

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.399/2016

Date of Institution: 29.03.2016
Date of Decision: 04.12.2020

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

... (Appellant)

VERSUS

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

... (Respondents)

Tanveer Ahmad Baloch,
Advocate

... For Appellant

Mr. Muhammad Jan,
Deputy District Attorney

... For Respondents

Mrs. Rozina Rehman
Mr. Atiq Ur Rehman Wazir

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

JUDGMENT: -

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

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

2. Written reply/comments were submitted by respondents.

3. Arguments heard and record perused.

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


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

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


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

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

ANNOUNCED
04.12.2020



(ROZINA REHMAN)
MEMBER(J)



(ATIQ UR REHMAN WAZIR)
MEMBER (E)

04.12.2020

Representative of appellant present.

Muhammad Jan, learned Deputy District Attorney for respondents present.

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

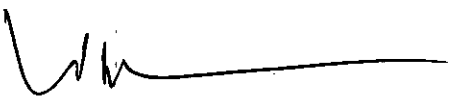
File be consigned to the record room.

ANNOUNCED

04.12.2020



(ROZINA REHMAN)
MEMBER(J)



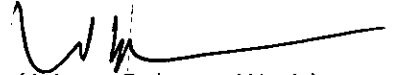
(ATIQ UR REHMAN WAZIR)
MEMBER (E)

03.12.2020

Representative of appellant present.

Muhammad Jan learned Deputy District Attorney for respondents present.

Learned Member (Judicial) is on leave, therefore, case is adjourned to 04.12.2020 for order, before D.B.



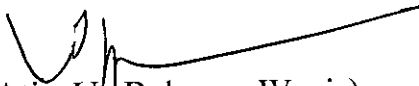
(Atiq ur Rehman Wazir)


Member (E)

24.11.2020

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

Partial arguments heard. To come up for further arguments/order on 25.11.2020 before D.B at Camp Court, D.I. Khan.

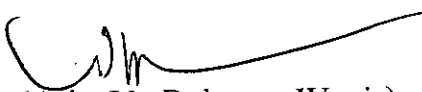

(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I. Khan

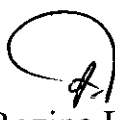

Rozina Rehman
Member (J)
Camp Court, D.I. Khan

25.11.2020

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

Arguments heard. To come up for order at Principal seat Peshawar on 03.12.2020 before D.B

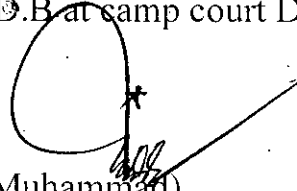

(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I. Khan


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

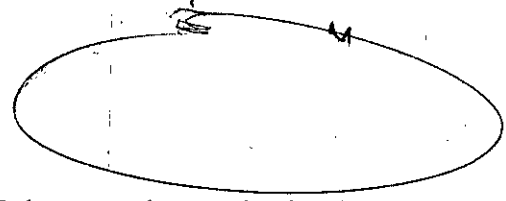
28.10.2020

Assistnat to cusnel for the appellat is present. Mr. Usman Ghani, District Attorney for respondents is present.

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




(Mian Muhammad)
Member(E)



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


25/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 21/4/2020 at Camp Court, D.I Khan.


Reader

21/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/9/2020 at Camp Court, D.I Khan.



Reader


23.09.2020

Appellant in person present.

Mr. Usman Ghani, learned District Attorney for respondents present.


Former requests for adjournment as his counsel is busy before the Hon'ble High Court Bannu Bench. Adjourned. To come up for arguments on 28.10.2020 before D.B at Camp Court D.I Khan.



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


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

28.01.2020

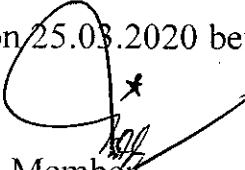
Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani, District Attorney for the respondents present. Adjourned to 25.02.2020 for arguments before D.B at Camp Court D.I.Khan.


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


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

25.02.2020

None for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Notices be issued to the appellant and his counsel. Adjourned. To come up for arguments on 25.03.2020 before D.B at camp court D.I.Khan.


Member


Member
Camp Court D.I.Khan

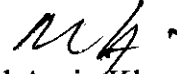
Service Appeal No. 399/2016

27.08.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney for the respondents present. Counsel for the appellant is not in attendance therefore, the case is adjournment to 22.10.2019 for arguments before D.B at Camp Court D.I.Khan.



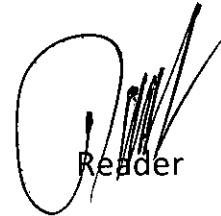
(Hussain Shah)
Member
Camp Court D.I.Khan



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

22/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 27/11/2019.



Reader

27.11.2019

Mr. Tanveer Ahmad Baloch, Advocate submitted Vakalatnama on behalf of the appellant which is placed on record. Mr. Ziaullah, Deputy District Attorney for the respondents present. Newly engaged learned counsel for the appellant requested for adjournment. Adjourned to 28.01.2020 for arguments before D.B at Camp Court D.I.Khan.



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



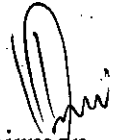
(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

25.03.2019

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

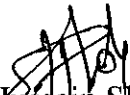
The court time is over, therefore case adjourned to
24.06.2019 before the D.B at camp court, D.I.Khan.

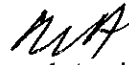

Member


Chairman
Camp Court, D.I.Khan

24.06.2019

Counsel for the appellant and Mr. Farhaj Sikandar,
District Attorney for the respondents present. Learned counsel for
the appellant requested for adjournment. Adjourned to 26.08.2019
for arguments before D.B at Camp Court D.I.Khan.



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


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

26.08.2019

Appellant in person and Mr. Farhaj Sikandar, District
Attorney for the respondents present. Due to general strike on the
call of Pakistan Bar Council, learned counsel for the appellant is
not in attendance today. Adjourned to 27.08.2019 for arguments
before D.B at Camp Court D.I.Khan.


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


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

Service Appeal NO. 399/2016

26.12.2018

Brother of the appellant, on behalf of the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents present. Written reply on behalf of respondents already submitted. Adjourned. To come up for rejoinder and arguments on 22.01.2019 before D.B at Camp Court D.I.Khan.



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

22.01.2019

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

Learned counsel for the appellant argued the case at some length and then requested for adjournment in order to provide documents necessary for consideration of his case for placing in BS-17 in accordance with the revision of pay scale policy dated 24.07.1986. Adjourned to 25.03.2019 for arguments before D.B at camp court D.I.Khan. The appellant may submit rejoinder within a fortnight, if so advised.


Member


Chairman
Camp Court, D.I.Khan.

22.06.2018

Neither appellant nor his counsel present. Mr. Muhammad Kamran, Computer Instructor on behalf of the respondents No. 2 & 3 present and written reply submitted on behalf of respondents No. 2 & 3. Fresh notices be given to other respondents for submission of their written reply by way of last chance on 30.08.2018 before S.B at camp court, D.I.Khan.


Chairman
Camp Court, D.I.Khan

30-8-18

Neither appellant nor his counsel present. Mr. M. Kamran, computer instructor and Asadullah Khan A.A officer for respondents present. Tour is hereby cancelled, therefore, the case is adjourned for the same on 24-10-18 at camp court D.I. Khan.

24-10-18

Tour is hereby cancelled, therefore the case is adjourned for the same on 17-12-18 at camp court D.I. Khan.



17.12.2018

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


Reader

Service Appeal No. 399/2016

29.12.2017

None present on behalf of the appellant. Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 5 also present. None present on behalf of private respondents No. 6 & 7 therefore, notice be issued to them for attendance and filing of written reply. Written reply on behalf of official respondents also not submitted. Learned District Attorney requested for further adjournment. Adjourned. To come up for written reply/comments on 22.02.2018 before S.B at Camp Court D.I.Khan. Notice be also issued to appellant and his counsel for attendance for the date fixed.



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

22.02.2018

None present on behalf of the appellant. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 5 also present. None present on behalf of private respondents No. 6 & 7 therefore, notice be issued to them for attendance and filing of written reply. Representative of official respondents No. 1 to 5 is also not in attendance therefore, notice be issued to respondents No. 1 to 5 with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 26.04.2018 before S.B at Camp Court D.I.Khan. Notice be also issued to appellant and his counsel for attendance for the date fixed.



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

25.05.2018

Due to retirement of the Worth Chairman, the Tribunal becomes non-functional. To come up for the same 22.06.2018. Notice be issued to the parties accordingly.



Member

26.07.2017

None present on behalf of the appellant. Notice be issued to appellant and his counsel for preliminary hearing for 27.09.2017 before S.B at Camp Court D.I.Khan.

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

27.09.2017

Counsel for the appellant present. Preliminary arguments heard. The appellant was appointed as Assistant Oral Master (BPS-09) in the Social Welfare Department D.I.Khan. Through the present appeal the appellant has prayed for recovery of the arrears of Pay Scale of (BPS-16) w.e.f 24.08.2004 to 29.12.2006 and arrears of Pay Scale of BPS-17 from 29.12.2006 to 28.02.2010. Learned counsel for the appellant stated that the appellant joined the judicial service in the year 2010.

Points raised need consideration. Admitted for regular hearing, subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondent party for written reply/comments on 29.12.2017 before S.B. at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee

[Signature]
Member
(Judicial)
Camp Court D.I.Khan


26.09.2016

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 26.12.2016 before S.B at Camp Court D.I.Khan.


Member
Camp Court D.I.Khan


26.12.2016

Counsel for appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 23.01.2017 before S.B at Camp Court D.I.Khan.


ASHFAQUE TAJ
MEMBER
Camp Court D.I.Khan


25.01.2017

Counsel for appellant present and requested for adjournment. Adjournment granted. To come up for preliminary hearing on 22.02.2017 before S.B at Camp Court D.I.Khan.


ASHFAQUE TAJ
MEMBER
Camp Court D.I.Khan

22.02.2017

Due to strike of the Bar learned counsel for appellant is not in attendance. Adjourned for preliminary hearing to 29.03.2017 before S.B at Camp Court D.I.Khan.


(ASHFAQUE TAJ)
MEMBER
Camp Court D.I.Khan

29.03.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 26.07.2017.


Reader

26.04.2016

None for the appellant present. Notice be issued to the appellant/counsel for the appellant for preliminary hearing on 24.05.2016 at camp court D.I Khan.


Member
Camp Court D.I. Khan

24.05.2016

None for the appellant present. Fresh notice be issued to the appellant/counsel for the appellant for preliminary hearing. To come up for preliminary hearing on 30.08.2016 at camp court D.I. Khan.


Member
Camp Court D.I. Khan

30.08.2016



Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 26.09.2016 at camp court D.I Khan.


Member
Camp court D.I. Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 399/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.04.2016	<p>The appeal of Mr. Aurang Zeb Khan resubmitted today by post through Mr. Masood-ur-Rehman 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	14.4.16	<p>This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up thereon <u>26.4.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Aurang Zeb son of Muhammad Jan Khan R/O Gali Bagh Wali Street 5 nearby Jame Masjid Usman-e-Ghani Diatt. D.I.Khan received to-day i.e. on 29.03.2016 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.


- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Nine more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 502 /S.T,

Dt. 30/3 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Aurang Zeb Khan Appellant.

 / Sir,

- 1- Memorandum of appeal is already signed by appellant as well as Counsel.
- 2- Annexure of the appeal is attested by the Counsel with remarks C.T.C signed by the Counsel
- 3- 9 copies are attached

So case is submitted once again

 13/4

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Appeal No.....399/2016..... 2016

Aurangzeb Khan

V/S

Govt: KPK Peshawar etc.

INDEX

S. No	Particular	Annexure	Page No.
1.	Grounds of Appeal/Petition		3-4
2.	Affidavit		6
3.	Application for condonation of delay		7
4.	Copy of First Appointment Order	A	8
5.	Copy of judgments of august Peshawar High Court	B, C & D	9---31
6.	Copies of professional educational record	E, E1, E2 & E3	32---35
7.	Copies of various Office letters giving benefits of scale 16 and 17 to other employees with Retrospective effect.	F	36---43
8.	Service Appeal	G	44---47
9.	Wakalatnama	H	48

Dated: 28-03-2016

Petitioner


Aurangzeb Khan

Through Counsel
Mr. Masooud Rehman Advocate

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

M.W.F. Province
Service Tribunal
Diary No. 290
dated 29-3-2016

Service Appeal No. 399 /2016

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

.....Appellant

VERSUS

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

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

PRAYER :

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

Filed to the
Registrar
29/3/16

Re-submitted to the
Registrar
and filed.

Registrar
14/4/16

Aurangzeb Khan

Respectfully Sheweth:

- i. That appellant/petitioner was appointed as Assistant Oral Master in **BPS-9** on dated 24-08-2004 by the respondents.

(Copy of appointment order is annexed as **A**).

- ii. That the respondents No.1 to 5 up graded various posts of teachers to BPS-16 and 17 in compliance of various judgments of the various courts of law and implementing finance circular letter No. **FD (SR-1)-95/84111** dated 24-07-1986

(Copy of judgments as **B, C and D**).

- iii. That qualification of the petitioner/appellant at the time of appointment was B.A while he got degree of B.Ed Annual, Session 2005 in 29-12-2006 and had been performing his duty from 24-08-2004 to 28-02-2010, to the satisfaction of the superiors and as such no complaint whatsoever was given at the relevant time to the High ups.

(Copies of professional qualification record are annexed as **E1, E2, E3, and E4**)

- iv. That the respondents 1 to 5 granted arrears benefits of scale 16 and 17 to other employees as respondents 6, 7 being colleagues of the petitioner and others alongwith **Retrospective Effect** (from date of acquiring prescribed qualification).

(Copies of various letters giving pay benefits to the other employees, are annexed as **F**).

- v. That the petitioner/appellant also performed his duty from 24-08-2004 having qualification of B.A while got degree of B.Ed, sessions 2005 in 29-12-2006 hence, the petitioner/appellant is entitled for arrears of pay scale of BPS-16 for **two years and four months** (from 24-08-2004 to 29-12-2006) and of BPS-17 for **three years and 02 months** (from 29-12-2006 to 28-02- 2010)

vi. That the appellant/petitioner preferred service appeal to the respondents 1 and 2 through respondent No.3 which remained unanswered till date.

(Copy is annexed as G).

vii. That it is well established rule of law that when a question of law is decided by the competent forum, the respondents are under legal obligation to extend the benefits to all those who are also entitled, rather to indulge in litigation but the respondents refused to grant benefits to the petitioner/appellant which is illegal and without lawful authority irrespective of the fact that they had already granted benefits to other employees who are standing on same footings. The appellant assails such action of respondents before this Honorable Tribunal inter alia on the following grounds.

GROUND:

- That petitioner is not treated according to Law, Rules and Regulations.
- That the respondent 1 to 5 have given arrears of pay to the respondents 6 to 7 and other employees while withheld the petitioner which is clear cut violation of Article 25 of the Constitution of Pakistan 1973.
- That withholding the arrears of BPS-16 and 17 of the petitioner is amount to force labour which is forbidden by the law of the land.
- That it is established principle of law and good governance that no person should be prejudiced due to the act of the functionaries.
- That petitioner performed his duty from 2004 to 2010 hence, vested right to recover his arrears of pay.

A. It is therefore, most humbly requested that by accepting this instant petition/appeal the Honourable Tribunal may be pleased to grant arrear of pay scale with effect from 24-08-2004 to 29-12-2006 in BPS-16 while from 29-12-2006 to 28-02-2010 in BPS-17.

B. It is also requested to pass any such other orders as this Honourable Tribunal thinks fit and proper in view of the circumstances of the case.

Dated: 28-03-2016

yours humble petitioner


Aurangzeb Khan

Through counsel

Mr. Masoodur Rehman Adovcate



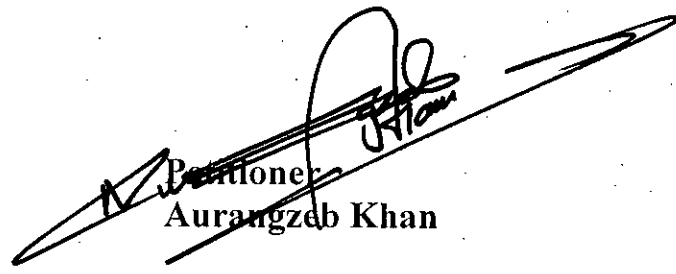
BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Appeal No..... 2016

Aurangzeb Khan Vs Government of KPK and others

Certified that instant appeal is neither pending in any court of law, nor has decided by any court of law.

Dated: 28-03-2016


Petitioner
Aurangzeb Khan

Through Counsel
Mr. Masooud Rehman Advocate

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

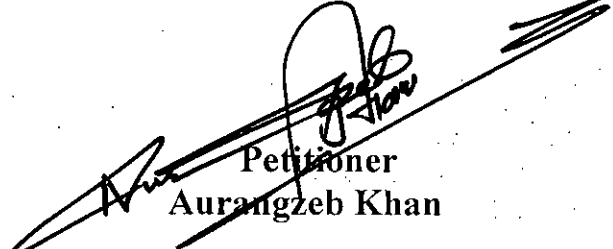
Appeal No..... 2016

Aurangzeb Khan V/S Government of KPK and others

AFFIDAVIT

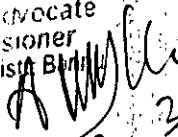
I, Mr. Aurangzeb Khan, the petitioner do hereby solemnly declare on oath that contents of this appeal/petition are true and correct to best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

Dated: 28-03-2016


 Petitioner
 Aurangzeb Khan

**Identified
 Through Counsel
 Mr. Masooud Rehman Advocate**

Attested (03339738481)
 Aurang Zeb Khan
 Mohabat Khan Advocate
 Oath Commissioner
 Judicial Complex Dist. B...


 28-3-2016

7

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Appeal No..... 2016

Aurangzeb Khan V/S Government of KPK and others

Application for Condonation of Delay

Respectfully Sheweth

That the appellant/petitioner kept on waiting for answer or decision of appeal dated 26-11-2015 because the respondents/defendants made assurance of its acceptance/decision but to in vain. Resultantly, the appellant/petitioner engaged counsel for getting legal remedy but due to frequent load shedding and engagement of the learned counsel in other pending cases in various Courts of law the instant appeal could not be reduced into writing. As the learned counsel belong to District Bannu where duration of load shading is about more than 19 hours in a day. As valuable rights of the appellant/petitioner are involved therefore, by accepting the instant application, delay (about three days) for filing the same may kindly be ignored. At the bottom of instant application, contention of the petitioner in respect of the learned counsel is also taken as a token of his admission. Furthermore, the case is belonging to the monitory/arrears of pay which provides fresh cause of action; hence, under law against it no limitation is run.

Dated: 28-03-2016

Mr. Masooud Rehman Advocate

Petitioner

**Aurangzeb Khan
Through Counsel**

Affidavit

I, Mr. Aurangzeb Khan, the petitioner do hereby solemnly declare on oath that contents of this application/petition are true and correct to best of my knowledge and nothing has been concealed from this Hon'ble Tribunal

Aurangzeb Khan

Arrested (03339738481)
Aurangzeb Khan
Mohabat Khan Advocate
Oath Commission
Judicial Complex District Bannu

Masoud Rehman
28.3.2016

Aurangzeb Khan

Annexure "A"

(8)

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

C.F.

ORDER

No. DO/SWD/DIK/2004/ 1307-13 On the recommendation of District Selection Board, Mr. Aurangzaib Khan S/O Mohammad Jan resident of Gali Baghwali D.I. Khan is hereby appointed as Assistant Oral Master in the Govt. School for Deaf & Dumb Children D.I. Khan.

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

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

Endst: No. & date even

Copy forwarded to

1. The District Coordination Officer, D.I. Khan
2. The Director, Social Welfare NWFP, Peshawar.
3. The District Accounts Officer, D.I. Khan
4. The Principal Govt. School for Deaf & Dumb Children DIKhan
5. The Official concerned.

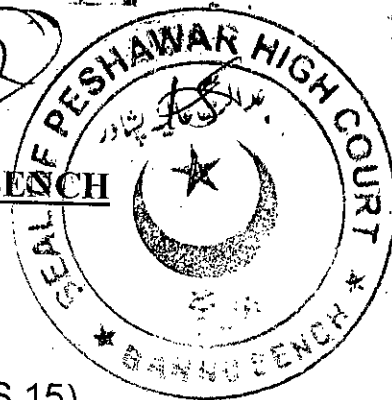
DISTRICT OFFICER,
SOCIAL WELFARE DEPTT: D.I. KHAN

Annexure "B"

9

6

12



IN THE PESHAWAR HIGH COURT BANNU BENCH
BANNU

Writ Petition No. 54/2012

- 1- Muhammad Mushtaq (Senior Teacher) (BPS 15), S/O Muhammad Iqbal Government Center, Mentally Retorted and Physically Handicap (MR & PH), Bannu. *KNO-252-B₁₃*
 - 2- Haidar Nawaz Khan (Junior Oral Master (JOM) (BPS 14) , S/O Sher Nawaz , Government Center Deaf and dump Bannu
 - 3- Ishfaq Ahmad (Music Teacher) (BPS-11), son of Najaf Ali , Government Center , Mentally Retorted and Physically Handicap (MR & PH), Bannu .
 - 4- Muhammad Aamir Salim (Qari (BPS-11), son of Muhammad Qasim, Govt. Center , Mentally Retorted and Physically Handicap (M.R & P.H), Bannu.
 - 5- Naimatullah Khan (Religious Teacher (BPS-11), Government Center Mentally Retorted and Physically Handicap (MR & P.H, Bannu)
 - 6- *Abida Qureshi d/o Fathul Qadir shah R/o village Ismail klu*
 - 7- *Maraaf Jan d/o Gul Dar Ali (petitioners) Bannu*
- Versus**
- R/o c/o principal vocational institute Bannu*

1. Provincial Government through its Chief Secretary, Khyber Pukhtun Khwa, Peshawar.
 2. Secretary Social Welfare and Women Development department, Government of KPK, Peshawar.
 3. Director Social Welfare and Women Development department, Government of KPK, Peshawar.
 4. District Officer. Social Welfare and Women Development department
 5. Finance department - *Secretary KPK, Peshawar*
-(Respondents)

ATTESTED
EXAMINER
Peshawar High Court,
Bannu Bench

Filed Today

Additional Registrar
7/2/2012

[Signature]
ASC

vide CM
32/12

10

2

2

13

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN, 1973.**

PRAYER:-

On acceptance of this petition, the respondents may very kindly be directed to grant high pay scale (BPS-17) to the petitioners No.1 & 2 and BPS 16 to the petitioners No.3, 4 & 5 with all consequential back benefit in view of the Finance department Notification dated 24th July, 1986 and the Judgment of the august Supreme Court of Pakistan dated 3/2/2010 passed in Review petition No.10-P/2009 r/w 2009-SCMR-Page-1 by treating the petitioners at par with their other colleagues or any other remedy which this august Court deems fit and appropriated, that may also be awarded in favour of the petitioners.

INTERIM RELIEF

Interim relief in shape of granting BPS-17 to the petitioners No.1 & 2 while BPS-16 to the petitioners Nos.3, 4 & 5 in view of the above Notification and Judgment of the Honourable Supreme Court of Pakistan till final disposal of the Writ petition.

Filed Today

Additional Registrar


7/2/2010

Respectfully Sheweth:

The petitioners respectfully submit as under:-

- 1) That the petitioners No.1 & 2 are qualified as Bachelor of Education (B.Ed) and are functioning as teachers in BPS-14 and BPS-15 respectively in the

ATTESTED
EXCISE
Peshawar High Court
Bannu Bench


ASC

11

3

14

Mentally Retorted and Physically Handicap Center Bannu. (*Copies of their appointment list and the testimonials are annexure "A", "B", "C & "D" respectively*).

2) That the petitioners No.3, 4 & 5 are also functioning as teachers in BS-11 in the respondents department. (*Copies of their appointment orders and the testimonials are annexure "E", "F", "G", "H", I and "J" respectively*)

3) That in view of the Notification No.FD(SR-1)1-95/84-iii A of the Finance department dated 24th July, 1986, certain facilities have been granted and provided to the teachers for which the petitioners are also entitled. (*Copy of the Notification is annexure "K"*).

4) That the petitioners are continuously applying for the said facilities through various applications and appeals through proper channel but invain and indeed their requests have been turned down, vide letter dated 20-1-2012. (*Copies of the appeals of the petitioners and denial letter dated 20-1-2012 are annexure "L",*

"M", "N", "O" and "P" respectively.

5) That in view of the Judgment of the august Supreme Court of Pakistan, the said facility of the award of higher scale has already been granted to Mr. Wahid Nawaz Junior teacher vide Order dated 14/5/2004. Similarly in view of the Judgment of the Honourable

Filed Today

Additional Registrar

7/2/2018

ATTESTED

EXAMINER

Peshawar High Court,
Bannu Bench

12

6

15

Peshawar High Court Peshawar in Writ petition No.4030 of 2010, four others teachers have also been granted the said facility vide order dated 27/6/2011. (Copies of the said orders are annexure "Q" & "R" respectively).

6) That keeping in view the arbitrary and discriminatory attitude of the respondents with the petitioners which is obviously against the dictates of Articles 4 & 25 of the Constitution, the petitioners have got no other choice, but to knock at the door of this august court for the relief prayed for, inter alia, on the following grounds:-

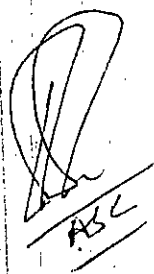
GROUNDS

(a) That the petitioners are entitled to be treated at par with their colleagues already being granted the facility under the Notification of the Provincial Government and the denial of the respondents, is illegal and against the constitutional and legal rights of the petitioners.

(b) That once the august Supreme Court or Honourable of the High Court, decide a point of law, relating to the terms and condition of the Service who litigated and there were other employees who may not have taken any legal proceedings in such a case, the dictates of justice and rules of good governance demand that the benefit of the said decision shall also

ATTESTED
EXAMINER
Peshawar High Court,
Bannu Bench

Filed Today
Additional Registrar
7/8/2010


ABC

13

2

16

be extended to the other employees who may not be party to that litigation instead of compelling to approach to the Honourable Courts, such facilities have been laid down by the august Supreme Court of Pakistan reported in 2009 SCMR-Page-1 and as such the denial of the respondents is violative and repugnant to the laid down rulings of the august Apex Court of the country.

- (c) That due to the Notification dated 24th July, 1986, a valuable rights of the petitioners has been born which may not be assassinated in any way without lawful justification.
- (d) That the petitioners seek permission of this Honourable Court to rely and advance additional grounds at the time of hearing of this petition.

It is, therefore, humbly prayed that on acceptance of this Writ petition, the respondents may very kindly be directed to grant high pay scale (BPS-17) to the petitioners No.1 & 2 and BPS 16 to the petitioners No.3, 4 & 5 with all consequential back benefit in view of the Finance department Notification dated 24th July, 1986 and the Judgment of the august Supreme Court of Pakistan dated 3/2/2010 passed in Review petition No.10-P/2009 r/w 2009-SCMR-Page-1 by treating the petitioners

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

Filed Today

Additional Registrar

7/2/2012


ASL

14

6

6

17


at pat with their other colleagues or any other remedy which this august Court deems fit and appropriated, that may also be awarded in favour of the petitioners.

INTERIM RELIEF

Interim relief in shape of granting BPS-17 to the petitioners No.1 & 2 while BPS-16 to the petitioners Nos.3, 4 & 5 in view of the above Notification and Judgment of the Honourable Supreme Court of Pakistan till final disposal of the Writ petition.

Dated 7/01/2012

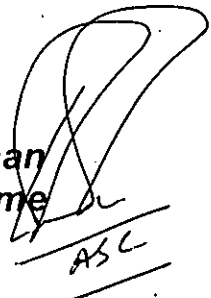

1-Muhammad Mushtaq (2) Haidar Nawaz


3- Ishfaq Ahmad (4) Muhammad Amir Salim


5- Naimatullah Khan

Through counsel

**Muhammad Shah Nawaz Khan
Sikandari Advocate Supreme
Court of Pakistan (Bannu)**


ASC

CERTIFICATE

This is to certify that no other such like petition is filed or pending disposal before any other forum or before this august court except the instant petition, as per information conveyed by my Clients.

Filed Today


Additional Registrar

7/2/2012

LIST OF BOOKS

- a) Constitution of Islamic Republic of Pakistan, 1973,
- b) C.P.C
- c) Case law according to need.

Advocate


ASC

ATTESTED

**EXAMINER
Peshawar High Court,
Bannu Bench**



Judgment Sheet

IN THE PESHAWAR HIGH COURT

BANNU BENCH
[JUDICIAL DEPARTMENT]

Writ Petition No.54-B/2012Date of hearing: 04.07.2013

Petitioner(s) : Muhamamd Mushtaq (Senior Teacher) and
06 others by Mr. Muhammad Shah Nawaz
Khan Sikandari, advocate.

Respondent(s) Provincial Goernment through its Chief
Secretary Khyber Pakhtunkhwa, Peshawar
and 04 others by Mr. Faridullah Khan,
DAG,.

JUDGMENT

ROOH-UL-AMIN KHAN, J Through the instant constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners seek issuance of an appropriate writ directing the respondents to grant high pay Scale (BPS-17) to petitioners No.1 and 2, BPS-16 to petitioners No.3 to 7, with all consequential back benefits, in view of the Finance Department notification dated 24th July, 1986 and judgment of the apex Court dated 03.02.2010,

ATTESTED
EXAMINER
Peshawar High Court,
Bannu Bench

passed in Review Petition No.10-P/2009 by treating them at par with their other colleagues.

2. It is averred in the petition that petitioners No.1 and 2 are qualified as Bachelor of Education (B.Ed) and are performing their duties as Teacher in BPS.14 and 15, respectively, in Mentally Retorted and Physically Handicap Center, Bannu. Similarly, petitioners No.3 to 7, are Teachers in BPS.11, in the aforesaid Institution; that petitioners like their other colleagues, are also entitled to facilities granted by the Finance Department vide notification No.FD(SR-1)1-95/84-iii A dated 24th July, 1986; that in order to avail these facilities, the petitioners approached the respondents through various application, but their request was turned down, vide letter dated 20.01.2012; that the relief of higher scale has already been granted to one Mr. Wahid Nawaz Junior Teacher vide order dated 14.05.2004 and similarly, as a consequence of judgment of this Court in W.P. No.4030 of 2010, four others teachers are availing the same relief. Hence, this petition.

ATTTESTED
EXAMINER
Peshawar High Court,
Bannu Bench

3. We have heard the arguments of either side and have gone through the record as well as the judgment of the Hon'ble Supreme Court and that of this Court.

4. Admittedly, similar controversy came up before the Apex Court in Civil Petition No.449-P of 2005, which was initially dismissed vide judgment dated 02.07.2009, but on acceptance of Civil Review Petition No.10-P of 2009, the civil petition was converted into appeal and was allowed vide judgment dated 03.02.2010. The concluding Para of the judgment (Supra) is reproduced below:-

"In the light of foregoing discussion, we are of the view that the Hon'able Judges hearing the petition from which the present review petition arises were not properly assisted on the construction the Circular dated 14.05.1999. We are, therefore, constrained to allow this review petition, recall the order and judgment dated 02.07.2009, delivered by this Court in Civil Petition No.449-P of 2006 and after converting the said petition into appeal allow the same. Consequently, the judgment of the N.W.F.P. Service Tribunal dated 31.05.2001, is set aside and the appeal filed by the petitioner before the Service Tribunal is allowed in terms prayed for".

Look San

ATTESTED
E. J. J. J.
Keshwar High Court
Bannu Bench

5. Likewise, this Court in writ petition No.4030/2010, decided on 08.03.2011, passed the following order. Concluding Para of which is reproduced below:-

“Whether the case of petitioners is at par with that of the petitioner in Civil Revisw Petition No.10-P of 2009, in Civil Petition No.449-P of 2006, is a question, which can better be decided by respondents No.1 to 3, after seeing the relevant record. Therefore, we would not like to comment on this aspect at this stage. However, we while disposing of this writ petition direct the respondents to treat the petitioner at par with Waheed Nawaz, mentioned above, if found alike. This writ petition is disposed of accordingly.

6. Thus, in view of the above judgments of the Hon'ble Supreme Court as well as of this Court and deriving wisdom from the principle laid down in case titled, “Hameed Akhtar Niazi Vs Secretary Establishment Division Government of Pakistan (1996 SCMR 1185) and titled, “Government of Punjab through Secretary Education, Civil Secretariat, Lahore versus Sameena Parveen” (2009 SCMR 1), we are constrained to direct the respondents to

Handwritten signature/initials

ATTACHED
EX-100-R
Peshawar High Court,
Bannu Bench

19

132

treat the petitioners at par with their other colleagues in light of the judgments (supra). This petition is disposed of accordingly.

Announced:
04.07.2013

sd/ Raah-ul-Amin Khan - J
sd/ Syed Afzar Shah - J

CERTIFIED TO BE TRUE COPY

8/10/13

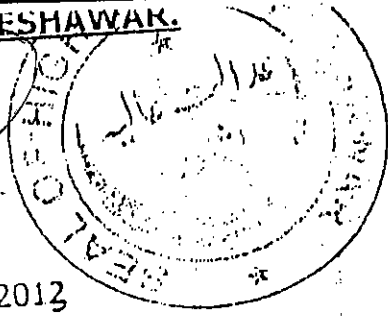
EXAMINER

Peshawar High Court Barome Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1984

Office
20/07/13

Annexure "C"

20



C. J. C. [Signature]

Writ Petition No. 216 P / 2012

1. Mr. Shahid Ali S/O Hidayat-ur-Rehman, R/O Village Sheikh Kili, P.O. Matra, Peshawar.
2. Mr. Ikramullah S/O Nasrullah Khan, R/O Village Shahi Payan, Peshawar.
3. Mst. Safia Begum D/O Taj Muhammad, R/O Village Alizai, P.O. Charpariza, Peshawar.
4. Mst. Shazia Rauf D/O Abdur Rauf, R/o Karim Pura, Peshawar.

PETITIONERS

VERSUS

1. The Secretary, Social Welfare Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director, Social Welfare Department, Khyber Pakhtunkhwa, Peshawar, near Islamia College Gate, Peshawar.
3. The Secretary, Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF PAKISTAN 1973 AS AMENDED UP-TO DATE

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
09 JUN 2012

[Signature]

Superintendent
GOVT. INSTITUTE FOR THE BLIND
Dera Ismail Khan

21

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT



C.F.C
9

W.P. No. 211 of 2003

JUDGMENT

Date of hearing 23-6-2014

Appellant Ch. Iqbal A. Khan by Mr. M. A. Siddiqui on behalf of
Respondent Government of Punjab by Mr. Rabi Nawaz Khan
Adv. A.A.W.

NISAR HUSSAIN KHAN, J.- Petitioners

through instant petition seek issuance of an
appropriate writ in terms of the following

prayer:-

"It is, therefore, most humbly prayed that
on acceptance of this writ petition, the
inaction and not treating the petitioners
at par with their colleagues and not
extending the benefits of the Supreme

2
PESHAWAR HIGH COURT
23 JUN 2014

ATTESTED

Superintendent
GOVT. INSTITUTE FOR THE BLIND
Dara Ismail Khan

C.F.C
K

court's judgment to the petitioners may be declared as illegal, unconstitutional, without authority and discriminatory. The respondents may further please be directed to treat the petitioner at par with their colleagues who have been given benefits of higher pay scale in light of Notification dated 24.7.1986 & Supreme Court's judgment and the same may also be allowed to the petitioners from their due date with all consequential benefits. Any other remedy which this honourable Court deems fit and appropriate that may also be granted in favour of petitioners."

2. As per averments of the petition, petitioner No.1 Shahid Ali was holding qualification of B.A., MA, CT and B.Ed and was appointed on contract basis as Junior Teacher in BPS-9 on 30.6.2005.. Petitioner No.2 Ikramullah was possessing qualification of BA, MA, B.Ed and M.Ed and was appointed on contract basis as

ATTESTED
Peshawar High Court
09 JUN 2014

ATTESTED

Superintendent
GOVT. INSTITUTE FOR THE BLIND
Dera Ismail Khan

23

C.F.C
[Handwritten signature]

Senior Teacher in BPS-15 on 30.6.2005.. While petitioner No.3 Safia Begum was holding qualification of B.A, PTC, Shahadat ul Quran and Tafseer and Training certificate in Special Education and was appointed on contract basis as Religious Teacher(BPS-9) on 30.6.2005. Likewise, petitioner No.4 Shazia Rauf having qualification of B.A., MA and Training Certificate for blinds and was appointed as Supervisor Teacher(BPS-9) on contract basis on 30.6.2005. The services of all the petitioners were regularized by operation of law on the promulgation of Civil Servants (Amendment) Act, 2005. The petitioners invoked the Notification issued on 24.7.1986 qua pay and scale package for teachers working in Blind, Deaf, Mentally Retarded and physically handicapped children schools for grant of said package to them. It is contended that on the basis of said Notification, one of their colleagues Wahid Nawaz filed appeal before the

[Handwritten mark]

ATTESTED
EXAMINED
Peshawar
09 JUN 2014

ATTESTED

Superintendent
GOVT. INSTITUTE FOR THE BLIND
Dera Ismail Khan

24

C.T.C
[Signature]

Service Tribunal which was dismissed and appeal filed there against before the Supreme court was also turned down. However, review petition filed by Wahid Nawaz was allowed and benefit of the said Notification was extended.

4. It is undisputed that all the petitioners were appointed in the Social Welfare Department in the City District Government Peshawar on contract basis and their services were later on regularized vide order No.DO/SW/900-19, dated 20.11.2008 pursuant to Sub Section (2) of Section 19 of the NWFP Civil Servants Act, 1973 as amended by NWFP Civil Servants (Amendment) Act, 2005. Vide Circular No. FD(SR-1)1-95/84-III, dated 24th July, 1986, a revised pay package for the Teachers working in the institution for the handicapped was introduced. One of the colleagues of the petitioners namely Wahid Nawaz sought benefit of said package before the Service Tribunal which

ATTESTED
[Signature]

09 JUN 2011

ATTESTED

Government
GOVT. INSTITUTE FOR THE BLIND
Dera Ismail Khan

etc
[Handwritten signature]

Service Tribunal which was dismissed and appeal filed there against before the Supreme court was also turned down. However, roviow potition filed by Wahid Nawaz was allowed and benefit of the said Notification was extended.

4. It is undisputed that all the petitioners were appointed in the Social Welfare Department in the City District Government Peshawar on contract basis and their services were later on regularized vide order No.DO/SW/900-19, dated 20.11.2008 pursuant to Sub Section (2) of Section 19 of the NWFP Civil Servants Act, 1973 as amended by NWFP Civil Servants (Amendment) Act, 2005. Vide Circular No FD(SR-1)1-95/84-III, dated 24th July, 1986, a revised pay package for the Teachers working in the institution for the handicapped was introduced. One of the colleagues of the petitioners namely Wahid Nawaz sought benefit of said package before the Service Tribunal which

ATTESTED
[Signature]
09 JUN 2011

ATTESTED

Subcommandant
GOVT. INSTITUTE FOR THE BLIND
Dera Ismail Khan

C.S.T. C
[Handwritten signature]

was turned down and CP No.449-P of 2006 also failed before the August Supreme court but his review petition was allowed and he was extended benefit of said revised pay package. Later on another similarly placed employee namely Javeria Zaman filed appeal before the KPK Service Tribunal which was also allowed and likewise W.P.No. 440/2010 was remitted to the competent authority to treat the petitioners at par with Wahid Nawaz, if found alike.

4. The learned AAG at the very outset submitted that the case of the petitioners is under process. In his respect he produced copies of the letter No. KC/E-17/77/DSW/1659-84, dated 29.11.2013 and letter No.KC/E-17/77/DSW/305-29, dated 13.1.2014 wherein the petitioners have been directed to furnish copies of their academic testimonials alongwith with original Bank deposit slip on account of verification fee etc. so that their

ATTESTED
EXAMINER
Peshawar High Court
09 JUN 2014

ATTESTED

Superintendent
GOVT INSTITUTE FOR THE BLIND
Dean Iqbal Khan

case may be processed in the light of judgment of the august Supreme court in the case of Wahid Nawaz. In this backdrop, when the matter in question is already under consideration of the competent authority, we without dilating upon merits of the case would direct the competent authority to decide the same within a period of two months positively in the light of the judgment of the august Supreme Court passed in Review Petition No. 10-P of 2009 in CP No.449-P of 2006 decided on 3.2.2010. The petitioners are also directed to provide the required documents and testimonials alongwith ancillary items at the earliest to the competent authority so that their matter may be processed expeditiously.

CJC
[Signature]

Sd/- Nisar Hussain Khan - J
Sd/- Ayesha Rashid Khan - U

Announced on
3rd June, 2014

CERTIFIED TO BE TRUE COPY
Post-war High Court, Peshawar
Authorized Under Article 117 of
The Constitution Order 1984
09 JUN 2014

ATTESTED

Superintendent
GOVT. INSTITUTE FOR THE BLIND
Dera Ismail Khan

ORDER SHEET

Annexure D

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
<p style="font-size: 2em; font-weight: bold;">C.T.C</p>	<p>15.12.2014</p>	<p><u>COC No. 483-P/2014 in Writ Petition No. 216/2013</u></p> <p>Present:</p> <p style="padding-left: 40px;">Mr. Muhammad Asif Yousafzai, Advocate, for petitioners.</p> <p style="padding-left: 40px;">Mian Arshad Jan, AAG for respondents.</p> <p style="text-align: center;">*****</p> <p><u>YHAYA AFRIDI, J:-</u> Petitioners, seek initiation of contempt of Court proceedings against the respondents for non compliance of orders of this Court dated 3.6.2014, passed in writ petition No. 216/2013, with the prayer that:</p> <p style="padding-left: 40px;">"The respondents further please be directed to finalize the issue of up-gradation of the petitioners as early as possible to meet the ends of justice."</p> <p>2. The worthy Addl; Advocate General, assures the finalization of issue of up-gradation of petitioners as early as possible.</p> <p>3. Accordingly, we do not pass any findings on merits of the claim of the petitioners but we direct the petitioners to appear before the respondent No.1 (Secretary Social Welfare</p>

9

ATTESTED

Superintendent
GOVT. INSTITUTE FOR THE BLIND
Dera Ismail Khan

29

CFC
[Handwritten signature]

Department, Government of Khyber
Pakhtunkhwa, Peshawar) on 22.12.2014 at
10.00 A.M and the respondent No.1; is directed
to properly redress the grievances of petitioners
according to law and complete the process of
up-gradation of the petitioners. In case the
petitioner's claim could not be positively
considered they be provided the reasons in
writing for the same.

Adjourned to 22.1.2015.

[Handwritten signature]
JUDGE

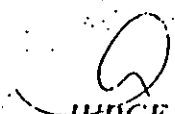

[Handwritten signature]
JUDGE

Zaishab

ATTESTED

Superintendent
GOVT. INSTITUTE FOR THE BLIND
Dera Ismail Khan

ORDER SHEET

Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary.
22.1.2015	<u>COC No. 483-P/2014 in WP No. 216/2012</u>
C.F.O A	<p><u>Present:</u> Nemo for the petitioner.</p> <p>Syed Qaiser Ali Shah, AAG, along with Ali Raiza Shah, S.O. Litigation in person.</p> <p style="text-align: center;">****</p> <p>Latter states that case of the petitioner has been referred to the Finance Department and the same is pending for consideration. However, they undertake that the same will be finalized within thirty days. Adjourned to 24.2.2015.</p>
	<p style="text-align: right;"> JUDGE</p>
	<p style="text-align: right;"> JUDGE</p>
	<p style="text-align: center;">ATTESTED</p>
	<p style="text-align: center;">Superintendent GOVT. INSTITUTE FOR THE BLIND Dera Ismail Khan</p>

PESHAWAR HIGH COURT, PESHAWAR
FORM 'A'

FORM OF ORDER SHEET

COURT OF ...
CASE NO.

SERIAL NO OF
ORDER OR
PROCEEDINGS

1

DATE OF ORDER OR
PROCEEDINGS

2

ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR
MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE
NECESSARY.

3


24.02.2015

COC No. 483-2014 In W.P. No. 216-P-2013.

Present: -

Mr. Muhammad Asif Yousafzai,
advocate for the petitioners.

Adjourned to 01.04.2015.


JUDGE


JUDGE

ATTESTED

Superintendent
GOVT. INSTITUTE FOR THE BLIND
Dera Ismail Khan

C.F.C


Serial No. GU 11363

American E (3)

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

GOMAL UNIVERSITY

DERA ISMAIL KHAN

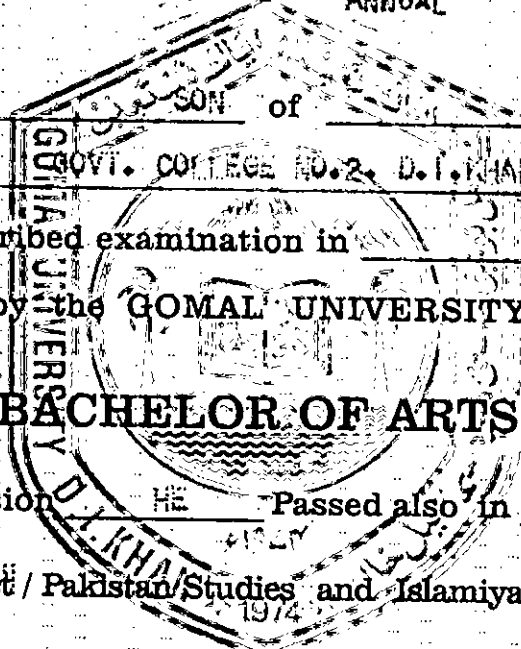
(N.W.F.P) PAKISTAN

C.I.C
A
+



(Session 1428 2007)
ANNUAL

AURANGZEB.



SON of MUHAMMAD JAN.

and a student of GOVT. COLLEGE NO. 2, D.I. KHAN.

having passed the prescribed examination in JUNE/JULY 20 01 ,

is this day admitted by the GOMAL UNIVERSITY to the DEGREE of

BACHELOR OF ARTS

in the FIRST Division He Passed also in as an

Additional/Optional Subject / Pakistan Studies and Islamiyat as Compulsory Subjects.

The Examination was taken as a whole/in parts

Registered No. 496-DS-99

Roll No. 2691

RESULT DECL. ON OCTOBER 12, 20 01

Countersigned

Controller of Examinations

Vice-Chancellor

SCHOOLS & LITERACY DEPARTMENT, NWFP, PESHAWAR

Annexure "E1"

33

C

T

Serial No. 2896.....

Roll No. 102.....

Session..... 2002.....

Marks Obtained..... 982 / 1200.....

Division..... 1st.....

Certified that Mr./Mrs./Miss..... Aurangzeb Khan.....

Son/Daughter of..... Muhammad Jan..... is a student of

..... GEC (Male) D. F. Khan.....

having passed the C.T. Examination held in..... 14.9.2002..... is

qualified to teach in Middle/High School of Schools & Literacy Department.

Prepared by.....

Checked by.....

Date of declaration Result..... 5.5.2003.....

Date of Issue..... 20.4.2007.....

Deputy Director (Examination)
Schools & Literacy Department,
N.W.F.P., Peshawar.

CERTIFICATE

55614

Serial No.

Registration No. 496-DS-99
Roll No. 825
Session:

GOMAL UNIVERSITY

DERA ISMAIL KHAN.
N.W.F.P
PAKISTAN



Provisional Certificate

This is to certify that Mr. / Miss / Mrs. AIRANG ZEB

Son / Daughter / Wife of MUHAMMAD JAN

of the Department / Institute of PRIVATE CANDIDATE OF DISTRICT I. KHAN

has passed B.Ed. ANNUAL, 2005 Examination held in APRIL, MAY, 2006

in the subject of BACHELOR OF EDUCATION

He / She was placed in FIRST

division, Securing 774 marks out of 1200

The examination was taken as a whole / in parts.

Dera Ismail Khan.

Dated 29-12-2006

ADDITIONAL CONTROLLER OF EXAMINATIONS

[Signature]
12/12/2007

34

Annexure ER

[Handwritten signature]

Serial No 062157

Registration No. 496-DS-99
Roll No. 4266
Session: xx

GOMAL UNIVERSITY

DERA ISMAIL KHAN.
N.W.F.P
PAKISTAN



Provisional Certificate

This is to certify that Mr. / Miss / Mrs. AHRANG ZEB
MUHAMMAD JAN
Son / Daughter / Wife of
of the Department / Institute of PRIVATE CANDIDATE OF DISTRICT D.I. KHAN
has passed MA. FINAL, ANNUAL, 2007 Examination held in APRIL, MAY, 2008
in the subject of URDU
He / She was placed in SECOND
division, Securing 371 marks out of 800

The examination was taken as a whole / ~~in parts~~

Dera Ismail Khan.

Dated 20-11-2008

[Signature]
ADDITIONAL CONTROLLER OF EXAMINATIONS

[Signature]
15/12/2009

35

Annexure E3

[Handwritten signature]

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF SOCIAL WELFARE AND
WOMEN DEV: JAMRUD ROAD PESHAWAR.

Dated Peshawar the 19/12/2011

NOTIFICATION:

No.E-17777/V-9/DSW/1116-34. In compliance with the orders of Khyber Pakhtunkhwa Service Tribunal given on the occasion of hearing of appeal No. 3065/2010 Mr. Rehmanullah and others V/S Government of Khyber Pakhtunkhwa, on 13-06-2011, the following teachers of Special Education Institutions Khyber Pakhtunkhwa are hereby awarded High Pay Scale noted against their names as admissible under the Finance Department Khyber Pakhtunkhwa circular letter No. FD(SR-1)1-95/84-III dated 24-07-1986, w.e.f the date of acquiring the prescribed qualification.

S. No.	Name	Designation	BP S	Place of posting	H.P.S awarded	Date of award of H.P.S.
1	Rehmanullah	Qari	09	Govt. Institute for Blind Mardan	16	31-10-2000
2	Abdullah	Case Supervisor	14	Govt. Institute for Blind Mardan	16	29-05-2001
3	Sher Zamin Khan	Junior Oral Master	09	Govt. School for Deaf Children Malakand	16	01-07-2008
4	Muhammad Aamir Saleem	Qari	09	Centre for Mentally Retarded & Physically Handicapped Children Bannu	16	28-11-2006
5	Ali Gohar	Braille Teacher	09	Govt. Institute for Blind Swabi	16	21-04-2009
6	Muhammad Ishaq	Junior Teacher	09	G.S.D.C Abbottabad	16	13-03-2008

Contd. -P/2.

C.F.C
★

37

7	Muhammad Ayaz	Qari	09	Govt. Institute for Blind Abbottabad	16	20-04-2004
8	Ishaq Ahmad	Music Teacher	11	Centre for Mentally Retarded & Physically Handicapped Children Bannu	16	28-03-2002
9	Safia Bibi	Religious Teacher	09	Govt. Institute for Blind (Girls) Peshawar	16	04-07-2005
10	Fazal Elahi	Munj Supervisor	09	Govt. Institute for Blind Swat	16	30-04-2008
11	Shazia Rauf	Supervisor (Munj)	09	Govt. Institute for Blind Girls Peshawar	16	01-12-2002
12	Nagina Ali	Asst. Oral Mistress	09	Govt. School for Deaf Children Yakatoot, Peshawar	16	27-08-2010
13	Sahibzada	Qari	09	Govt. Institute for Blind Swat	14	11-07-1993
14	Amin Badshah	PTI	11	Govt. Institute for Blind Swat	14	01-01-1992
15	Muhammad Usman	Qari	09	Govt. Institute for Blind D.I. Khan	14	26-08-2004
16	Umer Daraz	Braille Teacher	09	Govt. Institute for Blind D.I. Khan	14	23-08-2004
17	Aziz Ahmad	Basketry Supervisor	09	Govt. Institute for Blind D.I. Khan	14	24-08-2004
18	Shamraiz Khan	Braille Teacher	09	Govt. Institute for Blind Swabi	14	07-05-2005
19	Ghulam Khan	Religious Teacher	09	Govt. Institute for Blind Swabi	14	17-05-2010
20	Fazle-e-Qadeem	Cane Supervisor	09	Govt. Institute for Blind Swabi	14	24-04-2009

Contd. P/3

38


21	Naimat ul ah	Religious Teacher	11	Centre for Mentally Retarded & Physically Handicapped Children Bannu	14	24-08-2007
22	Sunaira ariq	Brail Teacher	09	Govt. Institute for the Blind (Girls) Peshawar	14	05-07-2005
23	Khalil Ahmad	Music Teacher	08	Centre for Mentally Retarded & Physically Handicapped Children Chitral	11	26-08-2010

The award of High Pay Scale shall be treated personal to them & shall not confer any right on them to claim seniority over there else where seniors in the normal course of promotion.

-Sd-
Director
Social Welfare & Women Dev:
Khyber Pakhtunkhwa

Copy to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officers, Peshawar, Mardan, Malakand, Bannu, Swabi, Abbottabad, Swat, D.I.Khan & Chitral.
3. The Incharge, Special Education Institutions, Peshawar, Mardan, Malakand, Bannu, Swabi, Abbottabad, Swat, D.I.Khan & Chitral.
4. The District Officers Social Welfare, Peshawar, Mardan, Malakand, Bannu, Swabi, Abbottabad, Swat, D.I.Khan & Chitral.
5. The Officials Concerned.


Assistant Director (Admin)
Social Welfare & Women Dev:
Khyber Pakhtunkhwa

39



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT

No.F.E-17/77/SW/2015/7934-40

Peshawar the 16th Jan-2015

The Accountant General
 Khyber Pakhtunkhwa,
 Peshawar

C.T.C

SUBJECT:- AWARD OF HIGHER PAY SCALE (PERSONAL) TO THE TEACHERS OF SPECIAL EDUCATION, KHYBER PAKHTUNKHWA

In pursuance of the decision of Peshawar High Court Bannu Bench in Writ Petition No: WP-54-3/2012 and Peshawar High Court Peshawar in WP-216/2013 and in terms of Finance Department order No.FD(SR)1-9/84-III dated 24/7/1986, the following teachers working in Special Education Khyber Pakhtunkhwa are here by awarded higher pay scale from the date shown in column-5.

S.No.	Name & Designation	BPS	HPS	From
1	Mr. Mohammad Mushtaq Senior Teacher (MA, M.Ed) MRPH, Bannu	15	16	02/04/2001
2	Mr. Naimat Ullah Khan Religious Teacher (BA) MRPH, Bannu	11	16	24/8/2007
3	Mr. Ikram Ullah Senior Teacher (MA, B.Ed) MRPH, Peshawar	15	16	30/6/2005
4	Mst. Safiya Begum Religious Teacher (BA) GIB (G) Peshawar	9	16	05/02/2010
5	Mr. Mumtaz Khan C. Teacher (MA, M.Sc. CT, B.Ed) GIB, D.I. Khan	9	16	24/8/2008
6	Mst. Naila Tabasum C. Teacher (MSc. M.Ed) GIB (G), Peshawar	9	16	25/8/2010
7	Mufti Habib Ullah Religious Teacher (BA.B.Ed) GIB, Swat	9	16	24/3/2009
8	Mr. Faisal Haq Brail Teacher (MA) GIB, D.I. Khan	9	16	23/8/2004
9	Mst. Aminah Bibi Junior Teacher (MA, B.Ed) MRPH Haripur	11	16	26/11/2007
10	Mr. Mohammad Shah Music Teacher (BA) GIB, Mardan	9	16	28/12/1998
11	Mr. Shahid Ali Junior Teacher (MA.B.Ed) Deaf School Gulbahar, Peshawar	9	16	26/7/2008

2. The seniority of the above teachers will be in tact as per their actual BPS and regular post occupied from the date of their initial appointment. The higher pay scale will be treated personal and the post occupied by them will be downgraded on vacation automatically. The remaining terms & conditions of the Finance Department will be applicable. This issue with the approval of Director (SWSE&WE) Khyber Pakhtunkhwa.

Attn: Tal

Supintendent

GOVT. INSTITUTE FOR THE BLIND

- Dero Ismail Khan

Copy for information to:-

PS to Secretary (SWSE&WE).

Section Officer II (SWSE&WE)

(MOHAMMAD RAUF)
 Assistant Director (Estab)

[*]

40

Copy for information to:-

1. PS to Secretary (SWSE&WE).
2. Section Officer-II (SWSE&WE)
- ✓ 3. District Accounts Officer Bannu, D.I. Khan, Mardan, Swat, Haripur, Nowshera
4. Official concerned.
5. DO (SW) Concerned.
6. Principal/Superintendent/Manger Concerned.

CFC
L
L

41

CFC
g



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

3418
02/10/2013

NO. KC/FD (SR-1)6-4/2011
Dated Peshawar the: 30-09-2013

The Secretary to Govt. of Khyber Pakhtunkhwa,
Zakat, Ushr, Social Welfare, Special Education and
Women Empowerment Department,
Peshawar.

Subject: AWARD OF HIGHER PAY SCALE.

Dear Sir,

I am directed to refer to your letter No.SO-II(SWD)/II-15/2011/025/5230-40 dated 09-09-2013 on the subject noted above and to clarify that the award of higher pay scale (Personal Scale) to the concerned teachers is admissible after 14-05-1999 subject to the fulfilling of required conditions mentioned in this Dept's letter No.FD (SR-1) 1-95/84-III dated 24-07-1988 which is still intact. The same conditions were waived off upto the issuance of this Dept's letter No.FD (SR-1) 6-26/98 dated 14-05-1999. P-7-S/c.

2. As already advised vide this Department's letter of even number dated 27-07-2012 if at the instant case may be processed in light of judgement of Khyber Pakhtunkhwa, Services Tribunal. All those cases on the subject issued which fulfil the criteria / conditions set forth in this Department's letter No.FD (SR-1) 1-95/84-III dated 24-07-1988 may be processed and finalized accordingly.

Yours Faithfully,

(Wazir Muhammad Aigar)
SECTION OFFICER (SR-1)

17/10/13

S.O-II
W

Ref: 117



52

(42)
GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
& WOMEN EMPOWERMENT DEPARTMENT

Dated Peshawar the 23rd February, 2015.

NOTIFICATION:

C-1
A
No. SOII (SW) II-105/2015/1976-2016 In Compliance with the judgment/order of Khyber Pakhtunkhwa High Court Peshawar writ petition No. 54-B/2012 dated 04.07.2013, titled "Muhammad Mushtaq (Senior Teacher) and 06 others by Mr. Muhammad Shah Nawaz Khan Sikandari, Advocat, the following Special Education Teachers are hereby awarded the Higher Pay Scales noted against each as admissible under the Finance Department circular letter No. FD(SR-I)1-95/84-III dated 24.07.1986 w.e.f the dates noted against each.

Sr #	Name of Officer	Designation BPS & Place of Posting	Pay Scale Awarded	Date of Effect
1.	Mr. Muhammad Siddique.	Junior Special Education Teacher, GIB Mardan.	17	28.02.2011
2.	Mr. Muhammad Naeem.	004Dusic Teacher, GIB D.I.Khan.	17	22.12.2006
3.	Mr. Muhammad Mushtaq.	Senior Teacher (WP), MR & PH Bannu.	17	01.07.2004
4.	Mr. Ikram Ullah	Special Education Teacher, (WP) MR&PH Peshawar.	17	24.02.1999
5.	Mr. Ishfaq Ahmad	Music Teacher, MR & PH Bannu.	17	26.12.2013
6.	Mst. Amina Bibi	Junior Teacher, MR &PHC Haripur.	17	25.01.2000
7.	Mst: Mutahira Naz Junior Teacher	Junior Teacher GIB, Girls Peshwar	17	10.10.2010
8.	Mr. Shahid Ali, (WP)	Junior Teacher Deaf School Peshwar.	17	26.07.2008
9.	Mr. Mumtaz Khan,	C.T Teacher, GIB D.I.Khan	17	22.12.2006
10.	Mst:Naila Tabbassum,	C.T Teacher (WP), GIB Girls Peshawar.	17	14.01.2010
11.	Mr. Mufti Habibullah,	Religious Teacher, GIB Swat.	17	15.04.2013

The Grant of Higher Pay Scale shall be treated personal to the grantees and shall not confer any right on them to claim seniority over their seniors in the normal course of promotion.

-sd-

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

Indst: of Even No & Date:

Copy forwarded for information and further necessary action to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The District Coordination Officer, Peshawar, Mardan, D.I.Khan, Bannu, Swat, Haripur.
4. The Section Officer (FR), Government of Khyber Pakhtunkhwa Finance Department.
5. The District Officer, Social Welfare Peshawar, Mardan, D.I.Khan, Bannu, Swat, Haripur.
6. The District Accounts Officer, Peshawar, Mardan, D.I.Khan, Bannu, Swat, Haripur.
- ✓ 7. The Principal, GIB, Girls Peshawar, Mardan, D.I.Khan, Swat.
8. The Manager MR & PHC Peshawar, Bannu and Haripur.
9. The Principal, Deaf School Peshawar.
10. PS to Secretary to Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare & Women Empowerment Department, Peshawar.
11. Officer concerned.
12. Personal file.



(Zar Gul Khan)
Section Officer-II

43



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

No. E-17/77/DSW/2015/ 8924-31
Dated Peshawar the 10/2/2015

To

The Accountant General,
Khyber Pakhtunkhwa,
Peshawar.

Subject: **AWARD OF HIGHER PAY SCALE (PERSONAL) TO THE TEACHERS
OF SPECIAL EDUCATION KHYBER PAKHTUNKHWA**

In continuation to this office letter No. E-17/77/DSW/2015/79-10 dated 16.01.2015 the following teachers working in Special Education Institutions are hereby awarded higher pay scale (personal) from the date shown in column-5:

S. No	Name & Designation	BPS	HPS	W.e.f
1	2	3	4	5
1	Mr. Ishfaq Ahmad, B.A, B.Ed. /M.A, Music Teacher MRPH Bannu	11	16	28/03/2002
2	Mr. Zahid Nawaz, B.A, Brail Teacher, GIB (Boys) Peshawar	9	16	27/3/2012
3	Mr. Ali Gohar B.A, Brail Teacher, GIB Swabi	9	16	30/8/2010
4	Mr. Nabi Hussain, M.A, B.Ed SSET, MPRH Chitral			Allowed (BPS-16) w.e.f 14/9/1995
5	Mr. Ghulam Khan, SSC, Religious Teacher, GIB Swabi	9	14	27/5/2010
6	Mst Sumaira Tariq, SSC, Brail Teacher, GIB (Girls) Peshawar	9	14	16/06/2010
7	Mr. Umar Daraz, SSC, Brail Teacher GIB DI Khan	9	14	Subject to the verification of documents
8	Mr. Khalil Ahmad (Late), F.A, Music Teacher, MRPH Chitral	9	11	26/8/2010

2. The Seniority of above teachers will be in tact as per their actual BPS and regular post occupied from the date their initial appointment. The higher pay scale will be treated personal and the post occupied by them will be downgraded on vacation automatically. The remaining terms and conditions of the Finance Department will be applicable. This issue with the approval of Director (SW, SE & WE) Khyber Pakhtunkhwa.

Assistant Director
(Establishment)

Copy forwarded to:

- 1- District Accounts Officer Bannu, D.I. Khan, Mardan, Swat, Haripur, Chitral and Swabi.
- 2- PS to Secretary (SW, SE & WE) Khyber Pakhtunkhwa.
- 3- Section Officer-II, (SW, SE & WE) Khyber Pakhtunkhwa.
- 4- D.O Social Welfare Bannu, D.I. Khan, Mardan, Swat, Haripur, Chitral and Swabi.
- 5- Principal/Superintendent/Manager concerned.
- 6- PA to Director Social Welfare Khyber Pakhtunkhwa,
- 7- Official concerned.

Assistant Director
(Establishment)

44

Annexure "G"

To

Director General
Social Welfare Department,
Peshawar.

Through:

District Officer
Social Welfare Department
Dera Ismail Khan.

C.F.C
[Signature]

Subject:

ARREARS OF PAY WITH EFFECT FROM 24-08-2004
TO 28-02-2010

Respectfully submitted as under

1. That I joined service under your kind control as Assistant Oral Master vide office order bearing No.809 dated 24-08-2004.

(Photo copy annexed as Annexure A).

2. That I performed duties on the said post till 28-02-2010 therefore, I joined the Khyber Pakhtunkhwa Judiciary in the capacity of Civil Judge cum Judicial Magistrate on recommendation of the Public Service Commission.

3. That vide notification bearing No.17/77/V-9/DSW 11110-34 dated 19-07-2011, the post of Assistant Oral Master was upgraded from BPS-09 to BPS-16 in light of compliance with the orders of Khyber Pakhtunkhwa Service Tribunal given on occasion of hearing of appeal No.3065/2010 titled Mr. Rehmanullah and others VS Government of Kyber Pakhtunkhwa on 13-06-2011. The said verdict was complied with under the Finance Department Khyber Pakhtunkhwa circular letter No.FD (SR-1) 1-95/84-111 dated 24-07-1986 w.e.f the date of acquiring the prescribed qualification and the incumbent officials have been given retrospective promotion/up-gradation.

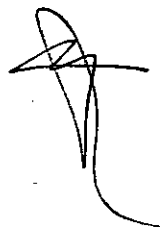
(Photocopy annexed as annexure B)

Received
[Signature]
26/11/15

[Signature]
23/11/15

45

4. In light of decision of Khyber Pakhtunkhwa Service Tribunal dated 13-06-2011, The District Officer Social Welfare Department Dera Ismail Khan referred to case of employees under his control to the Director Social Welfare Khyber Pakhtunkhwa for necessary action vide office letter No. DO SWD/DIK/Estt/2011/380 dated DIK the 16-09-2011.

C.F.C


(Copy annexed as annexure C)

5. Some officials of this department belonging to District Bannu filed a separate writ petition bearing No.54/2012 before Peshawar High Court Bannu Bench which was accepted in favour of the petitioners on 04/07/2013. According to the decision, petitioners were up graded with retrospective effective.

(Copy of judgment as annexure D)

6. Another Writ petition bearing institution No.216-P/2013 was filed by the some petitioner belonging to District Peshawar before Peshawar High court Peshawar High Court Peshawar on the basis of decision of Service Tribunal and Peshawar High Court Bannu Bench, the same was also accepted on the same ground on 03-06-2014 and petitioners were given Higher Pay Scale.

(Copy annexed as annexure E)


23/11/15

7. Petitioners of writ No.216-P/2013 filed contempt petition against the debarment/respondent for non compliance of order of Peshawar High Court dated 03-06-2014 as mentioned in Para No.6. Resultantly, order of Hon'able Peshawar High Court stood satisfied and Directorate of Social Welfare, Special Education and Women Empowerment Department issued notification for award of high pay scale to the petitioners vide letter No. F.E-17/77/DSW/2015/7934-46 Peshawar dated 16-01-2015.

46

(Copy annexed as annexure F)

8. That all the aforesaid co-employees have also been awarded sanction of arrears of pay and other emoluments.
9. Matter of High pay scales remained under consideration with regard to different qualification of the candidate and resultantly the department of social welfare issued notification bearing No.SO11(SW)11-105/2015/1976-2016 dated 23-2-2015, the petitioners of different writ petitions were again given revised higher pay scales from BPS-9 to BPS-17 on the basis of higher qualification.

C.F.C
J

(Copy annexed as annexure G)

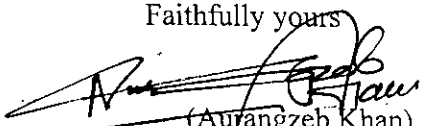
10. That the applicant has qualified at the relevant time as required by the Department in light of judgments and notifications ibid.

(Copy of academic qualification annexed as annexure H)

11. That since I have also performed duty with effect from 24-08-2004 to 28-02-2010, and as such I am entitled for the receipt of the up-gradation alongwith with benefits there under so ordered.

It is therefore, requested that sanction of the grant of arrears of pay may be granted in the light of aforesaid submissions and my case may be forwarded to the quarter concerned for necessary action please.

Dated: 23/11/2015

Faithfully yours

(Auzangzeb Khan)
R/O Gali Bagh Wali D.I.K

47

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

No.DO/SWD/DIK/Estt/2015/ 564-65

Dated DIKhan the 27-11- /2015

To

The Director
Social Welfare, SE & WED
Peshawar.

C.I.C
4

Subject:- ARREARS OF PAY WITH EFFECT FROM 24.08.2008 TO 28.02.2010.

Reference to the subject noted above.

Kindly find enclosed herewith an application, submitted by Mr. Aurangzeb Khab Ex-Assistant Oral Master of Government School for Deaf and Dumb Children D.I.Khan, with supporting papers, for onward necessary action please.

Endst No. & Date Even

Copy to

Mr. Aurangzeb Khan Ex-Assistant Oral Master.

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

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

بعدالت صاحب سروس گرانٹریمل KPIIC لیسٹ اور

۲۰ منجانب
لیسنہ
نام

موردہ
مقدمہ
جرم
سروس ایسٹل

باعث تحریر آنکہ

تھانہ

مقدمہ مندرجہ بالا عنوان بالا میں اپنی طرف سے اپنے بیروی و جواب دہی وکل کارروائی متعلقہ ان مقام لیسٹ اور کیے احان الشہودت
مسعود الرحمن ڈیرہ ایئر کنسٹراکشن عملہ میں

ہوگا۔ نیز وکیل صاحب کو راضی نامہ تقرر ٹاکٹ و فیصلہ پر خلاف دینے جو ابھی اور اقبال ڈبئی اور بصورت ڈگری کرانے اجراء اور وصولی
چیک روپیہ اور عرضی اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت ڈگری کرانے اجراء اور وصولی چیک
روپیہ اور عرضی اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم بیروی یا ڈگری یک طرفہ یا انہیل کی
برآمدگی اور منسوخی دائر کرنے اپیل نگرانی و نٹلر فانی و بیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کس یا جزوی یا جزوی کے
دائے کسی اور وکیل یا اختیار قانونی کو اپنے ہمراہ یا کوئی اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور بالا اختیارات جا
سئل ہوں گے اور اس کا ساختہ و پرداختہ منظور قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ ہر جائیداد التوائے مقدمہ کے سبب سے ہوگا۔ اس
کے مستحق صاحب موصوف ہوں گے۔ نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی کوئی تاریخ پیشی مقام دورہ پر ہوا پیشی
سے باہر تو وکیل صاحب پابند نہ ہوں گے کہ بیروی مقدمہ مذکور کریں۔ نیز اگر کسی بھی وجہ مثلاً بیماری، معذوری، غلالت و غیرہ کی وجہ سے
فارسی یا مستقبل بیروی مقدمہ نہ کر سکیں تو بھی وکیل صاحب یا اس کے اولاد حقین کو بقایا فیس (اگر کوئی ہے) ادا کرنے کا اہل پابند ہوگے اور ادا
شدہ فیس کی واپسی کا تقاضہ کرنے کا حق نہیں ہوگا۔ مضمون وکالت نامہ سن اور سمجھ کر وکالت نامہ لکھ دیا تاکہ سند رہے۔

ماہ
شکواہ شدہ
المرقوم
العبد

Handwritten signatures and names, including 'Masood ur Rehman'.

Attested & Accepted
احان الشہودت ایئر کنسٹراکشن

KHYBER PAKHTUNKHWA
BAR COUNCIL
MASOOD UR-REHMAN
Advocate High Court
bc-09-1828
Date of Issue: 16-09-2013
Valid upto: 16-09-2016

0333 974055
مسعود الرحمن ایئر کنسٹراکشن

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT
DERA ISMAIL KHAN.

Service appeal No. 399/2016

Aurangzeb Khan S/o Muhammad Jan Khan R/o Gali Bagh Wali, treet No. 5 near Jame
Masjid Usman-e-Ghani D.I.Khan.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Elementary and Secondary ducation Peshawar.
2. Director Social Welfare, Special Education and Women Empowerment, Khyber Pakhtunkhwa Peshawar near Islamia College Jamrud Road Peshawar.
3. District Officer, Social Welfare, Special Education and Women Empowerment, D.I.Khan.
4. Accountant Genral Khyber Pakhtunkhwa Peshawar.
5. District Account Officer D.I.Khan
6. Mr. Mumtaz-Khan C.T. Teacher Govt: Institute for Blind District D.I.Khan.
7. Mr. Faisal Haq Religious Teacher Institute for Blind District D.I.Khan.....Respondents

PRELIMINARY OBJECTIONS:

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

PARA-WISE COMMENTS BY RESPONDENT NO. 2 & 3.

Respectfully Sheweth,

- i. Correct to the extent that the appellant was appointed by District Selection Board on contract basis.

ii. Correct to the extent that petitioners of various courts judgments were awarded higher pay scale in light of finance circular letter No. FD (SR-1)-95/84111 dated 24-07-1986, after fulfillment of all codal formalities.

iii. Subject to proof.

iv. Correct.

v. Incorrect hence denied. A committee has been constituted vide notification No.SO II /1-1/(SWD) Restructuring-comit./2016/4158-65 dated 12 August 2016, in pursuance of the Peshawar High Court (Dar-ul-Qaza) Swat judgment dated 13/07/2016 (Annex-A). Meeting of the said committee was held on 31/08/2016 vide No.E-17/Q80/DSW/vol-8/3698-05 dated 29/08/2016 (Annex-B & C). All cases of award of Higher Pay Scale will then be dealt in the light of policy guideline that will include a test of adequate knowledge in the relevant discipline. All Special Education Teachers will have to be proceeded through a process. As per TOR the committee will also remove the anomalies in award of higher Pay Scale allowed from the retrospective dates (Annex-D). In this connection the Directorate of Social Welfare, Special Education and Women Empowerment Peshawar issued order No. E-17/77/KC/DSW/788-96 dated 24-10-2016 and constituted committee of 6 members to asses the expertise/adequate knowledge of the Teachers. Furthermore letter No E-17/77/DSW/Vol-13/885-86, 887-88 and 889-90 (Annex-E) already dispatched to all the concern heads of the Special Education Centers/ Institutions to furnish their preliminary information on the enclosed format (Annex-F). The appellant of the instant Service Appeal is therefore required to provide all his relevant documents on the prescribed format and appear before the notified committee for adequate knowledge certificate, if found eligible, this directorate ensure to give him his due right.

- vi. Incorrect hence denied. The information on the prescribed format vide letters No. letter No E-17/77/DSW/Vol-13/885-86, 887-88 and 889-90 are still awaited.
- vii. Subject to fulfillment of all codal formalities.

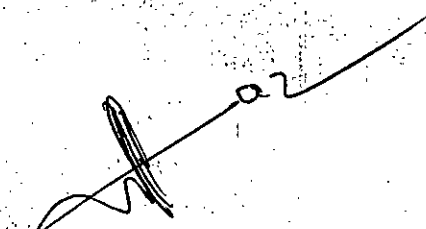
GROUND

- a. Incorrect hence denied. Factual position has been explained in para ii & v above.
- b. Incorrect hence denied.
- c. Incorrect hence denied. As soon as the appellant provide the relevant information he will be called to appear before the committee to the test of adequate knowledge certificate and if found eligible his due right will be extended to him.
- d. The acts of the respondents are according to the prevailing law and rules.
- e. Incorrect hence denied. Factual position has been explained in the preceding paras.

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


DIRECTOR

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


DISTRICT OFFICER

Social Welfare, Special Education and
Women Empowerment Department
D.I.Khan
(Respondent No. 3)

D. 94/446
28/2/18

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT
DERA ISMAIL KHAN.**

Service appeal No. 399/2016

Aurangzeb Khan S/o Muhammad Jan Khan R/o Gali Bagh Wali, treet No. 5 near Jame
Masjid Usman-e-Ghani D.I.Khan.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Elementary and Secondary ducation Peshawar.
2. Director Social Welfare, Special Education and Women Empowerment, Khyber Pakhtunkhwa Peshawar near Islamia College Jamrud Road Peshawar.
3. District Officer, Social Welfare, Special Education and Women Empowerment, D.I.Khan.
4. Accountant Genral Khyber Pakhtunkhwa Peshawar.
5. District Account Officer D.I.Khan
6. Mr. Mumtaz Khan C.T. Teacher Govt. Institute for Blind District D.I.Khan.
7. Mr. Faisal Haq Religious Teacher Institute for Blind District D.I.Khan.....Respondents

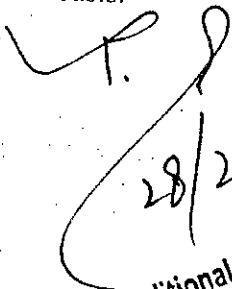
PRELIMINARY OBJECTIONS:

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

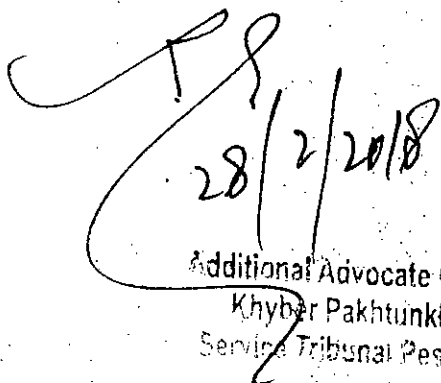
PARA-WISE COMMENTS BY RESPONDENT NO. 2 & 3.

Respectfully Sheweth,

- i. Correct to the extent that the appellant was appointed by District Selection Board on contract basis.

28/2/2018

Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

- ii. Correct to the extent that petitioners of various courts judgments were awarded higher pay scale in light of finance circular letter No. FD (SR-1)-95/84111 dated 24-07-1986, after fulfillment of all codal formalities.
- iii. Subject to proof.
- iv. Correct.
- v. Incorrect hence denied. A committee has been constituted vide notification No.SO II /1-1/(SWD) Restructuring-comit;/2016/4158-65 dated 12 August 2016 in pursuance of the Peshawar High Court (Dar-ul-Qaza) Swat judgment dated 13/07/2016 (Annex-A). Meeting of the said committee was held on 31/08/2016 vide No.E-17/Q80/DSW/vol-8/3698-05 dated 29/08/2016 (Annex-B & C). All cases of award of Higher Pay Scale will then be dealt in the light of policy guideline that will include a test of adequate knowledge in the relevant discipline. All Special Education Teachers will have to be proceeded through a process. As per TOR the committee will also remove the anomalies in award of higher Pay Scale allowed from the retrospective dates (Annex-D). In this connection the Directorate of Social Welfare, Special Education and Women Empowerment Peshawar issued order No. E-17/77/KC/DSW/788-96 dated 24-10-2016 and constituted committee of 6 members to assess the expertise/adequate knowledge of the Teachers. Furthermore letter No E-17/77/DSW/Vol-13/885-86, 887-88 and 889-90 (Annex-E) already dispatched to all the concern heads of the Special Education Centers/ Institutions to furnish their preliminary information on the enclosed format (Annex-F). The appellant of the instant Service Appeal is therefore required to provide all his relevant documents on the prescribed format and appear before the notified committee for adequate knowledge certificate, if found eligible, this directorate ensure to give him his due right.


28/2/2018

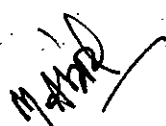
Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

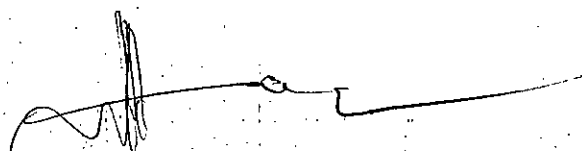
- vi. Incorrect hence denied. The information on the prescribed format vide letters No. letter No E-17/77/DSW/Vol-13/885-86, 887-88 and 889-90 are still awaited.
- vii. Subject to fulfillment of all codal formalities.

GROUNDS

- a. Incorrect hence denied. Factual position has been explained in para ii & v above.
- b. Incorrect hence denied.
- c. Incorrect hence denied. As soon as the appellant provide the relevant information he will be called to appear before the committee to the test of adequate knowledge certificate and if found eligible his due right will be extended to him.
- d. The acts of the respondents are according to the prevailing law and rules.
- e. Incorrect hence denied. Factual position has been explained in the preceding paras.

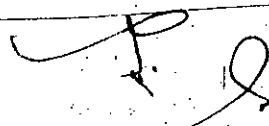
In view of the above clarifications/explanations, it is therefore humbly prayed that the instant appeal may graciously be dismissed having no weight and being based on malafide intention as the appellant have concealed the facts of the case to misguide this honorable Tribunal.


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


DISTRICT OFFICER
Social Welfare, Special Education and
Women Empowerment Department
D.I.Khan
(Respondent No. 3)

*vetted subject to necessary
correction, attachment of
annexures and affidavit.*

Page 3 of 3


Additional Advocate General
Khyber Pakhtunkhwa
Services Bureau

28/2/2018

AMER 'A' 4/

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

W.P No. 554-M/2014

JUDGMENT

Date of hearing: 12.07.2015

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

Respondent(s): (Director Social Welfare
and others) by Mr. Sabir Sabir
Respondent No. in person

LAL JAN KHATTAK, J.- Through this

single judgment we shall also decide the
connected W.P No. 20-M/2015 as common
questions of law and facts are involved in both
the petitions.

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

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

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

21

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

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



3. Facts of the case need no reiteration as at the very outset, respondent No.1, who appeared before the Court in person, stated that grievance of the petitioner (s) will be redressed shortly and to this effect a process for making service structure and relevant rules is in progress which is likely to be completed by the end of the current year.

When learned counsel for the petitioner (s) was confronted with the above stated development, he submitted at the bar that he would not press the petition (s) anymore but the respondent be directed to expedite the rule making process by taking it to its logical end as working in the blocked cadre petitioner (s) is/are suffering a lot.

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

Sd. Muhaminad Daud Khan-1
Sd: Lal Jan Khattak

Announced.
Dt: 13.07.2016

No. 2992
Name of Applicant... *K. Khattak*
Date of Presentation of Application... 19.7.16
Date of Completion of Copies... 18.7.16
No of Copies... 9
Urgent Fee...
Fee Charged... 8/-
Date of Delivery of Copies... 18.7.16

9/10
14/7

Certified to be true copy

[Signature]
EXAMINER
Peshawar High Court, Mingora
18/7/16



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

No. E- 17/80/DSW/Vol-8 3698-05
Dated Peshawar the 09/8/2016

ANNEX 19

To

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

Subject:

MEETING OF THE COMMITTEE NOTIFIED VIDE NOTIFICATION NO.S011
(SWD) RESTRUCTURING-COMIT;/2016/4158-65 DATED 12-08-2016.

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


(MUHAMMAD RAUF)
(Assistant Director Estab)

Copy to PA to Director Social Welfare Peshawar.

(MUHAMMAD RAUF)
(Assistant Director Estab)

Annex 2

MINUTES OF THE MEETING OF THE RE-STRUCTURING COMMITTEE

HELD ON 31-8-2016

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

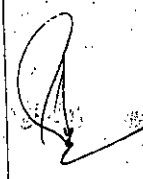
- Mr. Asghar Khan, Dy. Secretary, SW, SE & WE.
- Mr. Riaz-ur-Rehman, Principal, Special Education Centre, Mardan
- Muhammad Bashir Khan, Manager, Centre for MR & PH Peshawar.
- Mr. Shoaib Khan, Asstt: Director (Reg)
- Mr. Noor Muhammad, Asstt: Director (B&A)
- Mr. Muhammad Rauf, Khattak, Asstt: Director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

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

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

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

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



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

Amended
25/

Dated Peshawar the 12th August, 2016

Notification:

4158-65

NO. 504 (SWD) Restructuring-comit/2016/ A committee for the purpose of restructuring process in Social Welfare Department and its attached offices is hereby constituted comprising of the following members:

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

Handwritten signature and initials, possibly "A. B. S. T. S."

Terms:

- Recommendations for Restructuring and reorganization of the existing set up of Social Welfare, Special Education & Women Empowerment.
- Rationalization.
- Proposal for reducing and amalgamation of various nomenclatures of Posts and BPS off the identical job description for uniformity and matching with the similar posts in devolved institutes.
- Bifurcation of Teaching and nonteaching cadres.
- Absorption of devolved employees and their seniority.
- Revision of existing service rules and providing opportunities of career Progression for all block and single cadres posts.

~~Any other assignment given by the competent authority.~~

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

-Sc-/

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

Encl: of Even No & dated

Copy is forwarded to the:-

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

Stamp: Government of Khyber Pakhtunkhwa, Social Welfare, Special Education & Women Empowerment Department. No. 4158-65, Date: 12/8/16

Handwritten signature and "Section Officer-II"



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

Annex B

091-9224253

No. E-17/77/DSW/Vol-13 885-86
Dated Peshawar the 3/1/2017

To

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

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

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

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

Encl: As above

MA
09/1/2017

(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.

MA
o/c Assistant Director (Estab)



091-9224253

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

REGISTERED MAIL

Amir

No. E-17/77/DSW/Vol-13 887-88

Dated Peshawar the 03/11/2017

To

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

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

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

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

Encl: As above

(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.

Assistant Director (Estab)



091-9224253

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

REGISTERED MAIL

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

To

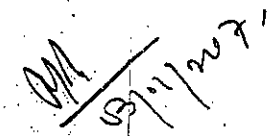
The Manager,
Centre for Mentally Retarded & Physically Handicapped Children, Bannu,
Chitral, Haripur, Mansehra, Nowshera & Peshawar.

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

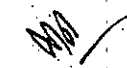
The undersigned have the honor to refer various decisions and appeals of the Special Education Teachers for Award of Higher Pay Scale (Personal) on account of possessing Higher / Improved qualification in terms of Finance Department letter No.FD(SR-1)1-95/84-III dated 24th July 1986. During the scrutiny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

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

Encl: As above


(MUHAMMAD RAUF)
Assistant Director (Estab)

Copy to PA to Director Social Welfare Peshawar.


o/c Assistant Director (Estab)

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

(7 copies will be required)

Anwar F

Name of Special Education Teacher

Father Name:

Date of Birth:

Date of Appointment (Initial):

Designation / Post held with BPS:

Qualification on the date of recruitment:

Tick (v) your specialized field.

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

Job Description

1.	
2.	
3.	
4.	
5.	

Detail of In Service Teacher Trainings

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

Award of Higher Pay Scales

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

Present Post & BPS:-

Do you possess any specialty in the relevant field?

Do you possess post graduate diploma of Teacher in Deaf

Do you possess Master in Special Education

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

(Tick the appropriate BPS)

Signature
of Special Education Teacher

Principal/Head of the
Spl. Edu. Institution

No. PD(SR-1)1-95/86-III.

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

Dated Peshawar, the 24th July 1986

1986

From

Masud Ullah Jan,
Secretary to
Government of N.W.F.P.,
Finance Department,
Peshawar.

To

The Secretary to
Government of N.W.F.P.,
Health and Social Welfare Department,
Peshawar.

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

Sir,

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

(1). DEAF AND DUMB INSTITUTIONS.

(a) Trained Graduate Teachers B-17
(B.A./B.Sc., B.Ed.) with adequate knowledge in the Education of deaf and dumb to be certified by the Social Welfare Directorate.

(b) Untrained Graduate and post-Graduate Teachers B-16
(B.A./B.Sc., B.A./M.Sc.) with adequate knowledge in the Education of deaf and dumb, to be certified by the Social Welfare Directorate.

(c) Trained under-Graduate Teachers (Metric/P.A./P.T.C. etc.) B-14

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

These teachers must acquire the qualification of B.A./B.Sc./B.A. within five years of appointment.

File by the Director (P.W.D.)

(d) Untrained, under Graduate B-11 Teachers with adequate knowledge of teaching deaf and dumb (to be certified by the Social Welfare Directorate.)

These teachers should continue in B-11, till the time they cross the stages of B-14/16.

(2) BLINDS INSTITUTIONS

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

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

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

(c) Trained under-Graduate teachers: B-14

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

- i) B.A., C.T., and proficiency in Braille or adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate.)
- ii) Matric, P.H.C., S.V. and proficiency in Braille or with adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate.)
- iii) Matric with diploma/certificate in a trade from a Blind Institute and proficiency in Braille or with adequate knowledge in teaching the blind (to be certified by the S.W. Directorate.)

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

These teachers should continue in B-11, till the time they cross the stages of B-14/16.

be should con.

(3) MENTALLY RETARDED/PHYSICALLY HANDICAPPED INSTITUTIONS

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

(b) Untrained Graduate and Post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge of

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

teaching the mentally retarded and physically disabled (to be certified by the Social Welfare Directorate)

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

B-14 These teachers must acquire the qualification of B.A./B.Sc. with C.P.T. within five years as at (a) above.

(b) Untrained under-Graduate Teachers, with adequate knowledge of teaching; the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate).

B-14 These teachers should continue in B-14, till such time they cross the next stages of B-14/16.

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

Your obedient servant,

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

Encl. No. FD(SR-I)1-95/84-III. Dated Pash. the 24th July, 1984.

Copy of the above is forwarded to:-

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

(SAEED AHMAD ASVI)
DEPUTY SECRETARY (REGULATIONS),
FINANCE DEPARTMENT.

Encl. No. FD(SR-I)1-95/84-III. Dated Pash. the 24th July, 1984.

A copy is also forwarded to:-

- 1) The Secretary to Government of the Punjab, Finance Department, Lahore.
- 2) The Secretary to Government of Sindh, Finance Department, Karachi.
- 3) The Secretary to Government of West Pakistan, Finance Department, Quetta.
- 4) The Secretary to Government of Azad Jammu and Kashmir, Finance Department, Muzaffargarh.

(FAHIS...)
SECTION OFFICER...

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service appeal No. 399/2016

Aurangzeb khan (Petitioner)

Versus

Govt: of KPK and others (Respondents)

INDEX

S.No	Particular	Annexure	Page No
1	Ground of rejoinder	-----	2-4
2	Affidavit	----	5
3	Notification dated 24 July 1986	A	6-7
4	Application for provision of information under KPK Right to Information Act, 2013.	B	8-9
5	Information as provided by the District Officer Social Welfare Department vide letter No. 204 of dated 14.03.2019	C	10
6	Copies of academic as well as professional	D	11-41
7	Comparative statement record	E	42

Dated 19.03.2019

Petitioner

19/3/19
Aurangzeb Khan

Through-counsel

Masood ur Rehman Wazir
Advocate High Court.

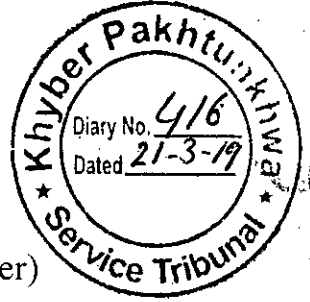
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service appeal No. 399/2016

Aurangzeb khan (Petitioner)

Versus

Govt: of KPK and others (Respondents)



**REJOINDER TO THE COMMENTS FILED BY
RESPONDENTS NO. 2 AND 3.**

Respectfully sheweth:

Rejoinder to Preliminary Objection:-

Preliminary objection raised by respondents No. 2 and 3 in their comments from serial No. 1 to 9 are totally incorrect, baseless and against record because no reason is stated that as to why appeal is not maintainable and as to how the petitioner has not come to Court with clean hands.

Rejoinder to the facts of the comments.

1. Facts of the service appeal of the petitioner are admitted by the respondent No. 2 and 3 so needs no rejoinder. However, it is pertinent to mention that the petitioner is entitled only to the arrears of pay scales for the period (*as commenced from 28.04.2004 to 29.12.2006 in BPS-16 and 29.12.2006 to 28.2.2010 in BPS-17*) against which the petitioner had already performed his duty because his ex-colleagues have already received the same.

Put up to the court with relevant appeal.

21/3/19.

Reader

2. The petitioner is no more in service under control of the respondents' department and has no concern whatsoever with the present up gradation of post. As the petitioner had worked and devoted his services on the said post to the respondents' department therefore, he is entitled of pay in shape of arrears which the respondent No. 1 to 3 have neglected notification dated 24 July 1986 so the petitioner cannot be penalized only by the acts of the respondents where other colleagues (the respondent No. 6 and 7 and other employees in the province) were given arrears.

(Copy of the notification is annexed as **annexure A**).

3. So far as qualification is concerned the petitioner possesses higher qualification than the beneficiaries/ respondent No. 6 and 7. For getting information of present qualification of the respondent No. 6 and 7, the petitioner moved an application to the District Officer Social Welfare Department for provision of information of academic as well as professional qualification of the respondent No. 6 and 7 under Section 3 read with 6 & 7 of the Khyber Pakhtunkhwa Right to information Act, 2013 on 18.02.2019. Required information pertaining covering letter supported by attested copies of testimonials of the respondent No. 6 and 7 was dispatched to the petitioner by the District Officer Social Welfare Department DIKhan.

(Application of the petitioner and information as provided by the District Officer Social Welfare

Department vide letter No. 204 of dated 14.03.2019 and copies of academic as well as professional record are attached as **Annexure B, C and D)**

4. In order to make comparison over qualification of the petitioner with the respondent No. 6 and 7, the petitioner had better sketch comparative statement of academic as well as professional qualifications of respondent No. 6, 7 for perusal and ready reference.

(Comparative statement is as **Annexure E)**

Rejoinder to the grounds of the comments.

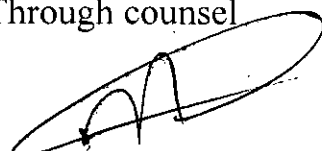
Grounds of the service appeal of the petitioner are correct while comments are totally incorrect against the fundamental rights granted and guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.

It is, therefore, humbly prayed that the same prayer in main service appeal may kindly be allowed.


Petitioner


Auangzeb Khan

Through counsel


Masood ur Rehman Wazir
Advocate High Court.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service appeal No. 399/2016

Aurangzeb khan (Petitioner)

Versus

Govt: of KPK and others (Respondents)

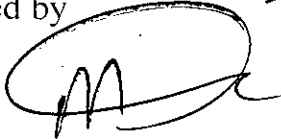
Affidavit

I, Mr. Aurangzeb Khan, the petitioner do hereby solemnly declare on oath that contents of this rejoinder are true and correct to best of my knowledge and nothing has been concealed from this Hon'ble Khyber Pakhtunkhwa Service Tribunal.

Petitioner

18/3/18
Aurangzeb Khan

Identified by



Masood ur Rehman Wazir
Advocate High Court.

Sardar Ali
Sardar Ali Advocate
(Notary Public)
Distt: Bar, Lakki Marwat



Dated Peshawar, the 24th July 1974.

Annexure
"A"

From

Masud Ullah Jan,
Secretary to
Government of N.W.F.P.,
Finance Department,
Peshawar.

To

The Secretary to
Government of N.W.F.P.,
Health and Social Welfare Department,
Peshawar.

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

Sir,

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

(1) DEAF AND DUMB INSTITUTIONS.

- (a) Trained Graduate Teachers (B.A./B.Sc., B.Ed.) with adequate knowledge in the Education of Deaf and dumb to be certified by the Social Welfare Directorate. B-17
- (b) Untrained Graduate and post-Graduate Teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge in the Education of Deaf and dumb, to be certified by the Social Welfare Directorate. B-16 These teachers must acquire B.Ed. within a period of three years.
- (c) Trained under-Graduate Teachers (Matric/F.A./P.T.C. or P.T.C. etc.) B-14 These teachers must acquire the qualification of B.A./B.Sc. within a period of five years as at present.

(d) Untrained, under Graduate B-11 Teachers with adequate knowledge of teaching deaf and dumb (to be certified by the Social Welfare Directorate.)

These teachers should continue in B-11, till such time they cross the next stages of B-14/16.

(2) BLINDS INSTITUTIONS.

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

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

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

(c) Trained under-Graduate teachers: B-14

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

- i) B.A., C.T., and proficiency in Braille or adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate.)
- ii) Matric, P.T.C., S.V. and proficiency in Braille or with adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate)
- iii) Matric with Diploma/Certificate in a trade from a Blind Institute and proficiency in Braille or with adequate knowledge in teaching the blinds (to be certified by the S.W. Directorate.)

should ^{be} can

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

These teachers should continue in B-11, till such time they cross the next stages of B-14/16.

(3) MENTALLY RETARDED/PHYSICALLY HANDICAPPED INSTITUTIONS.

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

(b) Untrained Graduate and Post-Graduate Teachers (B.A./B.Sc./M.A./M.Sc.) with adequate knowledge of

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

teaching the mentally retarded and physically disabled (to be certified by the Social Welfare Directorate.)

(7)

(c) Trained Under-Graduate (B.A./B.Sc. with C.T./B.T.C./B.V.) with inadequate knowledge of teaching the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate).

B-14

These teachers must acquire the qualification of B.A./B.Sc. with C.T./B.T.C./B.V. within five years as at (a) above.

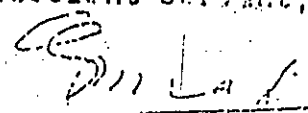
(d) Untrained Under-Graduate Teachers, with adequate knowledge of teaching the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate).

B-11

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

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

Your obedient servant,



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

Encl. No. FD(SR-I)1-95/84-III. Dated Pesh. the 24th July, 1954.

Copy of the above is forwarded to:-

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

(SAEED AHMAD AMVI)
DEPUTY SECRETARY (REGULATIONS)
FINANCE DEPARTMENT.

Encl. No. FD(SR-I)1-95/84-III. Dated Pesh. the 24th July, 1954.

A copy is also forwarded to:-

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

(FAHIM ULLAH)
SECTION OFFICER (M)

Annexure "B"

To:

**The District Officer,
Social Welfare Department,
Dera Ismail Khan.**

Subject: **PROVISION OF INFORMATION UNDER SECTION 3 READ WITH SECTION 7 OF THE KHYBER PAKHTUNKHWA RIGHT TO INFORMATION ACT, 2013.**

Dear Sir,

The applicant/requester was serving as Assistant Oral Master (BPS-9) at the relevant time which commenced from 24-08-2004 to 28-02-2010 under your kind control. In the meanwhile, he qualified Judicial Service caused resignation from the said post in order to assume charge as Judicial Magistrate. Some of my colleagues knocked at the door of the Court on the basis of discrimination which they were feeling to be under gone. Resultantly, they were awarded higher pay scales coupled with arrears retrospectively. Feeling aggrieved himself, the requester moved departmental appeal which remained un-answered till day giving rise of filing service appeal before The Service Tribunal Khyber Pakhtunkhwa Peshawar which is still pending adjudication. It is pertinent to mention that it was filed with the permission of Registrar august Peshawar High Court, Peshawar. During course of proceedings, few objections were raised and one of them was that as to whether the requester had adequate knowledge of his

[Handwritten signature and date]
1-11-2011

field. The stance of requester's learned counsel was that at the relevant time, qualification of the applicant/requester was the same as even presently his previous colleagues have. The same reply caused adjournment to next for further probe.

In light of the above, your good-self is modestly requested to provide information regarding academic as well as professional qualification of Mr. Mumtaz Khan C.T Teacher and Mr. Faisal Haq Religious Teacher of Govt. Institute for Blind so that his learned counsel may be able to assist the Hon'ble Members of the Tribunal.

Thanks

Dated: 18-02-2019

Sincerely Yours

18/2/19
(Hafiz Aurangzeb)
Civil Judge-V,
Lakki Marwat.

*(The then AOM,
GS DD Children,
DI Khan.)*



Amexure "C"

10

OFFICE OF THE DISTRICT OFFICER
SOCIAL WELFARE, SPL: EDU: & W.E DEPARTMENT
STREET NO.1 WENSUM HOUSING SCHEME, D.I.KHAN. Phone # 0966-851109

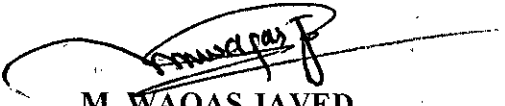
No.DO/SWD/DIK/2019/ 204 Dated, DIKhan the 14/3 /2019

To

Mr. Hafiz Aurang Zeb Khan,
Civil Judge, Lakki Marwat.

Subject: - **PROVISION OF INFORMATION UNDER SECTION 3 READ WITH SECTION 7 OF THE KHYBER PAKHTUNKHWA RIGHT TO INFORMATION ACT 2013**

Reference to your application on the subject cited above, as requested please find enclosed here with the requisite information regarding academic as well as professional qualification of Mr. Mumtaz Khan CT Teacher and Mr. Faisal Haq Religious Teacher of GIB D.I.Khan.


M. WAQAS JAVED
DISTRICT OFFICER
SOCIAL WELFARE, SE & WED
DERA ISMAIL KHAN

29

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



Serial: 637343

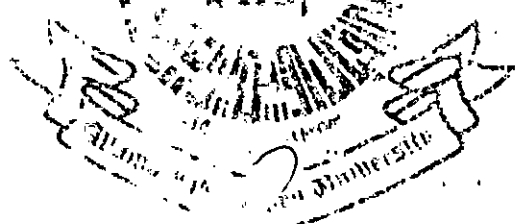
PROVISIONAL RESULT CARD

Name: FAISAL HAQ
 Father's Name: FAZAL-HAQ
 Address: HAZOON SHAHEED COLONY YAR STREET P/O
 KATCHI PAINDA KHAN BANNU
 Tehsil: D. I. KHAN
 District: D. I. KHAN
 has successfully completed **BACHELOR OF EDUCATION (B. ED)**

Roll No. AU580092
 Registration No. 13NDNO1788
 Final Semester: SPR-2014

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT- 13	0513	SCHOOL ORGANIZATION	100	63
AUT- 13	0451	ENGLISH (COMPULSORY)	100	69
AUT- 13	0518	EDUCATIONAL PSYCHOLOGY & CURRICULUM	100	64
AUT- 13	0512	PERSPECTIVES OF EDUCATION	100	65
AUT- 13	0452	ISLAM, PAKISTAN AND MODERN WORLD	100	67
AUT- 13	0514	EVALUATION, GUIDANCE & RESEARCH	100	71
SPR- 14	0455	WORKSHOP & TEACHING PRACTICE	100	70
SPR- 14	0454	TEACHING OF ISLAMIAT	100	50
SPR- 14	0517	TEACHING OF PAKISTAN STUDIES	100	57



(Signature)
Asst. Prof. Ahmad
 Music Teacher, BPS-17
 Govt. Institute, D.I. Khan

CREDITS: 6

Total Marks / Obtained

900 / 576

Result Declared on JANUARY 16, 2015

Percentage / Grade

64 B

Date of issue JANUARY 20, 2015

(Signature)

Controller of Examinations

Disclaimer:
 This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

12

Book No. 85

Serial No. 8449
Annexure "D"

AL-KHAIR UNIVERSITY (AUK)



DETAILED MARKS CERTIFICATE

This is to certify that Mumtaz Khan
 Son/Daughter of Atta Ullah Khan
 Registration No. AUDI(E) 260-2004 Roll No. 14193
 has passed Bachelor of Education ~~XXXXX~~/Supplementary Examination
 held in August 06 1st 20 in 739 Division and obtained 739 marks.

The Marks obtained in each subject are given below:-

Papers	SUBJECTS	Marks Obtained	Maximum Marks
Compulsory Subjects			
I	Philosophy & History of Education	66	100
II	Educational Psychology	54	100
III	School Administration	57	100
IV	i Islamiyat ii Pakistan Studies iii Kashmir Studies	71	100
V	i Urdu Language & Literature ii English Language & Literature	70	100
Elective Subjects			
VI-VII	Teaching of Islamic Studies	122	200
VI-VII	Teaching of Urdu	129	200
	Practical Skill in Teaching (Part II)	170	200
TOTAL :		739	1100

Note: This DMC is issued, errors and omissions excepted, as a NOTICE only. An entry appearing in it does not in itself confer any right or privilege independently to the grant of a proper Certificate / Degree which will be issued under the Regulations in due course.

22nd of December, 2006
Muzaffarabad, the.....

Prepared by [Signature]
Checked by [Signature]

[Signature]
DY. CONTROLLER OF EXAMINATIONS
for
CONTROLLER OF EXAMINATIONS

[Signature]
G.H.S. No. 2
Kotachi

[Signature]
Asst. Teacher
Music Teacher BPS
Govt. Institute Bunk

Serial No. $\frac{GU}{2}$ 005307

GOMAL UNIVERSITY



DERA ISMAIL KHAN
(N.W.F.P. PAKISTAN)

DETAILED MARKS CERTIFICATE
SENIOR DIPLOMA IN PHYSICAL EDUCATION 2ND TERM
Examination Held in August 2002 / Annual
Session: 2001-2002

Roll No: 2338

Name: Mumtaz Khan

The candidate secured the following marks & has been placed in Second Division

SUBJECTS	Total Number of Marks Allotted	MARKS OBTAINED	
		In figures	In words
Health Education	100	33	Thirty Three only
Track and Field	100	35	Thirty Five only
Science of Movement	100	34	Thirty Four only
Athletics	100	50	Fifty only
Techniques of Games	100	70	Seventy only
Gymnastics,	100	53	Fifty Three only
Teaching Practice	100	62	Sixty Two only
Project	50	40	Forty only
Aggregate of 1st Term	300	133	One Hundred and Thirty Three only
Total Marks	1050	510	Five Hundred and Ten only

Result declaration date: 01 / 06 / 2004

Attested
Ghassim
Head of
G.H.S
Kulshan

[Signature]
Controller of Examinations
Gomal University D.I.Khan.

[Signature]
Ashfaqulma
Muz. Teacher B.P.S.

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

BN No. 003343

Roll No. 56113



BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

Bannu N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 1995 (ANNUAL)

11

THIS IS TO CERTIFY THAT Mumtaz Khan
Son/Daughter of Attaullah Khan
and a student of Govt: High School NO.2, Kulachi Dikhan
has passed the Secondary School Certificate Examination of the
Board of Intermediate & Secondary Education, Bannu.

as a Regular/Private candidate. He/She obtained 546 Marks out of 850
and has been placed in Grade B Representing Very Good

The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|----------------|--------------|
| 1. English | 3. Islamiyat | 5. Physics | 7. Chemistry |
| 2. Urdu | 4. Pakistan Studies | 6. Mathematics | 8. Biology |

He/She has been awarded Grade B on the basis of
Internal assessment by the Institution concerned.

Date of birth according to admission form is Second March,
one thousand nine hundred and Seventy Nine. (02.3.79)

Attested
Head Master

Govt. H.S. No. 2
Kulachi, Secretary

Attested

Secretary

This certificate is issued without alteration or erasure.

Handwritten signature and stamp of the Head Master

Handwritten signature and stamp of the Head Master, G.H.S No.2, Kulachi

No 043689



BOARD OF INTER: & SECONDARY EDUCATION, BANNU.
DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination
(SCIENCE GROUP)

Session 10 95 (Annual / Supplementary)

Name Mumtaz Khan
Father's Name Attaullah Khan Roll No. 56113

SUBJECTS	Total Marks	MARKS OBTAINED	
		figures	Words
English	150	110	<i>Attested</i> <i>[Signature]</i> Head Master G.H.S No.2 Kulachi
Urdu	150	94	
Islamiyat	75	60	
Pakistan Studies	75	51	
Mathematics	100	78	
Physics	100	51	
Chemistry	100	47	
Biology	100	55	
Total	850	546	

NOTE- Errors / Omissions excepted

Prepared by *[Signature]*

Checked by *[Signature]*

Date 19

2 Point score of
[Signature]
Controller of Examinations
Board of Intermediate & Secondary Education
BANNU.

[Signature]
Ashraf Ahmad
Music Teacher BPS 17
Govt. Intermediate School Bannu



Passed/Re-appear/
Failed in Agg/Failed/Absent

DETAILED MARKS CERTIFICATE

B.A. Examination Part - II

SESSION 19 99 (Annual)

Roll No. 7536

Mr./Miss Mumtaz Khan

The Candidate secured the following marks & has been placed in IInd Division.

SUBJECT	Total No. of Marks Allotted	MARKS OBTAINED	
		In Figures	In Words
1. English	75	26	Twenty six
2. Urdu/Pashto/Arabic/ Persian/English Elective.	75	37	thirty seven
3. Islamic Studies	75		
4. Political Science	75		
5. History	75		
6. Economics	75		
7. Pre-Law	75	30	thirty only
8. Statistics	75		
9. Geography	75		
10. H.P.E.	75	20	Twenty only
11. Pak: Stud (Comp)	40	133	One Hundred thirty three
12. Computer Science	75		
13. Aggregate of Part I	285		
<i>Grace for Division</i>		01	
TOTAL	550	247	Two hundred & forty seven

Attested
[Signature]
Headmaster
G.H. S. No. 2
Kulachi

THE EXAMINATION WAS TAKEN AS A WHOLE/IN PARTS.

No. 0016746

Date 11.12.1999

[Signature]
Controller of Examinations
Gomal University, D.I. Khan.

Serial No. GU 012396

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

GOMAL UNIVERSITY

DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN



(Session 1999)
ANNUAL

GOMAL KHAN.

SON of

ATTA ULLAH KHAN.

and a student of GOVT. COLLEGE, KULACHI, D.I.KHAN.

having passed the prescribed examination in JULY/AUGUST 20 1999

is this day admitted by the GOMAL UNIVERSITY to the DEGREE of

BACHELOR OF ARTS

in the SECOND Division HE Passed also in as a

Additional Optional Subject/ Pakistan Studies and Islamiyat as Compulsory Subjects

The Examination was taken as a whole/in parts

Registered No. 42-1-97

Attested

Roll No. 7536

Result declared on DECEMBER 11, 1999

Qasim J

Countersigned

Head Master
G.H.S.No.2
Kulachi

Ahmed Ahma
Music Teacher BPS
Govt. Inter

[Signature]

Controller of Examinations

Vice-Chancellor

Roll No. 110

Govt. College of Education for Elementary Teachers (Male)

Dera Ismail Khan.

D.M./P.T.C./C.T. (Gen.)

Session 2000-2001

Provisional Certificate

This is to certify that Mr. Mumtaz Khan Son of Attaullah Khan of this institution has PASSED the ~~D.M./P.T.C./C.T.~~ (Gen) Examination, held in Sep, 2001 as a Regular Candidate, according to the result Gazette/D.M.C supplied by the Registrar Departmental Examination, Education. Department Peshawar.

Marks obtained 829 Out of 1200 Marks.

Division 1st Conduct Good

Date of Declaration of Result: 31.3.2002

Prepared by [Signature] Checked by [Signature]

[Signature]
[Signature]
 Headmaster
 G.H.S No.2
 Kulachi
 PRINCIPAL

Ashfaq Ahmad
 Headmaster
 Govt. Institute B...

Govt College of Edu-For Elementary Teachers (Male)
 Dera Ismail Khan.

18

M.W.P. BOY SCOUTS ASSOCIATION
BASIC UNIT LEADER COURSE (BOY SCOUT SECTION)



19
I DO CERTIFY THAT

SON OF

D. I. KHAN DISTRICT D. I. KHAN

ATTENDED THE BASIC UNIT LEADER TRAINING COURSE (BOY SCOUT

CAMP HELD AT TAKYA WARD CAMP, ABBOTTABAD/

FROM 06-06-2001 TO 10-06-2001

HE WAS DECLARED SUCCESSFUL

C (SS) 24/2001

10-06-2001

COURSE LEADER

Attested

Rasim

Head Master
G.H.S No. 2
Kulachi

[Signature]
Govt. Ins. & Inv. Bldg.

20

Sr. No.

5708

Departmental Examinations Education Department



NWFP

Detailed Marks Certificate Training Classes Examination CT (General)

Name Mumtaz Khan

Session 2001

Father's name Ataullah Khan

Roll No. 110

Subject	Maximum Marks	Marks obtained		
		Internal	External	Total
1. Theory and History of Education	100			69
2. Child Development	100			63
3. School and Community Development	100			50
4. General Methodology & Preparation of Teaching Aids	100			79
5. Counselling Testing and Evaluation	100			50
6. Organisation of Elementary Education of School Management	100			66
7. English	100			50
8. Science/Maths	100			86
9. Social Studies	100			82
10. Islamiyat	100			64
11. Teaching Practice	200			170
Total	1200			829

Note: Errors/omissions excepted.

Passed/Failed Passed

Division: I

Eight hundred and twenty nine

Prepared by _____

Checked by _____
Department _____

Date of Declaration of Result _____

Registrar
Departmental Examinations Education

NWFP, Peshawar

Attested

Qasim

Head Master
G.P.S No.2

Qasim
Stamp: REGISTRAR DEPARTMENTAL EXAMINATIONS EDUCATION NWFP PESHAWAR

No 003172



BOARD OF INTERMEDIATE & SECONDARY EDUCATION B A N N U.

DETAILED MARKS CERTIFICATE Intermediate Examination (PreEngineering Group)

PART - I & II

Session 19 97 (Annual / Supplementary)

Name

Mumtaz Khan

Father's Name

Ahmedullah Khan

Roll No.

67553

MARKS OBTAINED

SUBJECTS	Total Marks	MARKS OBTAINED		
		Part-I	Part-II	Total in figures Words
1. English	200			101
2. Urdu	200			110
3. Islamic Education	50			61
4. Pakistan Studies	50			184
5. Mathematics	200			104
6. Physics	200			104
7. Chemistry	200			
Total	1100		664	B

Attested

Qasim

Head Master
G.H.S.No.2
Kulachi.

*Two hundred
Sixty four*

NOTE - Errors / Omissions excepted.

Prepared by

Checked by

Date

[Signature]
Controller of Examinations
Board of Intermediate & Secondary Education
B A N N U.

[Signature]
Ashraf Ahmad
Muzib Teacher BPS 17
Govt. Intermediate School Bannu

25

No 000624

Roll No. 2183

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Bannu N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION ANNUAL/SJPP. 1992

THIS IS TO CERTIFY THAT FAISAL HAQ

Son/Daughter of FAZAL HAQ

and a student of Govt High School No.2 D.I.Khan

has passed the Secondary School Certificate Examination

of the Board of Intermediate and Secondary Education, Bannu.

as a Regular candidate. He/She obtained 393 Marks out of 850

and has been place in Grade D Representing Fair

The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|---------------|------------|
| 1. English | 3. Islamiyat | 5 Mathematics | 7. Physics |
| 2. Urdu | 4. Pakistan Studies | 6. Chemistry | 8. Biology |

He/She has been awarded Grade B on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is 04th December one thousand nine hundred and Seventy Six (04-12-1976)

Asst. Secretary
14/5/92

This certificate is issued without alteration of erasure.

Secretary
14/5/92

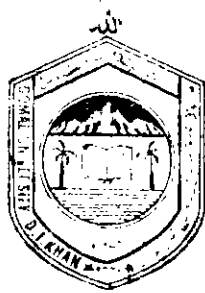
Ashfaq Ahmar
Music Teacher BPS-
Govt

Sertal GU 07445

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

GOMAL UNIVERSITY

DERA ISMAIL KHAN
(N.W.F.P) PAKISTAN



(Session 1339)
SUPPLEMENTARY

1339 AQ. 301 of PRCAL 1339

and a student of GOVT. COLLEGE NO. 1, D. I. KHAN,

having passed the prescribed examination in MARCH/APRIL, 2000,

is this day admitted by the GOMAL UNIVERSITY to the DEGREE of

BACHELOR OF ARTS

in the SECOND Division III Passed also in ASIAN

Additional/Optional Subject - Pakistan Studies and Islamiyat as Compulsory Subjects.

The Examination was taken ~~as a whole~~ in parts.

Registered No. 4899-D-96

Roll No. 1337

1339 AQ. ONE JUNE 3, 2000

A handwritten signature in black ink, appearing to be 'S. Iqbal', is written over the official's name.

Countersigned

A handwritten signature in black ink, appearing to be 'S. Iqbal', is written over the official's name.

Officer of Examinations

Vice-Chancellor

Serial GU 61779



GOMAL UNIVERSITY

DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN



(Session 2000-2001)

FACAL NAO. _____ SON of _____ FACAL NAO. _____ and

a student of DEPARTMENT OF ARABIC, ISLAMIC STUDIES & RESEARCH

having passed the prescribed examination in August, 2002,

is this day admitted by the GOMAL UNIVERSITY to the DEGREE of

MASTER OF ARTS

in the SECOND Class

The subject of examination being ISLAMIYAT.

The Examination was taken as a whole/~~in parts~~.

Registered No. 4859-D-96

Roll No. 4247

Examined Decl. On May 8, 2003

Countersigned

Controller of Examinations

Vice-Chancellor

23

DOMICILE CERTIFICATE

I Mumtaz Khan Son/~~Daughter~~ of Atta-ullah Khan hereby declare that I was born of parents who are permanently domiciled in North West Frontier Province having been born/~~settled~~* in this province.

I was born at Village/Mohallah Shakhi
Tehsil Kulachi District Dera Ismail Khan Kulachi City

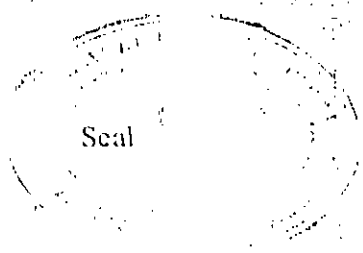
Mr. Mumtaz Khan
Signature/Thumb Impression
of the Applicant

Dated 3-8-95

Pursuant to the declaration dated 3-8-95 filed by Mr./~~Miss~~ Mumtaz Khan Son/~~Daughter~~ of Atta-ullah Khan domiciled in North West Frontier Province, it is hereby certified that the said Mr./~~Miss~~ Mumtaz Khan is born of parents who are permanent residents of the North West Frontier Province having been born / ~~settled~~* within it.

I have satisfied myself from ~~personal knowledge~~ / verification by Tehilde Kuli that the above declaration is true and certify accordingly.

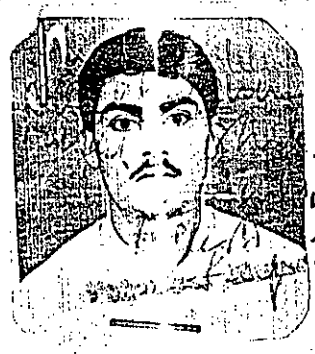
This 3rd day of August 1995



(Shafiqullah Khan)
MAGISTRATE 1st CLASS
L. Kuli
3/8/95

COUNTERSIGNED

On bn
DISTRICT MAGISTRATE
Dera Ismail Khan
Seal



3/8/95
Umar

Ashfaq Ahmad
Music Teacher BPS 17
Attested
Head Master
G.H.S
Kulachi

Strike out which ever is not applicable

No 2487 H.C. Dated DI Khan The 7/2/95

VERIFIED

RURAL AREA

URBAN AREA

ضابطہ - سندھ کی جاگیر - سندھ میں سزا خان و سہ عطا لاری خان
نوم سقاں سندھ میں مقوم رہی سندھ میں سزا خان و سہ عطا لاری خان
مجلس سندھ کا آباد و سزا خان و سہ عطا لاری خان کا سزا خان
روایتی و سزا خان - سندھ میں سزا خان و سہ عطا لاری خان

3/8/95
[Signature]

3. Tehsildar

[Signature]
3/8/95

1. Municipal Councillor

2. Chairman,
Municipal Committee,
Town Committee

3. Tehsildar

Ref. No. PRINCIPAL No 9 / 874

Date. 17.10.2001

GOVERNMENT DEGREE COLLEGE NO.2 D.I.KHAN

MERIT CERTIFICATE

This is a matter of great honour & Pride that

Mz. AURANG ZEB S/o MUHAMMAD JAN

Roll No. 2691 Session 1999-2001. stood 1st in College

in B.A. Examination of Gomal University D.I. Khan as a regular

Student.

Hence, he is awarded the certificate for his excellent performance

[Signature]
17.10.2001

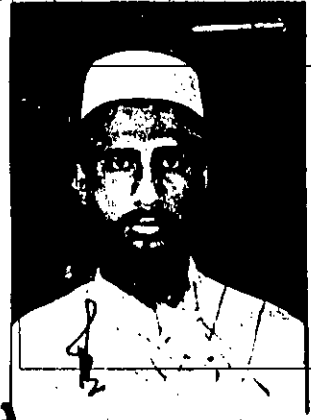
PRINCIPAL
Govt. Degree College No.2
Dera Ismail Khan N.W.F.P.

34

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

BN N^o 004667

Roll No. 60070



Board of Intermediate & Secondary Education
Bannu N.W.F.P Pakistan
Secondary School Certificate Examination
SESSION 1996 (ANNUAL)

THIS IS TO CERTIFY THAT AURANG ZEB KHAN

Son/Daughter of MUHAMMAD JAN

and a student of GOVT:HIGH SCHOOL NO.1 D.I.KHAN.

has passed the Secondary School Certificate Examination of the Board of Intermediate & Secondary Education, Bannu.

as a Regular/~~Private~~ candidate. He/She obtained 507 Marks out of 850 and has been placed in Grade Representing GOOD

The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|----------------|-------------|
| 1. English | 3. Islamiyat | 5. MATHEMATICS | 7. PHYSICS |
| 2. Urdu | 4. Pakistan Studies | 6. PHYSICS | 8. BIOLOGY. |

He/She has been awarded Grade on the basis of Internal assessment by the Institution concerned.

Date of birth according to admission form is FIRST APRIL, one thousand nine hundred and EIGHTY ONLY. (01/4/1980.)

Mudassir
Asst. Secretary

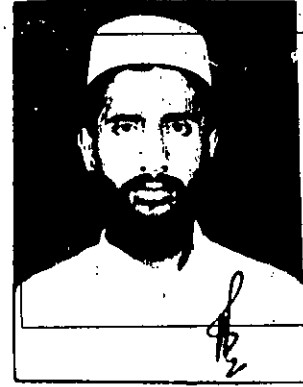
A. J. C. Khan
Secretary

This certificate is issued without alteration or erasure.

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

BN N^o 001089

Roll No. 70613



Board of Intermediate & Secondary Education
Bannu N.W.F.P Pakistan
INTERMEDIATE EXAMINATION
HUMANITIES GROUP
SESSION 1999 (ANNUAL)

THIS IS TO CERTIFY THAT AURANG ZEB
Son/Daughter of MUHAMMAD JAN
and a student of GOVT: HIGHER SECONDARY SCHOOL NO.3 D.I.KHAN.
Registered No. 13-BB/HSD-3-97. has passed the
Intermediate Examination of the Board of Intermediate
& Secondary Education, Bannu.
as a *Regular/Private* candidate. He/She obtained 776
Marks out of 1100 and has been placed in Grade

A

Representing EXCELLENT.

He/She has been awarded Grade

/

 on the basis
of Internal assessment by the Institution concerned.

Mulla
Asstt. Secretary

A. J. Ayub
Secretary

This certificate is issued without alteration or erasure.

Serial No. G.U. 1-363

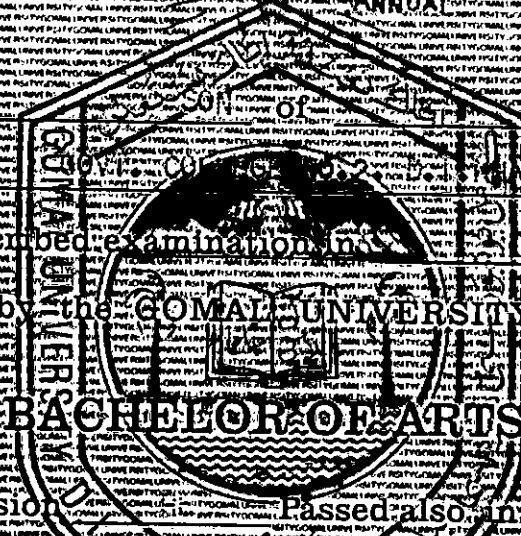
COMAL UNIVERSITY

DEGREE IN SMALL BUSINESS

(NEW F.P.) PAKISTAN



(Session 1999-2000) ANNUAL



and a student of having passed the prescribed examination in

is this day admitted by the COMAL UNIVERSITY to the DEGREE of BACHELOR OF ARTS in the Arts Division Passed also in

Additional Optional Subject: Pakistan Studies and Islamicyat as Compulsory Subjects

The Examination was taken as a whole in parts

Registered No: 496-06-99

Roll No: 2691

RESULT DECL. ON OCTOBER-12, 2001

Countersigned

Controller of Examinations

Vice-Chancellor

Cert. Srl. No. 000693

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

GOMAL UNIVERSITY

DERA ISMAIL KHAN

(N.W.F.P)

PAKISTAN



SESSION 2001 ANNUAL

Merit Certificate

This is to certify that AURANG ZEB.

Son/Daughter of MUHAMMAD JAN.

Registered No. 496-DS-99

and a student of GOVT. COLLEGE NO. 2, D.I. KHAN,

passed in the FIRST Division the B.A. P-II

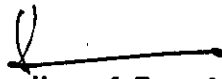
Examination of Gomal University held in JUNE/JULY, 192001 under

Roll No. 2691 securing 365 marks out of 550

He/She obtained SECOND position amongst THE B.A.

successful candidates in order of merit

Dated OCTOBER 12, 192001


Controller of Examinations
Gomal University
Dera Ismail Khan

Serial No. ^{GU} 2 00362

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

GOMAL UNIVERSITY

DERA ISMAIL KHAN

(N.W.F.P)

PAKISTAN



(Session 2002-2005)

AURANGZEB.

son of

MUHAMMAD JAN.

and a student of LAW COLLEGE, GOMAL UNIVERSITY having passed the prescribed examination in SEPTEMBER, 10 2005, is this day admitted by the Gomal University to the DEGREE of

BACHELOR OF LAWS

in the FIRST Division.

The Examination was taken as a whole/in parts.

Registered No. 496-DS-99

Roll No. 1220

RESULT DECL. ON:
DECEMBER 31, 10 2005

Countersigned

Ajmal Khan

Vice-Chancellor

[Signature]
Controller of Examinations

Serial No 062157

Registration No. 496-DS-99
Roll No. 4266
Session: XXX

GOMAL UNIVERSITY

DERA ISMAIL KHAN.
N.W.F.P
PAKISTAN



Provisional Certificate

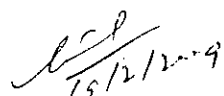
This is to certify that Mr. / Miss / Mrs. AURANG ZEB
Son / Daughter / Wife of MUHAMMAD JAN
of the Department / Institute of PRIVATE CANDIDATE OF DIST. D. I. KHAN
has passed MA. FINAL, ANNUAL, 2007 Examination held in APRIL, MAY, 2008
in the subject of URDU
He / She was placed in SECOND
division, Securing 371 marks out of 800

The examination was taken as a whole / ~~in parts~~

Dera Ismail Khan.

Dated 20-11-2008


ADDITIONAL CONTROLLER OF EXAMINATIONS


15/12/2009

36

SCHOOLS & LITERACY DEPARTMENT, NWFP, PESHAWAR

Serial No. 2894.....

Session..... 2002.....

Roll No..... 102.....

Marks Obtained 982 / 1200

Division..... 1st.....

Certified that Mr./Mrs./Miss..... Aurangzeb Khan.....

Son/Daughter of..... Muhammad Jan..... is a student of

..... GSC (Male) D. J. Khan.....

having passed the C.T. Examination held in..... 14.9.2002..... is

qualified to teach in Middle/High School of Schools & Literacy Department.

Prepared by..... [Signature].....

Checked by..... [Signature].....

Date of declaration Result..... 5.5.2003.....

Date of Issue..... 20.4.2007.....

[Signature]
Deputy Director (Examination)
Schools & Literacy Department,
N.W.F.P., Peshawar.

C

■

T

■

C
E
R
T
I
F
I
C
A
T
E

37

Ref No. _____

Date. 26-05-2003

GOVT. ELEMENTARY COLLEGE NO.1 D.I.KHAN

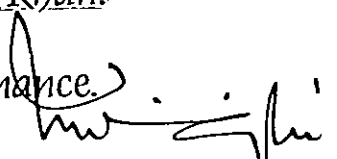
MERIT CERTIFICATE

This is a matter of great hounour & Pride that

Mr. AURANG ZEB KHAN S/O MUHAMMAD JAN

Roll number 102 session 2001-2002. Of this Institution has passed C.T (Gen) Examination, as a regular candidate by securing 982 out of 1200 Marks and has been placed 2nd top position in NWFP and stood 1st in Government Elementary College Dera Ismail Khan.

Hence, he is awarded the certificate for his excellent performance.


PRINCIPAL
Regional Education Office for
Elementary Schools (Male)
Dera Ismail Khan.

38

Serial No. 55614

Registration No. 496-DS-99
Roll No. 825
Session: _____

GOMAL UNIVERSITY

DERA ISMAIL KHAN.
N.W.F.P
PAKISTAN



Provisional Certificate

This is to certify that Mr. / Miss. / Mrs. AIRANG ZEB

Son / Daughter / Wife of MUHAMMAD JAN

of the Department / Institute of PRIVATE CANDIDATE OF DISTT. D. I. KHAN

has passed B.Ed. ANNUAL, 2005 Examination held in APRIL, MAY, 2006

in the subject of BACHELOR OF EDUCATION

He / She was placed in (FIRST)

division, Securing (774) marks out of (1200)

The examination was taken as a whole / in parts.

Dera Ismail Khan.

Dated 29-12-2006

ADDITIONAL CONTROLLER OF EXAMINATIONS

(Signature)
12/14/2007

55

Serial No. الرقم المسلسل
CC-606

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Registration No. رقم التسجيل
ACCUE/1159/2006

Shari'ah Academy
International Islamic University Islamabad, Pakistan

أكاديمية الشريعة
الجامعة الإسلامية العالمية بإسلام آباد باكستان

**Advanced Level Certificate
in Islamic Jurisprudence**

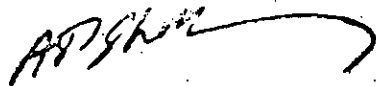
**شهادة المستوى المتقدم
في أصول الفقه**

الحمد لله رب العلمين والصلوة والسلام على خاتم النبيين وعلى آله وأصحابه أجمعين

This is to certify that Mr/Ms/Mrs... Auranga Zeb
Son/daughter of Muhammad Jan
Of district... Dera Ismail Khan... has successfully completed the prescribed
syllabus for the advanced level certificate in Islamic Jurisprudence
through correspondence for the session... 2006-2007
He/She secured... 1797 marks out of 2400, and was placed
in... Very Good grade.

May Almighty Allah bless him/her with the ability to serve Islam and
the knowledge.

Dated 01.02.08



المدير العام
Director General

نشهد بان السيد/الآنسة/السيدة... اورنغزيب
بن/بنت... محمد جان من مديرية... ديره اسماعيل خان
قد أتم/أتمت التمتج المقرر لشهادة المستوى المتقدم في أصول الفقه
بالمراسلة لعام... 2006-2007
وقد حصل/حصلت على... 1797 درجة من مجموع... 2400
ونجح/نجحت فيها بتقدير... جيد جدًا
نسأل الله تعالى أن يوفقه/يوفقها لخدمة الدين والعلم-

التاريخ... 01.02.08



نائب رئيس الجامعة للشؤون الأكاديمية
Vice President (Academics)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



شهادة حفظ القرآن الكريم



الحمد لله رب العالمين، والصلوة والسلام على نحاتم النبيين، سيدنا محمد وعلى آله وصحبه اجمعين، وبعد :
تشهد رئاسة وزارة التربية والتعليم بباكستان، بأن الطالب ابن
محمد جان خان من
ذويه اسماعيل خان المولود في عام ١٩٨٠م.

بن محمد جان خان من
ذويه اسماعيل خان المولود في عام ١٩٨٠م. قد حفظ القرآن الكريم كاملاً بظهر القلب في مجالس العلوم لعلمانية صالحية ذويه اسماعيل خان عام ١٤٢٥هـ ونجح في اختبار الحفظ المنعقد تحت اشراف وفاق المدارس العربية بتقدير ممتاز، وبناءً على ذلك قرر مجلس الوفاق منح شهادة حفظ القرآن الكريم ورئيس الوفاق اذ يمنح هذه الشهادة يوصيه بتقوى الله عز وجل، وأن يتعاهد القرآن الكريم بتلاوته أثناء الليل واطراف النهار، وان يعمل بتعاليمه، وان يعلمه غيره، والله الموفق معه بحجود القرآن



تحفظ حتم نبوت

بسم الله الرحمن الرحيم

محمد بن اسماعيل خان
مختار من علماء دارالعلوم

الامانة العامة

وزارة التربية والتعليم

سليم احمد خان



رقم التسجيل ١٥٩٦٩٠٥٢

رقم الشهادة ٢٩٩٠٨٩٠

التاريخ ١٠/٨/١٤٢٥هـ / ٢٦/٩/٢٠٠٤م

محل الإصدار: وزارة التربية والتعليم بباكستان

Annexure E

42

COMPARATIVE STATEMENT OF ACADEMIC AS WELL AS PROFESSIONAL QUALIFICATIONS OF THE PETITIONER AS WELL AS RESPONDENT NO. 6 AND 7

Mumtaz Khan (respondent No.6)				Faisal Haq (respondent No.7)			Aurangzeb Khan (petitioner)		
<i>certificate</i>	<i>obtained/total marks</i>	<i>division</i>	<i>distinction</i>	<i>obtained/total marks</i>	<i>division</i>	<i>distinction</i>	<i>obtained/total marks</i>	<i>division</i>	<i>distinction</i>
SSC	546/850	B	NIL	393/850	D	NIL	507/850	C	NIL
FA/FSc	664/1100	B	NIL	525/1100	D	NIL	776/1100	A	4 th top position in BISE Bannu
BA/BSc	247/550	2 nd	NIL		2 nd	NIL	365/550	1 st	2 nd top position in GU DIKhan
MA	NIL	NIL	NIL		2 nd	NIL	371/800	2 nd	NIL
CT	829/1200	1 st	NIL	NIL	NIL	NIL	982/1200	1 st	2 nd top position in NWFP
Bed	739/110	1 st	NIL	576/900	B	NIL	774/1200	1 st	NIL
LLB	NIL	NIL	NIL	NIL	NIL	NIL	1289/2000	1 st	NIL
Advanced lever certificate in Islamic Jurisprudence	NIL	NIL	NIL	NIL	NIL	NIL	1797/2400	1 st	NIL
Shahadat Hifzul Quran	NIL	NIL	NIL	NIL	NIL	NIL	82/100	1 st	TOPPED

BE 5

Non Transferable
In the event of joining or carrying on any other profession, business, service or vocation, the holder will not be entitled to use this Card and shall forthwith surrender it to The Pakistan Bar Council

Name: **MR. SALEEM ULLAH KHAN RANA**
Father's Name: **HABIB ULLAH KHAN**
Date of Birth: **10-5-1966** CNIC: **12110710741015723**
Date of Enrolment as Advocate of Supreme Court: **3-6-2016**
Enrolment No: **2053** Ref No: **10/PBC/Kpk/10**
Address: **MADNI TOWN, D-3, KHAN**
Tel: Off: **0092-966-714267** Res: **0092-966-713494** Cell: **0333-9159903**

MR. SALEEM ULLAH KHAN RANA ZAI
Advocate
Supreme Court of Pakistan (ASC)
Date of Issue: 19-4-2016



(Abul Fayaz)
Chairman
Executive Committee

(Muhammad Arshad)
Secretary
Pakistan Bar Council

If found please return to:
PAKISTAN BAR COUNCIL
Supreme Court Building, Constitution Avenue, Islamabad.
Tel No. 0092-51-4206805; Fax No. 0092-51-4206922

بیس

سرورین ڈیڑھ سہ ماہی
سرورین ڈیڑھ سہ ماہی
سرورین ڈیڑھ سہ ماہی
سرورین ڈیڑھ سہ ماہی
سرورین ڈیڑھ سہ ماہی
سرورین ڈیڑھ سہ ماہی

بجائے

ڈکوی یا جرم

تفصیل ڈکوی یا جرم

سرورین ڈیڑھ سہ ماہی
باعث تحریر پر آئندہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف دانستے بیرونی وجوہات کی برائے ذہنی یا نفسی مقدمہ بنام
AHC - سرورین ڈیڑھ سہ ماہی

کو سب ذہنی شراکت پر دیکھ مقرر کیا ہے کہ میں ٹیڈی پر خود یا بھرا بھرا بیرونی وجوہات حاضر ہونا ہوں گا اور اگر وقت پکارتے ہوئے مقدمہ دیکھل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ بیرونی غیر حاضر کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز دیکھل صاحب موصوف مقدمہ چکھری کے علاوہ یا چکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر چکھری کے علاوہ اور جملہ سماعت ہونے یا بروز تعطیل یا چکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے دانستے کسی معاوضہ کے ادا کرنے یا نکتہ نہ دیا جائے کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے نیز کوکل ساختہ پر داخ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہو گا اور صاحب موصوف کو عرض ڈکوی یا جواب ڈکوی یا درخواست اجراء امانے ڈکوی نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر غلطی یا راہن نامہ کو فیصلہ برطرف کرنے اقبال ڈکوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مرکز بیرون از چکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و گمرانی و ہر قسم کے مقدمہ یا سندھ ڈکوی ایک طرف یا درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ڈکوی بھی صاحب موصوف کو بشرط ادا ایسی بلجحدہ مقرر بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا پیر منٹرو کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دینے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر چاہے التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

Accepted

2019
مورخہ 27
مضمون و کالٹ نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

(Hafiz Saifullah)
Appellant

Accepted
Suleh

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 4032 /ST Dated 10/12 / 2020


To

The Director General Social Welfare Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - JUDGMENT IN APPEAL NO. 399/2016, MR. AURANGZEB KHAN.

I am directed to forward herewith a certified copy of Judgement dated 04.12.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL CAMP COURT D.I.KHAN

Service Appeal No.399/2016

Hafiz Aurangzeb Khan.....(Appellant)

VERSUS

Government of KPK and others.....(Respondents)

WRITTEN ARGUMENTS ON
BEHALF OF THE APPELLANT

Respectfully Sheweth:

The appellant humbly submits and states as under:-

HISTORICAL BACKGROUND OF THE PRAYER FOR
PROFORMA PROMOTION AND RECOVERY OF
ARREARS

1. The concept of Special Education System for deaf and dumb, blind, mentally retorted and disabled citizens arose in the era of late General Zia-ul-Haq as one of whose daughter was deaf & dumb, for whose education late General Zia-ul-Haq had arranged a lady teacher from Great Britain Miss Migrate and her services were obtained on special pay. It was during such treatment and discipline maintained by the said teacher that the daughter of late General Zia-ul-Haq got improved, who generously ordered the establishment of Educational Institutions for imparting education and skills to such

disabled citizens and as such the task was handed over to Social Welfare Department and the following six categories of schools and centers were established:-

1. *Government Schools for deaf and dumb children;*
2. *Government Centers for blind children;*
3. *Government Centers for the brought-up of mentally retarded persons;*
4. *Welfare Centers;*
5. *Government Centers for the rehabilitation of drug addicts and*
6. *Institution for handicraft for female:*

Initially, the teachers in such Schools were appointed in BPS-9 and later on BPS-17 was offered to certain teachers in the year 1986 by way of personal scales on political basis. Considering the same to be discriminatory, one of the employees namely Wahid Nawaz started struggle on individual basis on filing his appeal before the worthy Services Tribunal, which was dismissed, where-after he filed Civil Petition No.449-P before the august Supreme Court of Pakistan, which was also initially dismissed, but later on the said judgment of the apex Court was sought to be reviewed by the said Wahid Nawaz on the score of discrimination and such

prayer was finally acceded to by the apex Court on acceptance of the said review petition and in consequence thereof upgradation and back benefits were allowed to him retrospectively, that is to say from the date of his appointment. The said Wahid Nawaz was followed by rest of the employees of the same category and they obtained individual reliefs either through Writ Petitions or through their Appeals from this worthy Tribunal. The precedents so laid down have already been annexed by the appellant with the appeal and are relied upon by the appellant in support of his submission.

2. So far as the case of the appellant is concerned, he is presently serving in /District Judiciary as Civil Judge and prior to his appointment as such he was working as Assistant Oral Master (BPS-9) in Special Education at Deaf and Dumb Institute, D.I.Khan, which was supervised by the Social Welfare Department. The appellant remained in the said capacity since the year 2004 upto the year 2010 and quit the said job on appointment as Civil Judge.

3. That the upgradation of the post of Oral Master was in process and finally the same was upgraded from

BPS-9 to BPS-17 on implementation of Finance Circular No.FD(SR)-1-5/84111 dated 24.7.1986. The appellant was duly qualified for upgradation and copies of professional qualifications have already been annexed with the instant appellate file as E-1, E-2, E-3 & E-4.

4. That the respondents No.1 to 5 have already granted antedated promotion to other co-employees of the appellant, as then they were with the appellant, but the appellant has been ignored. Though at the time of grant of arrears and antedated promotion to other co-employees, the appellant had vacated the job on joining the new assignment of Civil Judge, but was legally entitled to get benefits and antedated promotion in the manner that he is entitled to be placed in BPS-16 w.e.f. 24.8.2004 to 29.12.2006 and onward he is required to be placed in BPS-17 for a period of three years and two months, that is to say 29.12.2006 to 28.02.2010 and for the said period he is also entitled to the reimbursement of the arrears respectively as he was by then in continuing service. On getting knowledge of the grant of such antedated promotion and benefits to the other co-employees of the Institute, the appellant also sought the

same relief from the respondents No.6 & 7 through his representation dated 23.11.2015 but the same was kept un-answered, hence the instant service appeal with prior permission of the worthy Peshawar High Court, Peshawar and with the prayer of condonation of delay.

5. That the written reply/comments of the respondents in this respect are worth perusal because the respondents have admitted the status of regular service of the appellant from the date of appointment till the date of relieving, for which the antedated promotion and prayer of award of the arrears has been made. The contention of respondents about departmental meeting, etc is worth repelling because the other beneficiaries have been directly compensated and upgraded either through the acceptance of judgment of this august Tribunal or on the strength of adjudication of the superior Courts.

6. The appellant having been treated discriminately, therefore, the intervention of this Hon'ble Tribunal is sought with the humble submission that since same benefits and antedated promotion has already been awarded to the then co-employees of the appellant, whose cases were not on better pedestal than that of the

appellant because the appellant was by then possessing much more qualification than the one required and comparative statement of qualification in this respect has been annexed with the appeal. The appellant also makes reliance on *1991 SCMR 1041*, *1993 SCMR 2104*, *2016 PLR 1603 (Peshawar)*, *unreported case law in WP No.216-P of 2013 decided on 03.6.2014 and WP No.54-P of 2012 decided on 04.7.2013*. The case of appellant is also having synonymous facts with the case law relied upon by the appellant. (Copies of the precedents are attached herewith).

7. That the objection of learned government Pleader about the factum of appointment of the appellant other than proper channel and resignation is immaterial because the relief prayed for was permissible to the appellant during the continuation of his services as well as at the time of his resignation. Moreover, there is no legal bar in awarding the relief as prayed for, rather antedated promotion enabling the receipt of fiscal benefits can even be granted after the date of retirement to a government servant if the same is found due. Furthermore, the grounds of appeal and rejoinder may

also be treated as part and parcel of the submission, which contain the factual and legal discussion over the issue.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the respondents No.1 to 5 may be directed to award antedated promotion to the appellant w.e.f. 28.04.2004 to 02.03.2010 and to the outstanding arrears.

Dated 24/11/2020

Your Humble appellant,

(Hafiz Aurangzeb Khan)

Through counsel

Saleemullah Khan

*Saleemullah Khan Ramazani
Advocate Supreme Court?*