


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 946/2024

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. Shamshad presented today by Mr. 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 5 946 / 2024

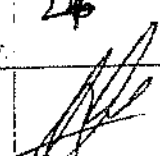
Shamshad

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.	6-8
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	24-25
10.	Wakalat Nama		27

  
ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 946 /2024

Shamshad Son of Khitab Ud Din Resident of Tehsil & District Mardan

Designation: Senior Primary School Teacher at GPS Manga Dheri

.....Appellant

**V E R S U S**

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

.....Respondents

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

PRAYER:

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

**ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.**

RESPECTFULLY SHEWETH:

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

2. That as per Khyber Pakhtunkhwa (Appointment/ Promotion/ Transfer) Rules, 1989, as well as in other sister services of the other Provinces and Federation as well, availing of promotion by the employees is always optional and the employees as a matter of right may avail or forego their promotion and the next employee in seniority list is to be promoted.
3. That some employees specifically have foregone their promotion as they could not serve in the areas where there is no facility of accommodation and no houses of their elders are available to look after them in far-flung and solitary mountainous hard areas, and as per Section 25 of per KP Civil Servant Act, 1973, rules to the extent of terms and condition is framed by the Chief Minister and such promotion rules are not made applicable with retrospective effect. The rules framed are published in the Gazette notification and part and parcel of KP Civil Servant Appointment, Transfer and Promotion Rules 1989.
4. That Government of K.P without following the rules position mentioned in Para 6 above promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Respondent No.2 vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. The impugned Notification is reproduced as under:-
- "Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".**
5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

**GROUND:-**

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

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

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

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

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

**AFFIDAVIT:**

I Shamshad Son of Khitab Ud Din 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

Through

*[Signature]*  
Appellant

*[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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No \_\_\_\_\_ -P of 2024  
In Ref to

Service Appeal No \_\_\_\_\_ /2024

Shamshad  
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

*Shamshad*  
Deponent

Through

*Shamshad*  
Appellant

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

-6- MALE U/C -6- ✓

1 of 9

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) MARDAN**  
**NOTIFICATION:**

Consequent upon the advertisement published in the daily "Mashriq" Peshawar dated: 08/06/2006 and resulted interview held on 27/06/2006 by the District recruitment/selection committee, the undersigned being competent authority is pleased to appoint/approve the following PST (Male) candidates: HPS-07 (RS-2555-140-6755) plus usual allowances as admissible to them under the rules against the vacant PST post at the schools noted against each with effect from the date of their taking over charge in the interest of public service subject to the following existence terms and conditions:

**UNION COUNCIL WISE MERIT 75%**

S.No	R.No	Name	Father's Name	Address	School Where Appointed	Remarks
<b>U/C ALO</b>						
1	455	Irhan Ullah	Wajid Ullah	Alo	GPS No. 2 Papat	Against Vacant PST Post
2	450	Majeed Ullah Shah	Gulab Noor	Alo	GPS Baghi Kheil	Against Vacant PST Post
<b>U/C BABANI</b>						
1	459	Zahir Rahman	Mahir Rahman	Babani	GPS Sajid Akbar Killi	Against Vacant PST Post
2	447	Habibkhar Khan	Mirzaman Khan	Babani	GPS Haji Muhammad Killi	Against Vacant PST Post
3	248	Muhammad Tufail	Redad Khan	Babani	GPS Sajid Akbar Killi	Against Vacant PST Post
4	450	Saeed Khan	Muzaffar Khan	Babani	GPS Haji Muhammad Killi	Against Vacant PST Post
5	1222	Fazli Qadir	Fazli Ali	Babani	GPS Sajid Akbar Killi	Against Vacant PST Post
6	463	Izzat Muhammad	Noor Rehman	Babani	GPS Kotinaka	Against Vacant PST Post
7	1641	Abdus Salam	Sultan Muhammad	Babani		Against Vacant PST Post
8	1298	Noorul Dagar	Badrud Duja	Babani	GPS Ajab Gul Banda	Against Vacant PST Post
9	1296	Ubaider Rahman	Badrud Duja	Babani	GPS Babani	Against Vacant PST Post
10	1217	Karamat I Din	Noor Rehman	Babani	GPS Babani	Against Vacant PST Post
<b>U/C BABOZAI</b>						
1	406	Masih Ullah	Habib Ullah	Babozai	GPS Roshan Abad	Against Vacant PST Post
<b>U/C BAGHE HARAM</b>						
1	1308	Zahid Hussain	Sadbar	Baghe Haram	GPS Tambulak	Against Vacant PST Post
2	1508	Ayub Khan	Hakoon Khan	Baghe Haram	GPS Seri Koraghi	Against Vacant PST Post
3	148	Fazli Wahid	Ghulam Habib	Baghe Haram	GPS Seri Koraghi	Against Vacant PST Post
<b>U/C BAGHICHA DHERI</b>						
1	44	Fazand Ali Dacha	Sher Zada Dacha	Baghicha Dheri	GPS Eut Seri No.	Against Vacant PST Post
<b>U/C BAKSHALI</b>						
1	29	Syed Ali Shah	Syed Abdul Wahid Shah	Bakshali	GPS Zubair Dheri	Against Vacant PST Post
2	1035	Hassan Ali	Zari Bahadar	Bakshali	GPS Gul Dheri	Against Vacant PST Post
3	1034	Riaz Ali	Habib Ur Rahman	Bakshali	GPS Jafar Abad	Against Vacant PST Post
<b>U/C BALA GARHI</b>						
1	680	Mir Qasim	Sar Baz	Bala Garhi	GPS Bala Garhi No. 2	Against Vacant PST Post



R.No	Name	Father's Name	Address	School Where Appointed	Remarks	
58	Nazar Muhammad	Khan Muhammad	Maho Dheri	GPS Maho Dheri	Against Vacant PST Post	
<b>U/C MANGA</b>						
1	822	Siraj Muhammad	Muhammad Nazeef	Manga	GPS Bakayana	Against Vacant PST Post
2	1706	Said Rehman	Fazli Rabi	Manga	GPS Muslim Abad	Against Vacant PST Post
3	1114	Shamsiud	Khatib Ud Din	Manga	GPS Manga Dheri	Against Vacant PST Post
<b>U/C MARDAN RURAL</b>						
1	167	Mohammad Younas	Khalil Ur Rehman	Mardan Rural	GPS Nowshad Abad	Against Vacant PST Post
2	1004	Intizar Ali	Farman Ali	Mardan Rural	GPS Chitil Banda	Against Vacant PST Post
3	679	Asif Khan	Haidar Khan	Mardan Rural	GPS Chitil Banda	Against Vacant PST Post
<b>U/C MAYAR</b>						
1	761	Iqtidar Ali	Khan Bahadar	Mayar	GPS Mayar No.1	Against Vacant PST Post
2	1573	Saif Ullah	Ubaid Ullah	Mayar	GPS Jabb	Against Vacant PST Post
<b>U/C MIAN ESSA</b>						
1	1218	Arsala Khan	Qadar Shah	Mian Issa	GPS Mulo Shah	Against Vacant PST Post
2	726	Naseer Ahmad	Sahib Gul	Mian Issa	GPS Kalo Shah	Against Vacant PST Post
3	1368	Ihsanud Din	Mahayyud Din	Mian Issa	GPS Kalo Shah	Against Vacant PST Post
4	73	Mukamil Khan	Zarin Khan	Mian Issa	GPS Kalo Shah	Against Vacant PST Post
5	946	Lal Ghani	Rahim Ullah	Mian Issa	GPS Kalo Shah	Against Vacant PST Post
<b>U/C MOHABAT ABAD</b>						
1	637	Shoukat Hayat	Qadar Din	Mohabat Abad	GPS Mohabat Abad	Against Vacant PST Post
2	865	Muhammad Zahid Iqbal	Fazli Hadi	Mohabat Abad	GPS Mohabat Abad	Against Vacant PST Post
3	349	Iqbal Said	Naik Said	Mohabat Abad	GPS Koraghi	Against Vacant PST Post
4	840	Ihsan Ullah	Taj Muhammad	Mohabat Abad	GPS Koraghi	Against Vacant PST Post
5	850	Muhammad Fahad	Fazli Hadi	Mohabat Abad	GPS Koraghi	Against Vacant PST Post
<b>U/C MOHIB BANDA</b>						
1	1580	Nisar Ahmad	Lal Muhammad	Mohib Banda	GPS Mohib Banda No.1	Against Vacant PST Post
2	681	Shkir Khan	Said Rahman	Mohib Banda	GPS Mohib Banda No.1	Against Vacant PST Post
3	96	Abdul Rob	Abdul Jamil	Mohib Banda	GPS Mohib Banda No.1	Against Vacant PST Post
4	685	Hafiz Habibul Haq	Abdul Abrar	Mohib Banda	GPS Toor Killi	Against Vacant PST Post
5	390	Ibnud Ur Rahman	Latif Ur Rahman	Mohib Banda	GPS Mohib Banda No.1	Against Vacant PST Post
6	688	Muhammad Ishaq	Muhammad Shuaib	Mohib Banda	GPS Mohib Banda No.2	Against Vacant PST Post
7	67	Wajid Muhammad	Dildar Khan	Mohib Banda	GPS Mohib Banda No.2	Against Vacant PST Post
<b>U/C MUSLIM ABAD</b>						
1	778	Muhammad Ayaz Khan	Nisar Muhammad	Muslim Abad	GPS Karwan Road	Against Vacant PST Post
2	963	Khalid Usman	Abdul Qader	Muslim Abad	GPS Karwan Road	Against Vacant PST Post

8 ✓

9 of 9  
Their educational/professional certificates/degree should be verified from the concerned Board/University before drawl of their pay and pay should not be released till the comparison of their score with merit list maintained in this office after verification.

- 5- No TA/DA is allowed.
- 6- They will be governed by contract policy 2005 and other policy/rules released by the Govt: from time to time.
- 7- They are entitled for annual increment on completion of one year service.
- 8- They will take over charge of the post within 15 days.
- 9- In case of resignation they will give one month prior notice to the Department or forfeit one month's salary in Government treasury.
- 10- In case of duplication of post the appointment order of junior most will be withdrawn automatically.

(MIAN WALI MUHAMMAD)  
EXECUTIVE DISTRICT OFFICER  
(SCHOOLS & LITERACY) MARDAN

Endst: No. 23615/G /Applt: PST. Dated Mardan the, 23/12/2006

Copy forwarded for information and necessary action to the:-

- 1- Director Schools and Literacy NWFP, Peshawar.
- 2- District Nazim Mardan.
- 3- District Coordination Officer Mardan.
- 4- District Accounts Officer Mardan.
- 5- Supdt: local office.
- 6- Deputy District Officer (Male) Primary Mardan & Takht Bhai.
- 7- ADO (Estt) Local Office.
- 8- Head Teachers Concerned.
- 9- Candidate Concerned.

23/12/06

EXECUTIVE DISTRICT OFFICER  
(SCHOOLS & LITERACY) MARDAN

AS/ALL

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/8/2020

SUK (Policy) E&A/D/1-3/2020

In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

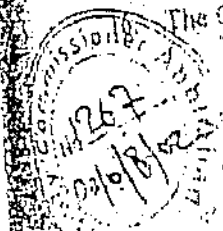
In rule 7, sub-rule (5) shall be deleted.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

LIST: NO & EVEN DATE

Copy is forwarded to:-

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



ATTESTED

*(Signature)*  
(WALDAH LATIF)  
DEPUTY SECRETARY (POLICY)

*Attested*

-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)



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

62

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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(Polcy-M)M&HR/2-  
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule  
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)  
Rules, 1989 stands deleted vide this department notification dated 05.08.2020; thus, no  
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a  
civil servant from temptation for illicit gain by sucking 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 Muly Ahmad Khan)  
Section Officer (Polcy)

ASE  
7/6

Encl. Of even No & Date

Copy forwarded to:-

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

SE/...

2023  
7/6/23

Section Officer (Polcy)

B/C

To,

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

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

Dear Sir,

I am directed to refer to your letter No. 30 (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 (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

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

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

Section Officer  
(Policy)

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

Encl. of even no Ep date

Copy forwarded to the :-

(Isaa Muhammad Khan)  
Section Officer (Policy)

Yours faithfully,

- B/c -

-14-

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

No.SO (Primary-M)/E&SED/2-5/2023  
Dated Peshawar lhc, June 26<sup>th</sup>, 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

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

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

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

Encl: AA

*[Handwritten Signature]*

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

Copy forwarded to the:

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

*[Handwritten Signature]*

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



-15-

B/c

No SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 25<sup>th</sup> 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(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-1  
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

- 17 -

- B/C -

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

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

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

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

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

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

(Mr. Fazal Wahid)

Deputy Director-1  
E&SE Department

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)



To

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

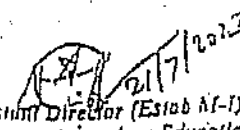
Subject: - MINUTES OF THE MEETING  
Dear Sir,

I am directed to refer to the letter No.SO (Primary-M) E&SED/5-1/ G, Misc/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and 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 1980) vide notification No. Na. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-02-2023.
  - Now it is obligatory upon the civil servant to accept Promotion in every condition.
  - 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 large numbers of Female Teachers. Thus it is proposed that Teachers below DPS-16 may be exempted of implications of the amendment in the rules cited 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

-19-

-B/c-

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.M/S/L/ Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:-

- \* That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion & Transfer Rules 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 06-08-2023.
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- \* That your good office forwarded the same to quonies 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 <sup>every</sup> condition.
- \* That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.



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

No. SO(Policy-M)E&SED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> 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)/ EBAD/ 1-3/2020 dated 06<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

  
(MUHAMMAD ISHFAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

1. Director EBSE Khyber Pakhtunkhwa.
2. PS to Secretary, EBSE Department Khyber Pakhtunkhwa.

  
SECTION OFFICER (PRIMARY MALE)  
23/8/23

Scanned with CamScanner

2. PS to Secretary, E & SE Department  
 1. Director E & SE Khyber Pakhtunkhwa  
 Copy forwarded to:  
 (Muhammad Ishaq)  
 Section Officer (Primary  
 Male)

In this connection it is submitted that in some cases lady teacher of primary level who avoid such promotion have to face serious inconvenience while they have to perform duties in the remotest stations with no residential/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.

Dear Sir,  
 I am directed to refer to your letter No. SO (Primary) (Policy) / E & AD / 1-3/2020 dated 24 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 2012.

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  
 No. SO (Primary-M) / E & SE / 1-3-21 / Appointment - Rule / 2023  
 Peshawar Dated 23rd August, 2023.

- 21 -  
 - b/c -  
 - ~~21~~ -



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.



- 23 -

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Enclst. 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)

Dated: 22-01-2024

To,

- 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

*Shamshad*

Shamshad Son of Khitab Ud Din  
Resident of Tehsil & District  
Mardan

Khyber Pakhtunkhwa

Ms. Uzma Khan  
President  
0333-0412548  
msuzmah1973@gmail.com  
01 ngnkpk



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

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

مقام: سیکرٹری پرائمری ایجوکیشن خیبر پختونخوا  
مقام: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
جناب عالی

گزارش ہے کہ پروسوزر ہر ادارے میں ہوتے ہیں اور کہ سرکاری ملازم کی خواہش ہوتی ہے پروسوزر کا ایک قانون اور کہ تھا کہ ہر ملازم ایک اگر کسی  
بجوریہ تحت ایک دن پروسوزر نہیں تو وہ پھر آئندہ چار سال تک پروسوزر نہیں لے سکتے تھے چار سال تک ہر اس کی پروسوزر نہیں اور سن میں  
ہر اس قانون میں ترقی دیا گیا چار سال والی بات طبع کر دی گئی کہ اگر ایک ملازم ایک سال پروسوزر نہ لیں تو وہ دوسرے سال لے سکتا ہے  
لیکن اب ایک ہفتہ پہلے ایک اور نوٹیفکیشن آ رہا ہے

جس کے مطابق اب ہر ملازم پروسوزر ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ایک ایسی ڈی رولز کے مطابق کارروائی کرنے کا کہا گیا ہے  
دراصل یہ آئی نوٹیفکیشن بنیادی انسانی حقوق کی مکمل خلاف ورزی ہے جسے کی دور دراز اور پہلی ملازمت میں خاص کر خواتین اساتذہ کو انہماک مشکلات کا  
سامنا کرنا پڑے گا

جبکہ عام حالات میں بھی زبردستی پروسوزر اور دور دراز بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ ٹیچرز پختونخوا میں بدستوری سے خاندانی رشتہ  
رہا ہوا ہے ایسے حالات میں یہ یا نوٹیفکیشن ہر E&SE کی کاپی لیں لیکر کہ جناب میں کیا کیا ہے جو بدلتی اور بنیادی انسانی حقوق کی خلاف ورزی  
ہم اس کے خلاف قانونی چارہ جوئی کا حق بھی محفوظ رکھتے ہیں

لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو  
زبردستی پروسوزر لینے کی بجائے ان کو مرضی سے لینے دیا جائے

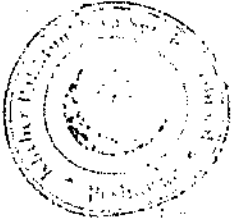
اور پروسوزر نہ لینے کی صورت میں باقاعدہ ہٹ لیا جائے لیکن یہ زبردستی نہ کی جائے  
اس سلسلے میں آپ بلا تاخیر تمام (DEOs) کی ای اور کہ ایک خصوصی مراسلہ جاری کیا جائے تاکہ اطلاع میں ہر سب / سبیل پرائمری اساتذہ کو ذہنی  
الیت اور توجہ سے دیا جائے

کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو اپنی طور پر رازہ کرنے کا سلسلہ شروع ہو چکا ہے  
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان ذریعہ نوٹیفکیشن لیکر سب بھر کے پرائمری اساتذہ کو خصوصی سبیل پرائمری اساتذہ کو اس اپنی الیت سے بہت دلائل کے

شکریہ

عزیز اللہ خان سرہانی صدر  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

07.05.2024



1. Learned counsel for the appellant present.

2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.

03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

*[Handwritten signature]*  
Muhammad Akbar Khan  
Member (I)

Date of Preparation of Application 10-5-24  
Number of 13  
Copy of 13  
Urgent 13  
Total 13  
Name of 13  
Date of 13  
Date of delivery of copy 17-5-24

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

Appellant

Versus

Government of KP & others

Respondents

*I (the Appellant)*

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

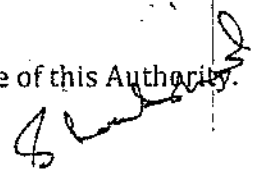
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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

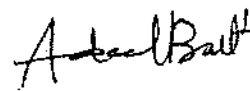


**APPELLANT**

**ACCEPTED**



MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court



MUHAMMAD ADEEL BUTT  
Advocate High Court



BASSAM AHMAD SIDDIQUI  
Advocate High Court