


FORM OF ORDER SHEET

Court of _____

Appeal No. 1330/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04-Sep-24	<p>The appeal of Mr. Syed ul Islam submitted today by Mr. Muazam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

Syed Ul Islam

V/S

Government of KP & others

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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No _____/2024

Syed Ul Islam Son of Syed Muhammad Qureshi Resident of Tehsil & District Swabi

Designation: Primary School Head Teacher at GPS Haj Abad

.....Appellant

VERSUS

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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, 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/1-3/2020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

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

RESPECTFULLY SHEWETH:

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

2. That as per Khyber Pakhtunkhwa (Appointment/ Promotion/ Transfer) Rules, 1989, as well as in other sister services of the other Provinces and Federation as well, availing of promotion by the employees is always optional and the employees as a matter of right may avail or forego their promotion and the next employee in seniority list is to be promoted.
3. That some employees specifically have foregone their promotion as they could not serve in the areas where there is no facility of accommodation and no houses of their elders are available to look after them in far-flung and solitary mountainous hard areas, and as per Section 25 of per KP Civil Servant Act, 1973, rules to the extent of terms and condition is framed by the Chief Minister and such promotion rules are not made applicable with retrospective effect. The rules framed are published in the Gazette notification and part and parcel of KP Civil Servant Appointment, Transfer and Promotion Rules 1989.
4. That Government of K.P without following the rules position mentioned in para 6 above promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Respondent No.2 vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. The impugned Notification is reproduced as under:-

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

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUNDS:-

- 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/1-3/2020 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 Syed Ul Islam Son of Syed Muhammad Qureshi Resident of Tehsil & District Swabi that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Deponent

Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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

Syed Ul Islam

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.

AFFIDAVIT:

I Syed Ul Islam Son of Syed Muhammad Qureshi Resident of Tehsil & District Swabi do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

Deponent

Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWABI.

OFFICE ORDER

DATED: 24-9-88

APPOINTMENTS

The following P.T.C. (Trained) teachers are hereby appointed in BPS No.7 Rs. 750-31-1370 plus usual allowances as due and admissible under the rules with immediate effect, in the interest of public service:-

S/No	Name, Father's Name, Address & Marks	Name of School Where Posted	Remarks
1.	Rais Khan S/O Sultan Mohd Khan, V&PO: Salim Khan/751.	GPS, Bikot	A.V. Post.
2.	Muhammad Ayoob S/O Perwarish, V&PO: Salim Khan/754.	GPS, Spin Khel	-do-
3.	Bakht Zamin S/O Shad Ali, V&PO: Qasim/746.	GPS, Lahore Rspuri	-do-
4.	Muhammad Ayoob S/O Tahir, V&PO: Yar Hussain/734.	GPS, Kalo Dhok (Jalsai)	-do-
5.	Hanzoor Khan S/O Sher Zada, Village: Kalo Dhok/722.	GPS Hassan Abad (Gohati)	-do-
6.	Fida Hussain S/O Najmul Hassan, Village: Kalo Khan/720.	GPS Ahad Khan	-do-
7.	Ubedar, Rehman S/O Fazli Rahim, Village: Lahore/717.	GPS, Bekra.	-do-
8.	Muhammad Amin S/O Abdur Rehman, Village Swabi/719.	GPS, Pirtab Banda	-do-
9.	Fazli Hadi S/O Laqman Ali, Village: Kalabat/714.	GPS No.1 Topi.	-do-
10.	Hazrat Khan S/O Sard Khan, Village: Sard Chino/714.	GPS Shahcedah (Jalsai)	-do-
11.	Taj Nawab S/O Ruidad Khan, Village: Naderi Bala/710.	GPS Kula Dhand.	-do-
12.	Hafizur Rehman S/O Shafiq Ur Rahman Village: Kalabat/703.	GPS Kotha No.3	-do-
13.	Qamar Islam S/O Ali Asghar, Village: Dagi/707.	GPS Saprona	-do-
14.	Saidul Islam S/O Muhammad Qureshi, Village: Shewa/705.	GPS Haji Abad (Paroli)	-do-
15.	Wazir Ahmed S/O Sultan Muhammad, Village: Bakir/699.	GPS Wali Mohd Banda (Salim Khan)	-do-
16.	Solim Javed S/O Rahim Dil, Village: Asota/699.	GPS, Ghulaman.	-do-
17.	Muhammad Zahid S/O Rehul Amin, Village: Nowan Killi/696.(Khulil).	GPS Naranji.	-do-
18.	Awar Ali S/O Niaz Ali, Village: Lahore/696.	GPS No.1 Anbar.	-do-
19.	Gharib Khan S/O Alam Khan, Village: Paroli/695.	GPS Sher Darra.	-do-
20.	Abdul Wahab S/O Said Wahab, Village: Manshara/693.	GPS No.3 Minn Killi	-do-

Contd on page no.2

21. Mir Aman S/O Muhammad Sher, Village: Chawa/691.	GPS, Ghulaman.	A.V. Post.
22. Nisar Muhammad S/O Diyar Khan, Village: Spin Kani/688.	GPS Chachano Killi	-do-
23. Pervaiz Khan S/O Zulqadir, Village: Badraga/686.	GPS Mamoor Khan Banda (Jalbai)	-do-
24. Saïdul Ibrar S/O Mustatala, Village: Chawa/686.	GPS, Sher Darra.	-do-
25. Ghani Gul S/O Muhammad Ullah, Village: Charbagh/682.	GPS Apathai.	-do-
26. Fazli Muzed S/O Fazli Qader, Village: Panjpir/680.	GPS No.1 Panjpir.	-do-
27. Saïd Ghani Shah S/O Mutalib Shah, Village: Pirdos Abad/679.	GPS Sher Afzal Kati Gadargi Darra.	-do-
28. Muhammad Riaz S/O Abdul Qader, Village: Yar Hussain/678.	GPS Jalbai.	-do-
29. Rawait Khan S/O Mir Azam Khan, Village: Bamkhal/675.	GPS Raidawan.	-do-
30. Abdul Wasi S/O Muhammad Waiz of Village: Salim Khan/675.	GPS, Spin Khel.	-do-
31. Iftakhar Ali S/O Jamroz, Village: Sher Ghund/673.	GPS Abdul Qader Kati Shah Pull.	-do-
32. Tilawat Khan S/O Hakim Khan, Village: Yaqubi/673.	GPS Memin Khan Banda Tardhar.	-do-
33. Muhammad Tahir S/O Garibullah, Village: Ghazi Kot/673.	GPS Afzal Khan Banda Thano.	-do-
34. Iftak Hussain S/O Bakht Shah, Village: Kalu Khan/669.	GPS, Bamkhal.	-do-
35. Inayat Ullah S/O Saïd Ullah, Village: Bal Sard China/668.	GPS, Jalbai.	-do-
36. Israr Muhammad S/O Yar Muhammad, Village: Panjpir/667.	GPS, Shagai (Panjpir)	-do-
37. Liaq Zaman S/O Ghani Ur Rahman, Village: Chawa/665.	GPS, Haji Abad, (Parmoli)	-do-
38. Ziaur Rahman S/O Nisar Muhammad, Village: Sobian/664.	GPS, Uch Khawar.	-do-
39. Jan Muhammad S/O Sarfraz, Village: Adin/661.	GPS, Jalbai.	-do-
40. Muhammad Tufail, S/O Gulia Khan, Village: Panjpir/663.	GPS No.1 Panjpir.	-do-
41. Muhammad Ishaq S/O Zarif Khan, Village: Tarkh/662.	GPS No.1 Manki	-do-
42. Amir Khan S/O Razer Gul, Village: Hawan Killi/657.	GPS, Hamlet.	-do-
43. Zarghid S/O Abdul Ghani, Village: Taraki/657.	GPS No.1 Maini.	-do-
44. Awar Muhammad S/O Maraj Muhammad, Village: Chawa/657.	GPS, Shaheedan, (Maini)	-do-
45. Iftakhar Ali S/O Qarish, Village: Turlandi/655.	GPS, Raidawan (Maini)	-do-
46. Afsar Shah S/O Nawab Shah, Village: Kalabat/655.	GPS, Noor Sher Banda(Marghus)	-do-

Contd on p. 10

47. Fazli Naeem S/O Habib Gul, Village: Dobri/655.	GPS, Jambhai Killi (Dohian)	-do-
48. Jamshid Khan S/O Abdul Hameed, Village: Yar Hussain/654.	GPS, Faqir Abad (Jalbai)	-do-
49. Masal Khan S/O Munir Khan, Village: Maneri/652.	GPS, Darul Uloom (Shamangeer)	-do-
50. Iltaf Hussain S/O Janas Khan, Village: Salim Khan/651.	GPS, Salim Khan	-do-
51. Murad Ali S/O Musa Khan, Village: Sheva/649.	GPS, Haji Khel, (Mainai)	-do-
52. Fazli Hussain S/O Saif Quresh, Village: Dagi/649.	GPS, Jalbai.	-do-
53. Fazli Malik S/O Ganderi, Village: Yub Khan Killi/648.	GPS, Feroz Pur (Jalbai)	-do-
54. Younis Khan S/O Haider Khan, Village: Yar Hussain/643.	GPS, Wisal Abad	-do-
55. Abdul Qadus S/O Abdur Rashid, Village: Maneri/648.	GPS, Radawan (Mainai)	-do-
56. Fazli Hayat S/O Rasool Khan, Village: Dagi/646.	GPS, Feka	-do-
57. Sher Zada S/O Mir Jafar, Village: Swabi/645.	GPS, Memlet.	-do-
58. Safi Ullah S/O Mati Ullah, Village: Urmel Dhari/646.	GPS, Jaganath.	-do-
59. Nazir Hussain S/O Hawas Khan, Village: Panjpir/643.	GPS, Daulat Khel (Shamangeer)	-do-
60. Nasrullah S/O Bughdad Shah Village: /643.	GPS, Jalbai.	-do-
61. Abdur Rehman S/O Sarbaz Khan, Village: Kalabat/639.	GPS No.4, Topi.	-do-
62. Muhammad Hayat S/O Muhammad Afzal, Village: Yar Hussain/639.	GPS GPS Galla Mirangan Tordher	-do-
63. Rohmat Ullah S/O Safi Ullah, Village: Baja/637.	GPS Yaqub Abad, (Manai)	-do-
64. Ameen Ul Haq S/O Noor Ul Hadi, Village: Marghuz/637.	GPS, Thand Koi	-do-
65. Nida Ali S/O Shah Tir Shah, Village: Isma ila/637.	GPS No.1 Amber.	-do-
66. Ajab Gul S/O Saïda Gul, Village: Charbagh/634.	GPS, Galla.	-do-
67. Saïd Islam S/O Saïd Bad Shah, Village: Lahore/634.	GPS, Pak Kira.	-do-
68. Inayat Ullah S/O Amin Khan, Village: Dagi/632.	GPS No.1 Jahangira	-do-
69. Riaz Ali S/O Mawan Khan, Village: Dagi/632.	GPS Hand.	-do-
70. Baz Muhammad S/O Faqir Muhammad, Village: Agota/630.	GPS Haya Gul Dhari Near Mehr Ali.	-do-
71. Abdul Mukhtar S/O Abdul Sattar, Village: XXXXX Sheva/630.	GPS No.2 Topi.	-do-
72. Arshad Zaman S/O Muhammad Qurish, Village: Kalabat/628.	GPS No.2 Kotha.	-do-

Contd on page no.4

74. Shamsul Qamar S/O Zaid Ullah, Village: Dobhar/626.	GPS, Chountrai.	-do-
75. Muhammad Sher S/O Wazirai, Village: Salim Khan/625.	GMS, Hand.	-do-
76. Muzamil Khan S/O Saad Gul, Village: /624.	GMS, Hand.	-do-
77. Sajad Ahmed S/O Muhammad Sarwar, Village: Bankhol/623.	GPS, Raidawan.	-do-
78. Waqif Khan S/O Abdul Ghani, Village: Sheva/620.	GPS, Allah Dher.	-do-
79. Nowsher Bacha S/O Bawa Khan, Village: Sodher/619.	GPS, Bazar.	-do-
80. Darwaz Khan S/O Samal Khan, Village: Yaqubi/618.	GPS, Azim Gari.	-do-
81. Siraj Gul S/O Darya Khan, Village: Yar Hussain/613.	GPS, Shahbaz Pur, (Jalbai)	-do-
82. Bashir Ahmed S/O Muhammad Akbar, Village: Sheva/611.	GPS, Aman Kat.	-do-
83. Riaz Alam S/O Muhammad Alam, Village: Kalabat/608.	GPS No.2 Marghuz.	-do-
84. Ibrahim Hussain S/O Ali Haider, Village: Kalabat/606.	GPS No.1 Topi.	-do-
85. Shahid Zaman S/O Raza Ullah, Village: Sard Chini/603.	GMS, Fazal Abad (Tordher)	-do-
86. Salih Muhammad S/O Ali Muhammad, Village: Qasim/607.	GMS, Fazal Abad (Tordher)	-do-
87. Jehan Zeb S/O Faraz Muhammad, Village: Daganat/605.	GMS, Ghulam Mohd Baba Tordher.	-do-
88. Ata Ullah S/O Abdul Shakoor, Village: Bachai/608.	GMS, Qazyan (Jahangira)	-do-
89. Hamid Khan S/O Shamsul Haq, Nowar Killi/602.	GPS No.1 Jahangira	-do-
90. Rehmat Ghani S/O Aftab Khan, Village: Kalabat/601.	GPS No.1 Topi.	-do-
91. Saad Khan S/O Mehru Ali, Village: Ismaila/501.	GPS, Beka Dheri.	-do-
92. Muhammad Zaid S/O Muhammad Tahir, Village: Dagi/523.	GPS, Beka.	-do-
93. Shahid Ali S/O Muhammad Idrees, Village: Sard Chini/601.	GPS, Chaki Kund.	-do-
94. Wisal Muhammad S/O Fazal Bad, Village: Muhib Khan (Dugai)/606.	GPS, No.2 Jahangira	-do-
95. Zaid Ali S/O Shahid, Village: Kotha/601.	GPS, Haji Khal Manni	-do-

Contd on page No. 5

NOTE:

1. No TA/DA, Or T/G, is allowed to any one.
2. Charge Reports should be submitted to all concerned.
3. Their appointments are purely temporary, liable to termination with out any notice or assigning any reason.
4. In case of resignation they will have to give one month's prior notice to the Department or forfeit One month's pay in lieu thereof to the Government.
5. They are required to produce their Health and age certificates from the Medical Supdt: D.H.O. Swabi. before taking over charge.


(MUHAMMAD JUNAID)
 DISTRICT EDUCATION OFFICER
 (MALE) SWABI.

Dist No. 244-944 /PTC Appt:Trd/Dated Swabi 25-9-1988.

Copy forwarded for information to the:-

1. Director of Education (Schools) N.W.F.P. Peshawar.
2. Director of Education (Schools) Mardan Division, Mardan.
3. Sub:Divisional Education Officer (Male) Swabi/Lahore.
4. Headmasters/Head Teachers of the concerned schools.

Issued**


 DISTRICT EDUCATION OFFICER
 (MALE) SWABI

25-9-88

- 11 -

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



Personal Information of Mr. SYED UL ISLAM d/w/s of SYED MUHAMMAD QURESHI

Personnel Number: 00235547 CNIC: 1620208369317 NTN: 0
 Date of Birth: 19.05.1968 Entry into Govt. Service: 03.10.1988 Length of Service: 35 Years 03 Months 030 Days

Employment Category: Vocational Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80595750-DISTRICT GOVERNMENT KHYBE

DDO Code: SU6303-Government Primary Schools (Male) Razzar, Swabi

Payroll Section: 003 GPF Section: 001 Cash Center: 07

GPF A/C No: C-F Interest applied GPF Balance: 118,192.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 27

Wage type		Amount	Wage type		Amount
0001	Basic Pay	77,380.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	1,055.00
2199	Adhoc Relief Allow @10%	705.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	7,406.00	2347	Adhoc Rel All 15% 22(PS17)	7,406.00
2378	Adhoc Relief All 2023 35%	26,390.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-3,889.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 60,991.38 Recovered till JAN-2024: 26,299.00 Exempted: 15247.68 Recoverable: 19,444.70

Gross Pay (Rs.): 131,486.00 Deductions: (Rs.): -10,114.00 Net Pay: (Rs.): 121,372.00

Payee Name: SYED UL ISLAM

Account Number: 1396-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231870 TORLANDAI BRANCH SHWA ADA SWABI TORLAN AI BRANCH SHWA ADA SWAB, SWABI

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: SWABI

City: SWABI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: syedulislampslut@gmail.com

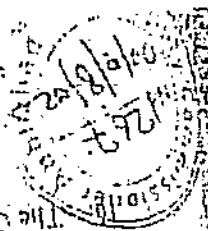
System generated document in accordance with APPM 4.6.12.9(232428/25.01.2024/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/02.02.2024/20:11:43)

DEPUTY SECRETARY (POLICY)
(W/ADVAH LATHI)

ATTESTED



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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

INDEX NO & REVEN DATE

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

AMENDMENT

In exercise of the powers conferred by section 25 of the Khyber Pakhtunkhwa Civil Service Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister (Khyber Pakhtunkhwa) is pleased to direct that in the Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

NOTIFICATION

Dated Peshawar the 06/08/2020

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)



Annexure - B - 12

B/C

-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.

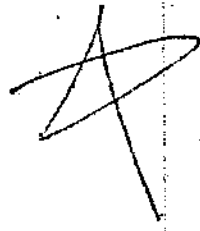
CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(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.

(WAJDAH LATIF)
DEPUTY SECRETARY (POLICY)



[Handwritten signature]

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(M) (P) / 2023
Dated Faisalabad the 06th Dec, 2023



62

Annexure - C

-14-

To
The Government of Khyber Pakhtunkhwa
Establishment & Secondary Education Department

Subject:-
GUARANTEE REGARDING PROMOTION OR TRANSFER IN THE
KHYBER PAKHTUNKHWA CIVIL SERVICES (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1979

Dear Sir,
I am directed in refer to your letter No. SO(M) (P) / 2023 dated 18.04.2023 in the subject noted above and to state that Sub-Rule 2/A of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer) Rules, 1979 stands deleted vide the department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

The basic rationale behind the deletion of the said rule is aimed at preventing a provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a provision exists to decline or forgo promotion. It is obligatory upon every official to accept promotion in every condition. Furthermore, those officials/officers who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Services (Efficiency & Discipline) Rules, 2011, please

3. Copy forwarded to the:
1. Special Secretary (Reg), Establishment Department,
2. Additional Secretary (Reg-III), Establishment Department,
3. Deputy Secretary (Policy), Establishment Department.

Kindly, Over No & Date

[Handwritten signature]

ASE
3/6

Yours faithfully,
[Handwritten signature]
Additional Secretary (Policy)

[Handwritten signature]
Additional Secretary (Policy)

Copy forwarded to the:
1. Special Secretary (Reg), Establishment Department,
2. Additional Secretary (Reg-III), Establishment Department,
3. Deputy Secretary (Policy), Establishment Department.

[Handwritten notes and signatures]

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

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

Section Officer
(Policy)

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

Endse. of even no to state

Copy forwarded to the :-

(Issa Muhammad Khan)
Section Officer (Policy)

Yours faithfully,

-B/c-

-15-

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

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

To

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

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

[Handwritten signature]
25/6/23

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) Department in his office.

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

Encl: AA

[Handwritten initials]

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

Copy forwarded to the:

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

[Handwritten initials]

[Handwritten signature]
SECTION OFFICER (PRIMARY MALE)
25/6/23

[Large handwritten signature]

B/c

-18-

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

To
The Director
Elementary & Secondary Education Department
Khyber Pakhtunikhwa, Peshawar

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER
PAKHTUNIKHWA 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.

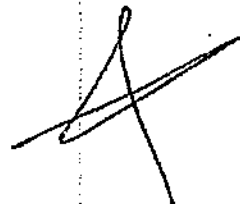
Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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).

Annexure
①

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.

Sl#	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 thorough 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

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

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

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

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

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

(Mr. Fazal Wahid)

Deputy Director-1

E&SE Department

Provincial President

All Primary Teachers Association

Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)

General Secretary APTA

Peshawar

(Muhammad Ishaq)

Section Officer (Primary-Male)

E&SE Department

(Abdullah)

Additional Secretary (Establishment)





No. 8145

Khyber Pakhtunkhwa, Peshawar

IP, No. 34/SST/II/General Cases

Dated: 21-7-2023

Phone: 091-9225144

Email: establish@mailto@govpk.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/1-1/
G.Misc/Minutes of the Meeting/PST/2023 dated 19-07-2023 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(4) 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. 987 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/3-3/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office, has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below BP5-16 may be exempted of implications of the amendment in the rules ibid provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

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

[Handwritten signature]

- 2. Master Copy
 - 1. PA to Director Local Directorate
- Copy of the above to:
 Atuland Director
 Elementary & Secondary Education
 Pejabat Peshawar

The case is submitted for perusal and necessary action please.

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.

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

That the government of KP-ED (Regulation wing) vide letter No. 50 (Policy) EQ PD/1-2/2020 dated 6-06-2023 (supplementary) stated that there exists no provision to declare / forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the memo to quarters concerned vide letter No. 50 (Policy) EQ SED/2-2/11/11/2023 for necessary guidance.

That Government of KP established department (Regulation wing) deleted rule 7(S) in Civil Servants (Appointment, Promotion, Transfer, Rule 1997) vide notification No. No. SDR-VI (EQAD) 1-3/2020 dated 06-08-2020. That this office sought guidance from your good office in the following words vide letter No. 5907 dated 06-09-2022.

I am directed to refer to letter No. (SO. Pshawar-1) EQ SED/5-1/6/2023/ dated 30-7-2023 on subject cited above and to present brief history, along background of case as under:

Subject: Minutes of Meeting
 KPR, Peshawar
 Elementary & Secondary Education Department
 Section Officer (Primary - Male)

TO:
 DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPR
 PESHAWAR
 (21-7-2023)

- B/C -



-23-

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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 05th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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


(MUHAMMAD ISMAIL)
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)
20/8/23

Scanned with CamScanner

[Handwritten signature]

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

of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

I am directed to refer to your letter No. SO/primary dated 1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

Dear Sir,

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

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

No. 55 (Primary-M) E&SE D/8-8/1
Appointment - Rule/2023
Peshawar Dated 23rd August, 2023.

-24-
-B/c-

Annexure - F



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

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

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

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

- B/c -

-26-

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,

Annexure G - 27 -

Dated: 16-03-2024

- 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/1-3/2020, 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/1-3/2020 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


Syed Ul-Islam Son of Syed
Muhammad Qureshi Resident of
Tehsil & District Swabi

Azizullah Khan
President
0333-0412538
azizullah1973@gmail.com
01 spin4pk



AFTA House
Govt. Primary School No.4
Dulbahar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپنا) خیبر پختونخوا

Annexure - H

مہاب: میٹری واپس لے لینا اور ایجنس ٹیچرز
مہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب عالی

گزارش ہے کہ پروسسنگ ہر ادارے میں ہوتی ہے اور کہ سرکاری ملازم کی خواہش ہوتی ہے پروسسنگ کا ایک قانون ادا کرنا تاکہ جو ملازم ایک اگر کسی
بجورگے تحت ایک دن پروسسنگ نہ لیں تو وہ پھر آجندہ چار سال تک پروسسنگ نہیں لے سکتے تھے مطلب چار سال تک پھر اس کی پروسسنگ نہیں اور سکتی تھی
پھر اس قانون میں کوئی رعایت دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروسسنگ نہ لیں تو دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتہ پہلے ایک اور نوٹیفکیشن آیا ہے
جس کے مطابق اب ہر ملازم پروسسنگ نہ لیں کے اگر نہیں لیں گے تو اس کے خلاف ایک ہفتہ کی روٹنگ کے مطابق کارروائی کر لے گا کیا گیا ہے
اور اسلئے یہ آخری نوٹیفکیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے جسے کہ روز روز اور ہفتی ہفتی کے حالات میں خاص کر خواتین اساتذہ کو انہی کے حقوق کا
ماننا کرنا پڑے گا
جبکہ عام حالات میں بھی ڈیڑھ گھنٹہ پروسسنگ اور روزوار بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ ٹیچرز پختونخوا میں بد قسمتی سے خواتین و شہین
کی اول ہے ایسے حالات میں یہ قانون ٹیچرز جو BPS کی کاپی لیس لیکر کی بنیاد میں کیا گیا ہے جو بدلتا اور بنیادی انسانی حقوق کی خلاف ہے
اس کے خلاف قانون چاہئے ہونی تاکہ اس میں کوئی کمی نہ ہو
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Allocation) دیا جائے اور ان کی
رہدگاری پروسسنگ لینے کی بجائے ان کو مرضی سے لینے دیا جائے
اور پرائمری ٹیچرز کی صورت میں ہاتھ پاؤ لیا جائے لیکن یہ رہدگاری نہ کی جائے
اس مسئلے میں آپ کو اطلاع دیا جا رہا ہے اور اس کے ایک نمونہ میں مراسلہ جاری کیا جائے تاکہ اطلاع میں آپ کو مطلع کیا جائے اور اس کے ذریعے
البتہ اور نوٹیفکیشن سے ہٹایا جائے
کیونکہ نوٹیفکیشن واپس لیا جائے تاکہ پرائمری اساتذہ کو اپنی رہدگاری پر کھڑے کر کے اس مسئلہ شروع ہو گیا ہے
لہذا ہم یہ تمہیں دیکھتے ہیں کہ آپ صاحبان کوئی ایجنس ٹیچرز سب بر کے پرائمری اساتذہ خصوصاً نسیم پرائمری اساتذہ کو اس ذمہ داری سے نجات دلائیں گے

شکر ہے
عزیز اللہ خان سرہانی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
88/77/83

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. J.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)

(Signature)
Muhammad Akbar Khan
Member (I)

Date of Presentation of Application 10-5-24
 Number of 1
 Copy 1
 Page 1
 Title S.P.
 Name of S.P.
 Date of 13-5-24
 Date of receipt of copy 17-5-24

(Signature)

WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Syed Ul Islam

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

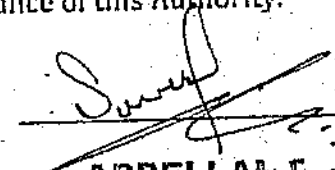
BASSAM AHMAD SIDDIQUI AHC

&


ASSOCIATES OF MUAZZAM LAW FIRM

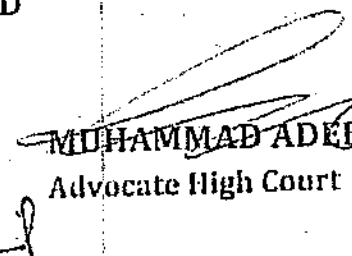
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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