


## FORM OF ORDER SHEET

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

**Appeal No. 1332/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	<b>04-Sep-24</b>	<p>The appeal of Mr. Shah Mehmood 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  <b>REGISTRAR</b></p>

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

Shah Mehmood

V/S

Government of KP & others

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ADVOCATE

-|-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

In Ref to

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

Shah Mehmood Son of Muhammad Anwar Resident of Tehsil & District Swabi

Designation: Primary School Head Teacher at GMPS Godargai, Sher Afzal, Darra

.....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/1-3/2020, 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:-

**GROUND:-**

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

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

**It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (FDL CY) 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, Shah Mehmood Son of Muhammad Anwar Resident of Tehsil & District Swabi solemnly declare 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.

*Shah Mehmood*  
Deponent

Through

*Shah Mehmood*  
Appellant

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

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

Shah Mehmood

**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 Shah Mehmood Son of Muhammad Anwar 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

Through

Appellant

Muhammad Muazzam Butt  
Advocate Supreme Court

Muhammad Adeel Butt  
Advocate High Court

Annexure A



Personal Information of Mr SHAH MAJMOOD D/Os of MUHAMMAD ANWAR

Personnel Number: 00231121 CNIC: 162028535646  
 Date of Birth: 01.01.1965 Entry into Govt Service: 09.12.1990  
 Length of Service: 33 Years 01 Months 02 Days

Employment Category: Active (Permanent)

Designation: PRIMARY SCHOOL HEAD TEACH

DDO Code: SU6130-Government Primary Schools (Male) Swabi

Payroll Section: 003

GPF Section: 001

Call Center: 14

GPF Interest applied

GPF Balance: 1,016,532.00 (government)

Pay and Allowances: Pay scale: BPS-For - 2022 Pay Scale Type: Civil BR-5: 15 Pay Stage: 24

Wage type	Amount	Wage type	Amount
Basic Pay	71,440.00	House Rent Allowance-5%	3,524.00
Convey Allowance 20%	2,856.00	Medical Allowance	1,500.00
15% Adhoc Relief All-2013	9,504.00	Adhoc Relief Allow-61%	637.00
Teaching Allowance 20%	3,224.00	Diem. Rel All 15% 2022KP	6,807.00
Adhoc Rel All 15% 23(P517)	6,807.00	Adhoc Relief All 2023 35%	24,311.00

Reductions - General

Wage type	Amount	Wage type	Amount
GPF Subscription	1,290.00	Benevolent Fund	-1,200.00
Income Tax	-3,005.00	Emp. Edu. Fund KPK	-135.00
R. Benefits & Death Comp.	-600.00		0.00

Reductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 46,846.38 Recovered till JAN-2024: 20,110.00 Exempted: 1171.53 Recoverable: 15,024.85  
 Gross Pay (Rs.): 122,056.00 Deductions (Rs.): 9,230.00 Net Pay (Rs.): 112,826.00

Payee Name: SHAH MAJMOOD

Account Number: 4320158161

Bank Details: NATIONAL BANK OF PAKISTAN, 23121 MANERI BRANCH SWABI MANERI BRANCH SWABI SWABI

Leaves:

Opening Balance

Availed:

Earned:

Balance:

Permanent Address: VILL AND PO GOHATT SWABI

City: SWABI

Domestic: NW - Khyber Pakhtunkhwa

Housing Status: No Official

City:

Email: shahmajmoodpsh@gmail.com



- |  |   |
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| 21. Mohammad Khalid S/O Shamsul Qamar,<br>733/1200/88-89/1990, VPO, Macha.           | GPS No. 3 Manari.                                     |
| 22. Shakir Mohammad S/O Wali Mohammad,<br>719/1200/88-89/1990, VPO, Mian Dheri.      | GMPS, Ismail Abad (Dara).                             |
| 23. Fazal Hadi S/O Fazal Karim,<br>707/1200/88-89/1990, VPO, Yaqobi.                 | <i>for Ismail Abad</i><br>GMPS, Mian Gan (Jehangira). |
| 24. Rehmat Ali S/O Barkat Ali,<br>704/1200/88-89/1990, VPO, Ismaila.                 | GMS, Bazar.   |
| 25. Tariq Ali Shah S/O Zahir Shah,<br>698/1200/88-89/1990, VPO, Lahor.               | GMPS, Beka, No. 1.                                    |
| 26. Zar Wali Khan S/O Sultan Mohammad,<br>696/1200/88-89/1990, VPO, Arrkh (Tarakai). | GMPS, Sherin Kotti (Janalaba).                        |
| 27. Mohammad Israr S/O Mohammed Ishaq,<br>696/1200/88-89/1990, VPO, Ghulaman.        | <i>(pass)</i><br>GMPS, Meher Ali.                     |
| 28. Bashir Ahmad S/O Abdul Jamil,<br>691/1200/88-89/1990, VPO, S. (Sodher).          | GMPS, Qazian (Jehangira).                             |
| 29. Shah Jehan Zeb S/O Rustam Shah,<br>689/1200/88-89/1990, VPO, Jalbai.             | GPS No. 1, Jalbai.                                    |
| 30. Ashraf Khan S/O Ajab Khan,<br>687/1200/88-89/1990, VPO, Manari Payan.            | GMPS, Shakir Shah Wand (Manari).                      |
| 31. Iftikhar Ali S/O Mehir Dil,<br>682/1200/88-89/1990, VPO, Bazargai.               | GMPS, Gara Miangan (Jehangir).                        |
| 32. Mohammad Siraj S/O Mohammad Dastan,<br>681/1200/88-89/1990, VPO, Kalu Khan.      | GPS, Rest House, Jalbai.                              |
| 33. Mohammad Hamid S/O Mohammed Shafi,<br>678/1200/88-89/1990, VPO, Ismaila.         | GPS, Rest House, Jalbai.                              |
| 34. Ijaz Ahmad S/O Abdul Qadir,<br>675/1200/88-89/1990, VPO, Marghuz.                | GMPS, Thand Koi.                                      |
| 35. Iftikhar Ahmad S/O Abdul Wahab,<br>673/1200/88-89/1990, VPO, Topi.               | GPS, Humlet.  |
| 36. Bashir Ahmad S/O Ghulam Ahmad,<br>671/1200/88-89/1990, Nawan Killi.              | GPS No. 1 Mainai.                                     |
| 37. Gul Zada S/O Sahib Zada,<br>665/1200/88-89/1990, VPO, Kalabat.                   | GPS No. 1, Baja.                                      |
| 38. Khalid Khan S/O Ali Haider,<br>651/1200/88-89/1990, VPO, Lahor.                  | GPS, Bache Gul Dok (Jalsai).                          |
| 39. Wiqar Alam S/O Abdul Rauf,<br>644/1200/88-89/1990, VPO, Dobyen.                  | GPS, Kalu Dheri.                                      |
| 40. S. Bashir Ahmad S/O S. Badshah,<br>643/1200/88-89/1990, VPO, Nawan Killi.        | GPS No. 5, Jalbai.                                    |
| 41. Rahat Zaman S/O Qamar Zaman,<br>639/1200/88-89/1990, VPO, Kalu Khan.             | GPS, Faqir Abad (Jalbai).                             |
| 42. Manzoor Ali S/O Abdul Majid,<br>638/1200/88-89/1990, VPO, Kalu Khan.             | GPS, Faqir Abad (Jalbai).                             |
| 43. Zakir Ahmad S/O Fida Mohammad,<br>632/1200/88-89/1990, VPO, Dobyen.              | GPS, Babo Dheri.                                      |
| 44. Shah Mahmood S/O Mohammad Anwar,<br>630/1200/88-89/1990, VPO, Bakar.             | GMPS, Godargai, Sher Afzal<br>Dara.                   |
| 45. Islamud Din S/O Attar Din,<br>625/1200/88-89/1990, VPO, Janalabad.               | GMPS, Sait Abad (Dara).                               |
| 46. Mukhtar Ahmad S/O Farmanullah,<br>623/1200/88-89/1990, VPO, Beka.                | GPS No. 1 Beka.                                       |

OFFICE OF THE DISTT. EDUCATION OFFICER (MALE) SWABI.

APPOINTMENT.

OFFICE ORDER.

The appointment of the following PTC trained candidates is hereby ordered on Rs.750/-PM in BPS-7 of Rs 750-31-1370 plus usual allowances as admissible under the rules, purely on temporary basis against the vacant PTC posts in the existing/newly established Primary schools noted against each name with effect from the date of taking over their charge in the interest of public service.

S.No. Name & Address.

Posted at.

1. Sikandar Khan S/O Shahkoo Khan,  
713/1200/87-88/1990, VPO, Thand Koti. GMPS, Nobat Abad (Kotha).
2. Mohammad Saeed Iqbal S/O Haider Khan,  
599/1200/87-88/1990, VPO, Manari Bala. GMPS, Kundal Pabani.
3. Rohul Amin S/O Abdul Matin,  
647/1200/87-88/1990, VPO, Sheikh Jana. GMPS, Sher Dara.
4. Naseem Gul S/O Hafiz Gul,  
647/1200/87-88/1990, VPO, Nawan Killi. GMPS, Sakyana.
5. Zahid Sattar S/O Mominul Haq,  
623/1200/87-88/1990, VPO, Dobyar. GMPS, Yagoo Banda (Hund).
6. Gulzar Ali S/O Jabir Khan,  
625/1200/87-88/1990, VPO, Qasim Banda. GPS No. 1, Jalbai.
7. Abdul Hamid S/O Zarif Khan,  
622/1200/87-88/1990, VPO, Kalabat. GPS, Batakara.
8. Badur Muneer S/O Said Ghafoor,  
614/1200/87-88/1990, VPO, Sheraghund. GMS, Bazar.
9. Liaqat Ali S/O Abdul Raziq,  
606/1200/87-88/1990, VPO, Jalsai. GMPS, Khan Pur Banda (Sheikh P.).
10. Fakhroz Zaman S/O Faujoon Khan,  
603/1200/87-88/1990, VPO, Bazargai. GMPS, Parmoli (Manki).
11. Said Tadshah S/O Mehar Ali Shah,  
598/1200/87-88/1990, VPO, Marghuz. GMPS, Yar Khel, Marghuz.
12. Faqir Hussain S/O Ghulam Rehman,  
504/1200/87-88/1990, VPO, Nawan Killi. GPS No. 2 Jangidher.
13. Ziarat Gul S/O Haleem Gul,  
583/1200/87-88/1990, Qasim Killi. GPS No. 5 Jalbai.
14. Zafar Iqbal S/O Saifur Rehman,  
578/1200/87-88/1990, VPO, Kalabat. GPS, Gala.
15. Mohammed Ishaq S/O Daust Mohammed,  
577/1200/87-88/1990, VPO, Sard China. GPS No. 2 Jehangira.
16. Abdul Wali S/O Abdus Salam, ET,  
215/400/PTC Jo. 1: /88, GEPS, Sher Abad (Jalbai) GMPS, Fazal Abad, Torher.
17. Mohammad Rashid S/O Mirken Khan,  
759/1200/88-89/1990, VPO, Kalabat. GPS No. 2 Baje.
18. Fazal Khalig S/O Rahim Dad,  
755/1200/88-89/1990, VPO, Dagi. GPS, Sadri, Jadeed (Dagi).
19. Ijaz Ali S/O Mutabar Khan,  
749/1200/88-89/1990, VPO, Ismaila. GPS No. 2 Jehangira.
20. Fazal Ihsan S/O Dilawar Khan,  
741/1200/88-89/1990, VPO, Swabi. GMPS, Islampura (Pabani).

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| 71. Saleh Mohammad S/O Sultan Mohammad,<br>717/1200/89-90/90, Dagi.       | GMPS, Maniki.                                  |
| 72. Muslim Khan S/O Amir Khan,<br>717/1200/89-90/90, Dagi.                | GPS, Qamar Dand. (Narangi).                    |
| 73. Mukhtiar Ali S/O Zaman Khan,<br>712/1200/89-90/90, Dagi.              | GPS, Aman Kot.                                 |
| 74. Mural Anwar S/O Mohammad Hayat,<br>709/1200/89-90/90, Manari Payan.   | GPS, Kula Dhand.                               |
| 75. Anwar Zeb S/O Lal Badshah,<br>705/1200/89-90/90, Parmoli.             | GMPS, Mian Killi. (Pabani)                     |
| 76. Shamsul Islam S/O Mohammad Shah,<br>696/1200/89-90/90, Saleem Khan.   | GMPS, Yousaf Banda (Hlodand).                  |
| 77. Javaid Ali S/O Aitap Ali,<br>695/1200/89-90/90, Yaqubi.               | GMS, Bazar.                                    |
| 78. Jehan Said S/O Rahim Said,<br>692/1200/89-90/90, Kalu Khan.           | GPS, Wisal Abad (Tordher).                     |
| 79. Amjid Ali S/O Abdul Sher,<br>698/1200/89-90/90, Yaqubi.               | GMPS, Hayatabad (Jehangira).                   |
| 80. Khalid Khan S/O Abdul Khalil,<br>689/1200/89-90/90, Sard China.       | GMPS, Zarghund Shah Korona.<br>Jehangira.      |
| 81. Mohammad Khalig S/O Mohammad Shafig,<br>685/1200/89-90/90, Ismaila.   | GMPS, Faqir Abad (Jalbai).                     |
| 82. Mohammad Hekcem S/O Habibul Haq,<br>672/1200/89-90/90, Parmoli.       | GMPS, Banda Nisar (Hand).                      |
| 83. Iftikhar Ahmad S/O Habib Khan,<br>665/1200/89-90/90, Yaqubi.          | GPS No. 1, Yaqubi.                             |
| 84. Javaid Ahmad S/O Allah Dad,<br>655/1200/89-90/90, Saleem Khan.        | GMPS, Bezar Khan. (Saleem Khan)                |
| 85. Shida Mohammad S/O Faiz Mohammad,<br>643/1200/89-90/90, Zeida.        | GPS No. 2 Marghuz.                             |
| 86. Taqir Mohammad S/O Bahadur Sher,<br>643/1200/89-90/90, Lahor.         | GMPS No. 2 Jalsai.                             |
| 87. Fazal Wahab S/O Allah Din,<br>642/1200/89-90/90, Kalabat.             | GPS No. 1, Kotha.                              |
| 88. Mohammad Javaid S/O Fazal Qadar,<br>633/1200/89-90/90, Sheikhjana.    | GPS, Rahim Gul Banda.                          |
| 89. Amjid Hussain S/O Iqbal Said,<br>631/1200/89-90/90, Yaqubi.           | GMPS No. 1, Dehra.<br><i>Rahim Koley Kotha</i> |
| 90. Farooq S/O Abdul Ghafoor,<br>616/1200/89-90/90, Sheva.                | GPS, Shekela.                                  |
| 91. Mohammad Arif S/O Saeedullah,<br>599/1200/89-90/90, Kalu Khan.        | GPS No. 4, Manari.                             |
| 92. Rias Ali S/O Faqir Wali,<br>PFC, Azad Kashmir/89/Dagi.                | GMPS, Battiabad (Kotha).                       |
| <u>UNDOON AREA</u>  |  |
| 1. Abdul Hamid S/O Nazir Ali,<br>608/1200/87-88/88, Malik Abad.           | GPS, Anwar Shah Banda.                         |
| 2. Mobarad Javaid S/O Nazeef Khan,<br>607/1200/87-88/88, Gandaf.          | GMPS, Mera Khan abad (D. Uleem Gandaf).        |
| 3. Said Afli Shah S/O Abdallah Jan,<br>606/1200/87-88/88, Utla.           | GMPS, Tezo, Utla.                              |
| 4. Shah Bahadar S/O Zarin Khan,<br>605/1200/87-88/88, Amzai Payan.        | GMPS, Serai Utmanzai.                          |
| 5. Mirzaman Khan S/O Said Anwar,<br>599/1200/87-88/88, Diwal Garhi Payan. | GMPS, Garhi, Mangal Chai.                      |

- 47. Mohammad Najeeb S/O Hidayatullah,  
612/1200/88-89/1990, VPO, Dobyen. GMPS, Faqir Korona (Jalal)
- 48. Ziaur Rehman S/O Altaf Hussain,  
607/1200/88-89/1990, Yaqobi. GMPS, Miangan (Tordher).
- 49. S. Aftab Ahmad S/O Zahir Shah,  
606/1200/88-89/1990, Mian Dheri. GMPS, Manari Payan.
- 50. Alam Zeb S/O Sarfaraz Khan,  
602/1200/88-89/1990, Tordher. *Upto Mahal Guesse*  
GMPS, Ghulam Mohammad (Tordher).
- 51. Ayaz Mohammad S/O Nisar Mohammad,  
601/1200/88-89/1990, Nawan Killi. GFS No. 2 Topi.
- 52. Israr Jang S/O Qamar Jang,  
599/1200/88-89/1990, Naranji. GMPS, Kachoo Khel (Naranji)
- 53. Murad Khan S/O Abdur Razzaq,  
591/1200/88-89/1990, Yar Hussain. GMPS, Shahdad Korona.
- 54. Abid Ali S/O Sher Aman,  
583/1200/88-89/1990, Nawan Killi,  
S/O Clerk, DE(C), NWFP. GPS No. <sup>4</sup> Manari.
- 55. Haq Nawaz Khan S/O Sher Nawan Khan,  
585/1200/88-89/1990, Nawan Killi. *Shagan*  
GMPS, Shagai (Manari).
- 56. Siyar Zeb S/O Allah Din,  
574/1200/88-89/1990, Thand Koi. GMPS, Potohar (Zaida).
- 57. Aurang Zeb S/O Malezai,  
569/1200/88-89/1990, Shewa. GMPS, Jalbai.
- 58. Fazal Ellahi S/O Said Nawab,  
566/1200/88-89/1990, Dagai. GMPS, Shahi Bagh, Tordher.
- 59. Zar Mohammad S/O Hazrat Umar,  
556/1200/88-89/1990, Panjman. GMPS, Panjman.
- 60. Naeemul Wahab S/O Fazal Azeem,  
539/1200/88-89/1990, Jalsai. GPS, Beka Dheri.
- 61. Mohammad Sher S/O Sarfaraz,  
570/1200/88-89/1989, Asota. GPS, Nabi.
- 62. Fazal Mohammad S/O Mir Mohammad,  
569/1200/88-89/90, Sheikh Dheri. GPS, Jalo Banda.
- 63. Anwar Zeb S/O Rehan Shah,  
575/1200/88-89/90, Nawan Killi. GPS, Hand.
- 64. Mohammad Izhar S/O Kahim Dad,  
576/1200/88-89/90, Podher. GMPS, Haji Zain Mohammad  
Banda Marghuz.
- 65. Sardar Gul S/O Chani Gul,  
797/1200/89-90/90, Nawan Killi. GMPS, Rahim Zada Korona (Manari).
- 66. Fazal Rehman S/O Amanullah,  
760/1200/89-90/90, Panjpir. GMPS, Khado Khel (Panjpir).
- 67. Jawad Ali S/O Mir Gohar,  
754/1200/89-90/90, Kalu Khan. GFS, Manari Payan.
- 68. Jamraiz Khan S/O Mir Was Khan,  
746/1200/89-90/90, Zakria (Lahor.) GPS No. 2 Pabani.
- 69. Nural Amin S/O Mohammad Fayaz,  
734/1200/89-90/90, Yar Hussain. GMPS, Tashqand (Beka). *Bo*
- 70. Fazal Sher S/O Bahadur Sher,  
718/1200/89-90/90, Kalu Khan. GPS, Aman Kot.
- 70(a). Hezir Khan S/O Mirza Khan,  
738/1200/89-90/90, Zakria (Lahor.) GMPS, No. 2 Beka.

6. Shamsur Rehman S/O Saifur Rehman,  
598/1200/87-88/88, Bada.
7. Sher Alam S/O Yaqoob Shah,  
504/1200/87-88/88, Gandaf.
8. Khairud Din S/O Daud Shah,  
595/1200/87-88/88, Utlā.
9. Said Bakht Shah S/O Daud Shah,  
577/1200/87-88/88, Utlā.
10. Jamroz Khan S/O Rahim Khan,  
577/1200/87-88/88, Bada.
11. Iskandar Shah S/O Hashim Khan,  
576/1200/87-88/88, Gandaf.
12. Sherin Zada S/O Baghi Shah,  
573/1200/87-88/88, Gandaf.
13. Mohammad Farosh S/O Mir Asghar,  
569/1200/87-88/88, Gabasni.
14. Abdur Rasool S/O Mohammad Rasool,  
562/1200/87-88/88, Utlā.
15. Zahir Shah S/O Zaiwar Shah,  
556/1200/87-88/88, Takail.
16. Gul Zamin Khan S/O Rahim Ullah,  
727/1200/88-89/89, Gandaf.
17. Ishtarul Haq S/O Fazal Haq,  
726/1200/88-89/89, Gani Kot.
18. Ahmad Gul S/O Hazrat Gul,  
675/1200/88-89/89, Gabai.
19. Rahim Shah S/O Kachkool,  
663/1200/88-89/89, Chanai.
20. Faqir Khan S/O Arif Khan,  
555/1200/88-89/89, Gabasni.
21. Zar Nabi S/O Mohammad Umar,  
639/1200/88-89/89, Utlā.
22. Mohammad Iqbal S/O Habibul Akbar,  
637/1200/88-89/89, Mangal Chai.
23. Mohammad Shakir S/O Khista Gul,  
628/1200/88-89/89, Utlā.

EX-SERVICEMEN.

24. Jehan Zeb S/O Musa Khan,  
En/PTC(FC)1977, Swabi.
25. Faazal Lehman S/O Mohammad Rasool,  
Matric/PTC(Army), Zaida.
26. Nisar Mohammad S/O Hakeem Khan,  
Matric/PTC/Army, Bachai.
27. Saifur Rehman S/O Masood Khan,  
Matric/PTC/Army, Marghuz.
28. Umar Gul S/O Zamir Gul,  
Matric/PTC(FC)/Manki.

- GMPS, Akhtar Abad (Gandaf).
- GPS, Besak Banda.
- GMPS, Dagai (Gadoon).
- GMPS, Said Bahawal Banda (Gabasni).
- GMPS, Bakro Banda (Learan).
- GMPS, Shabi Khel (Gandaf).
- GPS, <sup>Mian Nawab</sup> ~~Anwar Shah~~ Banda (Takail).
- GMPS, Kulyar Banda (Mazghund).
- GPS, Bir Gali (G).
- GMPS, Gul Dara (Takail).
- GPS, Abdul Ajab Banda (Takail).
- GPS, Sher Baz Banda (Mangal Chai).
- GPS, Sher Baz Banda (Mangal Chai).
- GPS No. 2 Chanai.
- GMS, Qadra.
- GPS, Abdul Ajab Banda (Takail).
- GMPS, Saprona (Mangal Chai).
- GMS, Qadra.
- GMPS, Said Shah Garhi (Pabani).
- GPS, Musa Banda.
- GMPS, Jaganath Lar (Jelsai).
- GMPS, Alizai (Batakara).
- GMPS, Daulat Khel (Shahmansoor).

CONDITION OF APPOINTMENT.

1. Charge report should be submitted to all concerned in duplicate.
2. They should require to produced their Health and Age Certificate from Medical Supdt:concerned before taking over charge.
3. Their Certificates should be checked before handing over charge.
4. They should not be allowed to take over charge if their age is less than 18 years or above 25 years.
5. If they fail to take over charge of the post within 14-days after the issue of these orders, the order of appointment shall stand cancelled.
6. Their appointment is made purely on temporary basis and liable to termination at any time with out notice or reasons being assigned. In case of resignation they will have to submit one month prior notice to the Deptt:or forfeit one month's pay in lieu there of to Govt:

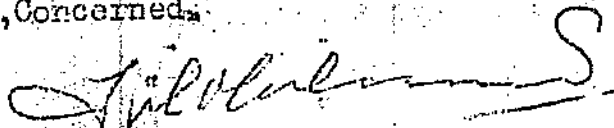
(HABIBULLAH KHAN),  
 DISTT: EDUCATION OFFICER,  
 (MALE) SWABI.

Endst: No. 70176-786 /PTC/L-AB.

Dated Swabi the 6.12.1990.

Copy of the above is forwarded for information and necessary action to the:-

1. Sub-Divisional Edu: Officers (Male) Swabi & Lahor.
2. Headmaster, Govt: Middle Schools, Concerned.
3. Candidates Concerned.
4. Heat Teachers Concerned.
5. Supdt: Local Office.



DI: DISTT: EDUCATION OFFICER,  
 (MALE) SWABI.

Saeed Gul/  
 Anwar Ali/

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the, 06 / 8 / 2020

SO (Policy) E&A/1-3/2020: In exercise of the powers conferred by section 25 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

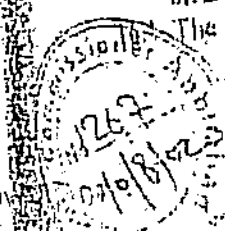
In rule 7, sub-rule (5) shall be deleted.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

EXIST. NO & EVEN DATE

Copies forwarded to:

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



ATTESTED

(WAJDAH LATIF)  
DEPUTY SECRETARY (POLICY)

Handwritten signature and initials.



B/C -14-

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.

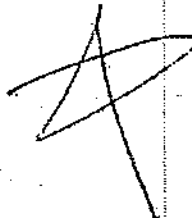
CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(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)





Annexure - C



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

62

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Polmy-M)II&AD/1-2/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 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 accept 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,

(Ismail Ahmad Khan)  
Secretary (Polcy)

ASE  
716

716

Encl. Of even No & date

Copy forwarded to the:

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

38/1/2023

623  
21.6.23

Section Officer (Polcy)

[Handwritten signature]



-17-

~~15~~ - B/c -

Yours faithfully,

(Issa Muhammad Khan)  
Section Officer (Policy)

Endst. of even no Eo 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)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No. 891-9223507)

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

To

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

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

26/6/23

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. SO (Policy)E&AD/1-3/2020 dated 06 June, 2023 and to state that the subject meeting is to be held on 05 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

ac

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

ac

(SECTION OFFICER (PRIMARY MALE))  
26/6/23

Handwritten signature

B/c

-19-

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

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER  
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION  
AND TRANSFER) RULES, 1969.

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

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

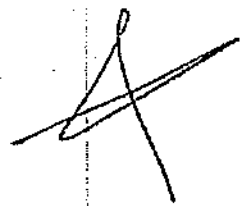
Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)



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

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


Annexure  
①


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


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


3. After the above 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



-21-  
-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(S) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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

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

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

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

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

(Mr. Fazal Wahid)  
Deputy Director-1  
E&SE Department

\_\_\_\_\_

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

File No. 31857/UG/General Cases

Khyber Pakhtunkhwa, Peshawar

Email: [education@pknk.com](mailto:education@pknk.com)

Dated 21-7-2023

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

Subject: -  
MINUTES OF THE MEETING

I am directed to refer to the letter No. SO (Primary-School) E&S&ED/1-17 dated 10-07-2023 on the subject cited above and in present brief history about the background of the case as under:

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) No. SO (Primary-School) E&S&ED/1-17/2020 dated 06-08-2020, vide notification No. SOR-1 (E&S&ED)/1-17/2020 dated 06-08-2020, that this office should guide from your good office in the following words vide letter No. 6987 dated 06-07-2023.

(i) Now it is obligatory upon the civil servant to accept promotion in every condition, promotion, (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-School) E&S&ED/1-17/2023 for necessary guidance.

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SO (Policy) E&S&ED/1-17/2020 dated 06-06-2023 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-School) E&S&ED/1-17/2023 dated 12-06-2023.

That, in the light of the minutes of meeting dated 06-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office, it 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 illegally a huge number of Female Teachers. That it is proposed that Teachers having DPs-16 may be exempted of implications of the amendment in the rules bid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Estab. A-1),  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa

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

Assistant Director (Estab. A-1),  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa

WP4442-2023 AZIZULLAH VS GOVT OF PUNJ

*[Handwritten signature]*



-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR  
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir;

I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G.M.H./  
Minutes of meeting/PST/2023 dated 30-7-2023 on subject cited above and to  
present brief history, about background of case as under.

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants' (Appointment, promotion & Transfer Rules 1997) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-08-2023
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/dumdown 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/1-2/2020 dated 6-06-2023 categorically stated that there exists no provision to decline /forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.



-24-

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

No. SO(Primary-M)E&SED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> 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 09<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

  
(MUHAMMAD SHAH)  
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)  
26/8/23

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-B/c-

-25-

No. 50 (Primary-M) E&SEED / 8-2 /  
Appointment - Rule / 2023

Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. 50 (Primary) / E&AD  
/ 1-3 / 2020 dated 6th June 2023 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

1. Director E & SE Khyber Pakhtunkhwa.

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

(Muhammad Ishaq)  
Section Officer (Primary)  
Male

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(S) IN THE  
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,  
PROMOTION AND TRANSFER) RULES, 1989.

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

- 27 -

- 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- Z/Appointment-  
Rule/2023 dated 23.08.2023 on the subject noted above and to state that necessary  
guidance has already been rendered to your good office vide this department letter of even  
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

To,

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

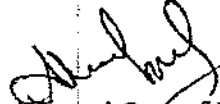
**REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA 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/1-3/2020 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

  
Shah Mehmood Son of Muhammad Anwar  
Resident of Tehsil & District Swabi

Aziz Ullah Khan  
President  
0333.0114618  
azizullah1973@gmail.com  
01 npinsh



APTA House  
Govt. Primary School No.1,  
Gulbahar Peshawar City.

آل پرائمری ایجوکیشن ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

بہار: نیکر لی ریٹرننگ ایجوکیشن ایسوسی ایشن خیبر پختونخوا  
بہار: آل پرائمری ایجوکیشن ایسوسی ایشن خیبر پختونخوا  
بہار: آل پرائمری ایجوکیشن ایسوسی ایشن خیبر پختونخوا

گزارش ہے کہ پروسنجر ہر ادارے میں ہوتے ہیں کہ سرکاری ملازم کی خواہش ہوتی ہے پروسنجر کا ایک تالون اور ایک تالون کے درمیان ایک ایک کر کے  
پروسنجر کے تحت ایک اور پروسنجر نہ ہوں تو وہ ہر آٹھ چار سال تک پروسنجر نہیں لے سکتے تھے مطلب چار سال تک ہر اس کی پروسنجر نہیں ہو سکتی تھی  
پھر اس تالون میں سرکاری رعایت کی گئی چار سال وال بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروسنجر نہ لیں تو دوسرے سال لے سکتا ہے  
لیکن اب ایک ہفتہ پہلے ایک اور نوٹیفکیشن ادارے سے آیا ہے  
اس کے مطابق اب ہر ملازم پروسنجر نہ لیں گے اگر نہیں لیں گے تو اس کے خلاف ایک ایسی روٹ کی درخواستیں کاہل کر کے لیا گیا ہے  
اور اسلئے یہ آخری نوٹیفکیشن جاری انسانی حقوق کی کمانڈر کے خلاف درج ہے جسے کہ دور دراز اور پہلے علاقوں میں خاص کر خواتین اساتذہ کو پہلے مشکلات کا  
سامنا کرنا پڑے گا  
بیک عام حالات میں بھی ذرا سی پروسنجر اور دروازہ بیچنا بھی جاری انسانی حقوق کی کمانڈر کے خلاف درج ہے کہ وہ بھی پروسنجر لیا گیا ہے جس سے انسانی حقوق کی  
کمانڈر کو یہ حالات میں یہ فیوٹوریشن جو CASE کی کاپی لیس لیٹر کی جواب میں لیا گیا ہے جو پوسٹ اور جاری انسانی حقوق کی کمانڈر ہے  
اس کے خلاف تالون چارہ ہونے کا حق بھی منسوخ رکھتے ہیں  
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کی  
ذمہ داری پروسنجر لینے کی بجائے ان کی سرخوشی سے لینے دیا جائے  
اور پروسنجر لینے کی صورت میں ہاتھ پاؤں لیا جائے لیکن یہ ذمہ داری نہ لیا جائے  
اس سلسلے میں آپ جلد از جلد تمام (DRO) ال ای اور ایک مخصوص مراحل جاری کیا جائے تاکہ اساتذہ میں پ میل / لیسبل پرائمری اساتذہ کو ذمہ  
الیت اور توجہ تک سے لیا جائے  
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذمہ داری نہ لیا جائے کہ اس کا سلسلہ شروع ہو چکا ہے  
لہذا ہم یہ دن دیکھتے ہیں کہ آپ صاحبان کوئی ایجنس لیکر سب کے پرائمری اساتذہ، خیر سالیٹی پرائمری اساتذہ کو اس ذمہ داری الیت سے اجازت دلائیں گے

عزیز اللہ خان صوبائی صدر  
آل پرائمری ایجوکیشن ایسوسی ایشن خیبر پختونخوا  
88/77/83

107.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through FCS for submission of reply comments. Appellant is directed to deposit FCS expenses within three days. To come up for reply comments as well as preliminary hearing on 10.06.2024 before S.B. PP 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 (S)

*[Handwritten signature]*  
13/6/24

Date of Presentation of Application 10-6-24  
 Number of 1  
 Copies 1  
 Urgent 1  
 Total 1  
 Name of 13-6-24  
 Date of 12-6-24  
 Date of receipt of copy 12-6-24

*[Large handwritten signature]*



# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

Shah. Mahmood-

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

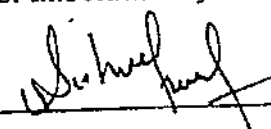
BASSAM AHMAD SIDDIQUI AHC

&

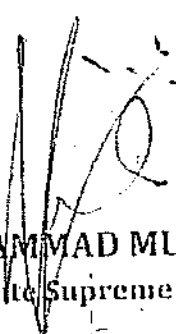
ASSOCIATES OF MUAZZAM LAW FIRM

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