

05.04.2017

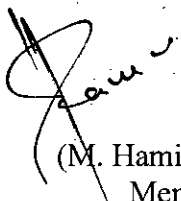
Counsel for the appellant and Mr. Adeel Butt, Addl: AG for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 27.07.2017 before D.B.

  
Chairman

27.07.2017

Clerk to counsel for the appellant and Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.10.2017 before D.B.

  
(Ahmad Hassan)  
Member


  
(M. Hamid Mughal)  
Member

12.10.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. Advocate General for the respondents present. Arguments heard and record perused.

This appeal is dismissed as per our detailed judgment of today in connected service appeal No. 503/2015 entitled "Fazal Sheer Versus Government of Khyber Pakhtunkhwa through Secretary E&SE, Peshawar and others". Parties are left to bear their own costs. File be consigned to the record room.

  
Member

  
Chairman

ANNOUNCED  
12.10.2017

28.03.2016

Counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Assistant AG for respondents present. Para-wise comments on behalf of respondents No. 1 and 2 submitted. The learned Assistant AG relies on the same on behalf of respondent No. 3. The appeal is assigned to D.B for rejoinder and final hearing for 14.7.2016.

  
Chairman

14.07.2016

Appellant in person and Additional AG for the respondents present. Rejoinder not submitted and requested for further time to file rejoinder. To come up for rejoinder and arguments on

~~25-11-16~~

  
MEMBER

  
MEMBER

25.11.2016

Appellant in person and Addl. AG for the respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 05.04.2017 before D.B.

  
(ABDUL LATIF)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

26.06.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving in the High School as Qari. That previously the scale of the appellant was equal with that of TT, AT and DM etc but vide impugned notification dated 11.7.2012 other teachers are given up-gradation to BPS-15 while the appellant was ignored and discriminated against despite the facts the he was entitled to alike treatment. That against the impugned notification and decision appellant preferred departmental appeal on 10.2.2015 which was not responded and hence the instant service appeal on 27.5.2015.

That since financial benefits are involved as such limitation would not come in the way of the appellant.

Points urged need consideration. Admit, subject to all legal objections. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 1.10.2015 before S.B.

Appellant Deposited  
Security & Process Fee



  
Chairman


01.10.2015

Appellant in person, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 2.12.2015 before S.B.

  
Chairman

02.12.2015




None present for appellant. M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) and Javed Shah, Litigation Officer alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 28.3.2016 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 525/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.05.2015	<p>The appeal of Mr. Muhammad Rasool presented today by Mr. Amjid Ali Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	5-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>9-6-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	09.06.2015	<p>None present for appellant. Notice be issued to counsel for the appellant for preliminary hearing for 26.6.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

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

Service Appeal No. 525 /2015

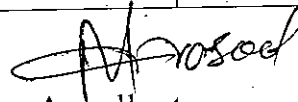
Muhammad Rasool .....Appellant

VERSUS

Govt of KPK through Secretary E&S and etc .....Respondents

**INDEX**

S.No	Description of Document	Annex:	Pages
1	Memo Appeal with Affidavit.		1-8
2	Copy of the notification 11-07-2012	A	9-10
3	Copy of Departmental Appeal.	B	11-17
4	Wakalatnama		18

  
Appellant

Through

  
Amjad Ali Advocate

Supreme Court of Pakistan .

Cell:0321-9882434

①

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

Service Appeal No. 525 /2015

**S.W.F. Provincial  
Service Tribunal**  
Diary No. 577  
dated 27-5-2015

Muhammad Rasool S/o Ghulam Rasool Posted as (Senior Qari BPS-15) At Govt  
High School Qasmi, District Mardan. ....Appellant

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary elementary & Secondary Education (E&S) Education Department, Civil Secretariat, Peshawar.
2. Director Elementary & Secondary education (E&S), Department, Khyber Pakhtunkhwa, Dargari Garden Peshawar.
3. Distict Education Officer (E&S) District Mardan.

.....Respondents

SERVICES APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,1974 AGAINST  
NOTIFICATION DATED 11/7/2012 AND DEPARTMENTAL APPEAL DATED  
10/2/2015 UN-RESPONDED AFTER LAPSE OF 90X DAYS.

Respectfully Sheweth:-

That facts pertaining to this appeal are as under:-

- 1) That appellant is equipped with qualification such as Qirat Sanad, Shahdatul Aalammia, BA, MA, B.Ed, M.Ed.
- 2) That the appellant was appointed against the post of Qaries in Government High Schools, Mardan & Swabi District of Khyber Pakhtunkhwa.

- 3) That respondents are taking duty from the appellant like other computer, SET Teachers.
- 4) That appellant was appointed initially in BPS-7 in different years by the competent authority and presently serving in different High Schools of the province.
- 5) That after the appointment of the appellant his basic pay scale up graded to BPS-09, 10, 12, 14, 15 according to their qualifications and experience by different orders of the competent authority in different time. (In this respect notification dated 26.01.2008)
- 6) That for BPS of Teachers the 1<sup>st</sup> Rules were framed in the year 1981, then 1991 wherein there are three basic categories of teachers.
  - a. Primary school Teachers
  - b. Middle School Teachers
  - c. High School Teachers
- 7) That according to the decision of the Govt. of Khyber Pakhtunkhwa a meeting of respondents was held on 01.06.2012, under the Chairmanship of respondent No.05 for up gradation of the basic pay scales of all teachers of province.

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- 8) That in the light of above stated meeting of respondents the BPS of all the teachers in Province working in different categories/cadres were up graded by the order of respondent No.1 vide notification No.SO(BQA)1-18 E QSE 2012 dated 11.07.2012. *is Annexure A*
- 9) That the above stated notification was then circulated to all the Executive District Officer in Khyber Pakhtunkhwa by the order of respondent No.2. (Copies of the notification of respondent No.2 and sanction order of EDO, Mardan/Swabi dated 27.08.2012
- 10) That according to the above stated notification, the post of Qari has been up graded to BPS-12, whereas the post of the theology teacher (T.T) was up graded to BPS-15, who possess equal or less the same qualification.
- 11) That appellant filed appeal dated *10-2-2015* to respondent that appellant treated as par with Theology Teacher/Arabic Teacher and other High School Teachers in matter of grade as since 1981, they were in the same grade being High School Teachers, but remained un-responded. (Copy of departmental appeal is Annexure B
- 12) That impugned notification dated 11.07.2012 regarding the up gradation to the extent of the post of Qaries is illegal, void, and discriminatory as T.T. are placed in BPS-15 and appellant in BPS-12, thus clear-cut violation of articles 4 and 25/27 of the Constitution of Islamic Republic of Pakistan, 1973.



13) That appellant filed writ petition wherein respondents filed comments but writ petition was dismissed for being service matter.

14) That there is no other efficacious remedy available to the appellant against the illegal act/order of respondents, therefore invoking jurisdiction of this Hon'ble Tribunal on the following amongst others grounds.

GROUND:

- A. Because the act of respondent is discriminatory, illegal, and void, hence untenable under the law.
- B. Because according to the impugned notification all the posts of different categories and cadres have been up graded to BPS-15 and 16 in all the Govt: High Schools in Province except the post of the appellant, which has been up graded to BPS-12 instead of BPS-15 and BPS-16.
- C. Because before the up gradation of basic pay scales of the impugned notification of the respondent No.1, the teachers of theology and the appellant was serving in the same different grades, which is also clear from the impugned notification, therefore, depriving of appellant from his legal/due rights in not only illegal, but also discriminatory.
- D. Because in impugned notification, respondent have not given any legal justification for not upgrading the post of the appellant equivalent to Theology Teacher (T.T) nor any criteria has been mentioned in this regard.
- E. That appellant is not only Hafiz-ul-Quran, but also possess equal or more qualification then the teachers of

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- theology in the relevant subject i.e. Islamiyat and beside possess professional Teaching Degrees like B.Ed, M.Ed as well.
- F. Because all the citizens of Pakistan are equal before the law and they are entitled to equal protection of law, hence impugned notification in respect of up gradation to the post of Qaries is also against Article 4 of Constitution of Islamic Republic of Pakistan, 1973.
- G. Because according to their lordship Superior Court of the country "All persons placed in similar circumstances must be treated alike" in famous case of I.A Sherwani 1991 SCMR 1041.
- H. Because impugned notification of respondents No.1, to the extent of appellant's right is clear cut violation of the law/ principles settled by the Superior Courts, thus liable to be declared null and void, without lawful authority ultra vires to the extent of not granting BPS-15 and 16 and granted to other High Schools Teachers.
- I. Because appellant has been discriminated thereby violated Articles 25/27 of Constitution of Islamic Republic of Pakistan, 1973.
- J. Because appellant is performing same duties upto come duration to the same classic of students in the same High School, possessing same qualification like T.T., A.T, SET, then placing T.T., A.T. SET in grade 15, 16, who were earlier in the same grade as appellant and depriving appellant of the same is clear discrimination.
- K. Because it is not reasonable classification and is clear disparity.

- L. Because no grounds for declaring these classes can be forwarded by respondents.
- M. Because Article 35 and Superior Courts including this Hon'ble Court presses equal social standards/financials.
- N. Because appellant and T.T/AT are purchasing same commodities like flour, pulses, ghee, electricity, gas, phone from the same market at the same rate.
- O. That instant relief is of upgradation for treating appellant at par with other teachers teaching in High Schools like theology teachers, Arabic teachers, drawing masters, physical education teacher, there are three categories of schools.

<u>S.No.</u>	<u>Category</u>	<u>Teachers</u>
I.	Primary Schools	PST
II.	Middle School	C.T
III.	High School	SET, AT, TT, DM, PET, Qari

So, even CT teachers who are teaching in Middle Schools are granted BPS-15 with 1/3<sup>rd</sup> BPS-16. Petitioners are placed in category of primary school teachers which is totally illegal, against all norms of justice.

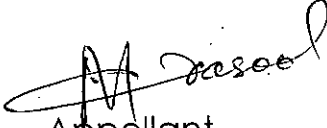
- P. Because post of Qari is only available in High School and when Middle School is upgraded to High, then Qari post is sanctioned.
- Q. Because D.M is teaching Drawing, which is an optional subject.

- (7)
- R. Because P.E.T. is teaching Drill/ Scout, which is too optional.
  - S. Because A.T. is teaching Arabic, which is optional subject.
  - T. Because Qari teachers are teaching other subjects, beside Qirat from 8<sup>th</sup> upto 10<sup>th</sup> class.
  - U. Because Qirat is only taught to 9<sup>th</sup> and 10<sup>th</sup> classes.
  - V. Because any other grounds, which has not been taken specifically in the instant appeal may be argued with the permission of this Hon'ble Tribunal at the time of arguments.


It is, therefore, most humbly prayed that on acceptance of this appeal, notification dated 11.07.2012 issued by respondents may please be modified by treating appellant at par with Theology Teacher/Arabic Teacher i.e. BPS-15 as basic and BPS-16 as 1/3<sup>rd</sup> in Selection grade/promotion as both are teaching to the same High School classes and were treated alike in past notifications of pay scales. It is further prayed that appellant may please be treated at par with other teachers of High Schools like Arabic Teachers physical education Teacher, Drawing Masters and Certificate Teachers etc. in matter of upgradation/promotion.

Any other relief deemed appropriate in the circumstances of the case, may also be graciously granted in favour of petitioners.

8

  
Appellant

Through

  
**Amjad Ali**  
Advocate  
Supreme Court of Pakistan  
At Mardan

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

  
  
No. \_\_\_\_\_  
Date 28/5/16  
District Court, Mardan

  
Deponent



(9) *Amr-A-*

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA**  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar, 11.07.2012

**NOTIFICATION:**

**No. SO (B & A) /1-18/E&SE/2012:** Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded to the up gradation of the posts for Grant of Incentive of Higher Pay Scale to different Categories/Cadres of teachers in Elementary & Secondary Education Department w.e.f. 01-07-2012 as per details given below:-

Sr. No.	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	New Approved Basic Pay Scale	Remarks
1.	Primary School Teacher (PST)	Govt. Primary School	BPS-5 BPS-6 BPS-7 BPS-9 BPS-10 BPS-12	(BPS-12)	The post of PST is upgraded to BPS-12. Accordingly, 33,497 posts of PSTs, already sanctioned in various pay scales are upgraded to BPS-12 for the present incumbents as well as future appointees.
2.	Senior Primary School Teacher (Sr. PST)	"do"	Newly Upgraded/Redesignated Post	(BPS-14)	22,331 posts of the existing PSTs in various existing pay Scales are upgraded to BPS-14 and redesignated as Senior PST. The posts will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
3.	Primary School Head Teacher (PSHT)	"do"	Newly Upgraded/Redesignated Post	(BPS-15)	20,804 posts of the existing PST's (one post in each Primary School) are upgraded to BPS-15 and redesignated as Primary School Head Teacher, and will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
4.	Certified Teachers (CT)	Govt. Middle/High/Higher Secondary School	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of CTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
5.	Senior Certified Teachers (Sr. CT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total CT posts are upgraded to BPS-16 and redesignated as Senior CTs which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
6.	Arabic Teachers (A.T)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of ATs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
7.	Senior Arabic Teachers (Sr. AT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total AT posts are upgraded to BPS-16 and redesignated as Senior AT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
8.	Teacher of Theology (TT)	"do"	BS-07 BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of TTs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
9.	Senior Teacher of Theology (Sr. TT)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total TT posts are upgraded to BPS-16 and redesignated as Senior TT, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
10.	Drawing Masters (DM)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of DMs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
11.	Senior Drawing Masters (Sr. DM)	"do"	Newly Upgraded/Redesignated Post	(BPS-16)	one thirds (1/3 <sup>rd</sup> ) of the total DM's posts are upgraded to BPS-16 and redesignated as Senior DM, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or

12.	Physical Education Teachers (PET's)	"do"	BS-09 BS-10 BS-12 BS-14 BS-15	(BPS-15)	All the existing posts of PETs are upgraded to BPS-15 for the present incumbents to the post as well as future appointees.
13.	Senior Physical Education Teachers (Sr. PET's)	"do"	Newly Upgraded/ Redesignated Post	(BPS-16)	One thirds (1/3 <sup>rd</sup> ) of the total PETs posts are upgraded to BPS-16 and redesignated as Senior PET, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.
14.	Qari/Qaria	"do"	BPS-7 BPS-9 BPS-10 BPS-12 BPS-14 BPS-15	/(BPS-12) //	All the existing posts of Qari/Qaria are upgraded to BPS-12 for the present incumbents to the post as well as future appointees.
15.	Sr.Qari/Sr.Qaria	"do"	Newly Upgraded/ Redesignated Post	(BPS-15)	One thirds (1/3 <sup>rd</sup> ) of the total Qari/Qaria posts are upgraded to BPS-15 and redesignated as Senior Qari/Qaria, which will be filled in the manner as may be prescribed by the Elementary & Secondary Education Department by making necessary service rules or amending the existing service rules, if any, for the post.

2. A policy shall also be devised in the framework of input/output criteria in terms of qualification, length of service, regularity, punctuality, results, curricular and co-curricular achievements and other performance indicators, so that the teachers do not take the scheme for granted but work for it.

3. District wise/ school wise breakup of the posts is enclosed herewith as Annexure-A.

SECRETARY

Endst: No. SO(FR)/FD/10-22(E)/2010 Dated Pesh: the 16/07/2012

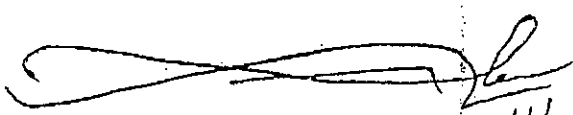
Copy is forwarded to Accountant General Khyber Pakhtunkhwa, Peshawar.  
All District Account Officers

  
SECTION OFFICER (FR)  
FINANCE DEPARTMENT

Endst. Of even Number & Date.

Copy of the above is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, with reference to his letter No SO(FR)/FD/10-22(E)/2010 dated 26.06.2012.
2. P.S. to Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
3. P.S. to Special Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
4. P.S. to Deputy Secretary-II, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
5. P.S. to Minister of E&SE, Khyber Pakhtunkhwa.
6. The Director, E&SE Khyber Pakhtunkhwa, Peshawar.
7. All the Executive District Officers, E&SE Khyber Pakhtunkhwa.
8. The Managing Director, Printing Press, Khyber Pakhtunkhwa, Peshawar.
9. Master file.

  
(NOOR ALAM KHAN WAZIR)  
SECTION OFFICER (B&A)  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

To,

Director (E&S) Department  
Govt. of Khyber Pakhtunkhawa,  
Dabgari Garden Peshawar

*Allms*  


*Amnd-B-*  
*(11)*

### DEPARTMENTAL APPEAL

Sir,

The appellants humbly submits as under;-

1. That appellants are equipped with qualifications such as Qirat Sanad, *Hifzul Quran* BA, MA, B.Ed, M.Ed
2. That the appellants were appointed against the post of Qaries in Government High Schools, Mardan & Swabi District of Khyber Pakhtunkhawa.
3. That Department is taking duty from the petitioners like other computer, SET Teachers.
4. That the appellants were appointed initially in BPS-7 in different years by the competent authority and presently serving in different High Schools of the province.
5. That after the appointment of the appellants their basic pay scale up graded to BPS-9, 10, 12, 14, 15 according to their qualifications and experience by different orders of the competent authority in different time.
6. That for BPS of Teachers the 1<sup>st</sup> Rules were framed in the year 1981, then 1991 wherein there are three basic categories of teachers.
  - a. Primary School Teachers
  - b. Middle School Teachers
  - c. High School Teachers



7. That according to the decision of the Govt: of Khyber Pakhtunkhawa a meeting of concerned officials was held on 01/06/2012, under the Chairmanship of respondent No. 05 for up gradation of the basic pay scales of all teachers of province.
8. That in the light of above stated meeting of concerned officials, the BPS of all the teachers in Province working in different categories/cadres were up graded by the order of Secretary Elementary & Secondary Education (E&S) Education, Department vide notification No SO (BQA)1-18 E QSE 2012 dated 11/07/2012.
9. That the above stated notification was then circulated to all the Executive District Officer in Khyber Pakhtunkhawa by the order of Deputy Director (Establishment) Elementary & Secondary Education.
10. That according to the above stated notification, the post of Qari has been up graded to BPS-12, whereas the post of the theology teacher (T.T) was up graded to BPS-15, who possess equal or less the same qualification.
11. That appellants filed appeals to Department that appellants be treated as par with Theology Teacher/ Arabic Teacher and other High School Teachers in matter of grade as since 1981, they were in the same grade being High School Teachers, but remained un-responded.
12. That impugned notification dated 11/07/2012 regarding the up gradation to the extent of the post of Qaries is illegal, void, and discriminatory as T.T are placed in BPS-15 and appellants in BPS-12, thus clear-cut violation of articles 4 and 25/27 of the Constitution of Islamic Republic of Pakistan, 1973, hence, this departmental appeal, inter alia, on the following grounds.

**GROUNDS:-**

- A. Because the act of department with appellants is discriminatory, illegal, and void, hence untenable under the law.**
- B. Because according to the impugned notification all the posts of different categories and cadres have been up graded to BPS-15 and 16 in all the Govt: High Schools in Province except the post of the appellants, which has been up graded to BPS-12 instead of BPS-15 and BPS-16.**
- C. Because before the up gradation of basic pay scales of the impugned notification, the teachers of theology and the appellants were serving in the same different grades, which is also clear from the impugned notification, therefore, depriving of appellants from their legal/due rights in not only illegal, but also discriminatory.**
- D. Because in impugned notification, the department has not given any legal justification for not upgrading the post of the appellants equivalent to Theology Teacher (T.T) nor any criteria has been mentioned in this regard.**
- E. That appellants are not only Hafiz-ul-Quran, but also possess equal or more qualification then the teachers of theology in the relevant subject i.e. Islamyat and beside possess professional Teaching Degrees like B.Ed, M.Ed as well.**
- F. Because all the citizens of Pakistan are equal before the law and they are entitled to equal protection of law, hence impugned notification in respect of up gradation to the post of Qaries is also against Article 4 of Constitution of Islamic Republic of Pakistan, 1973.**

- G. Because according to their lordship Superior Court of the country "All persons placed in similar circumstances must be treated alike" in famous case of I.A Sherwari 199 SCMR.
- H. Because impugned notification to the extent of appellants' rights is clear cut violation of the law/principles settled by the Superior Courts, thus liable to be declared null and void, without lawful authority ultravires to the extent of not granted BPS-15 and 16 as granted to other High Schools Teachers.
- I. Because appellants has been discriminated thereby violated Articles 25/27 of Constitution of Islamic Republic of Pakistan, 1973.
- J. Because appellants are performing same duties upto same duration to the same classis of students in the same High School, possessing same qualification like T.T, A.T, SET, then placing T.T, A.T, SET in grade 15, 16, who were earlier in the same grade as appellants and depriving appellants of the same is clear discrimination.
- K. Because it is not reasonable classification and is clear disparity.
- L. Because no grounds for declaring these classes can be forwarded by concerned officials much less plausible.
- M. Because Article 35 and Superior Courts including this Hon'ble Court presses equal social standards/ financials.
- N. Because appellants and T.T/ AT are purchasing commodities from the same market at the same rate.
- O. That any other grounds, which have not been taken specifically in the instant appeal, may be argued with the


permission of this Honourable Court at the time of arguments.

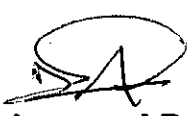
It is, therefore, most humbly prayed that on acceptance of this Departmental Appeal, notification dated 11/07/2012 issued by Secretary Elementary & Secondary Education (E&S) Education, Department, may please be modified by treating appellants at par with Theology Teacher/ Arabic Teacher i.e. BPS-15 as basic and BPS-16 as 1/3<sup>rd</sup> in Selection grade/ promotion as both are teaching to the same High School classes and were treated alike in past notifications of pay scales.

Any other relief deemed appropriate in the circumstances of the case, may also be graciously granted in favour of appellants.

  
1 Fazal Sher


APPELLANTS   
2 Afsar Ali


  
3 Sayyed Muhammad Zakaria

  
4 Muhammad Darvesh

  
5 Hazrat Hussain

  
6 Muhammad Iqbal

  
7 Muhammad Ayaz

  
8 Muhammad Hayat

  
9 Mustaqim Shah

  
10 Shrif Gul

  
11 Fazal Hadi

  
12 Gul Muhammad

13 Muhammad Ilyas

14 Iftikhar Hussain

15 Muhammad Ayub

16 Asad Ur Rahman

17 Mudassar Shah

18 Muhammad Rasool

19 Asad Ullah

20 Muhammad Farooq

21 Hazrat Hussain

22 Badar Munir

23 Yahya Habib

24 Shah Faisal

25 Farhan

26 Muhammad Bilal

27 Ahmad Ali

28 Kifayat-ur-Rahman

29 Dildaruddin

30 Sher Ali

31 Khair-ul-Wara

32 Ishaq Ali

33 Asad Ali

34 Ali Nasir Khan


35 Sahib Zada Aamir

36 Ihsan Ullah

37 Hussain Ali

38 Sulaiman Said

  
39 Muhammad Zubair

  
40 Muhammad Abdullah

  
41 Ubaid Ullah

  
42 Niaz Muhammad

  
43 Shams-ul-Arifeen

  
44 Maab Ahmad

  
45 Mazhar-ul-Hassan

  
46 Abdul Zahoor

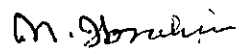
  
47 Saleem-ur-Rahman

  
48 Muhammad Ikram

  
49 Muhammad Ali Khan

  
50 Habib Ullah

  
51 Zubair Ali

  
Muhammad Ibrahim

  
53 Abid Mehmood

Dated 10/2/2015

بیت العدل سروس ٹریبونل لہنہ اور

2015 سہ ماہی انتخاب ایپل لہنہ

16/5/2015

مورخہ:

مقدمہ:

دعویٰ:

حکم:

حکومت

ٹریبونل

سروس ایپل باجٹ نمبر آنڈ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے بیرونی جواب دہی وکل کاروائی متعلقہ

فیہد نواز  
ایڈووکیٹ  
لہنہ

لہنہ کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان ایٹ مردان

مقرر کر کے اتر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راجس نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء و وصولی چک دردیہ عرضی دعویٰ اور درخاست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیرونی یا ڈگری کی طرفہ یا ایپل کی برآمدگی اور منسوخی نیز دائر کرنے ایپل گرانہی و نظر ثانی و بیرونی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے امراء یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا در ان مقدمہ میں جو خرچہ و جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام درہ پر ہو یا عدستے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیرونی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

2015

16 ماہ می

المرفوعہ  
ٹریبونل  
العقبہ  
A Resool

گواہ

بمقام لہنہ کے لیے منظور ہے۔

Attested and Accepted  
Amjad Ali  
Advocate  
Mardan

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، لسٹڈ کنٹ کورٹس مردان