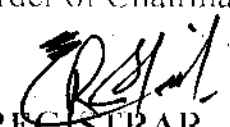


FORM OF ORDER SHEET

Court of _____

Appeal No. 945/2024

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 Mr. Muhammad Yousaf Khan 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 945/2024


Muhammad Yousaf

V/S

Government of KP & others

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2.	Application for suspension	*	4/A
3.	Copy of Monthly Salary account	A.	5-8
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	9-10
5.	Copy of Impugned Letter dated June 06th, 2023	C.	11-15
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	16-19
7.	Copy of Letter dated 23-08-2023	E.	20-21
8.	Copy of Impugned letter dated 07-09-202	F.	22-23
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	24-26
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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 945 /2024

Muhammad Yousaf Khan Son of Janas Khan Resident of Tehsil & District Mardan

Designation: Primary School Head Teacher at GPS Taus 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 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 set-aside.

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

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

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

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

AFFIDAVIT:

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

[Signature]
Deponent

[Signature]
Appellant

Through

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court

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

4/A

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

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

Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

5

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



Personal Information of Mr MUHAMMAD YOUSAF KHAN d/w/s of JANIS KHAN

Personnel Number: 00131653 CNIC: 1610142158537 NTN: 0
Date of Birth: 11.03.1973 Entry into Govt. Service: 25.10.2004 Length of Service: 19 Years 03 Months 008 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 81192723-DISTRICT GOVERNMENT KHYBE

DDO Code: MR0525-Mardan

Payroll Section: 003

GPF Section: 001

Cash Center: 2

GPF A/C No: 131653

GPF Interest applied

GPF Balance:

369,542.00 (provisional)

Vendor Number:

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 14

Wage type		Amount	Wage type		Amount
0001	Basic Pay	51,640.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1500	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	550.00
2199	Adhoc Relief Allow @10%	397.00	2316	Teaching Allowance 2021	3,224.00
2311	Dispr Red All 15% 2022KP	4,812.00	2347	Adhoc Rel At 15% 22(PS17)	4,812.00
2378	Adhoc Relief All 2023 35%	17,381.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-764.00	3990	Emp.Edu. Fund KPK	-135.00
4001	R. Benefits & Death Comp.	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
0505	GPF Loan Principal Instal	360,000.00	-10,000.00	300,000.00

Deductions - Income Tax

Payable: 11,973.28 Recovered till JAN-2024: 5,163.00 Exempted: 2992.83 Recoverable: 3,817.45

Gross Pay (Rs.): 90,736.00 Deductions: (Rs.): -16,989.00 Net Pay: (Rs.): 73,747.00

Payee Name: MUHAMMAD YOUSAF KHAN

Account Number: 13884-5

Bank Details: HABIB BANK LIMITED, 220219 BANK ROAD, MARDAN. BANK ROAD, MARDAN., MARDAN

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MUIHAB ROAD GUL ABAD PARHOTI MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: muhammadyousafkhan86@gmail.com

System generated document in accordance with APPM 4.6.12.9(288598/21.01.2024/3.0)

All amounts are in Pak Rupees

Errors & omissions excepted (SERVICES/02.02.2024/19.39.36)

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

POINTMENT ORDER:

Consequent upon the advertisement published in the Daily Mashriq Peshawar dated 07-02-2004 and resulted interview held on 25-02-2004 by the District recruitment/selection Committee.

The District Coordination officer Mardan Being Competent Authority is pleased to appoint/approve the following PST (Male) on contract basis for three years only in BPS-07 (Rs.2220-10-5820 P.M) plus usual allowances as admissible to them under the rules against the vacant PST Post in the school noted against each with effect from the date of their taking over charge in the interest of public service subject to the following existence terms and conditions:-

7.4 UNION COUNCIL WISE.

Sl. No	R.No	Name	Father Name	Name of Union-Council	Grand Total	Address	Name of school where posted
UC Alo							
	337	Inayat Ullah Shah	Sarwar Shah	Alo	55.24	Alo	GPS Pipal Bagi Khel
	1246	Muhammad Amin	Muhammad Haleem	Alo	54.55	Bar Cham Alo	GPS Pipal Bagi Khel
	1173	Faizur Rehman	Fazli Manan	Alo	54.06	Alo	GPS Pipal
UC Babani							
	623	Zahid Hussain	Saida Khan	Babani	55.51	Khudai Noor Killi	GPS Babani
	627	Nisar Ahmad	Abdul Sattar	Babani	55.89	Charbanda	GPS Yahya Jadeed
	1350	Ishtiaq Ahmad	Redad Khan	Babani	53.82	Baricham Babani	GPS Khudai Noor Killi
	1238	Muhammad Hyas	Mir Muhammad Khan	Babani	53.72	Dheri Killi Mardan	GPS Khudai Noor Killi
	1273	Akbar Khan	Bacha Khan	Babani	52.00	Shagai Babani	GPS Shankar (Babani)
	303	Nasir Khan	Rahim dil khzai	Babani	51.96	Babani	GPS Babani
	1604	Amir Badshah	Gul Badshah	Babani	51.92	Babani	GPS Naseer Killi
	493	Darwesh Khan	Sauandar Khan	Babani	51.28	Nabir Killi	GPS Naseer Killi
	131	Ayaz Khan	Mulim Khan	Babani	51.08	Babani	GPS Naseer Killi
	455	Rasheed Ahmad	Ali Rahman	Babani	50.76	Dheri Koroona	GPS Naseer Killi
	1829	Rooft Ullah	Rahim Dad Khan	Babani	50.11	Naseer Killi	GPS Shagai No.1
	1070	Fazal-U-Sobhan	Noor Gul	Babani	49.88	Shankar	GPS Shankar Koroona
	2177	Fazli Qayum	Khan Haz	Babani	48.99	Naseer Killi	GPS Shagai No.2
	1259	Ahmad Zeb	Akhtar Muhammad	Babani	48.24	Shindari	GPS Shindari
	652	Razi Khan	Anwar Khan	Babani	48.19	Khudai Noor Killi	GPS Shindari
	1225	Fazle Haq	Fazli Rabi	Babani	47.55	Khudai Noor Killi	GPS Khudai Noor Killi
	624	Ismail Muhammad	Anwar Khan	Babani	47.43	Khudai Noor Killi	GPS Mir Akbar Killi
	1728	Atta Ullah	Saeed Ullah	Babani	47.37	Saddar Killi	GPS Mir Akbar Killi

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7

60	Sayad Ah	Zamosh Khan	Bazar	41.41	Bazar Rustam	GPS	Biroch
1995	Wahid Noor	Khurshid Noor	Bazar	31.73	Rustam Mardan	GPS	Pirsoi
194	Anwar Zeb	Reedul Khan	Bazar	31.37	Buroch-Rustam	GPS	Pitow Malanderi
1380	Muhammad Talib Khan	Ihsaf Khan	Bazar	31.31	G-5 P-2222	GPS	Shujawal Banda
UC Chak Holi							
1769	Muhammad Amin	Haju Khan Zafra	Chak Holi	54.71	Khat Kili	GPS	Pani Alladad Khel.
968	Shahid Khan	Ali Haider	Chak Holi	51.32	Machin Kur	GPS	Taus banda
921	Zahir Shah	Sher Muhammad	Chak Holi	50.63	Baku Dheri	GPS	Taus banda
79	Zahid Muhammad	Taj Muhammad	Chak Holi	49.60	Sonyanamar	GPS	Taus banda
1467	Fazli Amin	Syed Hussain Shah	Chak Holi	48.16	Tariq Abad	GPS	Taus banda
967	Sajid Ali	Muhammad Ishaq	Chak Holi	46.99	Nushal Banda	GPS	Taus banda
1856	M. Yousaf Khan	Janis Khan	Chak Holi	46.07	Gul Abad Par Holi	GPS	Taus banda
1740	Shaukat Ali	Rizwan Ullah	Chak Holi	45.23	Khat Kili	GPS	Pani Alla Dad Khel No.2
426	Akbar Ali	Umar Khan	Chak Holi	42.88	Garib abad No.2	GPS	Pani Alla Dad Khel No.2
2221	Niaz Muhammad	Gul Muhammad	Chak Holi	42.17	Khat Kili	GPS	GPS Taus Banda
UC Chamtar							
286	Atab Khan	Yaqub Khan	Chamtar	52.75	Serai Miangul	GPS	Chamtar
1059	Muhammad Ayaz	Shamshad Khan	Chamtar	50.56	Chamtar	GPS	Chamtar
2154	Imran Khan	Jamshid Khan	Chamtar	49.10	Sharif Abad	GPS	Chamtar
287	Imtiaz Ahmad	Imneed Gul	Chamtar	46.54	Miangulzara	GPS	Chamtar
1264	Noor Ullah	Mukaram Khan	Chamtar	46.23	Said Amin Kili	GPS	Chamtar
1733	Ali Hassan	Ghulam Muhammad	Chamtar	42.23	Mian Gulzara	GPS	Chamtar
978	MISKEEN	Anrud Din	Chamtar	42.21	Sharif Abad	GPS	Chamtar
982	Mudassir Shah	Jahir Shah	Chamtar	42.00	Sharif Abad	GPS	Narai Mian Gulzara
1026	Saeed Ullah	Aman Ullah	Chamtar	39.05	Boghabala	GPS	Narai Mian Gulzara
507	Abdul Rashid	Mubassat Khan	Chamtar	35.50	Wazir Kili	GPS	Sugar Can Form
UC Char Gul							
1230	Hazrat Bilal	Muhammad Younis	Char Gul	54.58	Sahar Khel	GPS	Char Gul
1283	Muhammad Ali	Mir Bahadur	Char Gul	54.45	Dan Chum Surkh Dheri	GPS	Pir Khel Said Abad
297	Abdul Wali Khan	Ghulam Akbar	Char Gul	53.10	Jalir Abad	GPS	Pir Khel Said Abad
1828	Gulzar Muhammad	Faqir Muhammad	Char Gul	53.10	Char Gul Mardan	GPS	Pir Khel Said Abad
UC Dagari							
1688	Asif Khan	Usman Gul	Dagari	54.31	Dagan Abad	GPS	Dagari

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EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY MARDAN

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Director Schools and Literacy NWFP Peshawar
District Nazim Mardan
District Coordination Officer Mardan and Takht Bhatt
Deputy District Officers (A) Mardan and Takht Bhatt
ADO (Primary) Mardan
District Accounts Officer Mardan
Candidate concerned.

Copy forwarded to the:-

No. 8595-2980
Appn: PST

Dated 16/10/2004

(FAZALE RABBI)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY MARDAN

They are entitled for annual increment on completion of one year service.
They will take over charge of the post within 15 days.

No TADA is allowed.
They are not allowed to avail pension gratuity etc as mention in the recruitment policy of contract employee 2002.
They will be governed by contract policy released by the govt from time to time.
In case of non availability of vacancy, the appointment order of the junior most candidate will be withdrawn and in any error in the score, the appointment order of the candidate will also be withdrawn.
They are entitled for annual increment on completion of one year service.

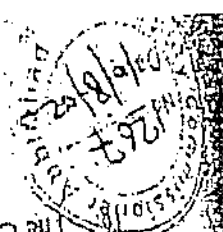
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ATTESTED

DEPUTY SECRETARY (POLICY)
(WALIDAH LATIF)

Handwritten signature of Walidah Latif.



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Board of Revenue, Khyber Pakhtunkhwa.
- 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 Government, 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 Public Service Commission, Peshawar.
- 12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Deputy Director (IT, E&A Department, Administration Department with the request to the Deputy Director (IT, E&A Department, Administration Department).
- 14. All Section Officers in Establishment & Administration Department with the request to the Section Officer (Admn), Administration Department.
- 15. The Caretaker, Administration Department, arrange 20 gazette copies.

COPIES FORWARDED TO:

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

AMENDMENT

In exercise of the powers conferred by section 25 of the Government of Khyber Pakhtunkhwa Act No. XVII of 1973 (Khyber Pakhtunkhwa Act No. XVII 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:

NOTIFICATION

Dated Peshawar, the, 06/8/2020

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

Handwritten signatures and initials at the bottom left.



B/C 10
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)



11

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)(R&A)/1-3/2023
Dated Peshawar this 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 SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,

1. I am directed to refer to your letter No. SO(Polymy-M)P&R/172-2/Appoinment/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 04.08.2023; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the ibid 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 Mubiyunnad Khan)
Section Officer (Policy)

ASSE
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/PA/29

RECEIVED
ESTABLISHMENT DEPARTMENT
PESHAWAR
JUN 21 2023

(Signature)
Section Officer (Policy)

To,

B/C /g

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&ED/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, 2012, please.

Section Officer
(Policy)

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

Copy forwarded to the :-
Encl: of even no & date

(Issa Muhammad Khan)
Section Officer (Policy)

Yours faithfully,

-B/c-

13

19
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 the, June 26th, 2023

To

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

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

[Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten initials]

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

Copy forwarded to the:

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

[Handwritten initials]

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

B/c 15

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(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)

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


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


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

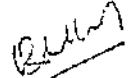
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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

- B/C - 17

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 & 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)

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

Copy of the above is to:-

Ends No. _____
 Assistant Director (Establishment)
 Elementary & Secondary Education
 Khyber Pakhtunkhwa
 21/7/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.
 provided they submit their written refusal prior to conclusion of the meeting of
 Teachers below DRS-16 may be exempted of implications of the amendment in the rules that
 (75) have affected negatively a huge number of Female Teachers. Thus it is proposed that
 In view of the above, this office is of considered opinion that the decision of Rules
 been asked for submission of consolidated case.
 Chairmanship of Hon. Additional Secretary Establishment at his office this office has
 That in the light of the minutes of meeting dated 6-07-2023 held under the
 (Primary-4) E&SED/2-2/appointment/2023 dated 12-06-2023.
 The same was received by this office from your good office vide letter No.50
 civil servant to accept promotion under every condition.
 that there exists no provision in decline or forgo promotion. It is obligatory upon every
 Wing) vide letter No.50 (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated
 That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
 No.50 (Primary-4) E&SED/2-2/appointment/2023 for necessary guidance.
 That your good office forwarded the same to the quarter concerned vide letter
 promotion.
 (ii) It is the prerogative of the civil servant to either accept or turn down the offer of
 (i) Now it is obligatory upon the civil servant to accept promotion in every condition.
 No.6987 dated 06-02-2023.
 That this office sought guidance from your good office in the following words vide letter
 vide notification No. No.50-R-VI (E&AD)/1-3/2020 dated 06-08-2020.
 deleted Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)
 That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing)

I am directed to refer to the letter No.50(R-Primary-4)E&SED/5-1/
 G.M/Min/Sec of the Meeting/P/ST/2023 dated 10-07-2023 on the subject cited above and in
 present brief history about the background of the case as under:

MINUTES OF THE MEETING

The Section Officer (Primary-4) (Male),
 Elementary & Secondary Education Department,
 Khyber Pakhtunkhwa Peshawar.

Subject -
Dear Sir,

No. 8145
 Khyber Pakhtunkhwa, Peshawar
 IF No. 34/SST/PA/General Cases
 Phone: 091-9225344
 Email: esia@khybermint.nic.af@khybermint.nic.af
 Dated 21-7-2023



18

Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

Copy of the above to:
1. PA to Director Local Directorate
2. Master Copy

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have effected negatively a huge members of Female teachers. The case is submitted for perusal and necessary action please.

That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Education at his office. This office has been asked for submission of consolidated case.

- That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) EQAD/1-3/2020 dated 6-06-2023 correspondingly stated that there exists no provision to decline / forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That your good office forwarded the same to quarters concerned vide letter No. 50 (Policy) EQAD/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) EQAD/1-3/2020 dated 6-06-2023 correspondingly 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 Education at his office. This office has been asked for submission of consolidated case.

I am directed to refer to letter No. (SO. Pkmtg-M) EQAD/5-1/GMB/Min/2023 dated 10-7-2023 on subject cited above and to present brief history, above background of case as under:

- That Government of KP Establishment department (Regulation Wing) dated rule 7(S) in Civil Servant (Appointment, Promotion, Transfer Rule 1997) vide notification No. No. SDR-VI (EQAD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-08-2023.
- (i) Now it is obligatory upon civil servant to accept promotion.
- (ii) It is prerogative of civil servant to either accept / forego the offer of promotion.

That your good office forwarded the same to quarters concerned vide letter No. 50 (Policy) EQAD/2-2/Appointment/2023 for necessary guidance.

That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) EQAD/1-3/2020 dated 6-06-2023 correspondingly 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 Education at his office. This office has been asked for submission of consolidated case.

To: DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, LPK
Section Officer (Primary Male),
Elementary & Secondary Education Department,
LPK, Peshawar.
Subject: Minutes of Meeting

PESHAWAR
(21-7-2023)

- B/C - 19



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

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

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

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

Dear Sir,

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

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

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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

Scanned with CamScanner

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

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

Civil servant (Efficiency and Discipline) Rule 2012.
 of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil servant (Efficiency and Discipline) Rule 2012.
 those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) it has been intimated that deletion of Rule 7(S) Khyber Pakhtunkhwa Civil servant (Appointment, 1-3/2020 dated 6th June 2023 and to state that after I am directed to refer to your letter No. SO (Primary) (Policy) /E&A

Dear Sir,
 SUBJECT: Guidance regarding deletion of Rule 7(S) in the Civil servant (Appointment, Promotion & Transfer Rules 1989)

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

To
 Peshawar Dated 23rd August 2023.
 Appointment - Rule / 2023
 No. 50 (Primary - M) / E&S / 2023

- B/c -
 2



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(S) 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.

- B/C - 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

Section nicer (Policy)

24

To,

Dated: 28-02-2024

- 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

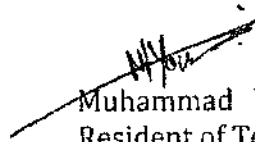
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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

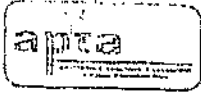
Best Regards


 Muhammad Yousaf Khan Son of Janas Khan
 Resident of Tehsil & District Mardan

25

Khyber Pakhtunkhwa

Atiq Ullah Khan
President
Q 0333 8412648
at2020@atq1073@gmail.com
0333 8412648



APTA House:
Govt. Primary School No.4,
Gulabgarh Peshawar City.

آل پرائمری لیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

مہاب: سیکرٹری و پبلسٹیٹی & سٹوڈنٹس ایجوکیشن لیچرز
مہاب: آل پرائمری لیچرز ایسوسی ایشن خیبر پختونخوا
مہاب: مہاب

گزارش ہے کہ پرموشن ہر ادا سے منہ ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پرموشن کا ایک ہانوں اور کرنا تھا کہ ہر ملازم ایک اگر کسی
پہرے تحت ایک دفعہ پرموشن میں لیں تو وہ پھر آئے، چار سال تک پرموشن نہیں لے سکتے تھے مطلب چار سال تک ہر اس کی پرموشن نہیں ہو سکتی تھی
پھر اس قانون میں ترمیمی دہائی ہوتی ہے چار سال دہائی ہوتی ہے کہ اگر ایک ملازم ایک سال پرموشن نہ لیں تو دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتہ پہلے ایک اور فیوچر ہوا ہے

جس کے مطابق اب ہر ملازم پرموشن ضرور لیں گے اگر نہیں لیں گے تو ان کے خلاف ای سی ڈی رولز کے مطابق کارروائی کرنے کا کہا گیا ہے
دراصل یہ آخری فیوچر بنیادی انسانی حقوق کی مکمل خلاف ورزی ہے جس کے دور دراز اور پہاڑی علاقوں میں خاص کر خواتین اساتذہ کو انہی مشکلات کا
سامنا کرنا پڑے گا

بیکہ عام حالات میں بھی ذہنی پرموشن اور دور دراز بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کہ ایک لیچرز پختونخوا میں پبلسٹیٹی سے نامزدی و دشمنیاں
کی ہوتی ہے ایسے حالات میں یہ نیا فیوچر جے E&SE کی گائیڈنس لیچرز کی جواب میں کیا گیا ہے جو بدلتی اور بنیادی انسانی حقوق کی خلاف
ہم ان کے خلاف قانونی چارہ جوئی کا حق بھی محفوظ رکھتے ہیں

لہذا ہم آپ سے عدولہ اپنی کرتے ہیں کہ فیوچر کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
ذہنی پرموشن لینے کی ہیلڈے ان کو عرصے سے لینے دیا جائے
اور پرموشن نہ لینے کی صورت میں ہاتھ ہٹا لیا جائے لیکن یہ بہتر تھا نہ کی جائے

اس سلسلے میں آپ جلد از جلد تمام (DEOs) ای ای اور ایک قسم میں مراعات جاری کیا جائے تاکہ اساتذہ میں سب کیلئے لیچرز پرائمری اساتذہ کو ذہنی
الیت اور ترقی تک سے پہنچایا جائے

کیونکہ فیوچر بنیادی ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر ترقی کرنے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان ذہنی ایجنٹس جگہ سب کے پرائمری اساتذہ خصوصاً لیچرز پرائمری اساتذہ کو اس ذہنی الیت سے نجات دلائیں گے

شکریہ

Handwritten signature and date 08/11/23

غزوانہ خان سوہانی صدر
آل پرائمری لیچرز ایسوسی ایشن خیبر پختونخوا

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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)

[Handwritten signature]
MEMBER
NATIONAL COUNCIL OF TEACHERS EDUCATION
ISLAMABAD

Date of Presentation of Application 10-5-24
 Name of Applicant S.P.P
 Category 1
 Department 1
 Total 1
 Name of 13 (12)
 Date of 12-6-24
 Date of delivery of copy 12-6-24

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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.

M. Yousef

APPELLANT

ACCEPTED

Muhammad Muazzam Butt

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

Muhammad Adeel Butt

MUHAMMAD ADEEL BUTT
Advocate High Court

Bassam Ahmad Siddiqui

BASSAM AHMAD SIDDIQUI
Advocate High Court