


FORM OF ORDER SHEET

Court of _____

Appeal No. 930/2024

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. Miraj Muhammad 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

Miraj Muhammad

V/S

Government of KP & others

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

In Ref to

Service Appeal No 930 /2024

Miraj Muhammad Son of Jan Muhammad Resident of Tehsil & District Mardan

Designation: Senior Primary School Teacher at GPS Nakhtar Banda

.....Appellant

VERSUS

- 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 Senior Primary School 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 effects 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.

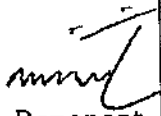
It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

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



Appellant

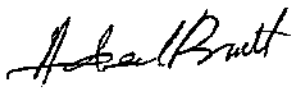
AFFIDAVIT:

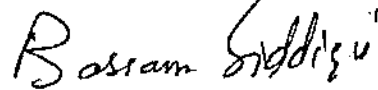
I Miraj Muhammad Son of Jan Muhammad Resident of Tehsil & District Mardan that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

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

Service Appeal No _____/2024

Miraj Muhammad
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:-

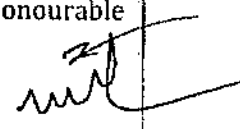
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification 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.



Appellant

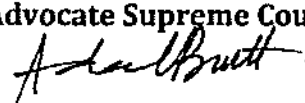
AFFIDAVIT:

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


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

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



Personnel Information of Mr MIRAJ MUHAMMAD d/w/s of JAN MUHAMMAD

Personnel Number: 00125564 CNIC: 1610248177601 NTN:
 Date of Birth: 15.04.1967 Entry into Govt. Service: 19.03.1992 Length of Service: 31 Years 10 Months 014 Days

Employment Category: Vocational Permanent

Designation: SENIOR PRIMARY SCHOOL TEA 80003433-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6157-DY.DISTRICT EDUCATION OFFICER (M) TAKHT BHAI MARDAN

Payroll Section: 003 GPF Section: 001 Cash Center: 4

GPF A/C No: EDUMR008608 GPF Interest applied GPF Balance: 1,208,715.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 25

Wage type		Amount	Wage type		Amount
0001	Basic Pay	66,030.00	001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1551	Spl Conveyance to Disable	6,000.00	2148	15% Adhoc Relief All-2013	888.00
2199	Adhoc Relief Allow @10%	594.00	2316	Teaching Allowance 2021	3,036.00
2341	Dispr. Red All 15% 2022KP	6,313.00	2347	Adhoc Rel Al 15% 22(PS17)	6,313.00
2378	Adhoc Relief All 2023 35%	22,501.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-2,741.00	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

Deductions - Income Tax

Payable: 43,366.00 Recovered till JAN-2024: 18,820.00 Exempted: 10841.45 Recoverable: 13,704.55

Gross Pay (Rs.): 119,352.00 Deductions: (Rs.): -8,576.00 Net Pay: (Rs.): 110,776.00

Payee Name: MIRAJ MUHAMMAD

Account Number: 3788-9

Bank Details: MCB BANK LIMITED, 240315 MCB LUND KHWAR LUND KHWAR MCB LUND KHWAR LUND KHWAR,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: VILL AND PO LUNDKHWAR TEHT BAI DISTRICT M

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: mirajspst@gmail.com

OFFICE ORDER.
DATED 17.03.1992.

Consequent upon the NEW RECRUITMENT POLICY of the Govt; of Education Department No. 50(L.E)6-1/91 dated Peshawar the 2/3/1992.

The appointments of the following trained PTC candidates session 1990-91 are hereby made with immediate effect in SPS No. 7 (Rs; 1095-604995) plus usual allowances in the interest of public service.

Appointments^{are} made according to the Govt; Policy para No. 1

"Recruitment of PTC teachers under the New Recruitment Policy shall be strictly on the basis of merit and only PTC trained persons will be recruited for vacancies within a Provincial Constituency from among candidates belonging to that constituency".

S.NO.	Name/Father's Name Home address/qualification.	PTC marks	Name of school where posted.	Remarks.
<u>PF- 18/MARDAN- 1.</u>				
1.	Mr. Babibullah Khan s/o Saadullah Khan R/O Moh; Shamgunj Mardan. F.Sc;	855	GPS Noorman Khel Mardan.	A.V.Post.
2.	Mr. Dal Badshah s/o Nasrullah R/O Moh; Bagh Kuroona Bikandari Mardan. FA.	788	GMPS Bagh Koti.	-do-
3.	Mr. Nisar Ahmad s/o Madash Khan R/O Darab House Mardan. FA	774	GMPS Firdus Abad.	-do-
<u>PF- 19/ MARDAN- 2.</u>				
4.	Mr. Waqar Ali s/o Shoukat Ali R/O Zaid Khel Mardan. FA(Toru).FSc;	813	GPS Toru.	-do-
5.	Mr. Muhammad Farooq s/o Muhammad Aziz R/O Sowarayan Mardan. SSC	751	GPS Bagro Banda Toru	-do-
6.	Mr. Abdul Samad s/o Karim-ur-Rehman R/O Kandar Mardan. FA	739	GPS Kandar No.1.	-do-
7.	Mr. Muhammad Javed Khan s/o Abdul Jabbar Khan R/O Moh; Paqal Khel(G.I.Zai) Mardan. SSC.	731	GMPS Gulazara Khel G.I.Zai.	-do-
8.	Mr. Hussain Ahmad s/o Muhammad-Anwar R/O Chamrang Mardan. B.A.	723	GMPS Dega Jumat G.I.Zai.	-do-
9.	Mr. Muhammad Tariq s/o Muhammad-Kazir R/O Chamrang Mardan. D/Com;	709	GPS Kohib Banda No.2	-do-
10.	Mr. Nuztaz Ali s/o Taj Ali R/O Kandar Mardan. SSC	698	GPS Murad Abad.	-do-
11.	Mr. Wilat Khan Padig s/o Firdaus-Khan R/O Ghalla Bher Mardan. FA	697	GPS Soukai Toru.	-do-
12.	Mr. Muhammad Abid-AL-Hussaini s/o Muhammad Zahid R/O Mazar Mardan. FA	664	GMPS Meher Abad Mazar.	-do-
13.	Mr. Jawad Khemad/ s/o Akber R/O Bako Khel/Check Alladed Khel Mardan. SSC	627	GPS Kohib Banda No.2	-do-
14.	Muhammad Anis s/o Muhammad Idrees R/O Mazar. SSC	571	GMPS Sadar Sahib Mazar.	-do-
15.	Mr. Imtiazul Haq s/o Shafiullah R/O Ismail Zai Mardan. SSC	552	GMPS Sadar Ali Mthey(S.Garhi)	-do-
<u>PF- 20/ MARDAN- 3.</u>				
16.	Mr. Nihar Ali s/o Haya Khan R/O Bakhshali Mardan. FA	321	GPS Sher Abad Gujarat.	-do-
17.	Mr. Nurtaza Khan s/o Raza Khan R/O Bakhskali Mardan. FA.	806	GMPS Jalal Abad.	-do-

Cont; page No. 2

Sl. No.	Name	Qualification	Post	Remarks
18	Mr. Manzoor Muhammad S/O Faqir- Muhammad R/O Chahbaz Garhi S.C	799	GMPS, Ghazib Abad Charyalli.	Aggrieved vacant post.
19	Munjan Zada S/O Laid Akber Khan S/O Nawar Killi Rustam. F.A	778	GPS, Nodah Rustam.	-do-
20	Mr. Khushal Khan S/O Ashraf Khan R/O Lendi Rustam SSC	759	GMPS, Adina Dheri	-do-
21	Mr. Aqil Muhammad S/O Faqir Muhammad R/O Warshak SSC	752	GMS, Babeni Mardan	-do-
22	Mr. Ghafoor Khan S/O Habibur Rehman R/O Khudanoor Killi SSC.	732	GMPS, Hajji Muhammad	-do-
23	Mujahid Shah, S/O Maayyan Shah, F.A R/o Garyalawana, S/o Hayat Mohammad,	735	GMPS, Garyala No.2.	-do-
24	Mr. Noor Bacha, S/o Khalilul ah, R/o Machi (Rustam) SSC	718	GPS, Machi (Rustam)	-do-
25	Mr. Safdar Ali, S/o Khan Bahadar, R/o Harguli/ F.A	717	GPS, Qalam Jan Banda	-do-
26	Javed Ahmad, S/o Ali Ahmad, R/o Paindo Koti (Rustam) F.A.	715	GPS, Herawand Rustam	-do-
27	Wahid Zaman, S/o Khairur Rehman, R/o Shahid Nurani Palodheri,	712	GMPS, Moh: Nadar Khan Palo Dheri.	-do-
28	Said Zaman, S/o Ghani Rehman, R/o Shahidan Rustam. SSC	712	GPS, Tashqand Rustam.	-do-
29	Mohd Khalid Khan, R/o Shahqad Gul, R/o Palo Dheri F.A.	707	GPS, No.1. Jalil Palo Dheri.	-do-
30	Laiq Zaman, S/o Qamuz Zaman, R/o Gujrat. SSC	705	GMPS, Karim Dad Banda	-do-
31	Munir Khan, S/o Mir Zaman Khan. R/o Khuda Noor Killi SSC	703	GMPS, Ako Khel (Garyala)	-do-
32	Mukamil Shah, S/o Mohammad Ghulam R/o Samarqand Korona, SSC	702	GPS, Ali (Rustam)	-do-
33	Mohammad Sabir, S/o Gul Islam, R/o Garyala F.A.	684	GMS, Garyala.	-do-
34	Sadullah Khan, S/o Abdur Rehman, R/o Hajji Abad Rustam F.A.	669	GPS, Hajji Abad, Rustam.	-do-
35	S. Anwar Hussain Shah, S/o Mustafa Kamal R/o Kalo Dheri Rustam. B.Sc.	667	GPS, Tashqand (R)	-do-
36	Wahid Said S/o Lal Said, R/o Sheik Killi, SSC	656	GMPS, Hund Baba Garyala	-do-
37	Bandar Mohammad, S/o Gul Zar - Mohammad, R/o Surkh Dheri (R) F.A.	653	GMPS, Surkh Dheri.	-do-
38	Sahadar Sher, S/o Amanullah, R/o Kodinka Mardan S.C	650	GMPS, Salar Killi.	-do-
39	Sabz Ali, S/o Hayat Gul, R/o Chail Bando (Dang) SSC	649	GMPS, Irfan Nagar	-do-
40	Sahib Zada, S/o Faizur Rehman, R/o S. Habibur Rehman, S/o Bakhsali Mardan. F.A.	645	GMPS, Qazi Sahib (R)	-do-
41	Mazrat Sher, S/o Faqir Gul, R/o Gujrat. SSC	643	GMPS, Dilal Islam- (Rustam)	-do-
42	Haseed Ahmad, S/o Said Habib, R/o Garyala Mardan SSC	643	GMPS, Dilal Islam- Abad (Rustam)	-do-
43	Mohammed Sheraz, S/o Yousaf Khan, R/o Surkh Dheri. F.A.	638	GMPS, Taus Khel,	-do-
44	Misar Mohammad, S/o Hayat Mohammad, R/o Seri Garyala. F.A.	635	GPS, Bazar Rustam.	-do-

Shahzad Ahmed S/O Adil Shah R/O Asig Abad Kata Khet FA	625	GMPS, Qazi Killi.	Against Vacant Post.
46. Khan Zeb S/O Mir Zaid Gul SSC R/O Moor Abad Rustam.	618	GMPS, Jami Banda Rustam Pirsai.	-do-
<u>P.F.-21-MARDAN..4.</u>			
47. Ajmeer Khan S/O Aslam Khan R/O Patti Warhi SSC	649	GMPS, Spin Jumat Fathma.	-do-
48. Muhammad Islam S/O Shamsul Islam R/O Lund Khwar SSC.	800	GPS, Momin Khan banda Badar.	-do-
49. Niaz Ali Khan S/O Mir Alam Khan R/O Katlang Mardan. SSC	783	GPS, Pelagi.	-do-
50. Wilayat Shah S/O Guldad Shah R/O Katlang Mardan SSC.	791	GMS, Rehem Abad Babuzai.	-do-
51. Khalid Khan S/O H. Ali Haider R/O Pelagi Katlang. FA	775	GMPS, Nastaqi Khan	-do-
52. Lal Umer S/O Muhammad Umer R/O Nian Khan SSC	766	GPS, Ghazi Baba Koi Barmol.	-do-
53. Abdul Wadood S/O Qalander Shah R/O Jamra Mardan. FA	765	GMPS, Ghulam Muhammad Banda (S. Dher).	-do-
54. Saifullah S/O Shafiq Khan R/O Paizo Khark Mardan FA	765	GPS, Taza Gram	-do-
55. Niaz Ali S/O Yar Wali R/O Babuzai F.Sc	761	GMPS, Nimat Abad (S. Dher).	-do-
56. Habibur Rehman S/O Muhammad Gul R/O Nian Khan FA.	755	GMPS, Qasmi.	-do-
<u>P.F.-22-MARDAN --5.</u>			
57. Muntazir Khan S/O Akber Khan R/O Gujer Warhi FA	803	GMPS, Miangulzara	-do-
58. Muhammad Israr S/O Husnul Mab R/O Gujer Warhi BA	787	GMPS, Akber Abad Chantar.	-do-
59. Muhammad Nisar S/O Abdul Ghani R/O Maho Dheri SSC	779	GPS, Maho Dheri	-do-
60. Shad Muhammad S/O Mir Muhammad R/O Siranjam Kuroona Saro Shah FA	779	GMPS, Saleem Khan	-do-
61. Rahim Shah S/O Akber Said R/O H. Abdur Rehman Killi FA	760	GPS, Manga.	-do-
62. Khaista Rehman S/O Khalil Gul R/O Said Abad T. Bhai SSC	755	GPS, Faqir Killi	-do-
63. Wahir Shah S/O Mashooq R/O Mazdoor Abad T. Bhai. FA	755	GMPS, Tazal Killi	-do-
64. Rokmat Shah S/O Akber Said R/O Abdur Rehman Killi. FA	704	GPS, Kandaro Chantar	-do-
65. Abdul Wahab S/O Muhammad "abi R/O Ibrahim Khan Killi. BA	693	GPS, Ibrahim Khan Killi	-do-
66. Khaista Rehman S/O Ayub Khan R/O Mazdoor Abad FA	685	GPS, Korogh	-do-
67. Sher Gada S/O Umer Khan R/O Kalpani Jandai. FA	685	GPS, Khazena Dheri	-do-
68. Shad Ali S/O Awal Jang R/O Kalpani Jandai. FA.	683	GPS, Akber Abad	-do-
69. Muhammad Ali Shah S/O Farooq Shah R/O Mana Khel Gujer Garhi FA	672	GPS, Maho Narai/	-do-
70. Syed Arifullah S/O S. Shamsur Rehman R/O Arabi Banda T. Bhai SSC.	667	GPS, Shamsul Salam Banda.	-do-
71. Inayatpur Rehman S/O Habibur Rehman R/O Khwaja Rashaka FA.	666	GPS, Khura Banda	-do-

	Khalid Shah S/O Mian Muhammad Shah R/O Bakri Banda SSC.	665	GPS, Khanjar No.2.	A.V. Post.
73.	Shuhranullah S/O Rehmat Gul R/O Khazana Dheri SSC.	639	GPS, Khura Banda.	-do-
74.	Wajid Ahmed S/O Syed Ahmed R/O Ward No.1 T. Bhai. SS	622	GMPS, Bangla G. Garhi.	-do-

PARA II (COMBAINED MERIT OF DISTRICT).

If no trained teachers are available with in the constituency for certain vacancies then trained PTC Candidates from the rest of the said District will be accommodated,

75.	Muhammad Sattar S/O Akhtar Gul R/O Dagai Lund Khwar. SSC	810	GMPS, Sedar Sahib Mayer.	Against vacant Post.
76.	Muhammad Younas S/O Taj Muhammad R/O Dhano T. Bhai BA	798	GPS, Khao Toru.	-do-
77.	Abdul Qadus S/O Guli Sadbarg R/O Sher Warh SSC.	791	GPS, Soukai Toru.	-do-
78.	Zubair Shah S/O Fazli Rehman R/O Takkar SSC	786	GPS, Tordher T. Bhai.	-do-
79.	Shamsul Qamar S/O Taza Gul R/O Lund Khwar SSC	781	GPS, Ahmed Abad Toru.	-do-
80.	Insan Ullah S/O Sedullah R/O Mohalla Sultan Abad Mardan BA.	770	GPS, Subhat Abad Toru.	-do-
81.	Foor Wali Khan S/O Imrenud Din R/O Shahdand L. Khwar. BA	769	GPS, Khali Rokhan Toru	-do-
82.	Shah Jehan S/O Anwar Khan R/O Mohamm Redi Gul Begicham Mardan D. Com;	765	GPS, Jabba Toru.	-do-
83.	Wisal Muhammad S/O Fida Muhammad R/O Amin Abad Mardan. D/Com:	763	GPS, Talab Killi Toru	-do-
84.	Murad Ali Khan S/O Muhammad Akber R/O Kass Kuroona Mardan SSC	763	GMPS, Ghulam Haider Killi	-do-
85.	Bakht Munir S/O Umaraz Khan R/O Dhano Bathian T. Bhai. SSC	759	GMPS, Bara Mayer.	-do-
86.	S. Rafiqat Ali Shah S/O S. Fazal Shah R/O Lund Khwar T. Sc.	757	GPS, Garoo Rustam.	-do-
87.	Muhammad Shekeel S/O Muhammad Iqbal R/O Baghdada Mardan BA.	749	GPS, Aslam Banda.	-do-
88.	Azeel Khan S/O Arifullah R/O Mian Khan SSC	749	GPS, Sufaid Abad	-do-
89.	Ayub Khan S/O Nowab Khan R/O Musai T. Bhai. B. Sc	748	GPS, Shah Toru.	-do-
90.	Muhammad Ayub Khan S/O Muhammad Baloon R/O Katlang T. Sc	748	GMPS, Chopaloon Toru.	-do-
91.	Sardaraz Khan S/O Sherin. R/O Badraga Banda L. Khwar BA	747	GMPS, Khanmir Killi	-do-
92.	Saifullah Shah S/O Yousaf Shah R/O Qasmi Mardan. SSC	747	GMPS, Tatar Killi	-do-
93.	Negalud Din S/O Usmanud Din R/O Lund Khwar SSC	746	GPS, Mirzaki Rustam	-do-
94.	Muhammad Israr S/O Mula Dad R/O Banda T. Bhai. T. Sc	745	GPS, Mirzaki Rustam	-do-
95.	Amir Afzal Khan S/O Sher Afzal R/O Sham Gunj Mardan SSC.	743	GMPS, Bazdin Kothey Mayer.	-do-
96.	Muhammad Fayaz S/O Gul Abraz Khan R/O Dagai L. Khwar SSC	742	GPS, Beroch Rustam	-do-
97.	Bakhtawar Khan S/O Azeem Khan R/O Alo Mardan. BA	742	GPS, Beroch(R)	-do-

98. Saad Shah S/O Isat Shah R/O Gul Warden F.Sc	741	GPS, Taja(R)	Against Vacant post.
99. Saad Wali S/O Saad Wali R/O Nabuzai S.Sc	740	GPS, Pitaw Malandri	-do-
100. Muhammad Saleem S/O Muhammad Shafi R/O Muslam abad SSC.	739	GPS, Peshkand Mardan	-do-
101. Jamil Khan S/O Mar Muhammad R/O Sejan Killi SSC.	739	GMPS, Sheni Rustam.	-do-
102. Aziz Akber S/O Shamsul Akber R/O Pathian Mardan. SSC	736	GPS, Sher Abad Beroch(R)	-do-
103. Rehmat Gul S/O Chamri Khan R/O Koti Shah Katlang. PA	735	GPS, Sharmakhen	-do-
104. Ifthikhar Ali S/O Meher Dil Khan R/O Ach: Majeed Abad Mardan PA	734	GMPS, Amir Abad Rustam	-do-
105. Hidayatullah S/O Hazratullah R/O Check Bilandi Katlang BA.	733	GPS, Gedari Taja Rustam.	-do-
106. Ahmed Ali S/O Zainul Abideen R/O Lund Khwar F/Sc.	728	GPS, Baringan Rustam	-do-
107. Sayar S/O Shemal R/O Mohallah Mukamil Shah Hoti SSC.	725	GPS, Chembar Mayer	-do-
108. Noor Zaman S/O Mir Zaman R/O She o Dheri PA.	725	GPS, Kass Malandri	-do-
109. Sardar Muhammad S/O Salih Mohammad R/O Pir Shah Said Mardan SSC	723	GPS, Surkhabi(R)	-do-
110. Tilawat Shah S/O Ziarat Shah R/O Lund Khwar PA.	723	GPS, Kass Malandri(R)	-do-
111. Javed Iqbal S/O Ghulam Sarwar R/O Kass Kuroona Mardan. SSC	719	GPS, Abdul Azam Banda	-do-
112. Muhammad Ayaz S/O Qamar Gul R/O Ehanara R/O Garhi Ayub Khan SSC	719	GMPS, Saleem Khan(R)	-do-
113. Muhammad Taj S/O Faqirur Rehman R/O Rorya Jadedd PA.	719	GMPS, Zaman Khan Banda	-do-
114. Muhammad Ibrahim S/O Razeem Khan R/O Degan Khel Mardan. SSC	717	GPS, Faqir Shah Kothey	-do-
115. Taric Zaman S/O Muhammad Zaman R/O Lund Khwar T. Bhai. PA.	716	GMPS, Tangoa	-do-
116. Munir Khan S/O Gul Zamir R/O Far Koti Mardan F.Sc	714	GMPS, Noor Mudd: Mayer	-do-
117. Saidul Akber S/O Mir Akber R/O Jamal Garhi Mardan. PA	713	GPS, Eakeem Khan Banda Rustam.	-do-
118. Muhammad Zamin S/O Mian Dad R/O Bonga L/Khwar.	711	GPS, Sher Abad Rustam	-do-
119. Saifullah S/O Said Gul R/O Lund Khwar T. Bhai PA.	711	GPS, Nakhtar Banda(R)	-do-
120. Nawar Shah S/O Zulfat Shah R/O Lund Khwar T. Bhai. PA	710	GMPS, Aman Kot(R)	-do-
121. Muhammad Tajdar S/O Furdil Khan R/O Pathian. F.Sc	707	GPS, Aman Kot Rustam	-do-
122. Rab Nawaz S/O Abdur Rahim R/O Dara T. Bhai. SSC	707	GMPS, Ghakhi(R)	-do-
123. Fazli Hader S/O Abdul Malik SSC R/O Mohallah Redi Gul Paricham	706	GMPS, Dewar Rustam	-do-
124. Khairul Bashir S/O Miraj Gul R/O Saqi Gul Paricham. SSC	709	GMPS, Hashmi Rustam	-do-
125. Fazli Rabbi S/O Muhammad Zarin R/O Badraga Banda L. Khwar. SSC	705	GMPS, Ghazi Malandri	-do-

126. Alkamil Khan S/O Ajab Khan R/O Abuzai Mardan SSC	705	GPS, Sharmakhan Rustam)/	Against vacant Post.
127. Iqbal S/O Noushad Khan R/O Baiso Kharki SSC.	701	GMPS, Bata Banda (R)	-do-
128. Saad Qayum S/O Nawab Shah R/O Dheri Likpeni SSC D/Com.	699	GPS, Khat Killi Toru-do-	
129. Hidayatullah S/O Khan Bahadur R/O Mir Afzal Khan Mardan FA.	699	GMPS, Abu Bakar Sadeeq -do- Mayar.	
130. Ihsan Ullah S/O Muhammad Sadiq R/O Kandoo Baba T. Bhai. SSC	699	GPS, Aman Kot. (R)	-do-
131. Zari Bahadur S/O Abdul Qadeer R/O Musa Khat Mardan SSC.	699	GMPS, Batta Rustam)	-do-
132. Sar Nawab S/O Amir Nawab R/O Ratti Garhi FA.	699	GPS, Ali Rustam.	-do-
133. Tahseenullah Khan S/O Sirajud Din R/O Takkar T. Bhai. F.Sc.	695	GMPS, Kopar T. Bhai.	-do-
134. Miraj Muhammad S/O Jam Muhammad R/O Seeni Lund Khwar FA.	694	GPS, Nakhtar Banda	-do- <i>Miraj Muhammad</i>
135. Hasrullah Khan S/O Ghulam Said R/O Karkani Banda L. Khwar, F.Sc.	693	GMPS, Saeed Abad Palo Dheri	
136. Ayub Khan S/O Aladad R/O Badat Baba Takht Bhai. FA.	692	GMPS, Ghafoor Banda -do- Palo Dheri.	

NOTES:-

S.N. 41r. Hasrat Sher S/O Faqir Gul R/O Gujarat is directed to produce his complete documents for age Relaxation case to be obtained from the higher authority as his age exceeds by 11 year & months 4 days.

COMPLIATION OF APPOINTMENT.

1. Their service are liable to termination/reversion at any time without any reason being assigned.
2. In case of resignation they will have to submit one month's prior notice to the Deptt: OR forfeit one month's pay in lieu thereof to the Govt.:
3. They should not be allowed to take over charge if their ages are less than 18 years and above ~~25~~ 25 years.
4. They are required to produce health and age certificate from Medical Deptt: DHO Hospital Mardan before handing over charge.
5. Charge report should be submitted to all concerned.
6. If they fail to take over charge of the post within 15 days after the issue of this orders their apptt: shall stand cancelled.
7. Certificate should be checked before handing over charge.

(MR. JAMANDOS KHAN)
DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY MARDAN.

List No. 1444-1584 / F.No. 25/EPC Apptt: / I-AE dated Mdn: the 17/03/1992.
Copy forwarded to the:-

1. Director Primary Education NWFP Hayat Abad Peshawar
2. P/S to Minister for Edu: & Sports NWFP Peshawar.
3. Sub Divl: Education Officer, (N) Mardan/Takht Bhai.
4. ALL Candidates concerned.

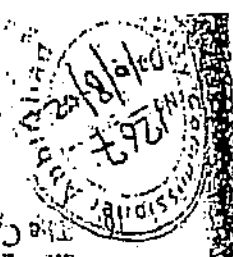
Hussain Ullah }
Abasul Haq } S/Clerk.

DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY MARDAN.

DEPUTY SECRETARY (POLICY)
(WAZIRAH LATIH)

Handwritten signature/initials

ATTESTED



- 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 Chief Minister, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Governor, 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, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 12. The Secretary, E&A Department, Administration Department with the request to All Section Officers in Establishment & Administration Department.
- 13. The Deputy Director (IT), E&A Department, Administration Department.
- 14. The Section Officer (Admn), Administration Department.
- 15. The Section Officer (Admn), Administration Department.
- 16. The Section Officer (Admn), Administration Department.
- 17. The Section Officer (Admn), Administration Department.
- 18. The Section Officer (Admn), Administration Department.
- 19. The Section Officer (Admn), Administration Department.
- 20. The Section Officer (Admn), Administration Department.

Copy forwarded to:
SERIAL NO & EVEN DATE

CHIEF SECRETARY
GOVERNMENT OF THE KHAYBER PAKHTUNKHWA

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

AMENDING further amendment shall be made, namely:
The Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the powers conferred by section 25 of the Civil Servants Act No. XVIII of 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) shall be amended in the following manner:
Dated Peshawar the, 02/08/2020

NOTIFICATION

GOVERNMENT OF
KHAYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)



-14-

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)

-15-



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/E&AD/1-3/2023
Dated Peshawar (in June 06, 2023)

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Polcy-M)/E&AD/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 06.09.2023; 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

Encl. Of even No & date
Copy forwarded to:-

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/...

2023
21/6/23

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 said 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, 2012, please.

Section Officer
(Policy)

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

Endst. of even. No Ep date
Copy forwarded to the :-

(Isia Muhammad Khan)
Section Officer (Policy)

Yours faithfully,

-B/c-

-18-

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223507)

No.50 (Primary-MYE&SED/2-6/2023
Dated Peshawar the. June 26th, 2023

To

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

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

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

-19-

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. Razaq Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

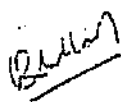
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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. Razaq Ullah)
General Secretary APTA
Peshawar


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

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

- 21 -
- B/c -

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

SII	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)



No. 8145 / P. No. 34857/1/General Cases
Khyber Pakhtunkhwa, Peshawar
Date: 21-7-2023
Email: estab@kpk.gov.pk
Phone: 091-9225234

The Section Officer (Primary-Sub),
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-Sub) E&SED/5-11/G.A/c/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and to 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. 6087 dated 06-07-2023.

(i) How it is obligatory upon the civil servant to accept promotion in every condition, promotion.

• That your good office forwarded the same to the quarter concerned vide letter No. SO (Primary-Sub) 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-Sub) 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 D/S-16 may be exempted of implications of the amendment in the rules bid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Estab. A-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
21/7/2023

Ends: No. Copy of the above is to:-

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

Assistant Director (Estab. A-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

-23-

-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) E & SED/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, Promotions, Transfer Rules 1989) vide notification No. No. SDR-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 06-08-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/tumdown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E & SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/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.



24-

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

No. SO(Primary-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 05th 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 of 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)
28/8/23

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-B/C-

No. 5 (Primary-M) ESES/18-81
Appointment - Rule/2023
Peshawar Dated 29th August 2023.

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 Policy) E&AD
1-3/2020 dated 04-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 lady
teacher of primary level who avail such promotion have to
face serious inconvenience while they have to perform duties
in the remotest stations with no residential/transport 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 lady teacher in primary schools.

Copy forwarded to:

1. Director E&SE Khyber Pakhtunkhwa.

2. PS & Secretary, E&SE

(Muhammad Ishtiaq)
Section Officer (Primary)
Male

Department of Khyber Pakhtunkhwa
WP/442-2023



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. FA to Additional Secretary (Reg-II), Establishment Department.
 3. PS to Deputy Secretary (Policy), Establishment Department.
- 

-26-

- 27 -

- 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)

Encls. 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



Miraj Muhammad Son of Jan Muhammad
Resident of Tehsil & District Mardan

Khyber Pakhtunkhwa

Aziz Ullah Khan
President
D 0333-0412648
E azizullah1573@gmail.com
C1 nplnpln



APTA House
Govt. Primary School No.4,
Gulbahar Peshawar City.

آل پرائمری ایجوکیشن ایسوسی ایشن (اپٹا) خیبر پختونخوا

مقام: میگزینری ایسوسی ایشن
مقام: آل پرائمری ایجوکیشن ایسوسی ایشن خیبر پختونخوا
جناب عالی

گزارش ہے کہ پروسٹھوز ہر ادارے میں ہوتے ہیں اور کہ سرکاری ملازم کی خرابی ہوتی ہے پروسٹھوز کا ایک قانون اور کہ تھا کہ ہر ملازم ایک اگر کسی
بھروسے کے تحت ایک دن پروسٹھوز میں تو وہ پھر آئے، چار سال تک پروسٹھوز نہیں لے سکتے تھے چار سال تک ہر اس کی پروسٹھوز نہیں آسکتی تھی
پھر اس قانون میں تھوڑی رعایت دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروسٹھوز نہ لیں تو وہ دوسرے سال لے سکتے ہیں
لیکن اب ایک ہفتے پہلے ایک اور نوٹیفکیشن ہوا ہے
جس کے مطابق اب ہر ملازم پروسٹھوز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی کے مطابق کارروائی کر کے لایا جائے گا
دراصل یہ آخری نوٹیفکیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے جسے کی دور دور اور پرانی ملازمتوں میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا
جبکہ عام حالات میں بھی زبردستی پروسٹھوز اور دور دراز جیٹا بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خاندانی دشمنیاں
کئی ہوتی ہیں یہ نیا نوٹیفکیشن جو E&SS کی کاپیٹس لیٹر کی جواب میں لیا گیا ہے اور بدقسمتی اور بنیادی انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف قانونی چارہ جوئی کا حق بھی محفوظ رکھتے ہیں
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
زبردستی پروسٹھوز لینے کی بجائے ان کو مرضی سے لینے دیا جائے
اور پروسٹھوز نہ لینے کی صورت میں ہاتھ دلا لیا جائے لیکن یہ زبردستی نہ کی جائے
اس سلسلے میں آپ جلد از جلد تمام (DEOs) ڈی ای او کو ایک ضمنی مراسلہ جاری کیا جائے تاکہ انہوں میں بے چین / لیٹل پرائمری اساتذہ کو ذہنی
البت اور ناچرنگ سے بچایا جائے
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر ناچرنگ کر کے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان ذہنی ایجنس بلکہ صوبہ ہر کے پرائمری اساتذہ خصوصاً لیٹل پرائمری اساتذہ کو اس ذہنی البت سے نجات دلائیں گے

شکریہ


Handwritten signature and date 08/11/83

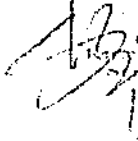
عزیز اللہ خان صاحبان سردار
آل پرائمری ایجوکیشن ایسوسی ایشن خیبر پختونخوا

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 (I)


 MEMBER
 GOVERNMENT OF PUNJAB
 PESHAWAR

Date of Presentation of Application 12-5-24
 Number 11/P
 Copy 5/1
 Uper 5/1
 Total 5/1
 Name of 13-1-22
 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

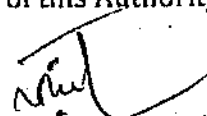
BASSAM AHMAD SIDDIQUI AHC

&

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.

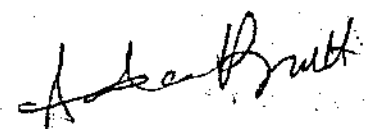


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court