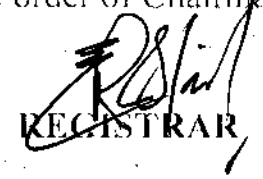


FORM OF ORDER SHEET

Court of _____

Appeal No. 940/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/07/2024	<p>The appeal of Muhammad Raza Shah presented today by M.Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 10.07.2024. 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 940/2024

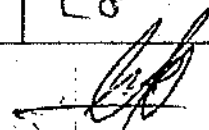
Pir Muhammad Raza Shah

V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-9
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	10-11
5.	Copy of Impugned Letter dated June 06th, 2023	C.	12-16
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	17-20
7.	Copy of Letter dated 23-08-2023	E.	21-22
8.	Copy of Impugned letter dated 07-09-202	F.	23-24
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	25-27
10.	Wakalat Nama		28


ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 940 /2024

Pir Muhammad Raza Shah Son of Muhammad Junaid Resident of Tehsil & District Mardan

Designation: Primary School Head Teacher at GPS NO 4 T.B

.....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 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 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:

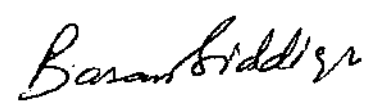
I Pir Muhammad Raza Shah Son of Muhammad Junaid Resident of Tehsil & District Mardan that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to _____

Service Appeal No _____ /2024

Pir Muhammad Raza Shah
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.

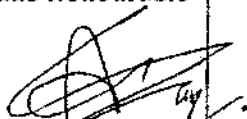
Respectfully Submitted:-

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.

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


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

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

Personal Information of Mr. MOHAMMAD RAZA SHAH (P) PIR MOHAMMAD YUNUS
 Terminal Number: 0012853 CNIC: 16106816539 NTN: 0

Date of Birth: 06.04.1973 Entry into Govt. Service: 24.06.1997 Length of Service: 29 Years 07 Months 09 Days

Employment Category: Active / Temporary

Description: PRIMARY SCHOOL HEAD TEACH
 DDO Code: MR157-DY DISTRICT EDUCATION OFFICER (M) TAKHT SHAI MARDAN

Payroll Section: (01) Club Section: (0) (PF Balance: 398,074.00 (government))
 GPF A/C No: EDUMH011478 GPF Branch: (01) Pay Scale: BES Pay - 2022: BES Pay: 15 Civil BIS: 15 Pay Slip: 32

Wage Type	Amount	Wage Type	Amount
Basis Pay	67,400.00	Housing Rent Allowance 45%	3,534.00
Convey Allowance 2005	2,456.00	Medical Allowance	1,500.00
1218 15% Allowance Relief (A-2011)	3,270.00	1219 15% Allowance Relief (A-2011)	551.00
2316 Teaching Allowance 2021	7,324.00	2317 15% Allowance Relief (A-2011)	4,408.00
2317 Adm. Rel. All 15% 2021/21	4,408.00	2318 Adm. Rel. All 15% 2021/21	22,925.00

Deductions - General

Wage Type	Amount	Wage Type	Amount
3015 GPF Subsidization	2,290.00	3017 Provident Fund	1,390.00
3020 Income Tax	2,410.00	3021 Provident Fund (KPK)	135.00
3021 H. Benefit & Death Cont.	600.00	3022 Provident Fund (KPK)	0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Reduction	Balance
ASUS	GPF Loan Principal Total	200,000.00	200,000.00	567,000.00

Deductions - Income Tax Payable: 37,322.00 - Remitted III JAN-2024: 15,435.00 Exempted: 218.31 Recoverable: 12,074.69

Gross Pay (Bx): 15,707.00 Deductions (Bx): -36,635.00 (Net Pay) (Bx): 79,072.00

Project Name: MOHAMMAD RAZA SHAH
 Account Number: 1550000139455
 Bank Name: NATIONAL BANK OF PAKISTAN, 230363 MARDAN MAIN BRCH, MARDAN
 Opening Balance: Applied: Returned: Balance:

Termination Address: MOH PIRAN VILL & P CELLAR GARLITHI DISTT
 City: MARDAN
 District: NW - Khyber Pakhtunkhwa
 Housing Section No: Official
 City: District: Telephone: 02229999999

System Generated Statement in accordance with APPL & 12/2023/24/01, 2024/1/11
 All amounts are in Pak Rupees
 Error & omissions excepted (SERVICES/01.2023/19.16.04)



Annex-A
 -6-

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MARDAN.

NOTIFICATION

Consequent upon their selection by the Deptt. selection committee, the District Education officer, (M) P. Mardan has been pleased to appoint the following trained P.T.C. Candidates at the school noted against their names in BPS-7 (Rs: 1480-81-2695) plus usual allowances as admissible to them under the rules with immediate effect subject to the existing terms and conditions:-

S.No. Name, Father's Name/Address	No. An Merit Rank	School where Postd.	Remarks.
	3	4	5
1. Mohd:Abulhasan S/O Mohd:Immail R/O Dagai Hoti.	1/18	GPS, No. 1. Kass Kuroona,	Vice Nazir Khan Term:
2. Sajid Ali S/O Mirza Gul S/O Tariq Mardan.	2/18	,, Sharqi Hoti.	Vice Salim Shah.
3. Ubaidullah S/O Mohd:Arif S/O Farooq Mardan.	3/18	GPS, Sharqi Hoti.	Vice: Abid, Shah Term
4. Abdul Asber S/O Sherzai S/O Raza Mardan.	4/18	,, Hoti.	Vice Zubair Ali Term
5. Dilawar Khan S/O Ghulam Qadir S/O Shahi Singh Hoti.	5/18	,, Karwan Mond.	Vice: Sajid Juma Term
6. Mushtaq Ahmad S/O Gul Zarin S/O Juma Mardan.	6/18	,, Shah Dandh No.1.	Post already occupied
7. Sardar Hussain S/O Imran ullah S/O Babu Mahallah Mardan.	7/18	,, Railway Station	already occupied.
8. Asif Ahmad S/O Faqir Hussain S/O Mushtaq Mardan.	8/18	,, Surkh Dhori Mardan.	-do-
9. Ahmed Ali S/O Ghulam Jilani S/O Anwar Mardan.	9/18	,, Baricham.	Vice Hazrat Ali Term
10. Mohd:Ullah S/O Lajbar S/O Hoti Mardan.	10/18	,, Kashmir Abad.	,, Haidir Khan.
11. Mohd: Jawad S/O Sher Mohd: S/O Farooq Shah Mardan.	11/18	,, No.1, Mardan.	,, Anwar Khan.
12. Sher wali Khan S/O Sher Jang S/O Jasoor Ground.	1/19	GMPS, Fazal Shah Farah.	Already occupied.
13. Mahya Khan S/O Amir Mohd: S/O Beddi Khol G. Kapoora.	23/19	,, Sufaid Khan.	Vice Khair- Mohd: Term:
14. Wajidullah S/O Giza Gul S/O Gharib Abad.	3/19	,, Uzair Kandar.	Vice: Nawab- Ali Term:
15. S. Anwar Hussain S/O S/O Ahmed Hussain S/O G. Kapoora.	4/19	,, Spin Jumat	Vice: Badar- Khan Term:
16. Inayatullah S/O Mohd: Isreen S/O Shah Mardan.	5/19	,, Khatako Korugh.	Already occupied.
17. Abdul Ghani S/O Saneber Khan S/O Mardan.	6/19	GPS, Mayar No.2.	Vice M. Hayat Term
18. Nazarulah S/O Fakhr ullah S/O Mardan.	7/19	GMPS, Anur Mardan.	,, Mohd:

HEAD
 GPS
 Mardan

132. Sh. Akmal Khan S/O S/1361
 133. R/O Kot
 134. Mohd. Ali S/O Zariar
 135. R/O Pahalabad
 136. S/O Abdul Wahid
 137. R/O Ghassan Dheri
 138. Gh. Farhan S/O Said Ahmad
 139. R/O Ahakoy Banda
 140. Waris Khan S/O Akbar Khan
 141. R/O Muzar Ghari
 142. Tariq Ali S/O Gul Rahman
 143. R/O Central Kill
 144. Saad Baqir S/O Gul Dastghar
 145. R/O Gul Dastghar
 146. S/O Wazir Gul
 147. R/O Gul Dastghar
 148. S/O Subot Khan
 149. R/O Mungli
 150. Mohd. Shih S/O Sultan Shah
 151. R/O Sultan Shah
 152. Rai. Akbar S/O Mblim Jan
 153. S/O Khan
 154. Abdul Aziz S/O Mohd. Amin
 155. R/O Uper Khan
 156. Mohd. Alam S/O Taza Bin
 157. R/O Ghassan
 158. Mohd. Raza S/O Pir Mohd.
 159. Junaid S/O Muzar Ghari
 160. J. Mohd. S/O Mohd. Ashraf
 161. R/O Ghassan
 162. Lal. Akbar S/O Khan Zaid
 163. R/O Khan Zaid
 164. Ghassan S/O Ghassan
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 180. Ghassan S/O Ghassan

13/22 GFB, Bakarya V: Jehanzeb Termi
 14/22 GFB, Chamtar V: Haiduz Zaman Termi
 15/22 GFB, Dheri S/O Khan V: Fazloubhan Termi
 15/22 GFB, Mohabat S/O Khan V: Subhandu Din Termi
 17/22 GFB, Muslimabad V: Muslim Shah Termi
 18/22 GFB, Naushadabad V: Usama Termi
 19/22 GFB, Manga 2 V: Sarfaraz Khan Termi
 20/22 GFB, Showgul V: Iqbal Termi
 21/22 GFB, No. 2 T/Bhal V: Munir Khan Termi
 22/22 GFB, Khatakor V: Hayatullah Termi
 23/22 GFB, Koragh V: Javed Iqbal Termi
 24/22 GFB, Narai Baja V: Ghulam Nabi Termi
 25/22 GFB, Muslimabad V: Shahin Shah Termi
 26/22 GFB, Sarhan V: Wali Khan Termi
 27/22 GFB, No. 4, T/D V: Aurangzeb Termi
 28/22 GFB, No. 4, T/D V: Anwar Zarin Termi
 29/22 GFB, Ganga V: Khurshid Ali Termi
 30/22 GFB, Ganga V: Manzoor Hussain Termi
 31/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 32/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 33/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 34/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 35/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 36/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 37/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 38/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 39/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 40/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 41/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 42/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 43/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 44/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 45/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 46/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 47/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 48/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 49/22 GFB, Sari Haricham V: Wazir Mohd. Termi
 50/22 GFB, Sari Haricham V: Wazir Mohd. Termi

01 . Fazli Amin S/O Ghulam Qadar R/O Azizia 92/23 GPS, Chiragh Din 2 V; M; Nawaz Term; dated V; Qazi Haman Term;
 . Sarir Khan S/O Raz Khan R/O Pir Saddi. 93/23 GPS, pdo-

DISABLED PERSONS 1%.

402-34. Mohd: Riaz S/O Abdul Malik R/O Lund Khwar. 1/Disable, GPS, Salim Khan Vice, M. Nisar.
 403 . Amir ullah S/O Ashraf Khan R/O Landi. 4/Dis: Khudra, V; Lal Badshah Termination
 404 . S. Asghar Ali Shah S/O Feroz Shah. 5/Dis: , Salim Khan. Mohd: Ikram Term;
 405-7 Mohd: Iqbal S/O Mira Khan Mardan. 6/Dis: , Shah Killi. Vice, Shah Nawaz term.

TERMS AND CONDITIONS:

1. Their appointments are purely on Temp: basis and subject to termination at any time with out any reason or notice.
2. In case of resignation they have to submit one month's prior notice to the Deptt: or forefith one month's pay and allowances thereof to the Govt:.
3. They are required to produce Health and Age Certificate from M/S DHQ Hospital Mardan before taking over charge.
4. In case they fail to take over charge of the post with in 15 days of the issue of this letter, their appt: order shall automatically be cancelled.
5. Their original certificates etc should be checked before handing over charge.
6. Charge report should be sent to all concerned.
7. No. TA/DA etc is allowed to any one being First appointment.
8. The Academic certificate may also be verified from the quarter concerned.
9. The original PTO Certificate will be checked/verified by the Edu: optt:.

(MR. GHULAM AKBAR),
 DISTRICT EDUCATION OFFICER, (MALE)
 PRIMARY MARDAN.

Endst: No. 1176-1590 / Dated Mardan the 23/5 /1997.

- Copy to the:-
1. Section Officer, Primary Education Deptt: NWFP, Peshawar.
 2. Director Primary Education NWFP, Peshawar.
 3. DAO Mardan (4) SDO (M) Mardan/Takht Bhai.
 4. Supt: Local Office (5) SADEO (A) Local Office.
- Candidates concerned.

SAR KHAN.
 MUNIR KHAN:

Checked with...
11/1/97

23/6/97
 DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MARDAN.

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

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

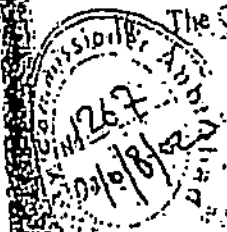
In rule 7, sub-rule (5) shall be deleted.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NO & EVEN DATE

Copies forwarded to:-

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



ATTESTED

(WAJID AH LATHI)
DEPUTY SECRETARY (POLICY)

Attested

- 11 -

**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)**



[Handwritten signature]

WP442-2023 AZIZULLAH VS GOVT OF PAK

[Handwritten signature]

Section Officer (Policy)
[Handwritten signature]

Section Officer (Policy)
[Handwritten signature]
Yours faithfully,

- 1. ES to Special Secretary (Reg), Establishment Department.
- 2. RA to Additional Secretary (Reg-1), Establishment Department.
- 3. ES to Deputy Secretary (Policy), Establishment Department.

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

[Handwritten initials]

2011, please.

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

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

2. The basic rationale behind the stipulation of the said rule is aimed at preventing a civil servant from applying for (or) seeking a single lucrative position or to prevent those who tend to evade promotion by showing lack of capacity or to evade promotion by showing lack of capacity or to evade promotion by showing lack of capacity or to evade promotion by showing lack of capacity.

1. The Government of Kyber Pakhtunkhwa, Ministry of Secondary Education, Higher Education and Technical Education, is directed in letter to your letter No. SO(Policy-MYK/2023-24/1000 dated 18.04.2023 in the subject noted above and to state that sub-rule 2 of Rule-7 of Kyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1987 stands deleted vide the department notification dated 07.08.2020. Thus, no provision exists to decline or forgo promotion.

Subject: **GUIDANCE REGARDING LIMITATION OF RULE 7(a) IN THE KYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1987.**

Dear Sir,

GOVERNMENT OF KYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)K/AD/1-2/2023
Dated Faisalabad the 06th June 06, 2023



Annex - C

-12-

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

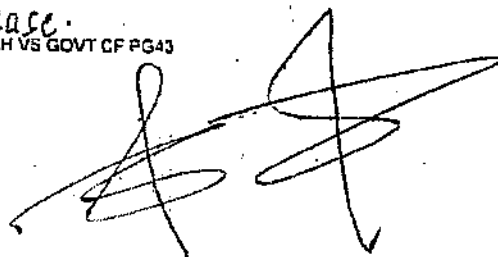
SUBJECT: GUIDANCE REGARDING DELETION OF RULE 7(5)
IN THE KHYBER PAKHTUNKHWA CIVIL
SERVANTS (APPOINTMENT, PROMOTION AND
TRANSFER) RULES 1989.

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.



-14-

-B/C-

Yours faithfully,

(Issa Muhammad Khan)
Section Officer (Policy)

Endst. of even No Ep date

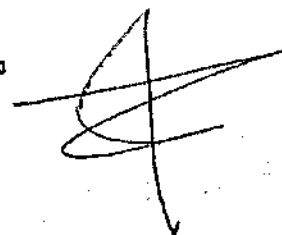
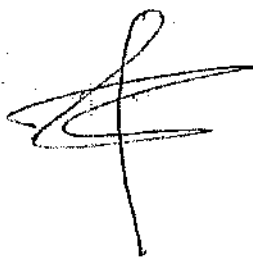
Copy forwarded to the :-

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 Officer
(Policy)



-15-

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

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

[Large Handwritten Signature]

15
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. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

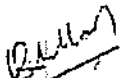
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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-
E&SE Department


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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



-B/C- -18-

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

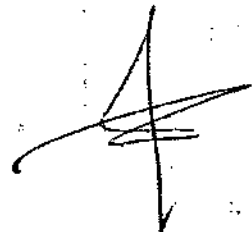
Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)





-19-

Khyber Pakhtunkhwa, Peshawar
No. 8145 /F.No. 34/SST/UGeneral Cases Dated 21-7-2023
Phone: 091-9225344 Email: establishmentmole1@gmail.com

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/3-1/
G.Misc/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-M (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 to 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-I)
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-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

- B/c -

-20-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir;

I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G.Mtl./
Minutes of meeting/PST/2023 dated 30-7-2023 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 1997) 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 06-05-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turn down 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.

-21-

Annex-E



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9221587)

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(Polcy)/ EB&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.

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

- B/c -

- 22 -

No. So (Primary - M) E & SE D / 18-2 /
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(S) in the
Civil Servant (Appointment, Promotion & Transfer Rules
1989).

Dear Sir,

I am directed to refer to your letter No. So (Primary) (Policy) / E & AD
/ 1-3 / 2020 dated 31st June 2023 and to state that after
deletion of Rule 7(S) 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.

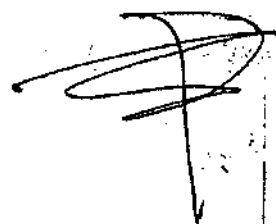
In this connection it is submitted that in some cases lady
teacher of primary level who avail such promotion have to
face serious inconvenience while they have to perform duties
in the remotest stations with no residential / transport facilities.
Most of them are married with kids and elder father of
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 to Secretary, E & SE Department Khyber Pakhtunkhwa

(Muhammad Ishaq)
Section Officer (Primary
Male)



Annex-7

-23-



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.

- B/C - - 24 -

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 PAIKHTUNKHWA 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 Officer (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

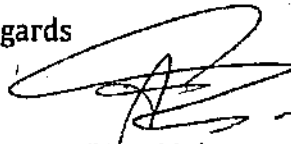
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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



Pir Muhammad Raza Shah Son of
Muhammad Junaid Resident of Tehsil &
District Mardan



Khyber Pakhtunkhwa

Aziz Ullah Khan
President
0333-8414648
azizullah1973@gmail.com
01 nphkph



APTA House:
Govt. Primary School No.1,
Gulbaha Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (ایچا) خیبر پختونخوا

مہربان: سیکرٹری، پبلسٹی و سیکولری ایجوکیشن خیبر پختونخوا
مہربان: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
مہربان: خیبر پختونخوا

گزارش ہے کہ پروفیسرز ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پروفیسرز کا ایک تالون اور کتاہا کہ جو ملازم ایک اگر کسی
مجوزے تحت ایک دوسرے پروفیسرز نہ لیں تو وہ پھر آئندہ چار سال تک پروفیسرز نہیں لے سکتے تھے مطلب چار سال تک پھر اس کی پروفیسرز نہیں ہو سکتی تھی
پھر اس تالون میں تھوڑی رعایت دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروفیسرز نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک وقت پہلے ایک اور نوٹیفیکیشن ہوا ہے

جس کے مطابق اب ہر ملازم پروفیسرز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ایف اے ڈی وول کے مطابق کارروائی کر لے گا کیا ہے
دراصل یہ آئری نوٹیفیکیشن بنیادی انسانی حقوق کی مکمل خلاف ورزی ہے صوبے کی دور دراز اور پڑاں علاقوں میں خاص طور پر جن اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا

بجہ کام حالات میں کمی زبردستی پروفیسرز اور دور دراز پھیلائی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خانہ دانی دشمنیاں
بھی ہوتی ہیں ایسے حالات میں یہ یا نوٹیفیکیشن جو E&SE کی گائیڈ لائنز کی جواب میں کیا گیا ہے جو بدلتی اور بنیادی انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف تالون چاہا، جوں کا توں بھی منظور رکھتے ہیں

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

اس سلسلے میں آپ جلد از جلد کام (DRO) ڈی ای آر کو ایک خصوصی مراسلہ جاری کیا جائے تاکہ اطلاع میں آپ سب / سبیل / پرائمری اساتذہ کو ذہنی
الیت اور تازگی سے تیار کیا جائے

کیونکہ نوٹیفیکیشن جاری ہونے ہی پرائمری اساتذہ کو ذہنی طور پر تازہ کر لے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کوئی ایکشن لے کر صوبہ بھر کے پرائمری اساتذہ خصوصاً سبیل پرائمری اساتذہ کو اس ذہنی الیت سے نجات دلائیں گے

شکریہ

عزیز اللہ خان سربراہی 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.J. 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 (B)

[Handwritten signature]
Muhammad Akbar Khan
Member (B)

Date of Presentation of Application 10.5.24
 Number of 1
 Copies 1
 Urgent SI
 Total SI
 Name of SI
 Date of 13-5-24
 Date of delivery of copy 12-5-24

[Handwritten signature]

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

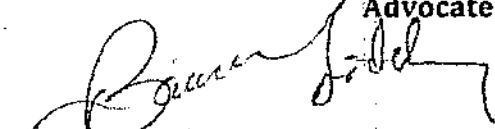
ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court