

22.08.2019

Learned counsel for the appellant present and seeks withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.







(Muhammad Hamid Mughal)
Member
Camp court A /Abad

ANNOUNCED.
22.08.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 453/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/04/2019	<p>The appeal of Mr. Riasat Khan resubmitted today by Malik Saeed Akhtar 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 4/4/19</p>
2-	21.06.2019	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>21-6-19</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Notice be issued to appellant/learned counsel for preliminary hearing on 12.07.2019 before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Chairman Camp Court, A/Abad</p>
09.07.2019		<p>Counsel for the appellant present and requested for adjournment. Adjourned to 22.08.2019 for preliminary hearing before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court Abbottabad</p>

The joint appeal of Nadeem Ashraf, Adil Khan, Nadiya Bano, Haleema Saleem, Furqan Jamil, Shamdad Begum, Samilia Saleem, Surriya Bibi, Riasat Khan, Sardar Muhammad Asif, Shah Rehman, Shah Rehman, Muhammad Shafique, Shahab-ud-Din, Azeem Gul, Sidra Batool Aya, Imtiaz, Salma Nasrullah, Muhammad Arif, Aliya Ajmal, Waqas Ahmad, Muhammad Nazir, Hafeez-ur-Rehman, Muhammad Arif, Ismail Akhtar, Rabia Zakeer, Parveen Akhtar, Sumran Bibi, Sundas Saleem, Sarfaraz, Kalsoom Bibi, Ghulam Rasool, Abdul Hafeez, Sughra Bibi, Munir, Zafar Alam, Ghulam Naseer, Malika Hajab and Asim Khan received today i.e. on 05.03.2019 is in complete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellants.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Sub-rule- 2 of rule-3 of the appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately. Therefore, the appeal of the above appellants may be filed separately/individually.
- 5- Page nos. 11, 12, 15, 16, 18, 26, 28 to 33 and 43 are illegible which may be replaced by legible/better one.
- 6- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent in each appeal may also be submitted.

No. 361 /S.T

Dt. 5-3- /2019

[Signature]
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.
5/3/19

Malik Saeed Akhtar Adv.
High Court A. Abad.

(20) days time further extended.

[Signature]
15/3/19

All the above mentioned objections have been removed. Wherever, the copies of respondents shall be provided along with flagged annexures after admission of appeal.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 563

Dated 04/4/2019

Malik Saeed Akhtar
Advocate High Court

[Signature]
4/4/2019

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,

PESHAWAR.

Service Appeal No. 440 /2019

Mr. Furqan Jamil, Junior Clerk, Social Welfare, Special Education and

Women Empowerment Abbottabad

VERSUS

Govt. of KPK through Chief Secretary KPK, Peshawar & Others

INDEX

S#	PARTICULARS	ANNEXURES	PAGES
1.	Service Appeal & Affidavit		1-5
2.	Appointment Letter	ANNEXURE-A	6
3.	Organogram of Secretariat and Directorate	ANNEXURE-B	7-8
4.	Activities of Secretariat and Directorate	ANNEXURE-C	9-12
5.	Structure of Social Welfare, Special Education and women empowerment Department	ANNEXURE-D	13
6.	Notification NO. FD (SOSR II) 8-57/2005.	ANNEXURE-E	14
7.	Notification Endst: No. & of even Dated Peshawar the 25/05/2010	ANNEXURE-F	15
8.	Copy of Departmental Appeal	ANNEXURE-G	16-19
9	Wakaltnama		20

COUNSEL

APPELLANT

Malik Saeed Akhtar

Advocate High Court

Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 440 /2019

1. Mr. Furqan Jamil, Junior Clerk, Social Welfare, Special Education and
Women Empowerment Abbottabad.

.....APPELLANT

VERSUS

1. Govt. of KPK through Chief Secretary KPK, Peshawar.
2. Secretary Social Welfare, Special Education and Women
Empowerment Department KPK, Peshawar..
3. Director Social Welfare, Special Education and Women
Empowerment Department KPK, Peshawar.
4. Secretary Finance KPK, Peshawar.
5. Accountant General KPK, Peshawar.
6. District Accounts Officer, Social Welfare, Special Education and
Women Empowerment Abbottabad.

.....RESPONDENTS

Re-submitted to -day
and filed.

Registrar
4/4/19

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE
TRIBUNAL ACT 1974, FOR DECLARATION TO THE EFFECT
THAT THE SPECIAL ALLOWANCE @ 20% WHICH HAS
ALREADY BEEN GIVEN TO SOME EMPLOYEE OF THE
DEPARTMENT AND DISALLOWING TO PETITIONERS IS

DISCRIMINATORY, PERVERSE, AGAINST THE LAW AS WELL
AS IS IN VIOLATION OF ARTICLE 25 OF CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN 1973 WITH THE PRAYER
THAT THE SAME MAY BE GRANTED TO THE APPELLANTS
FROM THEIR DUE DATE.

Respectfully Sheweth:-

1. That the Appellant is the permanent/ regular employees of the District Office, Social Welfare, Special Education & Women Empowerment Department Abbottabad and performing his functions since the date of his appointment. (Appointment letter is attached as **ANNEXURE-A**)
2. That the Appellant is part and parcel of Social Welfare, Special Education & Women Empowerment Department Abbottabad that is supervised by Provincial Secretariat and Directorates of Social Welfare Special Education and women Empowerment Department KPK. (Organogram of Secretariat and Directorate is attached as **ANNEXURE-B**)
3. That the Appellant is serving in the District Office and is the main source of providing skilled/technical/vocational education as lay down by the Provincial Secretariat and Directorate through the said District office. The Appellant leave no stone unturned to complete the Herculean Task. That the said department is a vital sector in National Development. (Activities of Secretariat and Directorate are attached as **ANNEXURE-C**)
4. That the Appellant is value added asset of the said department i.e. "**SOCIAL WELFARE, SPECIAL EDUCATION INSTITUTE**"&"**WOMEN EMPOWERMENT INSTITUTE**". Appellant is catering her services to empower the society and institutes being run under the supervision of the said department i.e. special education institutes and women empowerment institutes. (Structure of the said institutions is attached as **ANNEXURE-D**)
5. That the Appellant have the onerous onus on its shoulders to cater all these activities irrespective of any cast, colour and creed. That the appellants have to burn the mid-night oil in the line of Duty.

6. That the Government of NWFP (Now Khyber Pakhtunkhwa) Finance Department under Notification NO. FD (SOSR II) 8-57/2005. Endst: No. & date even Dated Peshawar 01/11/2006 sanctioned the grant of Special Allowance @ 20% of the initial basic Pay Scale to the physically blind regular staff (Both Teaching and ministerial staff) of Special education Institutions in N.W.F.P working under the control of Zakat, Usher, Social Welfare and Women Development Department N.W.F.P with immediate effect. (Notification is attached as **ANNEXURE-E**)
7. That the Government of Khyber Pakhtunkhwa Finance Department is providing special Allowance to the Government Blind Institutes in Swabi, Mardan, Abbottabad, Swat and D.I Khan under Notification Endst: No. & of even Dated Peshawar the 25/05/2010. (Notification is attached as **ANNEXURE-F**)
8. That the Appellant, along with other staff members, approached the office of the respondent No 2, The Secretary Social Welfare Special Education & Women Empowerment Department Khyber Pakhtunkhwa Peshawar, for grant of special allowance @20% to all staff of Social Welfare Department but all in vain. (copy of appeal is attached as **ANNEXURE-G**)
9. That the impugned Notifications, NO. FD (SOSR II) 8-57/2005. Endst: No. & date even Dated Peshawar 01/11/2006 and Endst: No. & date even Dated Peshawar the 25/05/2010 are not implemented with its true spirit which are discriminatory in the eyes of law, hence, same is liable to be implemented in the instant department inter-alia on the following grounds:

GROUND

- a. That the allowances allowed through the impugned notifications does not have limited scope up to sections of parent Department of Social Welfare, Special education and Women Empowerment. But the refusal to the Appellant is without having lawful justification.
- b. That non-inclusion of the Appellant department in the impugned list amounts to penalizing the Appellant by not considering her worth and scope of work which negates the natural justice.
- c. That the Appellant feeling aggrieved had filed departmental representation to respondent No. 2 for doing the needful but in vain because till now nothing was done.
- d. That the act of respondents is against the law, discriminatory, perverse and negation of fundamental rights of the Appellants.

- ✓ e. That the instant Appeal is filed well within time after following all the required Codal formalities.

PRAYER


It is therefore humbly prayed that instant Appeal may kindly be accepted and the respondents may be directed to grant special allowance @20% to the Appellants from the date of the receipts of NOTIFICATION.

Any other relief which this Honourable Tribunal deems fit and appropriate may kindly also be granted.

Dated: 25/03/2019

Through Counsel


APPELLANT


Malik Saeed Akhtar
Advocate
High Court Abbottabad.

P-S

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

Mr. Furqan Jamil, Junior Clerk, Social Welfare, Special Education and Women
Empowerment Abbottabad

VERSUS

Government of KPK through Chief Secretary KPK, Peshawar & Others.

AFFIDAVIT

I do hereby solemnly affirm that the contents of above Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Dated: 25/03 /2019.


Deponent

Abbottabad

No. F-18905 A I
 Government of Pakistan
 Ministry of Social Welfare and Special Education
 Directorate General of Special Education

Islamabad, the 12th January, 2010

SUBJECT:- OFFER OF APPOINTMENT TO THE POST OF L.D.C. (BS-7)

Having been recommended by the Departmental Selection Committee and approved by the Competent Authority, Mr/Mrs/Miss *Mr. Furqan Jamil S/O Muhammad Jamil*, is offered the post of L.D.C. (BS-9) in the Special Education Centre for Mentally Retarded Children, Mardan under the Directorate General of Special Education, Islamabad on the following terms and conditions:-

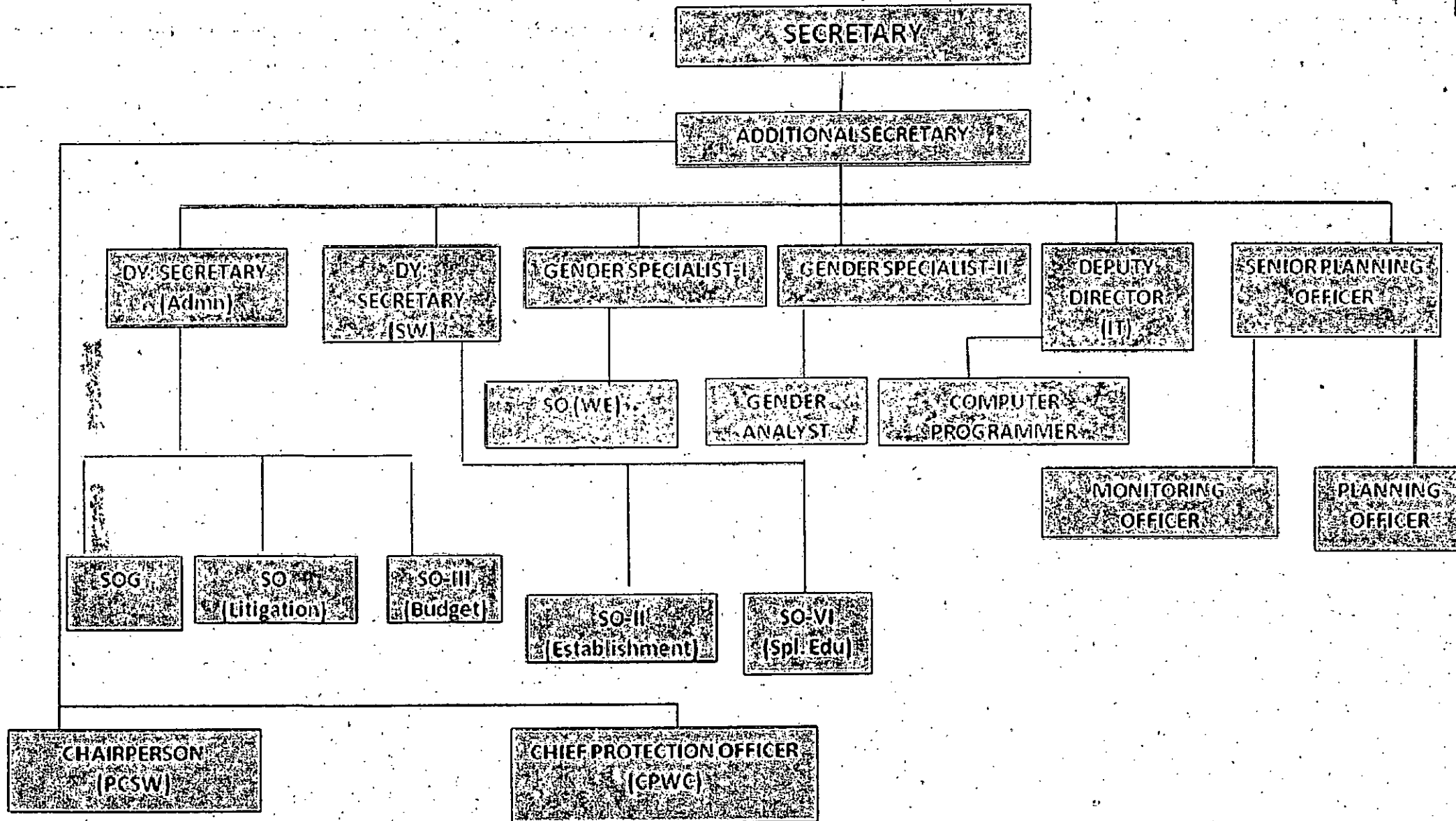
- i. He/ She will be entitled to a pay in the Basic Pay Scale No. 07 viz Rs. 3530-190-9220 plus allowances as may be admissible under the rules.
- ii. The appointment is purely on temporary basis subject to Medical Fitness, Verification of required Educational documents, diploma and experience certificates etc. at the cost of individual and character and antecedents have been verified
- iii. He/ She will be on probation for a period of one year extendable for another one year by order either before or after its termination. Provided further that in the absence of an order, the period of probation shall be on the expiry of the extended period be deemed to have been successfully completed in accordance with the Section 21 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 as amended from time to time.
- iv. His/ Her services are liable to be terminated at any time without assigning any reasons, by giving a notice for a period not less than 14 days or payment in lieu thereof, a sum equivalent to his/ her pay for 14 days for the period by which the notice falls short of 14 days.
- v. In case he/ she wishes to terminate his/ her services under Government, he/ she shall resign in writing and shall therefore continue to serve the Government until his/ her resignation is accepted. If he/ she absents himself/ herself, he/ she shall be liable to disciplinary action which may result in disqualification from any further employment under Government
- vi. He/ She will have no claim or title to permanent retention/ confirmation on any post under this Directorate on the basis of appointment.
- vii. He/ She may be posted/ transferred at any Province/ District as per requirement of his/ her services at any time.
- viii. His appointment shall be subject to fulfilment of requisite qualification and confirmation of date of birth etc.
- ix. No request for change of station of posting will be entertained for which offer is accepted before completion of three years of service

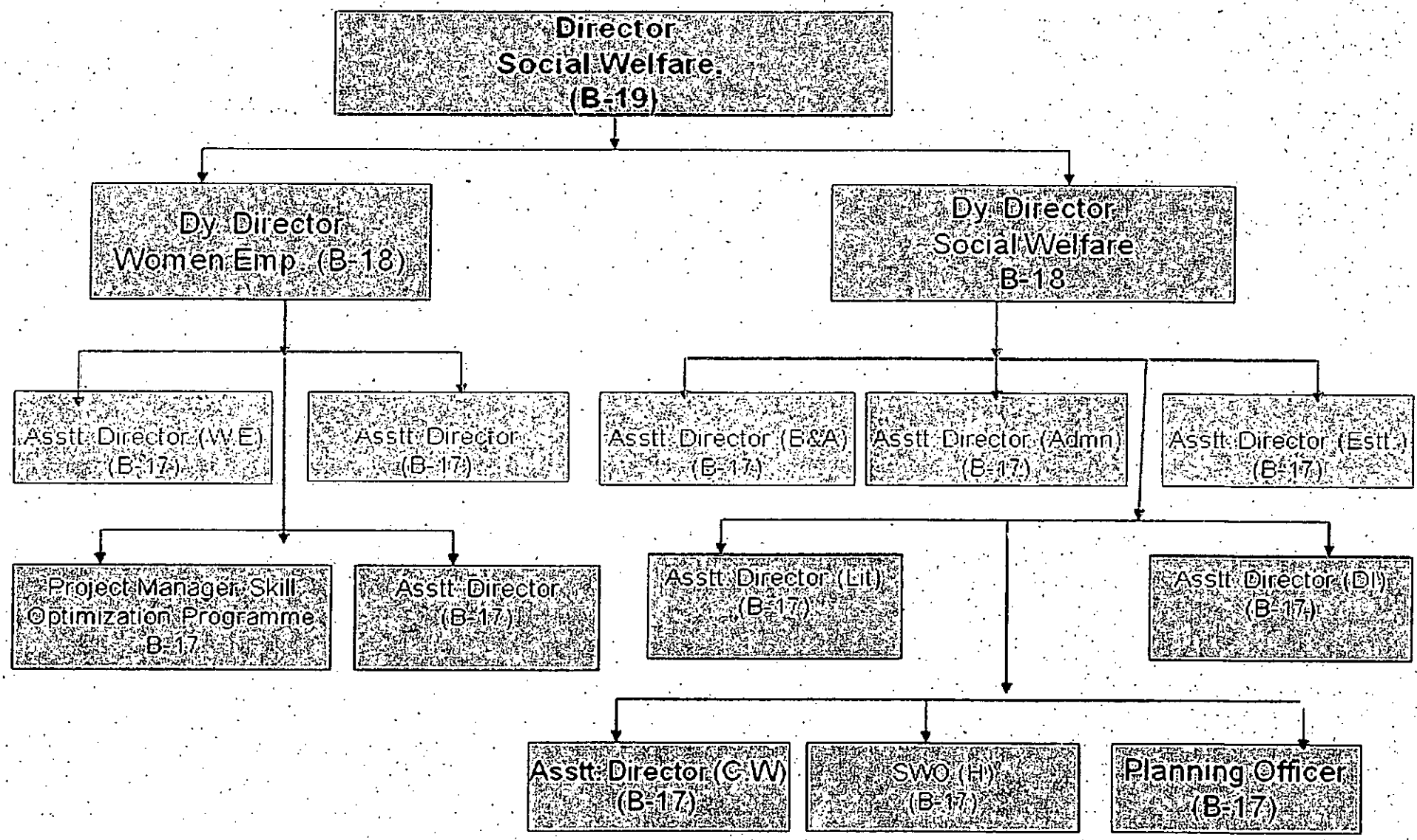
2. If the offer is acceptable to him/ her on the above mentioned terms and conditions, he/ she should report for duty to the Vice Principal, Special Education Centre for Mentally Retarded Children, Mardan latest by 26th January, 2010 and submit his/ her acceptance through Principal/competent.

(ZARIF HUSSAIN SIDDIQUI)
 DEPUTY DIRECTOR (A&C)

Mr. Furqan Jamil S/O Muhammad Jamil

- Copy to:-1. Director (NK), DGSE.
 2. Principal/ Vice Principal/ Officers Incharge of SEC concerned.





As per web page of Social Welfare, Special Education & Women Empowerment Department i.e.
social_welfare.kp.gov.pk/page/activities

Activities done in 2013-14:

- 1) All data in 25 districts regarding PWDs computerized. One lac twelve thousand PWDs including male, female, children registered with the Social Welfare Department in Khyber Pakhtunkhwa and it is anticipated that around 1700000 (Seventeen lac persons with disabilities) are living in Khyber Pakhtunkhwa.
- 2) An amount of Rs,71 million was disbursed among 29000 PWDs (including male, female and children) through proper advertisement in News Papers and in public gatherings through elected representatives. This exercise was done for the first time in the history of the province.
- 3) The provincial Government notified building Code with the Directions to all executing agencies to ensure ramps for the PWDs in the new buildings.
- 4) Higher Education Department issued notification with the Directions to all Universities for free education for PWDs.
- 5) The Social Welfare Department pursued the implementation of 2% quota and recovered an amount of Rs.45 lac (4500000) in the last six months of the last financial year at the rate of Rs.2000 per month.
- 6) Khyber Pakhtunkhwa Foundation for the PWDs established with an initial allocation of Rs.500 million.
- 7) National Sports gala arranged for PWDs which was attended by more than 300 players from all provinces and FATA.
- 8) Attendance of students in Special Education Institutes enhanced from 45 % to 85 % by activating the Parents teachers' councils.
- 9) Free education, transport and food provided to all hostalized students in all Special Education Institutes in Khyber Pakhtunkhwa.
- 10) First Provincial Special Education Policy of Inclusive Education drafted and the same is in final stage.
- 11) Financial assistance was granted to 34 Voluntary Social Welfare Agencies in Khyber Pakhtunkhwa.
- 12) Tour Programs were arranged for the students of Special Education Institutes.
- 13) MOU was signed with CHEF International for strengthening of all Special Education Institutes and capacity building of the Staff of special Education Institutes.
- 14) Meetings were held with the Election Commission of Pakistan and NADRA to develop a special mechanism for PWDs regarding their NICs, voter registration and vote casting. Survey/Census of PWDs in collaboration with Election Commission of Pakistan has started and the same will be replicated in rest of the provinces.
- 15) Free of cost artificial limbs provided to 2400 PEDs and purchases of 5.6 million made for ALW.

Activities Planned for 2014-15:

- 1) Up-gradation of Special Education Center Hayat Abad into Center of Excellence for Higher Education and Training of Special Education Staff. PC-1 Prepared and allocation made by the Provincial Government.
- 2) Major Amendments in the Law of PWDs in last stage.
- 3) Establishment of first Brail Printing Press approved by the Provincial Government in Budget.
- 4) Purchase of Brail Type Writers for Special Education Institutes in process.
- 5) Three new schools including two for disabled Girls in process and included in current ADP.
- 6) Training of staff for Institutes of Special Educations in collaboration with JICA in progress.

- 7) Penalty of non-implementation of 2% quota enhanced from Rs.2000 per month to 10000.
- 8) Provision of 160 lap tops to Special Education Institutes in process.
- 9) An amount of 70 million rupees is likely to be disbursed among PWDs through open advertisement in Newspapers.
- 10) 03 million grants for VSWAs working for PWDs.
- 11) Allocation of 118 million as non- operational grant for Social Welfare and all Special Education Institutes.
- 11) Capacity building of staff of Special Education Institutes.
- 12) Establishment of Special Education Department in major Universities.
- 13) Implementation of 2% quota for PWDs.
- 14) Sports Competition 2014-15.
- 15) Study Tours.
- 16) Allocation of Rs.200 million for Tanzeem- Lissayel- Walmahroom for orphans and PWDs.
- 17) Financial Assistance for PWDs through Provincial Foundation for PWDs with an allocation of Rs,500 million.

Major activities of the Social Welfare, Special Education & Women Empowerment Department during the 1st quarter of Financial Year 2014-15: -

Approval of the Development Schemes by the Competent Forum on 04/09/2014.

130090-Construction of Access Road from NCC road to Social Welfare Complex at Chakdara Dir Lower.

140120- Establishment of Rehabilitation Centers for Drug Addicts at Districts Mardan, Nowshere and Karak.

iii. 140121-Establishment of School for Hearing Impaired Children in District Buner and MR&PH in District Malakand.

140123- Establishment of Welfare Homes for Destitute and Orphans in Districts Hangu and Swabi.

140125- Establishment of Schools for Deaf & Dumb Children (Female) in Districts Mardan & Kohat.

140126- Establishment of Darul Aman at Mansehra.

vii) 140127 - Strengthening of Existing DarulAmans in Khyber Pakhtunkhwa.

Promulgation of Senior Citizen Ordinance.

Release of 2.9 million Grant in Aid for Center for Speech & Hearing Sheikh Malton Town Mardan.

Draft Rules for Child Protection & Welfare Commission sent to Law Department for vetting.

The Khyber Pakhtunkhwa Voluntary Social Welfare Agencies (Registration & control) Bill, 2014 sent to Law Department for vetting.

Office of the Deserving Widows & Special Persons Welfare foundation in being established to make it fully functional.

Establishment of Ombudsman office under the protection against harassment of Women at Workplace Act, 2010.

Establishment of District Committees on the Status of Women (Office Establishment under process).

Release of Rs.11 million fund for District Committees on the Status of Women.

P-211

Provision of additional funds amounting to Rs. 118.00 million to District Offices of Social Welfare from Regular Budget for emergent needs/ requirements.

TanzeemLissailwalMahroom project extended up-to December, 2014.

Needs:

- 1) Full-fledged residential school one each for boys and girls in each district which has no such school
- 2) At least five Inter colleges.
- 3) Special Education Department in Each public sector university.
- 4) Representation of PWDs in Senate, National Assembly, Provincial Assemblies and Local Government Institutes.
- 5) Scholarships for all students with disabilities.
- 6) Rehabilitation of PWDs

- See more at: http://social_welfare.kp.gov.pk/page/activities#sthash.WUFzhRLa.dpuf

Functions

Secretariat

At Provincial Level

Formulation of Policy guideline in the field of Social Welfare and Special Education as well as community Organization programme

Implementation and Enforcement of National Social Welfare Policy

Review, amend existing legislation and consolidate new legislative measure for the prevention of Social, dis-integration, exploitation and eradication of Social Evils relevant in our society.

Formulation of Social assistance programme or social safety nets for the under privileged sections of the society such as widows, orphans, the indigent, the destitute through Zakat, Baitul Mall and other institutions and public & private sector, institutions like widows' homes, destitute homes.

Preparation/setting of perspective plan goals and objectives

Coordination with UNICEF and other donor agencies for Social Welfare

All the services matter except those entrusted to services and general administration department.

Collection, consolidation and updating of data, regarding annual beneficiaries, of services in the field of Social Welfare and Special Education beside NGOs

Dealing with the affairs of Provincial Social Welfare Council (PSWC) Provincial Council for Rehabilitation of disabled persons (PCRDP) Provincial Commission for Child Welfare and Development (PCCWD)

Control and liaison with International agencies like UNICEF, SAVE The Children involved with implementation of articles of CRC.

Launching of Developmental Schemes at Provincial Level

Arrangements of Funds from Federal Govt. for initiation of developmental projects

Liaison with the Federal Govt

Interaction with various Provincial Departments as well as District Govt, Federal Govt. and to coordinate their activities at Provincial level.



All matters relating to appointment, promotion, processing of disciplinary cases, inter-districts posting and transfer of officers/officials of Social Welfare and Special Education

Overall supervision, Monitoring and Control of District Level activities

Directorate

At Provincial Level

Overall supervision and control of offices of Social Welfare Department and Special Education in the District

Promotion Posting/Transfer (inter District) disposal of disciplinary cases of officers/officials of Social Welfare Department, Special Education and Community Organization

Coordinating role between Provincial Government and District Government

Internal Audit of District Offices

Disposal of Audit Paras/Advance Paras and Draft Paras

Preparation of Policy Plan, Programme and setting of objective goals in the field of Social Welfare Department, Special Education and Community Organization

Preparation and propose ADPs, PC-Is and Implementation of new ADP Schemes

Maintenance of ACRs of Officers/Officials

Implementation of Program of UNICEF

To take-up proposals of District Offices in the field of Social Welfare Department to the Provincial Government

To collect update and compile data-based information on the performance of District Offices NGOs / CBOs and Voluntary Social Welfare Agencies

To arrange training programme of Officers/Officials of District Offices

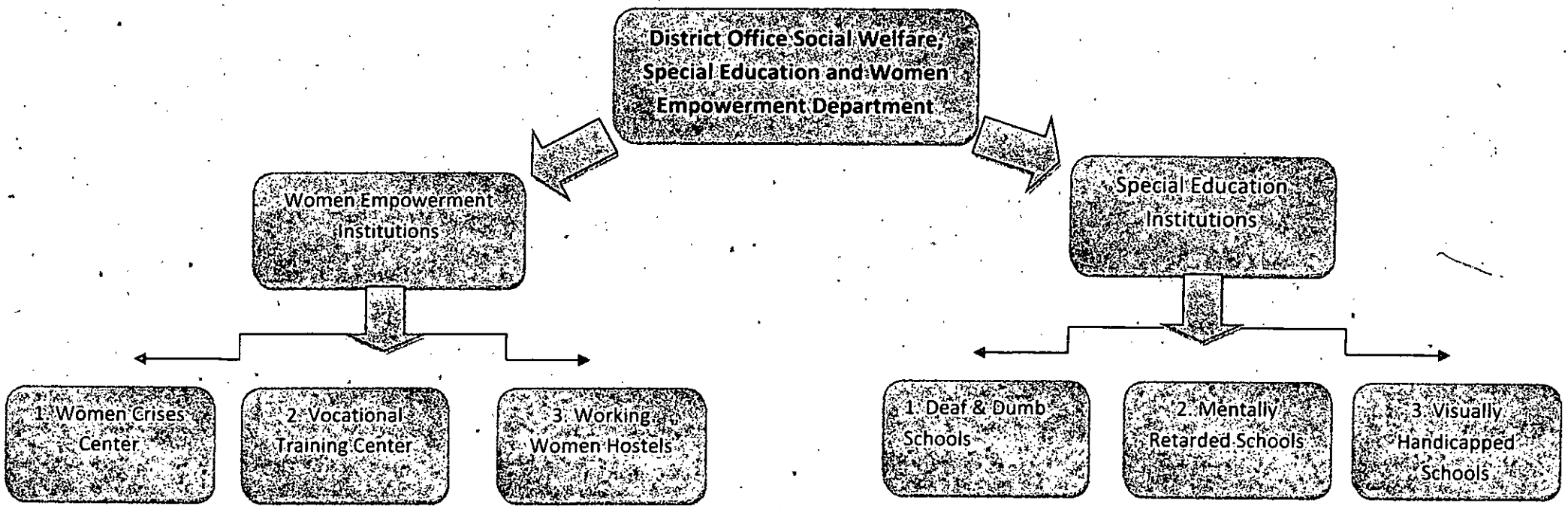
Quarterly meeting of Provincial Social Welfare Council (PCSW), Provincial Council for Rehabilitation of Disabled persons (PCRD) and Provincial Commission for Child Welfare and Development (PCCWD)

Pursuance of cases in the courts as well as Service Tribunal

Assist Administrative Department in preparation of schemes in the field of Social Welfare and Special Education

- See more at: http://social_welfare.kp.gov.pk/page/functions#sthash.1N9heSz3.dpuf

ORGANOGRAM OF DISTRICT SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN EMPOWERMENT DEPARTMENT



ANNEXURE-E
P-94

GOVERNMENT OF NWFP
FINANCE DEPARTMENT
(REGULATION WING)
Dated Peshawar 01/11/2006

NOTIFICATION

NO.FD(SOSR.II)8-57/2005. The Provincial Government have been pleased to accord sanction for grant of Special Allowance @ 20% of the initial Basic Pay to the physically blind regular staff (both Teaching and ministerial staff) of Special Education Institutions, in N.W.F.P. working under the Administrative control of Zakat, Ushr, Social Welfare and Women Development Department N.W.F.P. with immediate effect.

Sd/-
SECRETARY TO GOVT. OF NWFP
FINANCE DEPARTMENT

Encls: No. & date even

Copy is forwarded to:-

- 1) The Secretary to Government of NWFP Zakat, Ushr, Social Welfare and Women Development Department is requested to work out categories wise details of such blind staff and intimate amount of the Special Allowance individually for submission to Finance Department
- 2) P.S.O. to Chief Secretary, N.W.F.P. with reference to his letter No:PSO/CS/NWFP/1-14/2006/621-22 dated 10/10/2006

GOVERNMENT OF
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

ANNEXURE-F

P-15

Dated Peshawar the 25/5/2010

NOTIFICATION.

NO:FD(SOSR)D/8-57/2005. In supersession of this Department's Notification dated 1st November 2006, the Governor Khyber Pakhtunkhwa has been pleased to approve Special Allowance @ 20% of the basic pay on the condition of regular employment working in the Government Bilids Institutes in Peshawar, Swabi, Mardan, Abbottabad, Swat and D.I. Khan with effect from 18th May 2010.

2. The grant of above mentioned allowance is subject to the following conditions:-

1. It will be admissible during the period of suspension as well as during entire period of leave, except extra ordinary leave and LPR.
2. It will not be treated as part of emolument for the purpose of calculation of pension and recovery of house rent.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA.

Endst: No. & date even.

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

1. Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr. Social Welfare and Women Development Department.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller of Accounts, Peshawar, Mardan, Abbottabad, Swat and D.I. Khan.
4. Senior District Accounts Officer, Swabi.
5. P.S to Minister for Finance Khyber Pakhtunkhwa.
6. P.S to Chief Secretary, Khyber Pakhtunkhwa.
7. Director, FMIU, Finance Department.
8. P.S to Finance Secretary Khyber Pakhtunkhwa.
9. Director, Local Fund Audit Department, Khyber Pakhtunkhwa.
10. Budget Officer-VIII, Finance Department.


(WAZIR MUHAMMAD AGHAR)
SECTION OFFICER (SR.II)

BETTER COPY

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

NOTIFICATION.

NO.FD (SOSR.ID)/8-57/2005. In supersession of this Department's Notification dated 1st November, 2006, the Governor Khyber Pakhtunkhwa has been pleased to approve Special Allowance @ 20% of the basic pay to the regular staff of special education working in the Government Blinds Institute in Peshawar, Swabi, Mardan, Abbottabad, Swat and D.I Khan with effect from 18th May, 2010.

2. The grant of above mentioned allowance is subject to the following conditions:-
1. It will be admissible during the period of suspense as well as during entire period of leave, except extra ordinary leave and LPR.
 2. It will not be treated as part of emolument for the purpose of calculation of pension and recovery of house rent.

**SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA**

Endst: No. & Date Even.

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

1. Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare and Woman Development Department.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller of Accounts, Peshawar, Mardan, Abbottabad, Swat and D.I Khan.
4. Senior District Accounts Officer, Swabi.
5. P.S to Minister for Finance Khyber Pakhtunkhwa.
6. P.S to Chief Secretary, Khyber Pakhtunkhwa.
7. Director, FMIU, Finance Department.
8. P.S to Finance Secretary Khyber Pakhtunkhwa.
9. Director, Local Fund Audit Department, Khyber Pakhtunkhwa.
10. Budget Officer-VIII, Finance Department.

**(WAZIR MUHAMMAD AFGHAR)
SECTION OFFICER (SR-11)**

ANNEXURE-G

P-16

**THROUGH PROPER CHANNEL
SOCIAL WELFARE, SPECIAL EDUCATION &
WOMEN EMPOWERMENT DEPARTMENT**

To

The Secretary,
Social Welfare Special Education
& Women Empowerment Department
Khyber Pakhtunkhwa Peshawar

Through

The Director,
Social Welfare Special Education
& Women Empowerment Department
Khyber Pakhtunkhwa Peshawar

Subject:-

**PRESENTATION/APEAL FOR GRANT OF SPECIAL ALLOWANCE
@ 20% TO ALL STAFF OF SOCIAL WELFARE DEPARTMENT IN THE
LIGHT OF PESHAWAR HIGH COURT PESHAWAR BENC DECISION
NO W/1462/2012 DATED 14-05-2013.**

Respected Sir,

1. Your kind attention is invited to the subject above that in KPK Social Welfare Department nomenclature is (Social Welfare Special Education & Women Empowerment Department)
2. As from the nomenclature of Social Welfare Department it is clearly explained that the Department is performing multifunction activities & Special Education is conclusively covered under the Social Welfare Department through managing Special Education Institutes/Centers/Schools.
3. The Special Education institutes are working under the Secretary & Director of (Social Welfare Special Education & Women Empowerment Department) at Provincial level and District level the Department is led by the District Officer of Social Welfare Department.
4. At District level the District Office of Social Welfare Department led by the District Officer also register the disable persons providing them financial grant & rehabilitative aids i.e Wheel Chair, Try cycle, White cane, Haring aid etc for the rehabilitation and arrange & conduct workshop, seminar & conferences for the promotion & awareness of right of disable person.
5. Regarding, Special Education & Women Empowerment the Department provide the following services through respective District Offices.
 - a. Promote public sector facilitation and support for the protection, rehabilitation and look after the deprived, marginalized and vulnerable individuals, groups and communities.
 - b. Sensitize the vulnerable people and marginalized communities to organize themselves by resolving their needs and problems on self help basis.
 - c. Strengthening the existing institutional care system and helping the people on need of support directly in their families and communities.
 - d. Public awareness regarding human rights, tolerance, mutual respect and rights of minorities & Special people.
 - e. Collection, compilation and dissemination of primary data of vulnerable and disadvantage groups.

- f. Prepare policy plan of action and implementation for the welfare, development and protection of persons with disabilities.
 - g. Establish and further strengthen the institutional care for the person with disabilities in area of education and training, life management and other support.
 - h. Promote inclusive approach for the person with disabilities in education, social partnership, training and employment.
 - i. Promote rehabilitation, and employment of persons with disabilities both in public and private sectors.
 - j. Promote barrier free mobility environment in the physical infrastructure and transport sector for the person with disability.vi. Promote preventive education for reducing the incident of disabilities.
 - k. Promote preventive education for reducing the incident of disabilities.
6. In the light of decision of Peshawar High Court Peshawar Bench dated 14-05-2013 in W.P No 1462/2012 both the teaching and ministerial staff are getting Special Allowance 20% since 2010. But the staff of District Offices of Social Welfare are deprived of the same allowance.
7. It is evident from the services of Social Welfare Special Education & Women Empowerment Department provides all the Welfare activates related to Special Education through managing & supervision of Special Education institutions by respective District Offices.

Keeping in view all the above facts is humbly requested to accord approval of Special Allowance@ 20% to all staff of Social Welfare Department as it is discrimination and violation of Human Rights i.e half of the people working in Social Welfare Department KPK are getting the benefits of Special Allowance and the other half is deprived of Special Allowance @ 20%. Both the parties (getting benefit of Special Allowance & other half which is deprived of Special Allowance) are working at provincial level under same Director & Secretary & at District level all the Special Education Institutes are supervised by the District Office of Social Welfare Department as mentioned earlier that at district level. He District Officer also registers the disable persons for providing them financial grant & rehabilitative aids i.e Wheel Chair, Try Cycle, White Cane, hearing aid etc be discriminator treatment of ending article 4 & 25 of the Constitution of Pakistan which guaranties the equal right & equal protection of law for every citizen.

It is therefore, humbly requested to accord approval of the Special Allowance @ 20% to all staff of the District Offices Social Welfare Department w.e.f 01-07-2010. Signatory list of (Officers & officials) of Four District is attached i.e District Abbottabad, District Mansehra, District Haripur, & District Batagram & District Kohistan

ATTCHMENTS. Judgment of Supreme Court is attached.

Your Faithfully.

**PRESENTATION/APEAL FOR SANCTION OF 20%
SPECIAL ALLOWANCE TO ALL STAFF OF SOCIAL
WELFARE DEPARTMENT IN THE LIGHT OF PESHAWAR HIGH COURT
PESHAWAR W.P. 1462 DATED 14-05-2013
(DISTRICT ABBOTTABAD).**

S.#	Name	Designation With BPS	Signature
1	Mst. Shamshad Begum	District Officer BPS-18	SMA-AD/10 [Signature]
2	Mr. Adil Khan	S/o SHAH DAD ICMAN Social Welfare Officer BPS-18	[Signature]
3	Mst Nadia Bano	Vocational Teacher BPS-12	[Signature]
4	Mst. Haleema Saleem	Vocational Teacher BPS-12	[Signature]
5	Mr. Furqan Jamil	Junior Clerk BPS -11	[Signature]
6	Mr. Nadeem Ashraf	Junior Clerk BPS -11	[Signature]
7	Mst. Samiha Saleem	Needle Craft Instructor BPS-09	[Signature]
8	Mst. Surriya Bibi	Auxiliary Worker BPS-07	[Signature]
9	Mr. Riasat Khan	Auxiliary Worker BPS-07	[Signature]
10	Mr. Sardar Muhammad Asif	Auxiliary Worker BPS-07	[Signature]
11	Mr. Shah Rehman	Naib Qasid BPS-04	[Signature]
12	Mr. Muhammad Shafiq	Chowkidar BPS-03	[Signature]
13	Mr. Shab ud din	Chowkidar BPS-03	[Signature]
14	Mr. Azeem Gul	Chowkidar BPS-03	[Signature]
15	Mst. Sidra Batool	Aya BPS-03	[Signature]
16	Mr. Imtaiz	Sweeper BPS-03	[Signature]
17	Mst. Salma Nasrullah	Superintendent BPS-18	[Signature]
18	Muhammad Arif	Junior Clerk BPS-11	[Signature]
19	Aliya Ajmal	Vocational Teacher BPS-09	[Signature]
20	Waqas Ahmed	Hostel Superintendent BPS-09	[Signature]
21	Muhammad Nazir	Driver BPS-06	[Signature]
22	Hafeez ur Rehman	Cook BPS-05	[Signature]
23	Muhammad Arif	Naib Qasid BPS-04	[Signature]
24	Ismil Akhtar	Chowkidar BPS-03	[Signature]
25	Mst. Rabia Zakeer	Superintendent BPS-17	[Signature]
26	Parveen Akhtar	Needle Craft Instructor BPS-10	[Signature]
27	Sumran Bibi	Primary Health Care Tec BPS-12	[Signature]
28	Sundas Saleem	Junior Religious Teacher BPS-10	[Signature]

کورٹ فیس

وکالت نامہ

Chairman Service Tribunal for Peshawar بعدالت

Govt of NWFP through Chief Sec. of P. & S. Furgan Jamil عنوان:

Appellant منجانب:

نوعیت مقدمہ:

باعث تحریر آنگہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے جبری و مجاب دہی کل کارروائی متعلقہ آن مقام

مذکورہ بالا کے لئے درخواست کی گئی ہے

کو وکیل مقرر کر کے اتر کر رہے ہیں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ٹائٹ و فیصلہ بر طرف دہیے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دخل کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جبری کارروائی کے لئے کسی اور وکیل یا محکمہ صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی دہی اور روپیہ ہی اختیارات ہوں گے اور اس کا ساختہ پر داخہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز جہاں رقم وصول کرنے کا بھی اختیار ہوگا اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ جبری مقدمہ مذکورہ کریں اور اگر محکمہ مقرر کردہ میں کوئی جزو جہاں ہو تو وکیل صاحب موصوف مقدمہ کی جبری کے پابند ہوں گے۔ نیز درخواست برآمد تجارت ہائس بیسٹنٹس کے دائرہ کرنے اور اس کی جبری کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

الرقوم: 22 مارچ 2019

Accepted
Furgan Jamil

بمقام:

السید

فرغانہ جمیل
(Furgan)