

**BEFORE THE HONORABLE KHYBER PAKHTUNKHA SERVICE TRIBUNAL**  
**CAMP COURT DERA ISMAIL KHAN**

**Execution Petition No. 327/2023 in Service Appeal No. 399/2016**

Mr. Aurangzeb Khan S/O Muhammad Jan Khan, R/O Gali Bagh Wali, Street No. 5, Near  
Jame Masjid Usman-e-Ghani, D.I.Khan, Ex-Assistant Oral Master (BPS-09), Institute for  
Blind, D.I.Khan.....**Petitioner.**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Elementary and Secondary Education 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 General Khyber Pakhtunkhwa Peshawar.
5. District Account Officer D.I.Khan.....**Respondents**

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*21-12-23*  
*Camp Court D-I-K*

**BEFORE THE HONORABLE SERVICES TRIBUNAL PESHAWAR**

**Execution Petition No. 327/2023 in Service Appeal No. 399 / 2016**

Mr. Aurangzeb Khan..... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary & others

**AFFIDAVIT**

I, Muhammad Naeem Khan, Director (BPS-19) Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa Peshawar do hereby solemnly affirm and declare on oath that the contents of the reply on behalf of the respondents are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Tribunal.

**DEPONENT**



Muhammad Naeem Khan  
Director (BPS-19)  
Social Welfare, Special Education & Women  
Empowerment Khyber Pakhtunkhwa Peshawar

CNIC # 16101-1114700-9  
Phone # 091-9224253

Identified by:

Advocate General,  
Service Tribunal Khyber Pakhtunkhwa  
Peshawar

*Respondent No-2*



**06 DEC 2023**

2

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

**Execution Petition No. 327/2023 in Service appeal No. 399/2016**

Aurangzeb Khan S/o Muhammad Jan Khan R/o Gali Bagh Wali, Street No. 5, Near Jame Masjid  
Usman-e-Ghani, D.I.Khan, Ex-Assistant Oral Master (BPS-09), Institute for Blind,  
D.I.Khan.....**Petitioner**

**Khyber Pakhtunkhwa  
Service Tribunal**

VERSUS

Diary No. 9711

Date: 06-12-23

1. Government of Khyber Pakhtunkhwa through Secretary, Elementary and Secondary Education 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 General Khyber Pakhtunkhwa Peshawar.
5. District Account Officer D.I.Khan.....**Respondents**

**IMPLEMENTATION REPORT ON BEHALF OF RESPONDENTS NO. 2 & 3.**

**Respectfully Sheweth,**

- i. Incorrect, hence denied. In fact the petitioner / decree holder was initially appointed as Assistant Oral Master (BPS-09) on contract basis by the Erstwhile District Coordination Officer, D.I.Khan whose services were later on regularized. As far as the contention regarding upgradation of the various posts of teachers in BPS-16 & BPS-17, the respondent department has never upgradated such posts. However, the Finance Department, Government of Khyber Pakhtunkhwa has allowed (new) scale of pay effect vide Circular letter dated 24.07.1986 in term of awarding BPS-16 & BPS-17 as under

**(Annex-A):**

a	Trained Graduate Teacher B.A/B.Sc, B.Ed with the adequate Knowledge in the Education of deaf to be certified by the Social Welfare Directorate.	<b>B-17</b>	
b	Un-trained Graduate and post-graduate Teachers (B.A/B.Sc.M.A/M.Sc) with adequate knowledge in the education of deaf to be certified by the Social Welfare Directorate.	<b>B-16</b>	These teachers must acquire B.Ed within a period of three years.

As evident from the above prescribed qualification for (new) scale of pay effect, the petitioner / decree holder was required to submit proper application alongwith academic / adequate knowledge certificate in relevant expertise (sign language) but during the

service period in the respondent department the petitioner could not become eligible accordingly. Since adequate knowledge certificate which is mandatory for the benefit prayed for and in the case of petitioner, the same could not be certified because he is no more a special education teacher. It is further to add here that the spirit of the (new) pay scale effect is an award to the Special Education Teachers in lieu of imparting formal education to the Special Children in inclusive method.

- ii. Correct. However, due to filing of CPLA in the August Supreme Court (Annex-B) and none certification of the adequate knowledge in the relevant field, request of the petitioner could not be materialized.

In view of the above clarifications/explanations, it is therefore, humbly prayed that the instant Execution Petition may graciously be dismissed having no weight and being based on malafide intentions.



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

*Muhammad Naseem Khan*



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

*Muntaz Khan*

Answer B

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

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

Dated Peshawar, the 24th July 1986

From

Sheeg Dilal Jan,  
Secretary to  
Government of N.W.F.P.,  
Finance Department,  
Peshawar.

193 (11)

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

ATTACHED

*[Handwritten signature]*

*[Handwritten signature]*  
Asstt. Director (Litigation)  
Social Welfare, SE and WE  
Khyber Pakhtunkhwa

(10)

(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.

(20)

(2) BLINDS INSTITUTIONS:

To be redesignated as Senior Special Educators Teacher

(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.

To be redesignated as Junior Special Education Teacher

(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)

To be considered as Assistant Special Education Teacher

(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.

with certificate

(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.

Asst. Director (Litigation)  
Social Welfare, SE and WE,  
Knyazi Pakhtunkhwa.

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

(25) (13)

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

B-14

These teachers must acquire  
the qualification of B.A./  
B.Sc. with C.P. 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 Director-  
ate):

B-11

These teachers should con-  
tinue in B-11, 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*

(SAFDAR ALI KHAN)  
ADDL: FINANCE SECRETARY-I  
GOVERNMENT OF N.W.F.P.  
Peshawar, the 24th July, 1986

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

Copy of the above is forwarded to:-  
1) The Accountant General, N.W.F.P., Peshawar.  
2) The Director, Social Welfare, N.W.F.P., Peshawar.

*Saeed Ahmad Alvi*  
(SAEED AHMAD ALVI)  
DEPUTY SECRETARY (REGULATION)  
FINANCE DEPARTMENT.

Encl. No. FD(SR-I)1-95/84-III. Dated Pesh. the 24th July, 1986.  
A copy is also forwarded to:-

- 1) The Secretary to Government of the Punjab,  
Finance Department, Lahore.
- 2) The Secretary to Government of Sind,  
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.

*S. Aman*  
(SAHIB AZMAN)  
SECTION OFFICER (SR-I)

Attestor *[Signature]*

ATTESTED

*[Signature]*

*[Signature]*  
Asstt. Director (Litigation)  
Social Welfare, SE and WE  
Khyber Pakhtunkhwa

**BETTER COPY**

No. FD (SR-1)1-95/84-III  
GOVERNMENT OF N.W.F.P  
FINANCE DEPARTMENT

Dated, Peshawar, the 24<sup>th</sup> July, 1986

From

Saeed Ulla Jan,  
Secretary to  
Government of N.W.F.P  
Finance Department  
Peshawar

To

Secretary to  
Government of N.W.F.P  
Health And Social Welfare Deptt:  
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 Govt. for some time. It has been decided to prescribe new scales of pay effect. The new scales of pay showing the qualifications prescribed for teachers are as under.

**(1) DEAF AND DUMB INSTITUTIONS**

- |     |  |             |  |
|-----|--|-------------|--|
| (a) | Trained Graduate Teachers<br>B.A/B.Sc, B.Ed with the adequate<br>Knowledge in the Education of deaf<br>to be certified by the Director Social<br>Welfare Directorate.              | <b>B-17</b> |  |
| (b) | Un-trained Graduate and post-graduate<br>Teachers (B.A/B.Sc.M.A/M.Sc) with<br>adequate knowledge in the education of<br>deaf to be certified by the Social Welfare<br>Directorate. | <b>B-16</b> | These teachers must acquire<br>B.Ed within a period of three<br>years.                                   |
| (c) | Trained under-Graduate Teachers<br>(Matric/F.A/F.Sc) with C.T or PTC<br>Or T.D etc.  | <b>B-14</b> | These teachers must acquire<br>the qualification of B.A/B.Sc/<br>B.Ed within 5 years as at (a)<br>above. |
| (d) | Untrained, under-graduate Teachers<br>with adequate knowledge of teaching<br>deaf (to be certified by the Social Welfare<br>Directorate).  | <b>B-11</b> | These teachers should<br>continue in B-11, till such<br>time they cross to the next<br>Stage or B-14/16. |

  
Asstt. Director (Litigation)  
Social Welfare, SE and WE,  
Knyber/Pakhtunkhwa.



(2) **BLIND INSTITUTIONS.**

- (a) Trained Graduate Teachers (B.A./B.Sc./B.Ed) with adequate Knowledge of Braille or teaching the blind (to be certified by the Social Welfare Directorate). **B-17**
- (b) Un-trained Graduate and post Graduate teachers (B.A./B.Sc., M.A./M.Sc.) with adequate knowledge Of Braille or teaching the blind ( to be certified by the Social Welfare Directorate). **B-16** 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 with in five years as at (a) above).
- (1) F.A, C.T & proficiency in Braille or adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate).
- (2) Matric, P.T.C., S.V., & proficiency in Braille or with adequate knowledge of teaching the blind ( to be certified by Social Welfare Directorate).
- (3) 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 Social Welfare Directorate).
- (d) Un-trained, under-Graduate Teachers with proficiency in Braille or adequate knowledge of teaching the blind (to be certified by the Social Welfare Directorate). **B-11** These teachers should continue in B-11, till such time they cross to the next stages of B-14/16.

(3) **MENTALLY RETARDED & PHYSICALLY HANDICAPPED INSTITUTIONS.**

- (a) Trained Graduate Teachers (B.A./B.Sc./B.Ed.) with adequate Knowledge of teaching the mentally retarded & physically disabled (to be certified by the Social Welfare Directorate). **B-17**
- (b) Un-trained Graduate and (C.S.T- Graduate Teachers (B.A./B.Sc. M.A./M.Sc) with adequate knowledge of teaching the mentally retarded & physically disabled ( to be certified by the Social Welfare Directorate). **B-16** These teachers must acquire B.Ed within a period of three years
- (c) Trained under-Graduate (F.A/ F.Sc C.T/P.T.C/S.V with adequate Knowledge of teaching the mentally Retarded & physically disabled (to be certified by Social Welfare Directorate). **B-14** These teachers must acquire the qualification of B.A./B.Sc, B.Ed with in 5 years as at (a) above.

Asstt. Director (Litigation,  
Social Welfare, SE and WE,  
Knyber Pakhtunkhwa.

- (d) Un-trained under-Graduate Teachers, with adequate Knowledge of teaching the mentally retarded & physically disabled disabled (to be certified by Social Welfare Directorate).

**B-11** These teachers should continue in B-11, till such time they cross to the next stage 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)  
ADDL: FINANCE SECRETARY-I  
GOVERNMENT OF N.W.F.P

**ENDST. NO. FD(SR-1)1-95/84-11, DATED PESHAWAR THE 24<sup>TH</sup> JULY 1986**

COPY OF THE ABOVE IS FORWARDED TO:

1. THE ACCOUNTANT GENERAL NWFP, PESHAWAR.
2. THE DIRECTOR SOCIAL WELFARE NWFP PESHAWAR.
- 3.

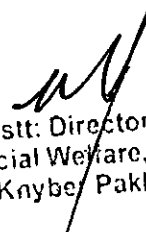
(SAEED AHMED ALVI)  
DEPUTY SECRETARY  
(REGULATION)  
FINANCE DEPARTMENT

**ENDST: NO. FD (SR-1)1-95/84-III DATED PESHAWAR THE 24<sup>TH</sup> JULY 1986**

A copy is also forwarded to:

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

(FAKHAR-UZ-ZAMAN)  
SECTION OFFICER (SR-1)

  
Asstt: Director (Litigation)  
Social Welfare, SE and WE,  
Knybe, Pakhtunkhwa.

10/12/21

**THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**  
**(ORIGINAL JURISDICTION)**

Annex B

CP No. ....-P/2021

Govt. of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Department,  
Peshawar & others

PETITIONER(S)

VERSUS

Aurangzeb Khan & others

RESPONDENT

I/we (Petitioner (Govt. of KPK) in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [ or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party], to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference or any other proceeding that may be taken in respect on any application connected with the same including proceedings for execution and application for review, to draw and deposit money, to file and take back documents, to appear before the Court, to appoint and instruct counsel, to represent the aforesaid appellant [ or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things in and out of Court acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority.

In witness whereof I/we do hereunto set my/our hand (s) this day of

Accepted

Mian Saadullah Jandoli  
Advocate-on-Record  
Supreme Court of Pakistan  
Govt. of KPK, Advocate-General's  
Office KPK, High Court Building, Peshawar.  
Office Tel. # 091-9210312, 9210119


1. Govt. of Khyber Pakhtunkhwa  
Secretary Elementary &  
Education Department, Peshawar.

2. Director General Social Welfare  
Department, Peshawar.

3. District Officer Social Welfare Department  
D.I. Khan

4. Accountant General, Khyber  
Pakhtunkhwa, Peshawar.

5. District Account Officer, D.I. Khan

  
Asstt. Director (Litigation)  
Social Welfare, SE and WE,  
Khyber Pakhtunkhwa.



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

No. DSW/Lit1-268/ 2788

Dated the Peshawar 01 /10/2023

**AUTHORITY LETTER**

Mr. Nabi Gul, Superintendent (BPS-17) Directorate of Social Welfare, Special Education & Women Empowerment Peshawar is hereby authorized to submit Implementation report on behalf of Respondent No. 2 & 3 in **Execution Petition No. 327/2022 in Service appeal No. 399/2016** titled "Aurangzeb Khan, Ex-Assistant Oral Master (BPS-09), Institute for Blind, D.I.Khan VERSUS Government of Khyber Pakhtunkhwa & Others" in the Honorable Service Tribunal Peshawar. He is also authorized to attest the affidavit on behalf of the respondents and attend the Honorable Tribunal on each date of hearing.



**DIRECTOR**

Social Welfare, Special Education &  
Women Empowerment  
Khyber Pakhtunkhwa  
(Respondent No. 2)

*Muhammad Naeem Khan*