

BEFORE THE HONORABLE KHYBER PAKHTUNKHA SERVICE TRIBUNAL
PESHAWAR.

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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18-03-2024
D.I. Khan
S.B.



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 1/10/2023

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)

18-03-2024

D.I. Khan

S.B.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Implementation Report in the Execution Petition No. 327/2013 in Service Appeal No. 399/2016

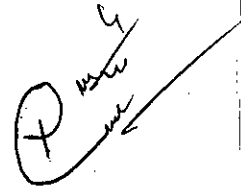
Aurangzeb Khan as Ex- Oral Master (BPS-09) Institute for Blind,
D.I.Khan.....**Petitioner**

VERSUS

Government of KPK, through Secretary, Elementary and Secondary Education Peshawar
and others.....**Respondents.**

AFFIDAVIT

I, Qayyum Khan (BPS-18) Deputy Director Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa Peshawar do hereby solemnly affirm and declare on oath that the contents of the para-wise comments 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 Court.



DEPONENT

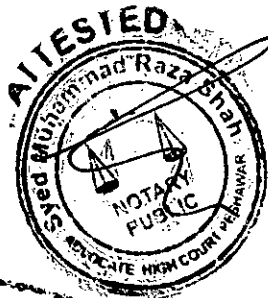
Qayyum Khan

Deputy Director (BPS-18)

Directorate of Social Welfare, Special Education &
Women Empowerment Khyber Pakhtunkhwa
Peshawar

CNIC # 17301-4634509-7

Identified by:
AAG, Service Tribunal
Khyber Pakhtunkhwa
Peshawar



17 3 MAR 2024

**BEFORE THE KHYBER PAKHTUNKHWASERVICE TRIBUNAL, CAMP
COURT DERA ISMAIL KHAN**

Implementation Report in 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**

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**

**Khyber Pakhtunkhwa
Service Tribunal**
Diary No. 1173

IMPLEMENTATION REPORT ON BEHALF OF RESPONDENTS NO. 2 & 3 Dated 13-03-2024

Respectfully Sheweth,

The Honorable Service Tribunal Khyber Pakhtunkhwa vide order dated 18.01.2024 was pleased to direct "Despite commitment on previous date, implementation report on behalf of respondents are still awaited. Respondent No. 2 & 3 are directed to appear in person along with proper implementation on the next date positively, failing which coercive measure shall be initiated. Adjourned. To come up for implementation report on 20.02.2024 before S.B at Camp Court D.I.Khan. P.P given to the parties".

In this regard it is submitted that 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 and served the respondent department up till 28.02.2010 i.e. 05 years 06 months and 04 days. Although Finance Department Khyber Pakhtunkhwa vide circular dated 24.07.1986 (**Annex-A**) allows new scale of pay effect (BPS-16) & (BPS-17) to the teachers of Special Education Institutions who have:

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-17	
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-16	These teachers must acquire B.Ed within a period of three years.

PROCEDURE:

There are various sanctioned posts of teachers having different nomenclature, job description, pay scales and prescribed qualification for initial recruitment. As a matter of facts some of the teachers have already the prescribed qualification pre-appointment while others possess the

requisite qualification post-appointment, for (new) scale of pay effect. Subsequently, applications along with attested educational certificates / degrees are submitted by the teachers for grant of (new) scales of pay effect to the Directorate of Social Welfare. It is worth mentioning that pre notifying the Assessment Committee vide order dated 24-10-2016 (Page 67) head of institution concerned had issued the Adequate Knowledge Certificate on behalf of Directorate whereas post constitution of the assessment committee regarding adequate knowledge in relevant field, adequate knowledge certificates are issued on the recommendation of the said committee and thus the Directorate submit working paper to the Administrative Department in case of (new) scales of pay effect (BPS-17) while the cases of (new) scale of pay effect (below BPS-17) are disposed of at Directorate level.

As far as the case of the petitioner / decree holder is concerned, it is stated that neither applied for new pay scale effect nor submitted academic documents along with adequate knowledge certificate at the time of his service herein in the respondent department.

Since graduation and adequate knowledge certificate for award of BPS-16 & graduation followed by B.Ed degree along with adequate knowledge for BPS-17 are pre-requisite as per law. Although the petitioner might have B.A / B.Ed qualification but had no adequate knowledge in the relevant field duly assessed by any expert.

Moreover, it is worth 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 while the petitioner has left the services to impart education to the special children, hence neither his expertise in the relevant field at this stage could be assessed nor could have been assessed while serving.

Keeping in view the above, this Directorate facing difficulties in way of the implementation of the judgment dated 04.12.2020 and therefore, humbly prayed that the instant implementation report may kindly be accepted.


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)

Annexure B

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

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

Dated Peshawar, the 24th July, 1986

From

Muzam Dildas Jan,
Secretary to
Government of N.W.F.P.,
Finance Department,
Peshawar.

193 (11)

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. etc.) B-14 These teachers must acquire the qualification of B.A./B.Sc./B.Ed. within five years as at (a) above.

ANNEXURE

[Handwritten signature]

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

(42)

(70)

(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.

To be
Redesignated as
Senior Special
Educational Teacher

(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)

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

To be redesignated as
Junior Special Educational
Teacher

(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)

(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) P.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)

To be redesignated as
Assistant Special
Educational Teacher

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)

(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.

Others
with certificate in Braille

(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)

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

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

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

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

(20) (13)

(c) Trained under-Graduate (P.A./P.Sc. with C.P./P.T.C./M.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. 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-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.

Encls. 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.

Encls. 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 Jammu and Kashmir, Finance Department, Muzaffargarh.

Fakir Us Saman
(FAKIR US SAMAN)
SECTION OFFICER (SR-I)

Attested to *[Signature]*

ATTESTED

[Signature]
Asstt. Director (Litigation)
Social Welfare, St. 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 24th 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
B.A/B.Sc, B.Ed with the adequate
Knowledge in the Education of deaf
to be certified by the Director Social
Welfare Directorate. | B-17 | |
| (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-16 | These teachers must acquire
B.Ed within a period of three
years. |
| (c) | Trained under-Graduate Teachers
(Matric/F.A/F.Sc) with C.T or PTC
Or T.D etc. | B-14 | These teachers must acquire
the qualification of B.A/B.Sc/
B.Ed within 5 years as at (a)
above. |
| (d) | Untrained, under-graduate Teachers
with adequate knowledge of teaching
deaf (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
Stage or B-14/16. |

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

my
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 (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 24TH 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 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 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)


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