


FORM OF ORDER SHEET

Court of _____

Appeal No. 926/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/07/2024	<p>The appeal of Mr. Anwar Khan presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 09.07.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

Appeal - No 996 / 2024


Anwar Khan

V/S

Government of KP & others

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 926 /2024

Anwar Khan Son of Umar Khan Resident of Tehsil & District Mardan

Designation: Primary School Head Teacher at Maina Banda

.....Appellant

V E R S U S

- 1) Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar
- 2) Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Civil Secretariat, Peshawar
- 3) Director Elementary and Secondary Education Department

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

PRAYER:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

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:

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.
Copy of Monthly Salary account is annexed as Annexure A

2. That as per Khyber Pakhtunkhwa (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 forego their promotion and the next employee in seniority list is to be promoted.
3. That some employees specifically 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, and 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 Gazette notification and part and parcel of KP Civil Servant Appointment, Transfer and Promotion Rules 1989.
4. 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 06/08/2020, communicated to Respondent No.2 vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. The impugned 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".

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. Copy of Letter dated 23-08-2023 is attached as Annexure E

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed. Copy of Representation against the said notification is annexed as Annexure G & H
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are 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 along with 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.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification 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 or facing acute domestic issues cannot avail promotion with transfer in other areas, 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 forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

- 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 06/08/2020 communicated on 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 mention here that the appellant are 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 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees


It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.


AFFIDAVIT:

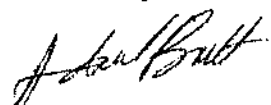
I Anwar Khan Son of Umar Khan Resident of Tehsil & District Mardan that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

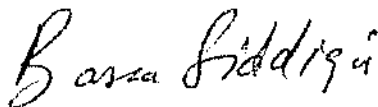

Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


Bassam Ahmad Siddiqui
Advocate High Court
LL.M- Human Rights

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024
In Ref to

Service Appeal No _____/2024

Anwar Khan.

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, VIDE LETTER DATED 06/06/2023 TILL THE FINAL DISPOSAL OF CASE IN HAND.

Respectfully Submitted:-

1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification bearing No. So (Policy) E&D/1-3/2020 Dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 is not suspended the appellant would suffer irreparable loss.
4. That valuable rights of the appellant is involved in the case.

In view of the reasons, it is humbly requested that the notification bearing No. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.

Anwar Khan.
Appellant

AFFIDAVIT:

I (appellant) do hereby solemnly stated on oath 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

Anwar Khan.
Deponent

Through

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

**Dist. Govt. KP-Provincial
District Accounts Office Mardan
Monthly Salary Statement (January-2024)**



Personal Information of Mr ANWAR KHAN d/w/s of UMAR KHAN

Personnel Number: 00132133 CNIC: 1610111193821 NTN: 0
Date of Birth: 16.04.1980 Entry into Govt. Service: 26.10.2004 Length of Service: 19 Years 03 Months 007 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80003432-DISTRICT GOVERNMENT KHYBE
DDO Code: MR6156-DY.DISTRICT EDUCATION OFFICER (M) M
Payroll Section: 003 GPF Section: 001 Cash Center: 5
GPF A/C No: 132133 GPF Interest applied GPF Balance: 424,531.00 (provisional)
Vendor Number: 30398328 - ANWAR KHAN SPST MR6156
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 14

Wage type		Amount	Wage type		Amount
0001	Basic Pay	51,640.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	1551	Spl Conveyance to Disable	6,000.00
2148	15% Adhoc Relief All-2013	550.00	2199	Adhoc Relief Allow @10%	373.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	4,558.00
2347	Adhoc Rel Al 15% 22(PS17)	4,558.00	2378	Adhoc Relief All 2023 35%	17,381.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-870.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6501	HBA Loan Principal Instal	250,000.00	-2,084.00	133,296.00
6505	GPF Loan Principal Instal	275,000.00	-8,500.00	139,000.00

Deductions - Income Tax

Payable: 13,757.98 Recovered till JAN-2024: 5,969.00 Exempted: 3439.33 Recoverable: 4,349.65

Gross Pay (Rs.): 96,204.00 Deductions: (Rs.): -17,679.00 Net Pay: (Rs.): 78,525.00

Payee Name: ANWAR KHAN
Account Number: 7900573903
Bank Details: HABIB BANK LIMITED, 221275 CANTT BRANCH, MARDAN. CANTT BRANCH, MARDAN., MARDAN

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: VILL AZIZ ABAD PO FATMAMARDAN
City: MARDAN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address:
City: Email: anwarkhanspst@gmail.com

System generated document in accordance with APPM 4.6.12.9(288598/24.01.2024/v3.0)
* All amounts are in Pak Rupees
* Errors & omissions excepted (SERVICES/02.02.2024/19:39:58)

Amwar Khan (PS-1) S. No =

(913)

Mama Bandia

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (Schools & Literacy) MARDAN.

POINTS IN ORDER:

Consequent upon the advertisement published in the Daily Mashriq Peshawar dated 07-02-2004 and resulted interview held on 25-02-2004 by the District recruitment/selection Committee. The District Coordination officer Mardan Being Competent Authority is pleased to join/approve the following PSTs (Male) on contract basis for three years only in BPS-07 (Rs 2220-3820 P.M) plus usual allowances as admissible to them under the rules against the vacant PST Post in the school noted against each with effect from the date of their taking over charge in the interest of public service subject to the following existence terms and conditions:-

UNION COUNCIL WISE.

S. No	P.I. No	Name	Father Name	Name of Union-Council	Grand Total	Address	Name of School where posted
UC Ato							
	337	Inayat Ullah Shah	Sarwar Shah	Ato	55.24	Ato	GPS Pipal Bagi Khel
	1246	Muhammad Amin	Muhammad Hafeem	Ato	54.55	Bar Cham Ato	GPS Pipal Bagi Khel
	1173	Fazir Rehman	Fazil Muzam	Ato	54.00	Ato	GPS Pipal
UC Babani							
	623	Zahid Hussain	Saida Khan	Babani	55.54	Khudai Noor Killi	GPS Babani
	627	Nisar Ahmad	Abdul Sattar	Babani	53.89	Charbanda	GPS Yahya Jadedd
	1350	Ishmael Ahmad	Redad Khan	Babani	53.82	Baricham Babani	GPS Khudai Noor Killi
	1238	Muhammad Ilyas	Mir Muhammad Khan	Babani	53.72	Dheri Killi Mardan	GPS Khudai Noor Killi
	1273	Akbar Khan	Hachai Khan	Babani	52.00	Shagai Babani	GPS Shankar (Babani)
	303	Nousher Khan	Rahman Jil Khap	Babani	51.96	Babani	GPS Babani
	1604	Amir Badshah	Gul Badshah	Babani	51.92	Babani	GPS Naseer Killi
	493	Dawesh Khan	Samaul Khan	Babani	51.28	Nabir Killi	GPS Naseer Killi
	131	Ayaz Khan	Mulhan Khan	Babani	51.08	Babani	GPS Naseer Killi
	455	Rashed Ahmad	Ali Rahman	Babani	50.76	Dheri Koroon	GPS Naseer Killi
	1829	Rosh Ullah	Rahim Dad Khan	Babani	50.14	Naseer Killi	GPS Shagai No. 1
	1070	Fazal Subhan	Noor Gul	Babani	49.88	Shankar	GPS Shankar Koroon
	2177	Fazil Qayum	Khan Baz	Babani	48.95	Naseer Killi	GPS Shagai No. 2
	1259	Ahmad Zeb	Akhtar Muhammad	Babani	48.23	Shankar	GPS Shendai
	622	Razi Khan	Anwar Khan	Babani	48.19	Khudai Noor Killi	GPS Shendai
	1225	Fateh Haq	Fazil Babu	Babani	48.05	Khudai Noor Killi	GPS Khudai Noor Killi
	624	Redad Muhammad	Anwar Khan	Babani	47.43	Khudai Noor Killi	GPS Mir Akbar Killi
	1228	Amir Ullah	Saeed Ullah	Babani	47.37	Saddar Killi	GPS Mir Akbar Killi

78	686	M. Najmat Aleem	Shahisucatura	Dagan	33.10	Dagan	GPS	Dagan
	1146	Anwar Ahmad	Gul Wali	Dagan	33.03	Raza Abad	GPS	Sera Korona
	969	Syed Muhammad	Syed Ishtiaq Din	Dagan	33.12	Khalid Khan KBE	GPS	Sera Korona
	174	M. M. Ahmad	Ranch Mohammad	Dagan	33.52	Duran Abad	GPS	Sera Korona
	1521	Ahmad	Mohammad	Dagan	33.67	Mohammad Mardan	GPS	Sera Korona

UC Daman-e-Koh

82	487	Shahab ud Din	Dost Amir	Daman-e-Koh	33.75	Sahid Colony	GPS	Mazdoor Abad
83	1036	Sayed Hakim	Rahim Zahe	Daman-e-Koh	33.19	M. M. Colony	GPS	Mazdoor Abad
84	2242	Javed Iqbal	Panda Khan	Daman-e-Koh	34.29	Panda Khan Kaji T. Uhan	GPS	Mazdoor Abad
85	265	Imtiaz	Khan Pir	Daman-e-Koh	34.14	Mazdoor Abad	GPS	Mazdoor Abad
86	264	Akbar Ali	Mir Akbar	Daman-e-Koh	33.89	Mazdoor Abad	GPS	Mazdoor Abad
87	227	Nisar Khan	Shamsh Khan	Daman-e-Koh	33.20	Ward No. 3 Tahni	GPS	Takhi Uhai No 3

UC Dheri Likpani

88	1032	Faizan Gul	Zamin Gul	Dheri Likpani	33.80	Chag Dheri	GPS	Munkara Banda
89	715	Mohammad Fahir	Sardar Khan	Dheri Likpani	33.53	Dheri	GPS	Munkara Banda

UC Fathma

90	1596	Nisar Ahmad	Fazli Chahoor	Fathma	35.88	Dafasa	GPS	Dafasa
91	1596	Mohammad Isneel	M. Abdul Khaliq	Fathma	35.53	Fathma Mardan	GPS	Dafasa
92	758	Mohammad	Mohammad	Fathma	34.28	Qazi Abad	GPS	Qazi Abad
93	1376	Anwar Khan	Umar Khan	Fathma	34.03	Dafasa	GPS	Munkara Banda
94	1999	Shankar Ali	Lal Badshah	Fathma	32.13	Jamra	GPS	Qazi Abad
95	1940	Hassan Khan	Amir Khan	Fathma	32.29	Dafasa Mardan	GPS	Qazi Abad
96	1981	Majid Khan	Zahir Gul	Fathma	30.80	Fathma Mardan	GPS	Qazi Abad
97	638	Fayyaz Ullah	Qazi Chahraquddin	Fathma	30.79	Qazi Abad	GPS	Qazi Abad
98	1597	Abdul Qayyum	Mustafa Kamal	Fathma	38.07	Fathma Mardan	GPS	Qazi Abad
99	1102	Mohammad Ibrahim	Hakim Khan	Fathma	38.61	Fathma	GPS	Fathma
100	1222	Mohammad Ibrahim	Muhammad Shah	Fathma	48.31	Mulyan Gaddar	GPS	Spin Jamal
101	1222	Mohammad Ibrahim	Muhammad	Fathma	48.11	Fathma	GPS	Spin Jamal
102	2326	Khaliduddin	Pasiruddin	Fathma	47.98	Qazi Abad	GPS	Spin Jamal
103	1625	Wakil Ahmad	Gohar Din	Fathma	47.87	Mulyan Fathma	GPS	Jamra
104	1221	Mohammad Husnain	Musnif Shah	Fathma	47.66	Mulyan Gaddar	GPS	Jamra
105	494	Ghaffar Ali	Nazeem Khan	Fathma	47.26	Fathma	GPS	Jamra
106	1631	Sher Muhammad	Zahid Din	Fathma	47.04	Jalhar Gaddar	GPS	Baba Abad

23

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Firdous Abad							
1624	Muhammad Latif	Ghulam Nabi	Pur			GPS	Arvi Mandi
480	Muhammad Rehman	Ahmed Rehman	Shamal Pur	48.24	Shamal Pur	GPS	Zor Mandi
1553	Wali Muhammad	Gul Muhammad	Shamal Pur	48.07	Jabba Mani Kheja	GPS	
UC Shamo Zai							
216	Noor-ul-Basir	Mirza Zar Khan	Shamo Zai	52.77	Chappal Abad	GPS	Pilagi
959	Muhammad Khan	Sher Ali Khan	Shamo Zai	52.08	Chappal Abad	GPS	Chappal Abad
904	Muhammad Fahid	Zameen Gul	Shamo Zai	51.13	Ghanda	GPS	Chappal Abad
901	Ukht-e-Zada	Gul Zada	Shamo Zai	50.93	Ghanda	GPS	Chappal Abad
203	Sabir Ali Shah	Shah Fur	Shamo Zai	50.75	Chappal Abad	GPS	Landi Shan
UC Sher Garh							
531	Tika Muhammad	Muhammad Akbar	Sher Garh	56.18	Mashah Kali	GPS	Haji Nadar Sher Kili
498	Hakeem Khan	Rauf Khan	Sher Garh	55.21	Sher Garh	GPS	Haji Nadar Sher Kili
1452	Asma Ullah	Abdul Hameed	Sher Garh	54.41	Faqir Abad	GPS	Haji Nadar Sher Kili
1417	Muhammad Zubair	Said Zar Khan	Sher Garh	52.10	Babara Sher Garh	GPS	Ahmad Gul Kili
585	Hidayat Ullah	Said Azim Khan	Sher Garh	51.67	Faqir Abad	GPS	Ahmad Gul Kili
1453	Aziz ur Rahman	Abdul Hameed	Sher Garh	51.46	Faqir Abad	GPS	Khan Muhammad Kili
2126	Habib Shah	Awaf Shah	Sher Garh	50.82	Sher Garh	GPS	Khan Muhammad Kili
UC Toru							
1614	Judith Ali	Muhammad Anwar	Toru	55.01	Toru	GPS	Kala Kheal
2191	Ashfaq Ahmad	Shamsul Qamar	Toru	55.16	Toru	GPS	Sultan Abad
230	Khan Zeb	Aurang Zeb	Toru	54.91	Omesh Kili	GPS	Shoukat Abad
1917	Akram Hussain	Muhammad Hussain	Toru	54.50	Nodah Toru Madan	GPS	Shamshad Abad
1498	Muhammad Younas	Khan Bahadar	Toru	53.64	Haji Abad Toru	GPS	Noden Toru
1652	Fazal Wahab	Abdul Razia	Toru	53.52	Khair Abad	GPS	Shoukat Abad

TERMS AND CONDITIONS:-

1. Their appointments are made purely on contract basis for three years and are liable to termination at any time without any notice or reason.
2. They will perform their duty at the same station during the whole three years contract service.
3. Their contract can be renewed after three years if their performance is found excellent as per required policy of the time.
4. They are required to produce health and age certificate from the concerned Medical Superintendent before taking over charge.
5. They are not allowed to take over charge if their age is less than 18 years and above 38 years.
6. They are required to sign contract agreement on judicial paper before taking over charge.
7. Their educational professional certificates/degrees should be verified from the concerned Board/University before draw of pay and pay should not be released till verification.
8. In case of bogus testimonials pointed out later on, F.I.R. will be registered against the candidate concerned.

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/8/2020

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

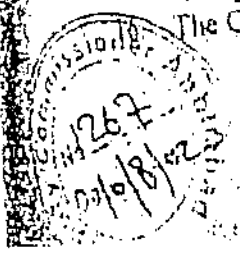
In rule 7, sub-rule (5) shall be deleted.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTE 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.
- The Deputy Director (IT), E&A Department.
All Section Officers in Establishment & Administration Department.
The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
The Caretaker, Administration Department.



ATTESTED

(Signature)
(WARJAH LATIF)
DEPUTY SECRETARY (POLICY)

(Signature)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 26 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII) 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-ruler (5) shall be deleted.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & 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 (Admin), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)/HR/AD/1-3/2020
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,
I am directed in refer to your letter No. SO(P/primary-M)/T&S/1102/2-
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)

ASSE
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.

SE/1/1/1

Section Officer (Policy)

B/C

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. 80 (Primary-M) /EE&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 (Appointments, 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 ibid rule is aimed to 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.

Section Officer
(Policy)

Department.

3- P8 to Deputy Secretary (Policy), Establishment

Department.

2- P8 to Additional Secretary (Reg-II), Establishment

Department.

1- P8 to Special Secretary (Reg), Establishment

Copy forwarded to the :-

Endst. of even no Ep date

(Issa Muhammad Khan)
Section Officer (Policy)

Yours faithfully,

- B/c -

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223587)

No.SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar lhc. June 26th, 2023

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar.

Aziz Ullah Khan
President
All Primary Teacher's Association, KP

[Handwritten Signature]
26/6/23

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

I am directed to refer to the subject noted above and to enclose here with
a letter of Establishment Department letter No. SO (Policy)E&AD/1-3/2020 dated
06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)
E&SE Department in his office.

2. You are, therefore, requested to depute a representative of your
respective Department to attend the meeting on a date, time & venue as mentioned
above, please.

Encl: AA

[Handwritten Signature]

[Handwritten Signature]
(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

1. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

[Handwritten Signature]

[Handwritten Signature]
SECTION OFFICER (PRIMARY MALE)
26/6/23

-18-

B/c

No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

To
The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

Aziz Ullah Khan President
President
All Primary Teacher's Association, KP

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. SO (Policy)E&AD/1-3/2020 dated 06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at 11:00 AM in this department under the Chairmanship of Additional Secretary (Estab) E&SE Department in his office.

2. You are, therefore, requested to depute a representative of your respective Department to attend the meeting on a date, time & venue as mentioned above, please.

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

1. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALE)

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).


A meeting regarding the subject matter was held on 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.

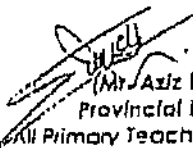
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

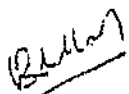
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


3. After threadbare discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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


(Mr. Fazal Wahid)
Deputy Director-I
E&SE Department


(Mr. Aziz Ullah)
Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


(Muhammad Ishaq)
Section Officer (Primary-Male)
E&SE Department

(Abdullah)
Additional Secretary (Establishment)
E&SE Department

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING OF DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

A meeting regarding the subject matter was held on 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting

S/#	NAME	DESIGNATION
1.	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2.	Mr. Aziz Ullah	Provincial President All Primary Teachers Association: Khyber Pakhtunkhwa
3.	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4.	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After threadbare discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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

(Mr. Fazal Wahid)
Deputy Director-1
E&SE Department

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

(Muhammad Ishaq)
Section Officer (Primary-Male)
E&SE Department

(Abdullah)
Additional Secretary (Establishment)



To

✓
The Section Officer (Primary-Male);
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa Peshawar.

Subject: - MINUTES OF THE MEETING
Dear Sir,

I am directed to refer to the letter No.SO(Primary-M)E&SED/5-1/
G.Misc/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and in
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing) deleted Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-02-2023.
 - (i) Now it is obligatory upon the civil servant to accept Promotion in every condition.
 - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPS-16 may be exempted of implications of the amendment in the rules ibid provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Estab M-F)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Encls: No. _____
Copy of the above is to:-

1. PA to Director Local Directorate.
2. Master Copy.

Assistant Director (Estab M-F)
Elementary & Secondary Education
Khyber Pakhtunkhwa

- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

Section Officer (Primary-Male)
Elementary & Secondary Education Department
KPK, Peshawar.

PESHAWAR
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir;

I am directed to refer to letter No. (SO Primary-M) EQSED/S-1/G.Misc/
Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to
present brief history, about background of case as under:-

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rules 1987) vide notification No. No. SOR-VI (EQAD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/demand the offer of promotion.
- That your good office forwarded the same to quonies concerned vide letter No. SO (Primary-M) EQSED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQAD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under ^{every} condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have affected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223587)

No. SO(Policy-M)E&SED/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment & Administration Department,
Peshawar

SUBJECT: - GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020-dated 09th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father or mother-in-law who need care. In such cases, there are negative effects on service delivery.

3. In view of the above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

1. Director E&SE Khyber Pakhtunkhwa.
2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALE)
23/8/23

Scanned with CamScanner

No. 5 (Primary-M) E&SE/P-8-2/
Appointment-Rule/2023
Peshawar Dated 23rd August, 2023.

To

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment and Administration Department,
Peshawar.

SUBJECT: Guidance regarding deletion of Rule 7(5) in the
Civil Servant (Appointment, Promotion & Transfer Rules,
1989).

Dear Sir,

I am directed to refer to your letter No. 50 (Primary)
/1-3/2020 dated 6th June 2023 and to state that after
deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment,
Promotion and Transfer Rules 1989) it has been intimated that
those officers/officials who do not comply with promotion order
of the competent authority or try to evade promotion through
different means shall be proceed under Khyber Pakhtunkhwa
Civil Servant (Efficiency and Discipline) Rule 2011.

In this connection it is submitted that in some cases body
teacher of primary level who avoid such promotion have to
face serious inconvenience while they have to perform duties
in the remotest stations with no residential/transports facilities.
Most of them are married with kids and elder father of
Mother-in-law who need care. In such cases there are negative
effects on service delivery.
In view of above, the said amendment may be reconsidered to
the extent of body teacher in primary schools.

Copy forwarded to;

- 1. Director E & SE Khyber Pakhtunkhwa.
- 2. PS to Secretary, E & SE Department Khyber Pakhtunkhwa.

(Muhammad Ishaq)
Section Officer (Primary
Matter)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)E&AD/1-3/2020
Dated Peshawar the September 07, 2023

To

The Secretary to 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(Primary-M)/E&SED/2-
2/Appointment-Rule/2023 dated 23.08.2023 on the subject noted above and to state that
necessary guidance has already been tendered to your good office vide this department letter of
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,


Section Officer (Policy)

Endst. 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.
- 

-25-

- B/C -

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)E&AD/1-3/2020
Dated Peshawar the September 07, 2023

To

The Secretary to 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(Primary-M)/E&SED/2- 2/Appointment-
Rule/2023 dated 23.08.2023 on the subject noted above and to state that necessary
guidance has already been tendered to your good office vide this department letter of even
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Endst. 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

Section nicer (Policy)

To,

Dated: 22-01-2024

- 1) Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar
- 2) Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Civil Secretariat, Peshawar
- 3) Director Elementary and Secondary Education Department

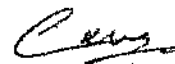
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1- 3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa-that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

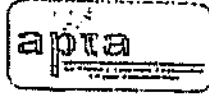
It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan.

Best Regards


Anwar Khan Son of Umar Khan
Resident of Tehsil & District
Mardan

Khyber Pakhtunkhwa

Aziz Ullah Khan
President
D 0333-0414648
azizullah1973@gmail.com
CF apinkpl



APTA House
Govt. Primary School No.1,
Gulshar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

بہاب: میگریٹریٹس ڈی ایجوکیشن خیبر پختونخوا
بہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
بہاب: مال

گزارش ہے کہ پرموشنز ہر ادارے میں ہوتے ہیں اور کہ سرکاری ملازم کی خواہش ہوتی ہے پرموشنز کا ایک قانون اور اگر تھا کہ جو ملازم ایک اگر کسی
مہر کی تحت ایک دفعہ پرموشنز نہ لیں تو وہ پھر آستہ چار سال تک پرموشنز نہیں لے سکتے تھے مطلب چار سال تک ہر اس کی پرموشنز نہیں ہو سکتی تھی
پھر اس قانون میں ترمیمی رعایت دی گئی چار سال والی پست ختم کر دی گئی کہ اگر ایک ملازم ایک سال پرموشنز نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ہفت پہلے ایک اور ٹیلیٹیشن ہوا ہے

جس کے مطابق اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای ڈی ڈی کے مطابق کارروائی کرنے کا کہا گیا ہے
رواں یہ آئی ٹی ٹیلیٹیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے جو کہ دور دراز اور پہاڑی علاقوں میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا

جبکہ عام حالات میں بھی زبردستی پرموشنز اور دور دراز بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خاندانی دشمنیاں
گئی ہوئی ہے ایسے حالات میں یہ جان ٹیلیٹیشن جو E&S کی پالیسی لیسر کی جواب میں کیا گیا ہے جو بدلتا اور بنیادی انسانی حقوق کی خلاف ہے
اس کے خلاف قانونی چارہ جوئی کا حق بھی منظور دیکھتے ہیں

لہذا ہم آپ سے درخواست کرتے ہیں کہ ٹیلیٹیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
زبردستی پرموشنز لینے کی بجائے ان کو مرضی سے لینے دیا جائے
اور پرموشنز نہ لینے کی صورت میں ہاتھ دھوا ہٹا لیا جائے لیکن یہ زبردستی نہ کی جائے

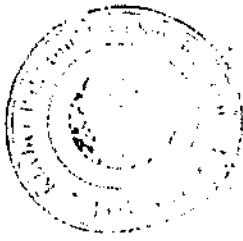
اس سلسلے میں آپ جلد از جلد تمام (DEOs) ای ای او کو ایک خبر میں مراسلہ جاری کیا جائے تاکہ اطلاع میں سب میل / ٹیلیٹیشن پرائمری اساتذہ کو ذہنی
الیت اور نارنجک سے بچایا جائے

کیونکہ ٹیلیٹیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر نارنجک سے مسلسل شروع ہو چکا ہے
لہذا ہم یہ توقع دیکھتے ہیں کہ آپ صاحبان ذہنی ایکشن پلان میں ہر کے پرائمری اساتذہ خصوصاً ٹیلیٹیشن پرائمری اساتذہ کو اس ذہنی الیت سے ہمت دلائیں گے


شکریہ


عزیر اللہ خان سوہانی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.


 Certified to be true copy (Muhammad Akbar Khan)
 Member (S)


 13/5

Date of Presentation of Application 12-5-24
 Number of 1-P
 Copies 1-P
 Urgent 1-P
 Total 1-P
 Name of 13-1-23
 Date of 12-5-24
 Date of delivery of copy 12-5-24

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents, and to represent me/us and to take all necessary steps on my/our behalf in the above matter.

I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.



APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court