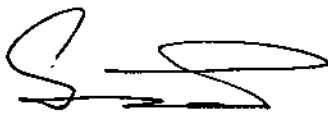
Grounds:


- A. Incorrect hence denied. The appellant is not the senior most in the seniority list of 2015.
- B. Incorrect hence denied. The appellant was justly treated under the law & after appointment as Junior Oral Master in BPS-09 on 01-07-2008 he was awarded higher pay scale and is enjoying BPS-17 personal.
- C. Incorrect hence denied. As is evident from para 03 of the facts. The promotion to the post of Principal is based on seniority cum fitness. The appellant will get regular promotion first in BPS-15 as Senior Oral Master and then in BPS-17 as Principal as per Policy.

- D. Incorrect hence denied. Restructuring ~~and~~ service rules is already initiated in terms of court decision.
- E. Incorrect hence denied. Factual position has been explained in the proceeding para's.
- F. Incorrect hence denied. As is evident form para C above.

It is therefore, most humbly prayed that on acceptance of this written comments the appeal in hand may graciously be dismissed with cost through out.

Secretary
 To Govt of KHYBER PAKHTUNKHWA.
 SOCIAL WELFARE DEPARTMENT PESHAWAR
 (RESPONDENT NO. 1)


District Officer
 SOCIAL WELFARE, SPECIAL EDUCATION AND
 WOMEN EMPOWERMENT MALAKAND
 (RESPONDENT NO. 2)


Secretary
 to Govt of KHYBER PAKHTUNKHWA.
 FINANCE DEPARTMENT PESHAWAR
 (RESPONDENT NO. 3)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 442/2016

Dilawar Shah

VS

Social Welfare Department

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-9) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Para-1 of the appeal is admitted correct by the respondents department as service record is already in the custody of the department.
- 2 Para-2 of the appeal is admitted correct by the respondents department as service record is already in the custody of the department.
- 3 Para-3 of the appeal is admitted correct by the respondents department as service record is already in the custody of the department.
- 4 Incorrect. While Para-4 of the appeal is correct as mentioned in the main appeal of the appellant.

- 5 Not replied while para-5 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the appellant has good cause of action and his appeal is liable to be accepted.


GROUND:

- A) Incorrect. While Para-A of the grounds of appeal is correct as mentioned in the main appeal of the appellant.
- B) Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.


DEPONENT

ATTESTED
Oath Commissioner
Zahoor Khan Advocate
Distt: Cantt. Peshawar

14 FEB 2017

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 440/2016

Dilawar Shah

VERSUS

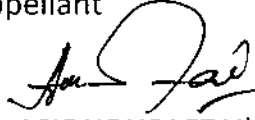

Secretary zakat, usher, social welfare, special Education & Woman Empowerment, Department & Others.

APPLICATION FOR IMPLEADMENT OF DIRECTOR SOCIAL WELFARE, SPECIAL EDUCATION & WOMAN EMPOWERMENT AS RESPONDENT IN THE INSTANT APPEAL.

RESPECTFULLY SHEWETH:

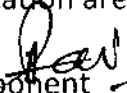
1. That the appellant has filed above mentioned appeal for promotion on the post of principal (BPS-17) before this august Tribunal.
2. That the appeal is in reply stage and next date fixe for reply is 6.10.2016.
3. That Director Social Welfare, Special Education & Woman Empowerment, is a necessary party who has not been arrayed as respondent inadvertently.

It is most therefore, humbly prayed, that Director Social Welfare, Special Education & Woman Empowerment may be arrayed as respondent in the instant appeal being necessary party and the notice may also please be issued for the date fixed.

Appellant
Through: 
(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.
& 
(TAIMUR ALI KHAN)
ADVOCATE, PESHAWAR.

AFFIDAVIT:

It is affirmed on oath that the contents of application are true and correct.


Deponent