


FORM OF ORDER SHEET

Court of _____

Appeal No. 1006/2024

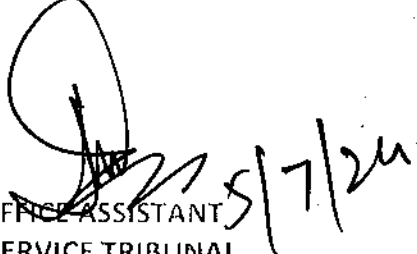
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/07/2024	<p>The appeal of Mr. Amir Nawab resubmitted today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 24.07.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Amir Nawab received today i.e on 04.07.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- Copy of appointment order of appellant mentioned in the memo of appeal is not attached with the appeal be placed on it.

No. 304 /Inst./2024/KPST,

Dt. 5/7 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Muazzam Butt Adv.
Supreme Court at Peshawar.

Re submitted after compliance

22/07/24

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

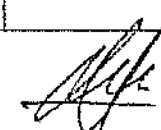
A - No. 1006/24
Amir Nawab

V/S

Government of KP & others

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 1006 /2024

Amir Nawab Son of Ghulam Samad Resident of Tehsil & District Mardan

Designation: Senior Primary School Teacher at GPS Dad Muhammad Killi

.....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 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.



Appellant

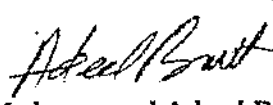
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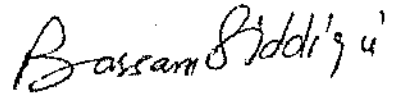
I Amir Nawab Son of Ghulam Samad Resident of Tehsil & District Mardan that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

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

Service Appeal No _____/2024

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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



Appellant

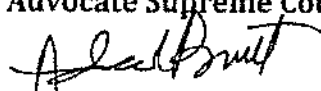
AFFIDAVIT:

I (appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

-6-

Monthly Salary Statement (January-2024)

PSHT MK



0346-9301892

Personal Information of Mr AMIR NAWAB d/w/s of GHULAM SAMAD

Personnel Number: 00132114

CNIC: 1610263302971

NTN: 0

Date of Birth: 09.1980

Entry into Govt. Service: 26.10.2004

Length of Service: 19 Years 03 Months 007 Days

Employment Category: Vocational Permanent

Designation: SENIOR PRIMARY SCHOOL TEA

80003433-DISTRICT GOVERNMENT KHYBE

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

Payroll Section: 003

GPF Section: 001

Cash Center: 1

GPF A/C No: 132114

GPF Interest applied

GPF Balance:

647,707.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil

BPS: 14

Pay Stage: 15

Wage type		Amount	Wage type		Amount
0001	Basic Pay	48,630.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	550.00	2199	Adhoc Relief Allow @10%	373.00
2316	Teaching Allowance 2021	3,036.00	2341	Dispr. Red All 15% 2022KP	4,558.00
2347	Adhoc Rel Al 15% 22(PS17)	4,558.00	2378	Adhoc Relief All 2023 35%	16,411.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-671.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 10,520.50 Recovered till JAN-2024: 4,537.00 Exempted: 2629.85 Recoverable: 3,353.65

Gross Pay (Rs.): 85,793.00 Deductions: (Rs.): -6,506.00 Net Pay: (Rs.): 79,287.00

Payee Name: AMIR NAWAB

Account Number: 5595-3

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

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILL ISLAM GUL KORONATEH T BHAI DISTT MA

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: nawabpst@gmail.com

AB- Akbar PSHT
GPS Nadir Sher Shergah



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) MARDAN

NOTIFICATION

Consequent upon the recommendations of departmental promotion committee in its meeting held on 31-12-2021 and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No.SO(B&A)/ 1-18/4 & SE-2012 dated 11-2012 and No-SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre dated 13-11-2012, the following SPSTs B-14 are hereby promoted to the post of PSHTs B-15 in teaching cadre and adjusted in school mentioned against each against vacant posts on the terms and conditions given below with immediate effect.

S/N	Seniority No.	Teacher Name	Father Name	Current School	Assigned Station
1	734	MUHAMMAD IKRAM	MUHABAT KHAN	GPS Asaf Killi T.Bhai	GPS Seri Behlol-1
2	710	MUHAMMAD NAEEM	MUHAMMAD IKRAM	GPS Kala (LK)	GPS Jamil Ahad(L/K)
3	819	MUHAMMAD YOUSAF	SHAHAD	GPS Gulshanabad Chamdheri	GPS Purbat Dubar Adda
4	598	RASHEED UR RAHMAN	ABDUR RAHIM	GPS No.2 Zardu Dheri	GPS Khani Kati Borh Killi
5	830	ASAD KHAN	WARIS KHAN	GPS Pando Kote Rustam	GPS Sufaid Daga
6	1074	TARIG ALI KHAN	GUL RAHMAN	GPS Jamirz T.Bhai	GPS Janaz
7	1027	SAEED UR RAHMAN	HABIB UR RAHMAN	GPS DOSHI KATI ANG GPS Said Faqir Killi Katlang	GPS Doshi
8	1042	KHUNREZ KHAN	GHANDAL KHAN		GPS Salak
9	1087	SHAUKAT ALI KHAN	MUAB GUL	GPS Check Baghdada	GPS Gujar Garmi
10	1112	KHALID ZAMAN	EID-UZ-ZAMAN	GPS Nawab Khan Mardan	GPS Amanullah Banda
11	1130	MUHAMMAD SHGAIB	SAID NOOR SHAH	GPS SHAHDAND Lund Khwar	GPS Shahdand-3
12	1143	MURAD ALI	GHULAM NABI	GPS Labour colony	GPS Shaheedabad(I)
13	1160	MUHAMMAD ZUBAIR	GUL MUHAMMAD	GPS Janbaz Naari	GPS Ibrahim Khan Killi
14	1232	MUHAMMAD RAFIQ KHAN	FATEH MUHAMMAD KHAN	GPS Chidhar Katlang	GPS Chamon Abad
15	1279	MAQSOOD AHMED	ABDUL ISLAM	GPS Sokai	GPS Baqir Banda
16	1290	SHAH ZAMIN KHAN	SAID MUKHTIAR JAN	GPS Umer Dher Rustam	GPS Faqir Abad Shah Toori
17	1298	SALIM GUL	RAHMAT GUL	GPS Aslam Banda	GPS Gujronn Killi
18	1300	YOUNAS KHAN	ABDUR RAHMAN KHAN	GPS Sikandary	GPS PirGarhi Malik Abad
19	1310	HABIB ZADA	GUL ZADA	GPS Abbas Khan Killi	GPS Salary Killi
20	1315	SARTAJ	MUHAMMAD JAN	GPS Shago Killi Toru	GPS Habib Khan Killi
21	1321	MUHAMMAD ISLAM	HAYA KHAN	GPS Ghala Dher No.2	GPS Usman Ghani Banda

Ali Akbar PSHT SN=(38) Seniority (1359)
GPS Nadir Sher Killi shergarh

S.N	Seniority No.	Teacher Name	Father Name	Current School	Assigned Station
22	1325	SHER MUHAMMAD	RAHIM GUL	GPS SHAMSHAD ABAD 1	GPS Shorif Abad-1 (Toru)
23	1328	MUHAMMAD HANAYUN	KHALWAS KHAN	GPS Narshak	GPS Guwar Khan Narshak
24	1330	AMJID ALI	NOSHERI KHAN	GPS Bhai Khan	GPS Garyala-2
25	1331	SHER ALI	HAZRAT GUL	GPS Kot T. Bhai	GPS Qudrat Abad Kot Janqara
26	1333	MUHAMMAD ALI	SAID KHAN	GPS Shahi Bai Khol (LK)	GPS Usman Banda (L/K)
27	1335	MUHAMMAD FAROOQ	JEHAN BAHADUR	GPS Kamsargal Rustam	GPS Zaman Khan Kati
28	1337	KARIM KHAN	MOHAMMAD SALEEM	GPS Shamozai No.2	GPS Khan Zomic Banda
29	1340	JAN MUHAMMAD	TAJ MUHAMMAD	GPS Yakh Kati	GPS Dandaw
30	1342	ABID SHAH	FAZAL SHAH	GPS Tardherwal Gujrat	GPS Zubair Dheri
31	1345	ANWAR KHAN	SHAH JEHAN	GPS Adda Katlang	GPS Miangano Kili (Kati Garhi)
32	1346	IBRAHIM	MUHAMMAD ALI KHAN	GPS SAADAT BABA (LK)	GPS Hisri Banda (L/K)
33	1347	MUHAMMAD ISHAQ	DILBAR KHAN	GPS Muslim Abad (LK)	GPS Islam Gul Karaona
34	1348	HIDAYAT-UR-RAHMAN	SAID RAHMAN	GPS Miangano No. 2 (LK)	GPS Roidul Kili
35	1351	AHMAD SHAH	SALIM SHAH	GPS AZEEM SHAH Katlang	GPS Akbar Khan Karaona
36	1353	NASEER AHMAD	ALI AHMAD	GPS Gul Abad 1 Rustam	GPS Sardar Abad
37	1356	ASHEFAQ AHMAD KHAN	RAZA KHAN	GPS Bakhshali	GPS Kufa Dheri
38	1357	ALI AKBAR	FAZLI RAHMAN	GPS Dhu Muhammad Kili	GPS Nader-Sher Kili
39	1358	MAROON KHAN	ABDUR RAZIQ	GPS Qasim No 1 Toru	GPS Gubano Kili
40	1367	MUHAMMAD USMAN	SHER BAHADAR	GPS Sangar Baba	GPS Mamin Khan Katlang
41	1369	SYED WAQAR AHMAD	SYED SHAMSUL HADI	GPS Qasmi Katlang	GPS Ilyasi katlang
42	1371	MUHAMMAD SHER	MASTALI JAN	GPS Naseer Kili	GPS Aziz Abad
43	1372	FAZAL SUBHAN	FAZAL RAHIM	GPS Mulyano Kili T. Bhai	GPS Ward 4 Takhi Bhai
44	1374	GUL HAZAR KHAN	HASHIM KHAN	GPS No.3 Mohib Banda	GPS Chek Taja
45	1376	SAID AKBAR	PAINDA KHAN	GPS Zarin Abad Jalala	GPS Khat Kili
46	1380	AKHLAQ AHMAD	FAZAL BAHADAR	GPS Machi Rustam	GPS Faqir Shah Kili
47	1381	FAZAL ANJAN	SAIR ULLAH KHAN	GPS Landaki	GPS No.1 Pirabad
48	1385	IRADSHAH HUSSAIN	SULTAN SAID	GPS Gujrat	GPS Barikab
49	1383	MUHAMMAD YOUNAS	ZAMIR MUHAMMAD	GPS No.1 Mardan	GPS Razin Abad(K)
50	1384	MUSTAJAB KHAN	ZARIN MUHAMMAD	GPS Mehmood Abad Hoti	GPS Younas Tanaik(K)
51	1385	SAFED-U-REHMAN	OURANAI	GPS Landaki	GPS Halki Kundou
52	1386	MUHAMMAD ZAHIR	AHMAD DIN	GPS KODINAKA	GPS kodinaka Gumbot
53	1387	WAHID KHAN	MIR HASHIM	GPS Landaki	GPS Afzal Abad-1
54	1388	MUHAMMAD YOUSAF	JANAS KHAN	GPS MEHMOOD ABAD PAR HOTI	GPS Afzal Abad-2

1031
New

[Handwritten signature]

[Handwritten initials]

S.R	Seniority No.	Teacher Name	Father Name	Current School	Assigned Station
55	1391	SAEEDULLAH	FASIHULLAH	GPS Mistri Abad-2	GPS Darmadano(K)
56	1392	GULZAR KHAN	HAMEED GUL	GPS Gujrat	GPS Ukkhar Abad
57	1395	NAYAB ALI	SAIF UR RAHMAN	GPS Pir Sai Rustam	GPS Rashid Abad
58	1396	HAMEED MUHAMMAD	GHULAM MUHAMMAD	GPS No 1 Bara	GPS Gul Dheri Kato Khaz
59	1397	SAJAD ALI	HAMDAR	GPS Dheri No 1 Kattang	GPS Ghorib Abad-1
60	1401	ZARAJ	MUHAMMAD SIRAJ	GPS Kagan	GPS Kagan
61	1402	MUHAMMAD YOUNAS	KHAN BAHADAR	GPS Nadeh Toru	GPS Rahim Shah Kili
62	1406	HAVEED JAMAL	MUHAMMAD JAMAL	GPS Karwan Road	GPS Behram Khan Kili
63	1407	SHAMS UL QAMAR	BADRUD DUJA	GPS Khalid Abad GUJRAT	GPS Zaman Shah(K)
64	1408	MURAD ALI	SHARIF GUL	GPS Landaki	GPS Munkera(K)
65	1410	AMJAD	SIRAJ MUHAMMAD	GPS Seri korona	GPS Seri Bacha Khe(K)
66	1412	FAZLE SUBHAN	MASAUD KHAN	GPS Kagan	GPS Mirakbar Khan Banda

TERMS & CONDITIONS:-

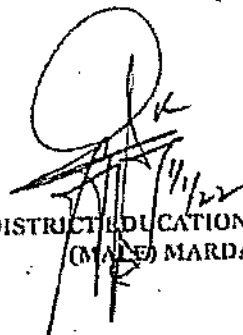
- 1 They would be on probation for a period of one year extendable for another one year
- 2 They would be governed by such rules and regulation as may be issued from time to time by the Govt.
- 3 Charge report should be submitted to all concerned
- 4 Their Inter-Se-Seniority on lower post will remain intact.
- 5 No TAWDA is allowed for joining his duty.
- 6 They will be giving undertaking to be recorded in their Service Book to the effect that if any overpayment is made to them in light of this order, will be recovered and if he is wrongly promoted he will be reversed
- 7 They will take over charge of their post within 15 days positively.
- 8 Before handing over charge once again their documents must be checked and if they have not the required relevant qualification as per rules, they may not be handed over charge of the said post.

(Zulfiqar ul Mulk)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Endst No. 24-6 / Promotion SPST to PSHT / Dated 01-01/2023

Copy forwarded to the:

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Mardan.
3. SDEO(M) Concerned.
4. District Monitoring Officer Mardan.
5. Official concerned.


DISTRICT EDUCATION OFFICER
(MALE) MARDAN

OFFICE OF THE AGENCY EDUCATION OFFICER, MOHMAND AGENCY GHALLANAI.

APPOINTMENT

Appointment of the following person(s) is hereby ordered against the Post of PTO on temporary basis at Rs 7400 plus usual allowances as admissible under the rules in SPS No 7 KH/140-51-2065 at the institution noted against each name.

S.No	Name Qualification and Address	Posted at
1.	Zubeir Shah S/O Mubshoor Khan	GPS Silay Dawa Jan.
2.	Jamshid S/O Siraj Mshah	GPS Bar Chinari Malik Pasli Manan.
3.	Nader Ali S/O Shamsul Islam.	-do-
4.	Aurang Zei S/O Tamash Khan.	GPS Ghanura Shah Gul Raso
5.	A M Akber S/O Pasli Rehman.	-do-
6.	Muslim Shah S/O Amir Shah.	GPS Uch Khel M.S.Gul
7.	A Jmal Khan S/O Zei Gul Zaid Gul S/O Zei Gul	GPS Chanyal and M.S. GPS Khani Mshah Jan.

TERMS CONDITIONS.

- The appointment is made on temporary basis and liable to termination at any time with out any notice and assigned any reasons.
- Charge report should be submitted to all concerned.
- Health and Age Certificates should be produced from the Agency Surgeon Ghallana.
- Medical Certificates should be produced before taking charge.
- They will not be handed over the charge of the post if they are above 40 Years and below 18 Years.
- If their document proved false, they will not be entitled for any payment.

(MUHAMMAD ROSHAN KHAN)
AGENCY EDUCATION OFFICER
MOHMAND AGENCY GHALLANAI.

Encost No

6-17

Date: 12/1/1994

Copy forwarded for information to the.

- Director of Education PATA NWFP Peshawar.
- Asstt Agency Education Officer Concerned.
- Pay Clerk in Local Office.
- Candidate Concerned.

Muhammad Roshan
Agency Education Officer
Mohmand Agency Ghallana

Ayaz Khan SHINWARI.

Assistant Agency Education Officer
Ghallani Mohmand Agency.

DISTRICT OFFICER (M/E)
FOR TECHNICAL DISTRICT OFFICER
SCHOOLS & LIBRARY WARDEN

- 1: Director of Schools & Literacy N.W.P. Bahawal.
- 2: Director of Education N.W.P. Bahawal.
- 3: Agency Education Officer Bahawal Agency.
- 4: Deputy District Officer (M/E) Bahawal w/c to his No:1501/dated 2/6/2003.
- 5: Deputy District Officer (M/E) Bahawal w/c to his No:1501/4526.5.03.
- 6: Head Master (M), Bahawal W/Bahawal.
- 7: Mr. Ali Abbas S.D.O., Bahawal.
- 8: Master M/E.
- 9: Office record.
- 10: District Accounts Officer Bahawal.

Copy forwarded for information & necessary action to the:

Enclosed: SHP-5 LHO/DO (M/E) / LHO (N) / AGD / SMO / Bahawal dated 14/6/0

(ALIAS WAZIR KHAN)
MURKHA

Open for signature

Handwritten signature

If further report should be submitted to all concerned.

The details of Mr. Ali Abbas S.D.O. Bahawal School Bahawal Khat No:2 (Bahawal Agency) who were placed at the disposal of the undersigned for adjustment in Bahawal District vide Director Schools & Literacy N.W.P. No:1501/4526.5.03 dated Bahawal w/c to his No:1501/4526.5.03 is hereby adjusted to Government Primary School Bahawal (M/E) Bahawal in place of the Mr. Bahawal with the undersigned's consent under transfer from Government Primary School Bahawal (M/E) Bahawal and this office No:1501/4526.5.03 dated 31/3/2003 is hereby cancelled.

DIRECTOR OF THE TECHNICAL DISTRICT OFFICE (SCHOOLS & LIBRARY) WARDEN

211-

ATTESTED

DEPUTY SECRETARY (POLICY)
(MAJID AH TAJID)

M. J. Tajid



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, 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 Governor, Khyber Pakhtunkhwa.
- 6. The Principal 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, Khyber Pakhtunkhwa.
- 14. All Section Officers in Establishment & Administration Department with the request to the Section Officer (Admn), Administration Department, Khyber Pakhtunkhwa.
- 15. The Section Officer (Admn), Administration Department, Khyber Pakhtunkhwa.
- 16. The Director, Administration Department, Khyber Pakhtunkhwa.
- 17. The Director, Administration Department, Khyber Pakhtunkhwa.
- 18. The Director, Administration Department, Khyber Pakhtunkhwa.
- 19. The Director, Administration Department, Khyber Pakhtunkhwa.
- 20. The Director, Administration Department, Khyber Pakhtunkhwa.

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8
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12

Copy is forwarded to:-
EXIST. NO & EVEN DATE

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

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

NOTIFICATION
In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act No. XVIII of 1973 (Khyber Pakhtunkhwa Civil Servants Act, 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 amendment shall be made, namely:

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

[Handwritten signatures and initials]

- 13 -

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**

62

-14-

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(Policy)/M&AD/1-3/2020-2/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 debar 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 seeking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

Yours faithfully,

(Issa Muhammad Khan)
Section Officer (Policy)

ASE
7/6

Encl. Of even No & date

Copy forwarded to that:

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.

(Signature)
Section Officer (Policy)

(Signature)

7/6/23

B/C

To,

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

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

Dear Sir,

I am directed to refer to your letter No. 80 (Primary-M) /EE&SED/2-2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointments, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

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

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

-16-

-B/C-

Yours faithfully,

(Issa Muhammad Khan)
Section Officer (Policy)

Endst. of even no Ep date

Copy forwarded to the :-

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

Section Officer
(Policy)

- 17 -



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

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

To

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

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

[Handwritten Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

-18-

B/c

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

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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 (Estat) E&SE Department in his office.

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)


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

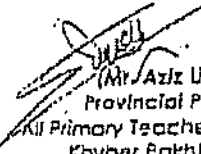
A meeting regarding the subject matter was held on 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.

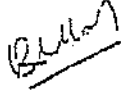
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

- 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.
- 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

-20-

-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

SIF	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)



- 21 -

No. 8145 / F.No. 34/SST/M/General Cases Dated 21-7-2023
Phone: 091-9225344 Email: azizullahinimentale1@gmail.com

To

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

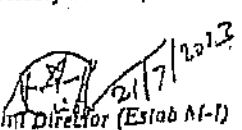
Subject: - MINUTES OF THE MEETING
Dear Sir,

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

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have effected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPS-16 may be exempted of implications of the amendment in the rules if 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-1)
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-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

-22-
-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir;

I am directed to refer to letter No. (SO Primary-M) E&SED/5-1/6/Misc/
Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to
present brief history, about background of case as under.

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

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) 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 Paktunkhwa.



-23-

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8223587)

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

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 06th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
23/8/23

Scanned with CamScanner

No. 5 (Primary-M) ESES/PA-2/1
Appointment - Rule/2023
Festivals Dated 23rd August, 2023.

-24-
-B/C-

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

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

Dear Sir,
I am directed to refer to your letter No. 5 (Primary
(Policy) ESES/AD
1-3/2023 dated 8th June 2023 and to state that after
deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment,
Promotion and Transfer Rules 1989) it has been intimated that
those officers/officials who do not comply with promotion order
of the competent authority or try to evade promotion through
different means shall be proceed under Khyber Pakhtunkhwa
Civil Servant (Efficiency and Discipline) Rule 2012:

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

Copy forwarded to:
1. Director ESES Khyber Pakhtunkhwa.
2. PS to Secretary, ESES Department, Khyber Pakhtunkhwa.
(Muhammad Ishaq)
Section Officer (Primary
Policy)

WP4442-2023 Khyber Pakhtunkhwa



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.

-26-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

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



Amir Nawab Son of Ghulam Samad
Resident of Tehsil & District
Mardan

Khyber Pakhtunkhwa

Aziz Ullah Khan
President
0333-0414648
azizullah1973@gmail.com
aplnpkh



APTA House:
Govt. Primary School No.1,
Gulbhar Postwar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپنا) خیبر پختونخوا

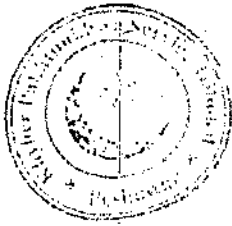
مہاب: بیکروئی وائٹری و سٹڈی ایجوکیشن ٹیچرز پختونخوا
مہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
مہاب: مال

گزارش ہے کہ پروسٹرز ہر ادارے میں ہوتے ہیں اور کہ سرکاری ملازم کی خواہش ہوتی ہے پروسٹرز کا ایک قانون اور اگر تاحق کہ جو ملازم ایک اگر کسی
بھوکے تحت ایک ولد پروسٹرز نہ لیں تو وہ بھر آسما چار سال تک پروسٹرز نہیں لے سکتے تھے مطلب چار سال تک پھر اس کی پروسٹرز نہیں لے سکتی تھی
پھر اس قانون میں تھوڑی رعایت دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروسٹرز نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتہ پہلے ایک اور ٹیلیکیشن آ رہا ہے
جس کے مطابق اب ہر ملازم پروسٹرز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی اور نو کے مطابق کارروائی کر لے گا کہا گیا ہے
دراصل یہ آخری ٹیلیکیشن بنیادی انسانی حقوق کی مکمل خلاف ورزی ہے سب سے گورنر اور پڑھی ملازمت میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا
جبکہ عام حالات میں بھی ڈیرو سٹی پروسٹرز اور دور دراز بھیجا بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں پڑھتی سے ناخواندی اور شہلیاں
مکی ہوتی ہے ایسے حالات میں یہ یا ٹیلیکیشن جو B&SB کی کاغذی لیکر کے جواب میں کیا گیا ہے جو بدلتی اور بنیادی انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف قانونی پارہ بندی کا حق بھی محفوظ رکھتے ہیں
لہذا ہم آپ سے درخواست کرتے ہیں کہ ٹیلیکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
ڈیرو سٹی پروسٹرز لینے کی بجائے ان کو مرضی سے لینے دیا جائے
اور پروسٹرز نہ لینے کی صورت میں باقاعدہ ہٹا لیا جائے لیکن یہ ڈیرو سٹی نہ کی جائے
اس سلسلے میں آپ بلو از جملہ تمام (DEOs) ڈی ای او اور کہ ایک خصوصاً سراسر جاری کیا جائے تاکہ اطلاع میں آپ میل / ٹیلیفون پرائمری اساتذہ کو دہن
البت اور ہر جگہ سے پہنچایا جائے
کیونکہ ٹیلیکیشن بنیادی انسانی حقوق کی خلاف ورزی طور پر ہر جگہ کرنے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ آرزو رکھتے ہیں کہ آپ صاحبان کوئی ایجنس لیکر سب سے پرائمری اساتذہ خصوصاً ٹیلیفون پرائمری اساتذہ کو اس ضمنی البت سے نجات دلائیں

شکریہ

عزیر اللہ خان سوبانی 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)

Date of Presentation of Application 10-6-24
 Number 13
 Cost 51
 Total 51
 Name of 13
 Date of 13-6-24
 Date of Delivery of Copy 12-6-24

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.

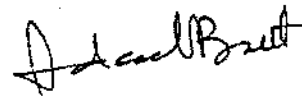


APPELLANT

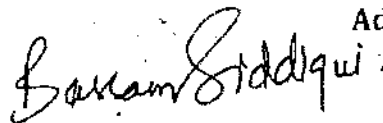
A C C E P T E D



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court