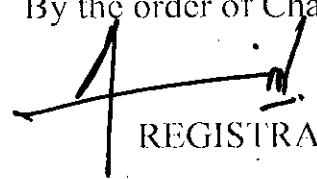


FORM OF ORDER SHEET

Court of _____

Appeal No. 37/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/01/2024	<p>The appeal of Mst. Shaista Bibi received today by registered post through Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Versus

SHISTA BIBI
..... Appellant

..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Advocate</u> <u>Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled

Name:- _____

Signature:- _____

Dated:- _____

BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. 37 /2023/

Shaista Bibi D/O Muhammad Sharif Khan (SPST) GGPS Chattar Nath.

VERSUS

Government of Khyber Pakhtunkhwa,
through Secretary, Elementary & Secondary
Education, Peshawar etc...RESPONDENTS

SERVICE APPEAL

S No.	Particular of Documents	Annexure	Pages
1	Service Appeal		1-12
2	Application		13-14
3	Promotion Order	A	15-16
4	Copies of Relevant Rules	B	17-29
5	Copies of Policy	C	30
6	Copy of Impugned Notification	D	31
7	Promotion Order	E	32-34
8	Copies of Departmental appeal	F	35
9	Copies of Restraining order And Relevant law	G-H	36-37
10	W.Nama		

Shaista Bibi

Dated: _____/2023

...APPELLANT

Through


(Muhammad Arshad Khan Tana)
Advocate Supreme Court of Pakistan

&


(MUHAMMAD IBRAHIM KHAN)
Advocate High Court Abbottabad

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 37 2024

Shaista Bibi D/O Muhammad Sharif Khan (SPST) GGPS Chattar Nath A. Abad

...PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary Establishment Khyber Pakhtunkhwa, Peshawar. Khyber Pakhtunkhwa Service Tribunal
3. Secretary Law & Justice, Khyber Pakhtunkhwa, Peshawar.
4. Secretary Elementary & Secondary Education, Peshawar. Diary No. 10116
5. Director Elementary & Secondary Education, Peshawar.
6. District Education Officer (Female), Abbottabad. Dated 1-1-2024

....RESPONDENTS

APPLICATION FOR SUSPENSION OF
IMPUGNED NOTIFICATION NO.
SO(POLICY)E&AD/1-3/2020, DATED
06/06/2023 AND PROMOTION ORDER DATED
29/08/2023 TO THE EXTENT OF
APPELLANT/APPLICANT TILL FINAL
DISPOSAL OF MAIN SERVICE APPEAL.

Respectfully Sheweth;

1. That the instant application may be treated as part and parsal of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favour of the appellant.

3. There is likelihood of success of the appellant in the lis. The impugned notification dated 06/06/2023 is against Section 25 of KP Civil Servant Act, 1973 and promotion order dated 29/08/2023 of the appellant/applicant is also to be set-aside.
4. That valuable rights of the appellant are involved.

In view of the above it is humbly prayed that notification No. SO(POLICY)E&Ad/1-3/2020, dated 06/06/2023 and promotion order dated 29/08/2023 to the extent of appellant/applicant may graciously be ordered to be suspended till final disposal of the main service appeal.

Shaista Bibi

..APPELLANT

Through;

Dated; _____/2023

(Signature)

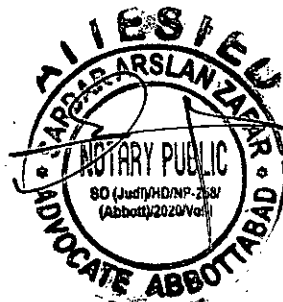
(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

(Signature)

(Muhammad Ibrahim Khan)
Advocate High court

AFFIDAVIT;

I, Shaista Bibi D/O Muhammad Sharif Khan (SPST) GGPS Chattar Nath, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



Shaista Bibi

DEPONENT

1

BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. _____/2023

Shaista Bibi D/O Muhammad Sharif Khan (SPST) GGPS Chattar Nath *A. Abad*

...PETITIONER

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary Establishment Khyber Pakhtunkhwa, Peshawar.
3. Secretary Law & Justice, Khyber Pakhtunkhwa, Peshawar.
4. Secretary Elementary & Secondary Education, Peshawar.
5. Director Elementary & Secondary Education, Peshawar.
6. District Education Officer (Female), Abbottabad.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974 FOR
DECLARATION TO THE EFFECT THAT
IMPUGNED NOTIFICATION NO.
SO(POLICY)E&AD/1-312020, DATED 06/06/2023,
WHEREIN, RESPONDENTS' DEPARTMENT HAVE
MADE IT COMPULSORY FOR THE APPELLANT
TO GET PROMOTION TO THE NEXT RANK. AND
SHALL AVAIL HER PROMOTION, FAILING
WHICH, DISCIPLINARY ACTION SHALL BE**

Filed to-day

Registrar

TAKEN AGAINST THE EMPLOYEE WHO DOES NOT AVAIL HER PROMOTION ORDER, UNDER KHYBER PAKHTUNKHWA EFFICIENCY AND DISCIPLINARY RULES 2011. IT IS FURTHER SUBMITTED THAT NO PUNISHMENT IS MENTIONED IN ORIGINAL NOTIFICATION DATED 06/08/2020. HENCE GUIDANCE/POLICY ISSUED BY THE RESPONDENT IS ULTRA VIRES, TO THE RULES AND RIGHTS OF THE EMPLOYEES AS THE SAME IS VOID AND DOES NOT COME WITHIN THE DEFINITION RULES AS PER SECTION 25 OF KP CIVIL SERVANT ACT, 1973, BESIDES, IMPUGNED NOTIFICATION DATED 06/06/2023, IS ILLEGAL AND IS TO BE STRUCT DOWN. THE PROMOTION OF THE APPELLANT WHICH PREVIOUSLY IS FOREGONE MAY BE SET-ASIDE AS THE PROMOTION OF THE EMPLOYEES IS A KIND OF APPOINTMENT WHICH IS ALWAYS OPTIONAL ON THE PART OF THE EMPLOYEES. IT IS FURTHER SUBMITTED THAT THERE IS NO CONDITION MENTIONED IN THEIR INITIAL APPOINTMENT ORDER. THE IMPUGNED NOTIFICATION DATED 06/06/2023 IS ULTRA VIRES TO THE PREVAILING RULES ON THE SUBJECT AND IS TO BE STRUCT DOWN AS WELL

AS PROMOTION ORDER DATED 29-08-2023 TO THE EXTENT OF THE APPELLANT IS TO BE SET-ASIDE.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION NO. SO(POLICY)E&AD/1-3/2020, DATED 06/06/2023 MAY BE ORDERED TO BE STRUCT DOWN BEING VOID AND ULTRA VIRES TO THE RULES AND RIGHTS OF THE APPELLANT. IT IS FURTHER PRAYED THAT PROMOTION ORDER DATED 29/08/2023 TO THE EXTENT OF THE APPELLANT MAY BE ORDERED TO BE SET-ASIDE. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth:-

That the facts forming the back grounds of the instant service appeal are arrayed as under;-

1. That the appellant was appointed as P.S.T in the respondents' department and thereafter was promoted to the post of S.P.S.T. BPS 14. Copy of

promotion order of the appellant is annexed as Annexure "A".

2. That the appellant is low paid employee and being a female teacher hardly able to serve in the far-flung mountainous hilly areas of District Abbottabad.

3. That as per K.P Appointment/ Promotion/ Transfer Rules 1989, as well as in other sister services of the other Provinces and Federation as well, availing of promotion by the employees is always optional and the employees as a matter of right may avail or foregone their promotion and the next employee in seniority list is to be promoted. Copies of the relevant rules are annexed as Annexure "B".

4. That as per notification No. SD (Policy) /EDAD/1-3/2020 dated 06/08/2020, the punishment on account of foregoing of promotion was withdrawn. Copy of notification No. SD (Policy)EV AD/1-3/2020 dated 06/08/2020 is attached as Annexure "C"

5. That some employees specifically female teachers have foregone their promotion as they could not serve in the areas where there is no facility of accommodation and no houses of their elders are available to look after them in far-flung and solitary mountainous hard areas.
6. That as per Section 25 of per KP Civil Servant Act, 1973, rules to the extent of terms and condition is framed by the Chief Minister and such promotion rules are not made applicable with retrospective effect. The rules framed are published in the Gazzet notification and part of parcel of KP Civil Servant appointment, transfer and promotion rules 1989.
7. That Government of K.P without following the rules position mentioned in para 6 above, promulgated Notification No. SO(Policy)E&AD/1 - 3/2020, dated 06/06/2023, and has been made mandatory to the employees to avail the promotion otherwise, disciplinary action shall be taken against them under K.P E&D Rules 2011.

Therefore, the impugned and void Notification is reproduced as under;

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, please".

Copy of impugned and void notification is annexed as Annexure "D".

8. That the appellant has foregone her promotion to the post of PSI-IT but even than the appellant has been promoted vide order dated 29/08/2023 and posted to GGPS Kutli Namli Maira which is illegal. Copy of promotion order of the appellant at Serial No. 33 is annexed as Annexure "E".
9. That the petitioner feeling aggrieved, filed appeals to the respondents, but the grievances of the appellant have not so far been redressed. Copies of departmental appeals on the void notification and promotion order are annexed as Annexure "F".

10. That the appellant with other employees filed writ petition No. 973-A/2013 and 1101-A/2023 before the Honourable High Court Abbottabad Bench and obtained restraining order dated 14/09/2023 to cover the mandatory statutory period of 89 days. Copy of restraining order dated 14/09/2023 and writ petition No. 973-A/2023 and 1101-A/2023 is annexed as Annexure "G".

Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

- a. That as per judgments of the superior courts, a valid Notification which confers rights is always applicable with retrospective effect whereas, Notification/ law which adversely affects the interests of the employees is always prospective. The notification/ guidance dated 06/06/2023 is void having no legal sanctity is contradictory to the

notification dated 06/08/2020, hence, the said notification is liable to be set-aside.

- b. That there is no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion alongwith their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees, himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank. Relevant laws on

forgoing the promotion and self inflicted penalties are annexed as Annexure "H".

- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not. The appellant's promotion order dated 29/08/2023 is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment and others who are facing acute domestic issues cannot avail promotion with transfer in far-flung/hard areas. Besides, the unmarried female teachers suffer a lot therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or foregone

the benefits. Now, respondent No. 6 has promoted the appellant which is illegal and liable to be set-aside.

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mentioned here that the appellant are lady teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/06/2023 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees.

g. That the government has illegally imposed restriction of 55 years of age for availing retirement/benefits after rendering 25 years of service whichever is later, Therefore, the appellant is unwilling to avail benefits of promotion. Hence, the availing of promotion must be declared as optional as it was invogue prior to the impugned void Notification dated 06/06/2023. Hence impugned Notification is liable to be set-aside.

h. That the matter in issue relates to the terms and conditions of service, hence, under Article 212 of the constitution the Honourable Tribunal has jurisdiction to entertain the instant service appeal. Besides, the appeal of the appellant is well within the time of limitation

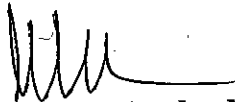
It is, therefore, humbly prayed that on acceptance of the instant service appeal, the impugned notification No. SO(policy)E&AD/ I - 3/2020, dated 06/06/2023 may be ordered to be

struct down being void and ultra virus to the rules and rights of the appellant. It is further prayed that promotion order dated 29/08/2023 to the extent of the appellant may be ordered to be set-aside. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case may also be granted to the appellant.

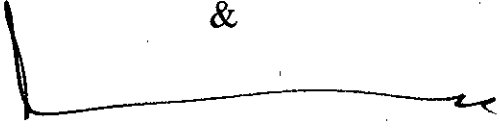
Shasta Bibi
...APPELLANT

Through

Dated: _____/2023


(Muhammad Arshad Khan Tana)
Advocate Supreme Court of Pakistan

&


(MUHAMMAD IBRAHIM KHAN)
Advocate High Court Abbottabad

AFFIDAVIT:

I, Shaista Bibi D/O Muhammad Sharif Khan (SPST) GGPS Chattar Nath, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



Shasta Bibi
...APPELLANT

Amey-A

P-1597

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) ABBOTTABAD

PROMOTION OF PST (BPS-12) TO SPST (BPS-14)

Consequent upon the recommendation of the Departmental Promotion Committee (Constituted by this Office locally), The Following PST'S BPS-12 are hereby promoted as SPST (BPS-14) w.e.f 29/09/2016, the date of DPC meeting and further hereby adjusted in the school according to the criteria of the Enrollment, in the interest of Public Service on the usual terms and conditions.

S#	Name	Circle	School	Adjusted to
1	Shaheen Kousar	Abbottabad	GGPS Salhad	GGPS KUNJ
2	Manoza Andaleeb	Abbottabad	GGPS S/Bandi No 2	GGPS S/Bandi No 2
3	Zahida perveen	Abbottabad	GGPS City Atd	GGPS City Atd
4	Nighat Shaheen	Abbottabad	GGPS Upper Kehul	GGPS MAJIKPURA NO 3
5	Nomeena Nozreen	Abbottabad	GGPS Banda Singlian	GGPS Banda Singlian
6	Naveeda Akram	Abbottabad	GGPS N/Shehr No 3	GGPS N/Shehr No 3
7	Danaris Jan	Abbottabad	GGPS No 3 M/Pura	GGPS KARUL NO 1
8	Iram Shahzadi	Abbottabad	GGPS S/Bandi No 2	GGPS Dalaha
9	Shabana Bibi	Abbottabad	GGPS Banda Dalazak	GGPS CHAMAK MAIRA NO 1
10	Sheista Kausar	Abbottabad	GGPS Balnuoran	GGPS Balnuoran
11	Tehzeem Akhter	Abbottabad	GGPS Upper Kehul	GGPS KARIMPURA
12	Rifhat Rana	Abbottabad	GGPS Salhad	GGPS DARA SALHAD
13	Ghazala Shaheen	Abbottabad	GGPS Kunj Atd	GGPS KUNJ
14	Shehnaz Lal Khan	Abbottabad	GGMS Mirpur	GGPS Maira Mirpur
15	Faskeen Tabassum	Abbottabad	GGPS M/Pura No 1	GGPS JAURIAN
16	Shahnaz Begum	Abbottabad	GGPS (comp) Atd	GGPS (comp) Atd
17	Kalsoom Bibi	Abbottabad	GGMS Mirpur	GGPS MIRA MIRA
18	Khalida Bibi	Abbottabad	GGPS Banda Dilazak	GGPS Banda Dilazak
19	Faryana Begum	Abbottabad	GGPS N/Shehr No 1	GGPS N/Shehr No 1
20	Shalinaz Akhter	Abbottabad	GGPS Rehmatabad	GGPS Rehmatabad
21	Najam-un-Nisa	Abbottabad	GGPS Bagh Darrrah	GGPS Bagh Darrrah
22	Rizwana Shaheen	Abbottabad	GGPS Rahmatabad	GGPS CHAMAK MAIRA NO 2
23	Yasmeen Bibi	Abbottabad	GGPS S/Bandi No 1	GGPS NAWANSHER NO 2
24	Shahida Bibi	Abbottabad	GGPS Thanda Choha	GGPS GARGALI
25	Rubina Nazli	Abbottabad	GGPS Naray Chumanwan	GGPS CHUMANWAN
26	Tahzeem Akhtar	Abbottabad	GGPS Dangeer	GGPS MIRA
27	Amna Bibi	Abbottabad	GGPS Chaty Mohri	GGPS Chaty Mohri
28	Rubina Shaheen	Abbottabad	GGPS No 3 M/Pura	GGPS No 3 M/Pura
29	Halceema Saitta	Abbottabad	GGPS Islamkote No 2	GGPS MAIRA TALI
30	Saeeda Bibi	Abbottabad	GGPS Thanda Choha	GGPS THANDA CHOHA
31	Hamjiliq Bano	Abbottabad	GGPS Deor	GGPS MAUSA ZAL KHILJAY
32	Bibi Samina	Abbottabad	GGPS Dalaha	GGPS Ingh Darr
33	Nazia Bibi	Abbottabad	GGPS Khokhar Nu2	GGPS Khokhar No 1
34	Saffna Khatun	District	GGPS Hothary	GGPS HOTHARY

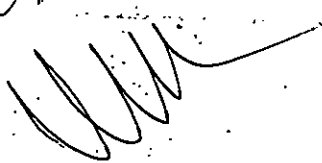
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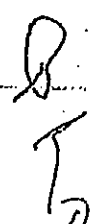
Signature

To

Signature

3.	Möbin Akhtar	Birote	GGPS Nakkur Qutbal	GGPS NAKKUR QUTBAL
36	Nargis Bibi	Birote	GGPS Bassian	GGPS BASSIAN
37	Rashida Kausar	Birote	GGPS Bassian	GGPS BASSIAN
38	Nargis Saeed	Birote	GGPS Hill Birote	GGPS HILL BIROTE
39	Neham Akhtar	Birote	GGPSU/Kurli	GGPS UPPBIKURLI
40	Ghazala Parveen	Birote	GGPS Birote	GGPS MOHRA BIROTE
41	Tahira Gulam	Birote	GGPS Kahu	GGPS KAHU
42	Nahid Akhtar	Birote	GGPS Bandian	GGPS BANDIAN
43	Zanab Bibi	Birote	GGPS Mominabad	GGPS MOMINABAD
44	Shabnum Bibi	Birote	GGPS Palzabad	GGPS PALZABAD
45	Shireen Bibi	Birote	GGPS Payan	GGPS PAYAN
46	Robina Kausar	Birote	GGPS Lower Mallid	GGPS KALAN
47	Nazia Gul	Birote	SURJAL	LONG LEAVE DEFERRED
48	Zaheen Bibi	Boi	GGPS Pattan Kalan	GGPS PATTAN KALAN
49	Yasmeen Bibi	Boi	GGPS Kutlian	GGPS KUTLIAN
50	Anjum Aziz	Boi	GGPS Naroka	GGPS DALDA NO
51	Sajida Bibi	Boi	GGPS Kanthali	GGPS SARIAN
52	Shabeena	Boi	GGPS Sumbli Khoi	GGPS Bagh Masina
53	Sumina Bibi	Boi	GGPS Ziarat Khoi	GGPS ZIARAT KHOI
54	Nahid Gulzar	Boi	GGPS Sanja	Refusal
55	Shamim Abbasi	Boi	GGPS Bagh	GGPS Bagh
56	Saeeda	Boi	GGPS Mohri Maira	GGPS MOHRI MAIRA
57	Niazmeen	Boi	GGPS Pattan Khurd	GGPS PATTAN KHURD
58	Rabia Zaman	Boi	GGPS Gali Meeran	GGPS GALI MEERAN
59	Gulnar	Boi	GGPS Bogran	GGPS BOGRAN
60	Shahida Jameel	Dhamtour	GGPS Lower B/Gali	GGPS LOWER B/GALI
61	Mahnaz	Dhamtour	GGPS Karati Bagh	GGPS KARATI BAGH
62	Zainab Khatoon	Dhamtour	GGPS Gali Banian	GGPS GALI BANIAN
63	Saiqa Shaheen	Dhamtour	GGPS Bagh	GGPS Bagh
64	Shaheen Akhter	Hajia Gali	GGPS Mairan	GGPS HAJIA GALI
65	Syeda Hussina	Hajia Gali	GGPS Karaki	GGPS KARAKI
66	Dilshad Bibi	Hajia Gali	GGPS Mohra Kalanda	GGPS MOHRA KALANDA
67	Farhat Mustafa	Hajia Gali	GGPS Dabran	GGPS DABRAN
68	Nahid Kousar	Hajia Gali	GGPS Massa Gojri	GGPS MASSA GOJRI
69	Tahira Bibi	Havelian	GGPS Hav/ Village	GGPS HAVELIAN VILLAGE
70	Khalida Shaheen	Havelian	GGPS Gaggal	GGPS SULTANPUR
71	Rizwana Bibi	Havelian	GGPS Sultan Pur	GGPS SULTANPUR
72	Ruqia Bibi	Havelian	GGPS Chamba	GGPS HAVELIAN VILLAGE
73	Saddiq Hashmi	Havelian	GGPS Jandakka	GGPS JHANDAKA
74	Noreen Tabasum	Havelian	GGPS Chamba	GGPS CHAMBA
75	Bibi Afshan	Havelian	GGPS Jhangra	GGPS JHANGRA
76	Sharafat Bibi	Havelian	GGPS Hav/Stat	GGPS HAVELIAN STATION
77	Khalida Hameed	Havelian	GGPS Phulwali	GGPS PHULWALI
78	Shaheen Gul	Havelian	GGPS Mujhat	GGPS MUJHAT
79	Nazakat	Havelian	GGPS Hav/ Village	GGPS HAVELIAN VILLAGE

Attested


8


P-16

80	Noor-ul Saba	Havallian	GGPS Kaloo Maira	GGPS KALU MAIRA
81	Shakeela Bibi	Havallian	GGPS Sohlan	GGPS SOHLAN
82	Nasreen Bibi	Havallian	GGPS Barseen	GGPS BARSEEN
83	Sobia Bashir	Havallian	GGPS Hav/ Village	GGPS HAVELIAN VILLAGE
84	Saira Bibi	Havallian	GGPS Rajoya	GGPS RAJOYA
85	Nazia Noreen	Havallian	GGPS Kaseel	GGPS KASEEL
86	Shabnum Gul	Havallian	GGPS B.St. Khan	GGPS BANDA SAHIB KHAN
87	Sumaira Bibi	Havallian	GGPS Hav/Stat	GGPS HAVELIAN STATION
88	Yasmeen Akhter	Havallian	GGPS Kaseel	GGPS KASEEL
89	Yasmeen Akhter	Havallian	GGPS Sareela	GGPS SAREELA
90	Shagufta	Havallian	GGPS G.Phulgran	GGPS GHANI PHULGRAN
91	Tehmeena Bibi	Havallian	GGPS Batolni	GGPS BATOLNI
92	Ambreen	Havallian	GGCMS Barwal	DEFERRED/LESS SERVICE
93	Rubina	Havallian	GGPS Solan	GGPS SOHLAN
94	Shazia Bibi	Havallian	GGPS Hav. Village	GGPS HAVELIAN VILLAGE
95	Shumaila Mehboob	Havallian	GGPS Tarmuchian	GGPS TARMUCHIAN
96	Sameena Rizzaq	Lora	GGCMS Lora	GGCMS Lora
97	Reliana Akhter	Lora	GGCMS Lora	GGCMS Lora
98	Rizwana Shahaheen	Lora	GGPS Malmoola	GGPS MALMOOLA
99	Rukhsana Bibi	Lora	GGPS Malmoola	GGPS MALMOOLA
100	Farzana Shahaheen	Lora	GGCMS Lora	GGCMS Lora
101	Raisa Bibi	Lora	GGPS Seri	GGPS NAINHOTAR
102	Qanita Rani	Lora	GGPS Nangal	GGPS DIBRI KATA
103	Nazia kausar	Lora	GGCMS Lora	GGCMS Lora
104	Sifaaheen Akhter	Lora	GGPS Baitan	GGPS BAITAN
105	Hameeda Bibi	Lora	GGPS Dhagan	GGPS DHAGAN
106	Shaheen Kousar	Lora	GGPS Nallah Seer	GGPS NALLA SEER
107	Amraizim Jan	Nathia Gali	GGPS Sumandar Katha	GGPS SAMANDAR KATHA
108	Samina Bibi	Nathia Gali	GGPS Khuri Banda	GGPS KHURI BANDA
109	Shakeela Bibi	Nathia Gali	GGPS Bagan	GGPS BHAGAN
110	Zainab Bibi	Nathia Gali	GGPS Nagri Bala	GGPS NUGRI BALA
111	Fehmeeeda	Nathia Gali	GGPS Chamb Rajput	GGPS CHAMB RAJPOOT
112	NASEEM SHER	Nathia Gali	GGPS Sumandar Katha	GGPS SAMANDAR KATHA
113	Rehana Begum	Nathia Gali	GGPS Bagnotar	GGPS BAGNOTAR
114	Dilshad Begum	Nathia Gali	GGPS Jaswara	GGPS JASWARA
115	Shalsia Bibi	Nathia Gali	GGPS Chatter Nath	GGPS CHATTER NATH
116	Zainab Khatoon	Nathia Gali	GGPS Makool Danna	GGPS MAKOL DANNA
117	Rukhsana Aslam	Nathia Gali	GGPS Kassian	GGPS KASSIAN
118	Suriya Bibi	Nathia Gali	GGPS Toheedabad	GGPS TOHEED ABAD
119	Sohaila Bibi	Nathia Gali	GGPS Noor Mung	GGPS NOORMANG
120	Nazma Bibi	Nathia Gali	GGPS Bagnotar	GGPS Bagnotar
121	Abida Bibi	Nathia Gali	GGPS Bagnotar	GGPS Bagnotar
122	Abida Bibi	Nathia Gali	GGPS HAROOTA	GGPS HAROOTA
123	Nasreen Akhter	Nathia Gali	GGPS Narrian	GGPS JASWARA
124	Rizwana	Nathia Gali	GGPS U/Mair:Kalan	GGPS UPPER MAIRA KALAN

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125	Nusrat Bibi	Nathia Gali	GGPS Malach	GGPS MALLACH
126	Zakia	Nathia Gali	GGPS Tajwal	GGPS TAJWAL
127	Salma Bibi	Qalandarabad	GGPS TARHANA	GGPS TARHANA
128	Ghazala	Qalandarabad	GGPS Hill Maira	GGPS HILL MAIRA
129	Samina	Qalandarabad	GGPS Baldheri	GGPS BALDHERI
130	Salma Qureshi	Qalandarabad	GGPS Jhangi	GGPS JHANGI
131	Shazia Batool	Qalandarabad	GGPS Hari De Ban	GGPS HARI DE BAN
132	Rashida	Qalandarabad	GGPS Shamsher Nakka	File not submitted
133	Zakia Bibi	Qalandarabad	GGCMS Dherian	GGCMS DHIRIAN
134	Noreen	Qalandarabad	GGPS Akhora	GGPS AKHORA
135	Bushra Khatoon	Qalandarabad	GGPS B/ Pinu Khail	GGPS BANDA PINU KHAIL
136	Anita Haider	Qalandarabad	GGCMS Dherian	DHIRIATI
137	Naila Wajib	Qalandarabad	GGPS Tarnawai	GGPS TARNWAI
138	Jameela Rabani	Qalandarabad	GGPS Ranjhan	GGPS RANJHAN
139	Shabana Bibi	Qalandarabad	CMS Chabrian	not qualified
140	Bushra Khatoon	Qalandarabad	GGPS Sajikote	GGPS SAJIKOTE
141	Perveen Akhter	Sherwan	GGPS Sherwan Kalan	GGPS SHERWAN KALAN
142	Naheda Begum	Sherwan	GGPS Fakia Hall	GGPS FAKIA HALL
143	Bilal Badar	Sherwan	GGPS Sharwan Khurd	GGPS SHIRWAN KHURD
144	Zahida Perveen	Sherwan	GGPS Kangrota	GGPS KANGROTA
145	Shabreen Bahar	Sherwan	GGPS Jarral	GGPS JARRAL
146	Farzana	Sherwan	GGPS Pawa	GGPS PAWA
147	Ayesha Bibi	Sherwan	GGPS Dacha Khurd	GGPS DACHELA
148	Jameela Akhter ✓	Sherwan	GGPS Kuthiala ✓	GGPS KUTHIALA ✓
149	Salma Khatoon	Sherwan	GGPS Kakote	GGPS KAKOTE
150	Naheda Akhter	Sherwan	GGPS Thora Kalan	GGPS THORA KALAN
151	Saeeda Bibi	Sherwan	GGPS Baniya Pappoo	GGPS BANIA PAPPOO
152	Farzana Bibi	Sherwan	GGPS Bari	GGPS BARI
153	Rabia Usafi	Sherwan	GGPS Talhar	GGPS TALHAR
154	Shafiqat Ara Begum	Sherwan	GGPS Kuthiala	GGPS KUTHIALA
155	Saeeda Sharafzal	Sherwan	GGPS Ganda	GGPS GANDA
156	Rubina Akhter	Sherwan	GGPS Jarral	GGPS JARRAL
157	Asia Bibi	Sherwan	GGPS T.A. Khan	GGPS T.A. KHAN
158	Nabeela	Sherwan	GGPS Pawa	GGPS PAWA
159	Farzana Kausar	Sherwan	GGPS Bani Phullan	GGPS BANIA PHULLAN
160	Zubida Khatoon	Sherwan	GGPS Bani Phullan	GGPS BANIA PHULLAN
161	Wajida Bashir	Sherwan	GGPS Kummarian	GGPS KUMMARIAN

Terms and Conditions

1. Necessary Entry to this effect should be made in their S/Books
2. An undertaking for the recovery of Over payment in the result of incorrect/undue promotion etc may be made in their S/Book
3. They will be governed by such rules and regulations as may be issued from time to time by the Government
4. They will give an undertaking to be recorded in their S/Books to the effect that if any over payments made to them in the light of this order will be recovered and if they are wrongly promoted they will be reverted

Indst No. 1084-88 / Dated At/abad, the 23/5/2017.

- Copy to:-
1. The Director of S & SE, K.A., Peshawar.
 2. The DAO, Abbottabad.
 3. The SDO (T) At/abad & Favelian.
 3. All circles.

DISTRICT EDUCATIONAL OFFICER (T)
PESHAWAR

Attached

Annex-B

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(10) Details of service record.

(a) Synopsis of ACR.

Year	Overall assessment	Assessment made in the ACR about		
		Quantity and output of work	Integrity	Fitness for promotion
		(a)	(b)	(c)
1		2		3

(b) Pen picture recorded in the ACRs during last five years.

(c) Particulars of penalties imposed under the Govt. Servants (Efficiency & Discipline) Rules, 1973:-

Name of Penalty _____ Ground's of Penalty _____ No. and date of Penalty imposing order _____

(Authority; letter No.SOR-I(S&GAD)4-13/87, Dated 30.11.2000)

CHAPTER - II

Statutory provision regarding Appointment.

Section 5 of Civil Servants Act, 1973 - Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorised by the Governor in that behalf.

Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989

No. SOR-I (S&GAD) 4-1/80, dated 31st January, 1989.---In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973) the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

PART-I
GENERAL

1. Short title and commencement.—(1) These rules may be called the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

ESTA CODE (Establishment Code Khyber Pakhtunkhwa) 17

(2) They shall come into force at once. P-80

2. Definitions:—(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorised under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government; in which a post or a group of posts is placed;

(c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

[(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government which do not fall within the purview of the Provincial Selection Board.]

[(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission".

Provided that more than one such Committee may be constituted for civil servants holding different scales of pay.]

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission].

(f) "post" means a post sanctioned in connection with the affairs of the Province; but not allocated to all Pakistan Unified Grades; and

[(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.]

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil

1. Substituted vide Notification No. SOR-I(S&GAD)4-1/80(Vol. II), dated 14-01-1992.
2. Clause(dd) added by Notification No. SOR-III(S&GAD)2-7/86, dated 08-12-1994.
3. Substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 08-12-1994.
4. Clause "(g)" substituted by Notification No. SOR-I(S&GAD)4-1/80/Vol.II dated 14-01-

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Service Rules Act, 1973 (N.W.F.P Act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment.**---(1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Services and General Administration Department and the Finance Department.

4. **Appointing Authority.**---The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No	Posts	Appointing Authority
1.	(a) Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services: (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and (iii) Provincial Civil Secretariat Service.	Chief Minister.
	[(b) Posts in Basic Pay Scale 17, other than those covered by (a) above and the post of Deputy Superintendent of Police; and]	Chief Secretary.
	[(c) Posts of Deputy Superintendent of Police	Provincial Police Officer / Inspector-General of Police]
2.	Posts in Basic Pay Scale 16	(a) In the case of Secretariat of the Government of

1. Substituted by Notification No.SOSRI(S&GAD)4-1/75(Vol.I) dated 22-08-1991.
 2. Substituted for "Posts in Basic Pay Scale 17 other than those covered by (a) above" by Notification No. SOR-III(E&GAD)2(144)03, dated 22-09-2003.[PLD 2004. NWPF St. 61]
 3. Added by SOR-III(E&GAD)2(144)03, dated 22-09-2003.[PLD 2004. NWPF St. 61]

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S.No	Posts	Appointing Authority
		Khyber Pakhtunkhwa, the Chief Secretary.

(b) In case of High Court, the Chief Justice, and

(c) In the case of Attached Department

(i) the Head of Attached Department concerned; and

(ii) In any other case the Secretary of the Department concerned.

3. Posts in Basic Pay Scales 3 to 15.

(a) In the case of Civil Servants borne on Ministerial establishment of Civil Courts subordinate to High Court, the officer authorised as such by the Chief Justice; and

(b) In other cases--
(i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or

(ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/Office as the case may be.

4. Posts in Basic Pay Scale 1 and 2

Deputy Secretary incharge of Administration or office, as the case may be

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[Signature]

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5. [Departmental Promotion and Selection Committee/Board].-- (1) In each Department or office of Government there shall be a or more Departmental Promotion Committee and Departmental Selection Committee [or, as the case may be, Departmental Selection Board], the composition of which shall be determined by the Services and General Administration Department or the Department in consultation with the Services and General Administration Department.

(2) Each such Committee [or the Board, as the case may be], shall consist of at least three members, one of whom shall be appointed as Chairman.

6. Procedure when recommendation is not accepted.--When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain orders of the next higher authority.]

PART-II APPOINTMENT BY PROMOTION OR TRANSFER

7. Appointment by Promotion or Transfer.--(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee.]

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exists.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18, unless the officer concerned has completed such minimum length of service as may be specified from time to time, or, in case of posts in Basic pay Scale 19 to 21, the officer, besides having the minimum length of service for the time being required for promotion, has also attended such training and passed such departmental examination as may be prescribed from time to time.]

1. The Heading substituted by Notification No. SORI(S&GAD)2-7/86, dated 08-12-1994.
2. Inserted by Notification No. SORI(S&GAD)2-7/86, dated 08-12-1994.
3. The words inserted by Notification No. SORIII(S&GAD)2-7/86, dated 08-12-1994.
4. Rule 6 substituted by Notification No. SORIII(S&GAD)2-7/86, dated 08-12-1994.
5. Sub-rule(1) of rule 7 substituted by Notif. No. SORI(S&GAD)4-1/80(Vol.II), dated 14-01-1992.
6. Sub-rule 4 of Rule 7 substituted by Notif. No. SOR-I(S&GAD)4-1/80 (Vol-III) dated 30-12-1999.

(5) If on an order of promotion or before promotion any civil servant declines in writing, to accept promotion, such civil servant shall not be considered for such promotion for the next four years following the order;

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion.]

8. Inter-Provincial Transfer.--(1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:--

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;
- (iv) the person concerned is a bonafide resident of the Khyber Pakhtunkhwa;
- (v) a vacancy exists to accommodate the request of such a transfer; and
- (vi) provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength, which he joins for the purposes of determining his seniority vis-a-viz other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request of transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. Appointment on Acting Charge or current Charge Basis.-- (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for

1. Sub-rule (1) of Rule 9 added by Notif. No. SOR-VI(E&AD)1-3/2009/Vol-VIII dated 22-10-2011

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motion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis¹;

Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²(three years).]

¹[(2)]

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by Initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic pay scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organisation, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

**PART-III
INITIAL APPOINTMENT**

10. Appointment by Initial Recruitment.—(1) Initial appointment to posts¹ [in various pay scales] shall be made—

(a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or

(b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

1. Full stop at the end of rule 9(1) replaced by colon and proviso added by Notification No. SOR(S&GAD)4-1/80(V.III), dated 20-10-1993.
2. Subs. for the words "one year" by Notification No. SORI(S&GAD)4-1/80(Vol.III), dated 14-03-1996.
3. Deleted by Notif. No. SOR-VI(E&AD)1-3/2009/Vol-VIII dated 22-10-2011. At the time of deletion the said sub-rule (2) of Rule 9 was as under:
(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.
4. The words "in Basic Pay scale 16 to 21" substituted by Notif. No. SORI(S&GAD)1-117/91(C), dated 12-10-1993.

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¹[(2) Initial recruitment to posts which does not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers;]

²[Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister's House Peshawar, Frontier House Islamabad, Frontier Rest House Bannu, Swat and Abbottabad, Frontier House Nathlagali and Shahi-Mehman Khana, Peshawar and any other House to be established by the Government.³]

³[.....]

⁴[Provided further that the appointment in Basic Pay Scale- 1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, or, where in a district the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers].

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that—

⁵(i) where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being enforce, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;]

(ii) in other cases as on the last date fixed for submission of applications for appointment.

⁷4. Where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board, notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant or if the child has not attained the age prescribed for appointment in Government service, the widow or wife as the case may be, of such civil servant, to a posts in any of the basic pay scales 3 to 11 in Provincial cadre post and basic pay scales 3 to 12 in District cadre posts.

1. Sub-rule (2) of rule 10 substituted by Notif. No. SORI(S&GAD)1-117/91(C), dated 12-10-1993.
2. Proviso added by Notification No. SOR-VI(E&AD)1-3/2003 (Vol.V), dated 03-07-2003.
3. The colon appearing at the end replaced by 'full stop' by Notification No. SOR-VI(E&AD)1-3/2008, dated 09-05-2008.
4. The second proviso deleted by Notif. No. SOR-VI(E&AD)1-3/2008, dated 09-05-2008.
5. Again added by Notification No. SOR-VI(E&AD)1-3/2008, dated 03-11-2008.
6. Clause (i) of sub-rule(3) of rule 10 subs. by Notification No. SORI(S&GAD)4-1/80, dated 7.5.1980.
7. Substituted by Notification No. SO(R-VI)E&AD/1-3/2015, dated April 19, 2016.

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Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

[Khyber Pakhtunkhwa Government Gazette, Extraordinary, Page No. 162-173,
16th September, 2011]

Notification No. SO(REG-VI)E&AD/2-6/2010 dated 16-09-2011.

In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. **Short title, application and commencement.**—(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

(a) "accused" means a person in Government service against whom action is initiated under these rules;

(b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;

(c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;

(d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;

(e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;

(f) "competent authority" means—

(i) the respective appointing authority;

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(ii) in relation to a Government servant of a tribunal or court functioning under Government, the appointing authority or the Chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of the competent authority under these rules.

Provided that where two or more Government servants are to be proceeded against jointly, the competent authority in relation to the accused Government servant senior most shall be the competent authority in respect of all the accused¹.

Provided further that where Chief Minister is the Appointing Authority, the Chief Secretary shall be the competent authority for the purpose of these rules except rules 14 & 15.]

(g) "corruption" means—

(i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or

(ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or

(iii) entering into [voluntary return or] plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or

(iv) possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or

(v) maintaining a standard of living beyond known sources of income; or

(vi) having a reputation of being corrupt;

(h) "Governor" means the Governor of the Khyber Pakhtunkhwa;

1 For the full-stop at the end of first proviso a colon was replaced and second proviso added by Notif. No. SO (Policies) E&AD/1-41/2017 dated 07.12.2017
2 Inserted by Notif. No. SO (Policies) E & AD/2-6/2017 dated 07.12.2017

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- (j) "inefficiency" means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;
- (j) "inquiry committee" means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;
- (k) "inquiry officer" means an officer appointed by the competent authority under these rules;
- (l) "misconduct" includes-
- (i) conduct prejudicial to good order or service discipline; or
 - (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
 - (iii) conduct unbecoming of Government servant and a gentleman; or
 - (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or
 - (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister, or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
 - (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
 - (vii) conviction for a moral offence by a court of law¹; or
 - (viii) Avoiding submission of Annual Confidential Report / Performance Evaluation Report by a Government Servant, or withholding such report by the Reporting Officer or the countersigning Officer as the case may be, within the required period as provided in the instructions issued by the Government under the Khyber

1. For the full stop appearing at the end replaced by a semicolon and the word "or" and thereafter new clause added by Notification No. SO(REG-VI) E&AD/2-6/2010 DATED 26-05-2014

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Pakhtunkhwa Civil Servants Act, 1973, from time to time.]

(2) ~~Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of 1973) or any other statutory order or rules of Government for the time being in force.~~

3. **Grounds for proceedings.**—A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or
- (f) entered into [voluntary return or] plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

4. **Penalties.**—(1) The following are the minor and the major penalties, namely:

- (a) Minor penalties:
- (i) censure;
 - (ii) withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;
- Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:
- (iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

1. Inserted by Notif. No. SO (Policies) E & AD/2-6/2017, dated 07.12.2017

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Government Servants (Efficiency and Discipline) Rules, 2011

(b) Major penalties:

(i) reduction to a lower post or pay scale or to a lower stage in a time scale for a maximum period of five years:

Provided that on restoration to original pay scale or post, the penalized Government servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty.]

(ii) compulsory retirement;

(iii) removal from service; and

(iv) dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

5. Initiation of proceedings.—(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:

(a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry;

Provided that no opportunity of showing cause or personal hearing shall be given where-

(i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or

(ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or

(iii) a Government servant is involved in subversive activities; or

1 Subs. by Notification NO. SO(REG-VI)E&GAD/2-6/2010, dated 18-07-2012 for the following.

(i) reduction to a lower post or pay scale or to a lower stage in a time scale.

Government Servants (Efficiency and Discipline) Rules, 2011

(iv) it is not reasonably practicable to give such an opportunity to the accused; or

(b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

(i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or

(ii) a Government servant is or has been absent from duty without prior approval of leave;

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

6. Suspension.—A Government servant against whom action is proposed to be initiated under rule 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the Government servant shall be deemed to be reinstated:

Provided that the competent authority may, in appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him, from such date as may be specified by the competent authority.

7. Procedure where inquiry is dispensed with.—If the competent authority decides that it is not necessary to hold an inquiry against the accused under rule 5, it shall-

(a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him;

(b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period, as the competent authority may determine;

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Government Servants (Efficiency and Discipline) Rules, 2011

- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period;

- (d) afford an opportunity of personal hearing before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him;
- (e) exonerate the accused by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- (f) impose any one or more penalties mentioned in rule 4, by an order in writing, if the charge or charges are proved against the accused;

Provided that where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the recovery, if any.

8. **Action in case of conviction or plea bargain under any law.**—Where a Government servant is convicted by a court of law on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices, or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude under any law for the time being in force, the competent authority, after examining facts of the case, shall:

- (a) dismiss the Government servant where he has been convicted on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily;

Provided that dismissal in these cases shall be with [] effect from the date of conviction by a court of law; and

1. The word "immediate" deleted by Notification NO. SO(REG-VI) E&GAO/2-6/2010 dated 18-07-2012.

Government Servants (Efficiency and Discipline) Rules, 2011

- (b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

9. **Procedure in case of wilful absence.**—Notwithstanding anything to the contrary contained in these rules, in case of wilful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an *ex-parte* decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant.

10. **Procedure to be followed by competent authority where inquiry is necessary.**—(1) If the competent authority decides that it is necessary to hold an inquiry against the accused under rule 5, it shall pass an order of inquiry in writing, which shall include:

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fifteen days of the date of receipt of orders.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

(3) In a case where preliminary or fact finding inquiry was conducted, and the competent authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary enquiry.

11. **Procedure to be followed by inquiry officer or inquiry committee.**—(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry

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Government Servants (Efficiency and Discipline) Rules, 2011

committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex-parte.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day and no adjournment shall be given except for reasons to be recorded in writing, in which case it shall not be of more than seven days.

(4) Statements of witnesses and departmental representative(s), if possible, will be recorded in the presence of accused and vice versa.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

(7) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, to the competent authority within thirty days of the initiation of inquiry.

Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.

12. Powers of the inquiry officer or inquiry committee.—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

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Government Servants (Efficiency and Discipline) Rules, 2011

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

13. Duties of the departmental representative.—The departmental representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and
- (c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

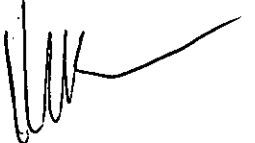
14. Order to be passed on receipt of report from the inquiry officer or inquiry committee.—(1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the competent authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall—

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fifteen days from the day the charge or charges have been communicated to him: provided that the accused shall, in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;
- (c) provide a copy of the inquiry report to the accused; and

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(d) direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(5) After affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defense offered by the accused during personal hearing, by an order in writing-

- (i) exonerate the accused if charges had not been proved; or
- (ii) impose any one or more of the penalties specified in rule 4 if charges have been proved.

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee [subject to sub-rule (7) of rule 11].

(7) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the competent authority shall decide the case within a period of fifteen days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of fifteen days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

15. Personal hearing.—The competent authority may, by an order in writing, call the accused and the departmental representative, alongwith relevant record of the case, to appear before him, for personal hearing on the fixed date and time.

16. Procedure of inquiry against Government servant lent to other governments or organizations etc.—(1) Where the services of Government servant to whom these rules apply are transferred or lent to any other government department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such Government servant is posted in the borrowing organization may-

- (a) suspend him under rule 6; and
- (b) initiate proceedings against him/her under these rules:

1. Added by Notification NO. SO(REG-VI) E&GAD/2-6/2010 dated 18-07-2012.

Provided that the borrowing organization shall forthwith inform the authority which has lent his services, (hereinafter referred to as the lending organization) of the circumstances leading to the order of his suspension or the initiation of the proceedings, as the case may be:

Provided further that the borrowing organization shall obtain prior approval of the competent authority in the lending organization before taking any action under these rules against a Government servant holding a post in basic pay scale 17 or above.

(2) If, in the light of findings of the proceedings taken against the accused in terms of sub rule (1), the borrowing organization is of the opinion that a penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under rule 14.

(3) Notwithstanding anything to the contrary contained in sub-rules (1) and (2), the Chief Minister may, in respect of certain Government servant or class of Government servants to whom these rules apply, authorize any officer or authority in the borrowing organization to exercise all the powers of the competent authority under these rules.

17. Departmental appeal and review.—(1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-rule (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders or reduce the penalty.

(3) An appeal or review petition preferred under these rules shall be made in the form of a petition in writing, and shall set forth concisely the grounds of objection in impugned order in a proper and temperate language.

18. Appearance of counsel.—No party to any proceedings under these rules at any stage of the proceedings, except proceedings under rule 19, shall be represented by an advocate.

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19. **Appeal before Khyber Pakhtunkhwa Province Service Tribunal.**—(1) Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Khyber Pakhtunkhwa Province Service Tribunal established under the Khyber Pakhtunkhwa Province Service Tribunals Act, 1974 (Khyber Pakhtunkhwa Act No. 1 of 1974).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within period of sixty days of filing thereof, the affected Government servant may file an appeal in the Khyber Pakhtunkhwa Province Service Tribunal within a period of [ninety] days of the expiry of the aforesaid period, whereafter, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

20. **Exception.**—Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively strike work, wilfully absent themselves from duty or abandon their official work, the competent authority in respect of senior most accused may serve upon them through newspapers or any other mean, such notice as may be deemed appropriate to resume duty and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the major penalties prescribed in these rules.

21. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under these rules or the instructions or directions made or issued thereunder.

[22.]

23. **Repeal.**—(1) The Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 1973 are hereby repealed.

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under these rules.

(3) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any employee under the said repealed rules or under the Khyber Pakhtunkhwa Civil

1. Subs. for the word "thirty" by Notification NO. SO(REG-VI) E&GAD/2-6/2010 dated 18-07-2012.

2. Rule 22 deleted by Notification NO. SO(REG-VI) E&GAD/2-6/2010 dated 18-07-2012. At the time of deletion the said rule 22 was as under:

22. **Jurisdiction barred.**—Save as provided under these rules, no order made or proceedings taken under these rules shall be called in question in any court and no injunction shall be granted by any court in respect of any decision so made or proceedings taken in pursuance of any power conferred by, or under these rules.

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Servants Act, 1973 and rules made thereunder, or any other law and rules shall continue under that law and rules, in the manner provided thereunder.

Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981

[Gazette of Khyber Pakhtunkhwa, Part I, Page No. 151-160, 23rd December, 1981]

No. FD: SO (SR-IV) 5-54 / 80 (Vol:12) dated 17-12-1981.—In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973) and in supersession of this Department's Notification No. FD.SO(SR-IV) 1-17/78, dated the 20th November, 1979, the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules namely:—

1. **Short title, commencement and application.**—(1) These rules may be called the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981.

(2) They shall come into force at once.

(3) They shall apply to all Civil Servants under the rule making authority of the Governor except those who opted not to be governed by the Khyber Pakhtunkhwa Civil Servants Leave Rules, 1979.

2. **Admissibility of Leave of Civil Servant.**—Leave shall be applied for, expressed and sanctioned in terms of days and shall be admissible to a civil servant at the following rate and scale:—

(i) A civil servant shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar month of the period of duty rendered and credited to the leave account as "leave on full pay" duty period of 15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month, for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.

(ii) The provisions of clause (i) will not apply to vacation departments. A civil servant of a vacation department may earn leave on full pay as under:—

(a) When he avails himself of vacation in a calendar year. At the rate of one day of every calendar month of duty rendered;

(b) When during any year he As for a civil servant in

Attested
[Signature]

THE ¹KHYBER PAKHTUNKHWA CIVIL SERVANTS
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989

PART-I

GENERAL

1. Short title and commencement: - (1) These rules may be called the ²[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. Definitions:- (1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the ³[Khyber Pakhtunkhwa] Public Service Commission;

⁴(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

⁵(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and


¹ For the words "NWFP" or "North-West Frontier Province", wherever occurred, the words "Khyber Pakhtunkhwa" substituted by the Khyber Pakhtunkhwa Laws (Amendment) Act, 2011 (Khyber Pakhtunkhwa Act No. IV of 2011) published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 2nd April, 2011

² Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

⁵ Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

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¹⁶6. Procedure when recommendation is not accepted:- When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority.

PART-II

APPOINTMENT BY PROMOTION OR TRANSFER

7. Appointment by Promotion or Transfer. ¹⁷(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee".

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exist.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

¹⁸(5) If on an order of promotion or before promotion any civil servant declines in writing, to accept promotion, such civil servant shall not be considered for such promotion for the next four years following order.

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion.

8. Inter-Provincial Transfer:- (1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

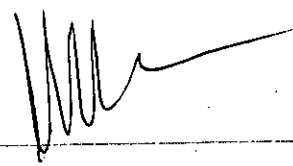
Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;

¹⁶ Rule-6 substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

¹⁷ Sub rule (1) substituted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 14-01-1992.

¹⁸ Sub rule (5) inserted by Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

Annex-C
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NOTIFICATION

Dated Peshawar the, 06/8/2020.

NSO/Policy/E&AD/1-3/2020
In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of 1973), the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

In rule 7, sub-rule (5) shall be deleted.

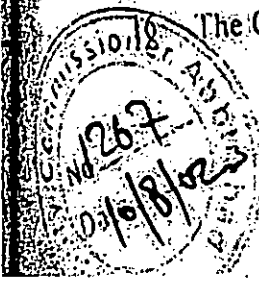
CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

ENDS: NO. & EVEN DATE:

Copy is forwarded to:-

1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration Department.
15. The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

DC
10/8/20



Attested
W

Wardah Latif
(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(Policy)E&AD/1-3/2020
Dated Peshawar the June 06, 2023

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Annex-D

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To: The Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,
I am directed to refer to your letter No. SO(Policy-M)/E&SED/2-2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

3. Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, please.

Yours faithfully,

(Issa Muhammad Khan)
Section Officer (Policy)

ASE
7/6

7/6

Encl. Of even No & date

Copy forwarded to the:-

1. PS to Special Secretary (Reg), Establishment Department.
2. PA to Additional Secretary (Reg-II), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

8/1/23

Section Officer (Policy)

Attested
[Signature]



OFFICE OF THE DISTRICT EDUCATION

OFFICER (FEMALE) ABBOTTABAD

PHN No. 0992-342533 FAX: 0992-342314

E-mail: deofemale_abbottabad@yahoo.com

Annex-F
P-32

NOTIFICATION:

Consequent upon the recommendation of the Departmental Promotion Committee dated 22-03-2023, the following female SPST's BPS-14 are promoted to the post of PSHT BPS-15 @ Rs. (23920-1980-83320) plus usual allowances as admissible on regular basis are hereby adjusted in the school noted against their names with immediate effect in the best public interest.

S.No	Sen #	Name	Father name	Present School	Remarks/ Place of Posting
1 ✓	5	SHAZIA NISAR	NISAR AHMED	GGPS M/Pura No 2	GGPS HABIB ABAD
2 ✓	7	NAGINA GHAFOOR	ABDUL GHAFOOR	GGPS No 3 M/Pura	GGPS KANGRORA
3 ✓	11	RUBINA BIBI	ABDUL AZIZ	GGPS Dhamtour	GGPS PHELWAN
4	12	SHAZIA KOUSAR	M.BASHIR ABASSI	GGPS Bandi Phulan	GGPS BAGH DARA
5 ✓	13	NASREEN BIBI	M.RAFIQUE	GGPS Thanda Choha	GGPS MAKRILA BOI
6	14	NAGINA BIBI	MUHAMMAD IAN	GGPS Paswal Mian	GGPS CHATTY MOHRI
7 ✓	16	SAEEDA	M.SABIR	GGPS Mahmuda	GGPS SIAL
8 ✓	17	BUSHRA PERVEEN	M.URFAN	GGPS Chooni Kari	GGPS TARKOT
9 ✓	18	NAZIA SADDIQUE	M.SIDDIQUE	GGPS Hav/ Village	GGPS NAGRI PAYEEN
10	19	TAHIRA SHAHEEN	ROSHAN DIN	GGPS Jhangra	GGPS PATHIAN
11	21	NADIA ANJAM	KHANI ZAMAN	GGPS M/Pura No 1	GGPS DARRA DALOLA
12	23 ✓	FARZANA BIBI	S.ALI AKHTER	GGPS(comp) Atd	GGPS PAMSER TAJWAL
13	26 ✓	MAJIDA PARVEEN	WALI SULTAN	GGCMS Barwal	GGPS CHINJA
14	28 ✓	ANSA SHAHEEN	M.NAZEER	GGPS N/Shehr No 2	GGPS HOTHLA
15	34 ✓	NAZIA MUSHTAQ	M.MUSHTAQ	GGPS AKHREELA	GGPS LAHOOR KAS
16	35	REHANA ZEB	SARDAR AURANGZEB	GGPS Sultan Pur	GGPS KASORIAN
17	39 ✓	ABIDA BATOOL	HAQ NAWAZ KHAN	GGPS Batala	GGPS MUNDRIAN
18	40 ✓	NAILA BIBI	RASHID AHMED	GGPS Comprehensive	GGPS NOSHERA TAJWAL
19	42	SHAMA MEHBOOB	MEHBOOB ELAHI	GGCMS Mirpur	GGPS BACHA SANI
20	43 ✓	JAVERIA ASHRAF	MUHAMMAD ASHRAF	GGPS B/ Jalal Khan	GGPS BAMOCHI
21	44	ABIDA BIBI	HUKAM DAD	GGPS Jhangi	GGPS UPPER TAJWAL
22	45 ✓	RUKSHANDA HAFEEZ	M HAFEEZ KHAN	GGPS Nawasher no 1	GGPS MOHRA BIROTE
23	48	SAJJIDA YASEEM	KHAWAJA MUHAMMAD	GGPS Hav/Stat	GGPS HIRLAN

Handwritten signature and initials.

24	49	RAHILA ZEB	SARDAR AURANGZEB	GGPS Sultan Pur	GGPS SUMBAL DARA
25	50	SADIA SITTAR	ABDUL SATTAR	GGPS Nawansher no 3	GGPS JARRAL
26	51	ABIDA NIAZ	M.NIAZ	GGPS Sangal	GGPS Sangal
27	53	BUSHRA KHATOON	MUHAMMAD NAWAZ	GGPS BANDA PINUKHAIL	GGPS KANGER PAEEN
28	60	SHAHIDA BIBI	M.ZAMAN	GGPS Garga	GGPS SURMA GALI
29	76	NIAZMEEN	NOOR AHMED	GGPS Pattan Khurd	GGPS DAWATTA
30	81	SHAMIM ABBASI	ALI ASGHAR	GGPS Bagla Patan	GGPS BANDI CHAMYALI
31	87	SOBIA BASHIR	MUHAMAD BASHIR	GGPS Hav/ Village	GGPS DANA NORAL
32	91	RUBINA SHAHEEN	AKBAR DIN	GGPS Solan	GGPS PALKOT
33	102	SHAISTA BIBI	M.SHARIF KHAN	GGPS Chatter Nath	GGPS KUTLI NAMLI MAIRA
34	108	SHAZIA BATOOL	RASOOL SHAH	GGPS Hari De Ban	GGPS TAKIA HALL
35	109	NOREEN BIBI	FAROZ DIN	GGPS Akhora	GGPS BERRI
36	123	TAHIRA BANO	MATLOOB KHAN	GGPS Dhamtour	GGPS SANGRARI
37	124	ZAHANAT BIBI	ALLAH DAD	GGPS khola Kehal	GGPS TALKANDI
38	125	RIZWANA JABEEN	KALA KHAN	GGPS Malik Pura No.3	GGPS KANTHIALI
39	126	SHAHIDA	WALI MUHAMMAD KHAN	GGPS Tundi Dheri	GGPS DARWAZA
40	127	NAZISH BIBI	NAJEEB UR REHMAN	GGPS TAROR	GGPS DHARRA
41	128	FOZIA AYUB	MUHAMMAD AYUB	GGPS Malikpura No.2	GGPS GARANG NO.1
42	129	YASMEEN GUL	FAZAL UR REHMAN	GGPS Hav/ Village	GGPS MAJUHAN
43	130	SHAMSHAD NAZEER	M.NAZEER	GGPS Upper Kehal	GGPS NAKKA BOI
44	131	ABIDA PARVEEN	MUHAMMAD DAUD	GGPS Kutli Bagh	GGPS KUTLI BAGH
45	132	SOMIA BIBI	ZARDAD KHAN	GGPS Lunday	GGPS LASSAN
46	133	SUMAIRA SALEEM	M. SALEEM	GGPS Sheik ul Bandi no.1	GGPS BANDI MATRACH
47	134	SUMAIRA BIBI	RAZA MUHAMMAD	GGPS Banda Saib khan	GGPS KANGAR HOTTER
48	135	GHAZALA BIBI	MOHD SIDDIQUE	GGPS Sarbana	GGPS PAGAR KHAN KALAN
49	137	SAIMA BIBI	SHAMRAIZ	GGPS Thanda Pani	GGPS MAIRA MASSAH
50	138	FOZIA BIBI	M.AMAN	GGPS SERI BAGNOTAR	GGPS NAMLI MAIRA HILL
51	139	RIFFAT HAMEED	ABDUL HAMEED	GGPS KHURI BANDA	GGPS JASWARA
52	140	FOQIA JAVED	JAVED KHAN	GGPS M.B.Behan	GGPS GHORA
53	141	HUMAIRA MASOOD	MASOOD AKHTER	GGPS Pangran	GGPS PIRKOT
54	142	IRAM SHAHZADI	MUHAMMADD ANWAR	GGPS Deesal	GGPS DANNA ALI ABAD
55	143	SHAMIM ABBASI	KHANI ZAMAN ABBASI	GGPS TARLA KHAITER	GGPS BARWALLA

Alleged
W/W

P-34

121	209	KHADIJA HAKAMDAD	HUKAM DAD	GGPS KERI REKI	GGPS MAKOL DANA
122	210	SHABANA YOUSIF	M. YOUSIF	GGPS Dhunlan	GGPS DHUNIAN
123	211	SHAHEEN AKHTAR	SHERZAMAN	GGPS Salkot	GGPS KHOKHIALA
124	212	SADIA BIBI	M. SAEED	GGPS AKHREELA	GGPS KHOI SAMBLI
125	213	NAIMA TAHIR	M. TAHIR	GGPS Manu-De-Ban	GGPS HAZEERA
126	214	BIBI SAJJIDA	MUHAMMAD ADDRESS	GGPS City Aid	GGPS LOWER TAJWAI
127	215	ZAHIDA BIBI	MUHAMMAD SARWAR	GGPS Chankot	GGPS CHANKOT
128	216	NAILA BIBI	MUHAMMAD MUBIN	GGPS LOWER MALKOTE	GGPS HILL BIROTE
129	217	SHAMI NAZ	MUHAMMAD AZEEM	GGPS PRAN GOOT	GGPS PRAN GOOT

TERMS AND CONDITIONS.

1. They would be on probation for a period of one year.
2. They will be governed by such rules & regulations as may be issued from time to time by the Government.
3. Their service can be terminated at any time, in case their performance is found unsatisfactory during probation period. In case of misconduct she shall be proceeded under the rules framed time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter- se seniority on lower post will remain intact.
6. No TA/DA is allowed for joining their duty.
7. They will give an undertaking to be recorded in their service book to the effect that if any over payment is made to them in light this order will be recovered and if she is wrongly promoted she will be reversed.
8. They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, their promotion will expire automatically and no subsequent appeal will be entertained.
9. To all concerned for strict compliance of letter No. SO(Policy)E&AD/1-3/2020 dated June 6, 2023, that it is obligatory upon every Civil Servant to accept promotion in every condition in the one who do not comply with promotion order shall be proceeded under Khyber Pakhtunkhwa Civil Servant efficiency and discipline rule 2011.
10. Before handing over charge their documents may be checked if they have not required the relevant qualification as per rules they may not handed over the charge of posts.

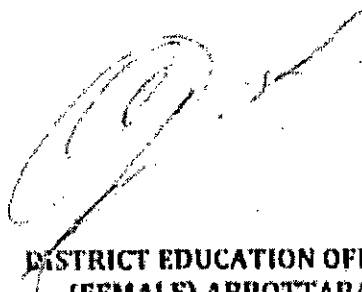
**DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD**

Endst: No. 7717-25 /Promotion SPSTs to PSHTs

Dated: 29/08/2023

Copy for Information to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer, IMU Abbottabad.
3. District Accounts Officer Abbottabad.
4. All SDEOs (Abbottabad, Havelian, Lower Tanawal & Lora).
5. Budget & Accounts Officer Local Office.
6. Concerned Head teachers.
7. Teachers Concerned.
8. Office File.


**DISTRICT EDUCATION OFFICER
(FEMALE) ABBOTTABAD**

*Attested
JMC*

سٹیٹس آرڈر کی کاپی پیش کرو۔

Amir Khan

ڈسٹرکٹ ایجوکیشن آفیسر صاحب (وزارتہ) ادارہ ایس ایف ایم
پوسٹاٹک! - ڈسٹرکٹ ایجوکیشن آفیسر صاحب (وزارتہ) ادارہ ایس ایف ایم

P-35

عنوان: درخواست بر خلاف بیرونی آڈیٹ شدہ 29 اگست 2023ء

پوسٹنگ حرمہ 8 جون 2023ء جو کہ غیر قانونی ہے اور قابل مستوفی ہے

صاحب عالی!

مذکورہ گزارش ہے کہ من ایبلٹی کے ساتھ چھ ماہ تک سے فراغت

تصفیٰ سرانجام دے رہی ہوں اور ایبلٹی کو آ.سی.ایس سے

آ.سی.ایس میں بیرونی میڈیکل غیر قانونی جمع کر کے - 7717 : 29 اگست 2023ء
کو گروہ کیا ہے اور من ایبلٹی کے ساتھ چھ ماہ تک سے فراغت

میں ٹرانسفر کر دیا گیا ہے جو کہ ایبلٹی کے ٹکڑے سے صلیوں دور ہے اور وہاں

باضابطہ ریاستی کانسٹیبل کا پتہ ہے اور وہاں سے اپنی ڈیوٹی سرانجام دینا ممکن نہیں

اور یہ کہ من ایبلٹی کے قبل ازین باضابطہ طور پر ہر دفعہ بیرونی کو فریو
رہی ہوں اور اس کے باوجود ایبلٹی کے بیرونی کے تبدیل کرنا خلاف قانون ہے

اور اس طرح نوٹیفکیشن حرمہ 6 جون 2023ء غیر قانونی ہے اور قابل مستوفی ہے

یہاں ذکر ہے نوٹیفکیشن سہ ماہی سرورس ایگٹ 1973ء کی سیکشن 24 کے
مطابق

یہاں آئیے سے استدعا کی جاتی ہے کہ بیرونی نوٹیفکیشن کو مستوفی کیا جائے

No. 1048 RGL116713185 se.
Stamps affixed except in case of
RAD02976017 the
Post Office Guide or on which no
acknowledgement is due.

Received a registered
addressed to: [Signature]

Date: Stamp

*Write here "letter", "postcard", "packet" or
with the word "insured" before it when n
Initials of Receiving Officer

Insured for Rs. (in figures) (in words)

Weight Kilo
Insurance fee Rs. (in words)

Name and address of sender

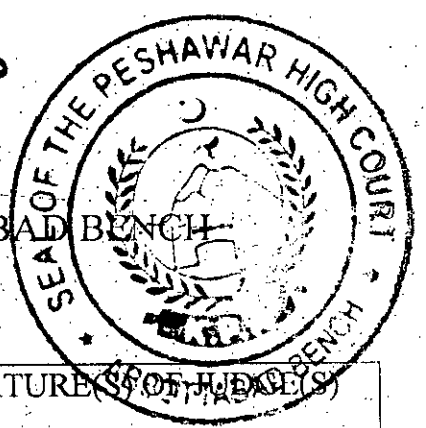
العارض

شمارہ 1048 / 5 P.S. / 4999

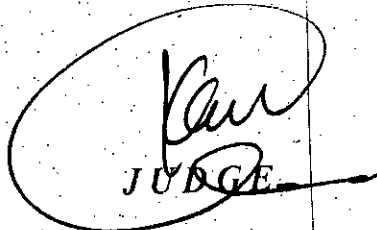

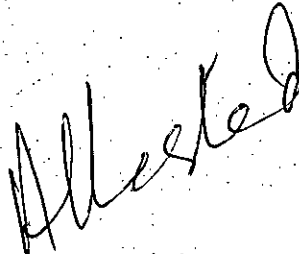
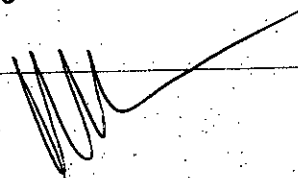
کاپی - 2 - ڈائریکٹ سیکرٹری، ک

کاپی - 2 - سیکرٹری ایجوکیشن، ک

Annex-9
P-36



PESHAWAR HIGH COURT, ABBOTTABAD BENCH
FORM 'A'
FORM OF ORDER SHEET

Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE(S) OF JUDGE(S)
1 14.09.2023	2 <u>WP No.1101-A/2023</u> Present:- Mr. Arshad Khan Tanoli, Advocate for petitioner. *** Requests that instant petition be clubbed alongwith WP No.973-A/2023 already pending before this court on the premise that the identical question is involved therein. Office is directed to club this writ petition alongwith WP No.973-A/2023 and fix them before the same bench of this court. Meanwhile, comments of respondent No.6 be called so as to reach this court within a fortnight. <u>Interim relief.</u> Notice. Till then no adverse action shall be taken against the petitioners.  JUDGE  JUDGE  

Certified to be True Copy
EXAMINER
15 SEP 2023
Peshawar High Court Atd Bench
Authorized Under Sec 75 Evid Ordns

(Jamil)

(DB)

Hon'ble Mr. Justice Kamran Hayat Miankhel,
Hon'ble Mr. Justice Muhammad Ijaz Khan.

20 ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

5. ¹[Departmental Promotion and Selection Committee/Board].-- (1) In each Department or office of Government there shall be one or more Departmental Promotion Committee and Departmental Selection Committee ²[or, as the case may be, Departmental Selection Board], the composition of which shall be determined by the Services and General Administration Department or the Department in consultation with the Services and General Administration Department.

(2) Each such Committee ³[or the Board, as the case may be], shall consist of at least three members, one of whom shall be appointed as Chairman.

⁴[6. Procedure when recommendation is not accepted.---When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain orders of the next higher authority.]

**PART-II
APPOINTMENT BY PROMOTION OR TRANSFER**

7. Appointment by Promotion or Transfer.---⁵(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee.]

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exists.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

⁶(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18, unless the officer concerned has completed such minimum length of service as may be specified from time to time, or, in case of posts in Basic pay Scale 19 to 21, the officer, besides having the minimum length of service for the time being required for promotion, has also attended such training and passed such departmental examination as may be prescribed from time to time.]

- The Heading substituted by Notification No. SORI(S&GAD)2-7/86, dated 08-12-1994.
- Inserted by Notification No. SORI(S&GAD)2-7/86, dated 08-12-1994.
- The words inserted by Notification No. SORIII(S&GAD)2-7/86, dated 08-12-1994.
- Rule 6 substituted by Notification No. SORIII(S&GAD)2-7/86, dated 08-12-1994.
- Sub-rule(1) of rule 7 substituted by Notif. No. SORI(S&GAD)4-1/80(Vol.II), dated 14-01-1992.
- Sub-rule 4 of Rule 7 substituted by Notif. No. SOR-I(S&GAD)4-1/80 (Vol-III) dated 30-12-1999.

ESTA CODE [Establishment Code Khyber Pakhtunk

¹[(5) If on an order of promotion or before promotion or declines in writing, to accept promotion, such civil servant shall not for such promotion for the next four years following the order:

Provided that if he declines to avail the benefit of promotion time, then he shall stand superseded permanently for such promotion.

8. Inter-Provincial Transfer.---(1) Persons holding in BPS 1 to 15 under Federal Government and other Provincial Government deserving cases, be transferred to equivalent posts under these rules:

Provided that:-

- (i) the Federal Government or the Government of concerned, as the case may be, has no object transfer;
- (ii) the person seeking transfer possesses the requisite and experience and the post to which his transfer is under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post Department on regular basis;
- (iv) the person concerned is a bonafide resident of Pakhtunkhwa;
- (v) a vacancy exists to accommodate the request of s and
- (vi) provided further that in most deserving cases, the shall be determined on case to case basis and the Competent Authority in that behalf shall be final, G allow transfer of a civil servant in BPS-16 and at the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom strength which he joins for the purposes of determining his seniority members borne on the cadre.

(3) It will be the sole discretion of the appointing authority or refuse a request of transfer under this rule and any decision made shall be final and shall not be quoted as precedence in any other case

9. Appointment on Acting Charge or current Cf
(1) Where the appointing authority considered it to be in the public post reserved under the rules for departmental promotion and the servant belonging to the cadre or service concerned, who is other

1. Sub-rule (5) of Rule 7 added by Notif. No. SOR-VI(E&AD)1-3/2009/A 22-10-2011

ANNEX-H

P-37

کورٹ فیس

وکالت نامہ

Service Tribunal Wk Peshawar

Shauka Bibi نام Govt Wk

Appellant

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آں مقام

Adv M. Arshad Khan Tanoli Asc

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا اختیار ہوگا اور وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بہر اد

استجارت نالاش بےینہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المقوم:

M. Ibrahim Khan

دقاس نوٹوٹیکٹ بھری (ایٹ آباد)

Accept

M. Arshad Khan Tanoli Asc