


FORM OF ORDER SHEET

Court of _____

Appeal No. 1337/2024

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. Ajab Khan 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

Ajab Khan

V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	5-8
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	9-10
5.	Copy of Impugned Letter dated June 06th, 2023	C.	11-15
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	16-17
7.	Copy of Letter dated 23-08-2023	E.	18-21
8.	Copy of Impugned letter dated 07-09-2023	F.	22-23
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	24-26
10.	Wakalat Nama		27


ADVOCATE

- 1 -

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No _____/2024

Ajab Khan Son of Sarfaraz Khan Resident of Tehsil & District Swabi

Designation: Primary School Head Teacher at GPS Khisha

.....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 appellants 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 affects 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 appellants 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/appellants 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 appellants 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 appellants is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be set aside.

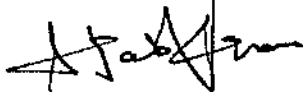
- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellants. It is not out of place to mention here that the appellants 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

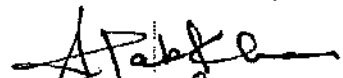
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

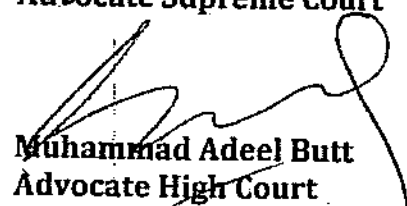
AFFIDAVIT:
I Ajab Khan Son of Sarfaraz Khan Resident of Tehsil & District Swabi that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court



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

Ajab Khan

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

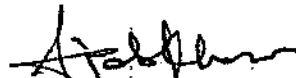
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification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

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


AFFIDAVIT:

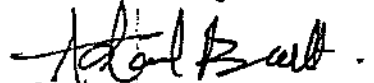
I Ajab Khan Son of Sarfaraz Khan Resident of Tehsil & District Swabi do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

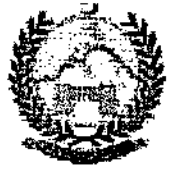

Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

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



Personal Information of Mr AJAB KHAN d/w/s of SARFARAZ KHAN

Personnel Number: 00338576

CNIC: 1620273481937

NTN:

Date of Birth: 20.05.1980

Entry into Govt. Service: 22.10.2004

Length of Service: 19 Years 03 Months 011 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:

GPF A/C No: 338576

GPF Interest applied

GPF Balance:

573,648.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 14

Wage type		Amount	Wage type		Amount
0001	Basic Pay	51,640.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	525.00
2199	Adhoc Relief Allow @10%	373.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	4,812.00	2347	Adhoc Rel Al 15% 22(PS17)	4,812.00
2378	Adhoc Relief All 2023 35%	17,381.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-763.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp.	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 11,958.58 Recovered till JAN-2024: 5,156.00 Exempted: 2989.33 Recoverable: 3,813.25

Gross Pay (Rs.): 90,687.00 Deductions: (Rs.): -6,988.00 Net Pay: (Rs.): 83,699.00

Payee Name: AJAB KHAN

Account Number: 1639-6

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

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: SWABI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: ajabk505@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(232428/25.01.2024/3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/02.02.2024/20:42:23)

- 7 -

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) SWABI
APPOINTMENT OF PST (MALE) **OFFICE ORDER**

Consequent upon the approval of the competent authority, the following Male candidates are hereby appointed as PST in BPS-07 (Rs. (2220-120-5820) plus usual allowances as admissible under the rules on regular/contract basis, school specific in the school noted against each in the best interest of public service with immediate effect.

25% Open Merit

S#	Name	Father's Name	U/Council	Address	Score	Posted	Remarks
1	Mohammad Zahir	Ebhar Khan	Jalal	Jalal	64.57	GPS-1 Jalal	AVP/Contract
2	Hamid Iqbal	Truse Khan	Sw. Maneri	Sw. Maneri	63.68	GPS Naosun Shah Koso	AVP/Contract
3	Mohd Ahmed	Ghulam Syed	Lahor-E	Lahor	63.65	GPS Wakti Abad	AVP/Regular
4	Aurang Zeb	Diyar Khan	Panj Pir	Kah	62.94	GPS A.Malik Koley	AVP/Contract
5	M.Harwal Khan	Oul Muhammad	Gubermi	M.Chal	61.66	GPS-3 Chant	AVP/Contract
6	Iqbal Hussain	Sabhanullah	KSK	KSK	61.52	GPS Jamal Abad KSK	AVP/Contract
7	M.Payyaz	Alam Baz	Kalabat	Kalabat	61.48	GPS-1 Topal	AVP/Contract
8	Safid Ali	Khan Saif	Bachal	Wazirabad	61.47	GPS Mohd Banki Deg	AVP/Contract
9	Alamgir Khan	Fazal Akbar	Tarakal	Tarakal	61.39	GPS Mohd Kili	AVP/Contract
10	Faisal Rahman	Sabah Shah	Manki	Manki	61.17	GPS-1 Thoo	AVP/Contract
11	Rafiq Ullah	Dilwar Khan	Panj Pir	Panj Pir	61.13	GPS Shagor	AVP/Contract
12	Munjab Shah	Babu Shah	Jalal	Jalal	60.77	GPS-1 Jalal	AVP/Contract
13	Z.Zamir Khan	Zehra Shah	Ghazal	M.Chal	60.23	GPS Kalyan	AVP/Contract
14	Gulzar Ahmad	Shah Aman	Selim Khan	Selim Khan	60.17	GPS Sher Dil Koley	AVP/Regular
15	Anasul Haq	Saraj Muhammad	Swabi Khan	Swabi	59.82	GPS-2 Swabi	AVP/Contract
16	Bashir Ali	Said Qureshi	Tarakal	Tarakal	59.7	GPS, Babbar	AVP/Contract
17	Imdadullah	Amroo Shah	KSK	KSK	59.68	GPS 2 Swabi	AVP/Contract
18	Muhammad Ali	Latif Khan	Sudhar	N.Sodri	59.66	GPS Ghosh Abad (Agr)	AVP/Contract
19	M.Uzair	Bekal Ullah	K/Khar	K/Khar	59.56	GPS, Naraji	AVP/Contract
20	Tarab Ali	Hameed Gul	Shewa	Shewa	59.26	GPS-Bacha Banda (BK)	AVP/Contract
21	Salar Khan	Akbar Shah	Gubermi	Sakhar	59.22	GPS Sher Shah Banda	AVP/Contract
22	Awar Ali	Rizwanullah	Manki	Manki	59.2	GPS-1 Jehangira	AVP/Contract
23	Zahir Ali	Sabih Zada	Pemoli	Ghulam	59.2	GPS-3 Sher Datta	AVP/Contract
24	Hazir Khan	Muhammad Ullah	Jalal	Jalal	58.9	GPS Jabal Samral	AVP/Contract
25	Waqar Ahmad	Fazil Wahid	Ismaile	Ismaile	58.88	GPS Gohar Abad	AVP/Contract
26	Razi Rehman	Razi Aman	Bamkhal	Bamkhal	58.87	GPS-1 Bamkhal	AVP/Contract
27	Ayub Khan	Sarifuzz Khan	Pemoli	Pemoli	58.86	GPS Khair	AVP/Contract
28	Munjabid Amin	M.Amin	Pemoli	Pemoli	58.83	GPS Khali	AVP/Contract
29	Muhammad Shabbir	Mahmood Khan	Zarobi	Zarobi	58.76	GPS Babbar	AVP/Contract
30	Ab Johar	Jamshaid	Lahor-W	Lahor	58.72	GPS Samad Dupo	AVP/Regular
31	Noorul Wadud	Abdul Ghaffar	Jalal	Jalal	58.72	GPS Shawal Jalal	AVP/Contract
32	Muhammad Ali Shah	M.Ayub	Doblan	Doblan	58.69	GPS Shalibee (Debang)	AVP/Contract
33	Fida Muhammad	Noor M. Aman	Gabani	M.Chal	58.69	GPS Qasim Abad Manki	AVP/Contract
34	Shah Khan	Said Mula Khan	Swabi	Sawa	58.64	GPS-2 Jehangira	AVP/Contract
35	Sabih Zada	Wazir Zada	Gubermi	Gubermi	58.54	GPS Sher Dil Koley	AVP/Contract
36	Rizwan Ullah	Sher Afzal	Selim Khan	Selim Khan	58.52	GPS Sher Dil Koley	AVP/Contract
37	Mohd Ahmad	Said Kamil	Ambar	Str.Dberi	58.48	GPS-1 Ambar	AVP/Contract
38	Mir Hussain	Rahim Zada	Yaqubi	Bai Banda	58.42	GPS, Haro Jaded	AVP/Contract
39	Zar Muhammad	Munshi Khan	Jalal	Jalal	58.23	GPS-Ah Dber	AVP/Contract
40	Gohar Zaman	Munawar Khan	Gubermi	M.Chal	58.24	GPS-Gala	AVP/Contract
41	H.Munir Khan	Fazil Muhammad	Jalal	Jalal	58.18	GPS-6 Jalal	AVP/Contract
42	Amjad Ali	Umar Ghani	Yaqubi	Iqbalnath	58.13	GPS-1 Towbar	AVP/Contract
43	M.Bhal	Senobar Khan	Babbar	Babbar	57.93	GPS, Hamid	AVP/Contract
44	Imdadur Rehman	Said Afzal	Kanda	Kanda	57.9	GPS-4 Kanda	AVP/Contract
45	Rahat Ali	Yousaf Khan	C.Noddi	Ahad Khan	57.85	GPS Aman Kot	AVP/Contract
46	Baram Ullah	Fazil Mula	Thakral	Thakral	57.83	GPS, W.Ber K. Kozma	AVP/Contract
47	S.Kozal Ali	S.Bacha Khan	KSK	KSK	57.82	GPS Sher Ali Banda	AVP/Contract
48	Yash Ali	Baqar Muhammad	Pemoli	Pemoli	57.81	GPS Anah Sharif	AVP/Contract
49	Imtiaz Ahmad	Sawa Khan	Adha	Adha	57.81	GPS Qasim Dhand Nj	AVP/Contract
50	Akmal Khan	Qasim Khan	Ghazal	Uta	57.73	GPS Batak	AVP/Contract
51	Noorul Haq	Munir Dila	Lahor-W	Lahor	57.67	GPS, Lahor Pany	AVP/Contract
52	Feroz Shah	Fazil Akbar	Adha	Adha	57.55	GPS Gohar Abad	AVP/Contract
53	Fazil Malik	Fazil Ghani	Sw. Maneri	Sw. Maneri	57.56	GPS Naosun Shah Koso	AVP/Contract
54	Shamail Iqbal	Shamail Iqbal	Kalabat	Kalabat	57.53	GPS Ran Khat Tar	AVP/Contract
55	Amjad Ali	Mohsin Taj	K/Khar	K/Khar	57.53	GPS-1 Bamkhal	AVP/Contract
56	Gul Ayad Shah	Nazar Shah	Ghazal	Uta	57.49	GPS-2 Pabani	AVP/Contract
57	Sirajul Islam	Sher Aman	Selim Khan	Selim Khan	57.49	GPS Jamal Abad Datta	AVP/Contract
58	Shahwan Khan	Sher Shah	Ghazal	Dawal	57.42	GPS Pabani	AVP/Contract
59	Razaqat Khan	Gul Roz Khan	Selim Khan	Selim Khan	57.43	GPS Sher Diland B.K	AVP/Contract
60	Baqar Khan	Munirullah	Gubermi	Gubermi	57.41	GPS, Swa (Maneri B)	AVP/Contract
61	Muhammad Rehman	M.Iqbal	Lahor-E	Lahor	57.31	GPS, Sabah	AVP/Contract
62	Shah Khalid	Abdul Qadir	Yaqubi	Shahd Kili	57.28	GPS, Del Khawar	AVP/Contract
63	Hamryon	Shamail Qasim	Towbar	Towbar	57.24	GPS-1 Towbar	AVP/Contract

ATTESTED

Terms & Conditions:-

1. These appointments are purely temporary and liable to termination without assigning any reason and without any prior notice.
2. They will have to produce Health & Age certificate from the Medical Superintendent DHQ Hospital Swabi before taking over charge.
3. In case of fresh candidates they should not be handed over charge if their age is below 18 or above 33+5 years.
4. They must take over charge of the post within 14 days of the issue of this order failing which the appointment order will automatically stand cancelled.
5. All the original academic/professional certificates/degrees should be verified from the concerned Board/University through the DDO concerned initially. If any discrepancy is found at any stage, a legal action will be taken against the person concerned under the rules.
6. Release of pay will be subject to the production of a certificate from the concerned Deputy District officer (Male) Swabi/Lahor regarding the verification of all certificates, Degrees, Domicile, Union Council residence certificate & National Identity Card on the following pattern: "Certified that I have officially verified all the original documents from the concerned authorities in respect of Mr _____ S/O _____ and found correct who has been appointed against PST post at GPS _____".
7. After completion of verification process and subject to the provision of O.K certificate required in para-6 above, a proper order will be issued by this office for release of their pay against the post occupied by them.
8. In case of resignation, a one month prior notice will be required under the rules. Otherwise one month pay will be forfeited to the Government Treasury. After tendering resignation, acceptance of the resignation will be at the discretion of the competent authority and no leave will be allowed during this period.
9. All fresh candidates will have to sign an agreement with the concerned Deputy District officer on a stamp paper of at least of Rs. 10/- that they will serve:-
 - a) Schools & Literacy Department Swabi as a PST teacher on contract basis in the School of initial appointment for a period of three years.
 - b) Their services will automatically be terminated on completion of three years (starting from the date of taking over charge), until an extension is notified by the competent authority, subject to the production of satisfied annual performance report for the period served.
 - c) Any clause of this contract can not be challenged in any court of law.
10. All regular candidates (coming from other government Departments as regular employees), will have to produce their original initial appointment order along with original Service Book & IPC (duly countersigned by the District Accounts officer/Agency Account officer concerned) failing which they will be treated as fresh contract employees and clause 3 & 9 above will be applied to them.
11. In case any one of the above appointees deprives of receiving charge due to non-availability of a vacant post (in the school indicated against his name) anywhere in the above mentioned schools, the services of junior most on merit in the relevant category will automatically be stood as dispensed with.
12. They will be governed by the service rules framed by the Govt. from time to time.
13. In case of fresh appointees their services are un-transferable. As such they will not try/apply for transfer to any other station at any circumstances.
14. No TADA is allowed to any of them.
15. Charge report should be submitted to all concerned.
16. EMIS Personal data form of all the fresh appointee teachers must be sent to the undersigned already circulated to the schools/DDO's office.

(KHAN SHER)

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY, SWABI

Encls: No. 6991-G /

Dated Swabi this October, 20, 2004

Copy of the above is forwarded for information and n/a to the:-

1. PS to the Minister Schools & Literacy, Government of NWFP, Peshawar.
2. PA to Secretary Schools & Literacy Department, Government of NWFP, Peshawar.
3. PA to the Director Schools & Literacy, NWFP, Peshawar.
4. District Nazim, Swabi
5. District Coordination Officer, Swabi.
6. Deputy District Officer (Male) Swabi/Lahor.
7. District Accounts Officer, Swabi.
8. Candidates Concerned.

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY, SWABI

ATTESTED

Handwritten signature/initials

ATTESTED

ATTESTED



DEPUTY SECRETARY (POLICY)
(GADDAH LATTI)

Handwritten signature

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

EXISTING NO & EVEN DATE

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

AMENDING further amendment shall be made, namely:

Amending the Chief Minister of Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, the

in exercise of the powers conferred by section 20 of the Government of Khyber Pakhtunkhwa Act, No. XXV of 1973 (Khyber Pakhtunkhwa Act, No. XXV of 1973) in the Khyber Pakhtunkhwa

in exercise of the powers conferred by section 20 of the Government of Khyber Pakhtunkhwa Act, No. XXV of 1973 (Khyber Pakhtunkhwa Act, No. XXV of 1973) in the Khyber Pakhtunkhwa

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATORY/PLANNING)

Annexure-1-B-9

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)

ATTESTED



Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)/E&AD/1-3/2023
Dated Peshawar the 06 June 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(Policy-M)/E&AD/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 06.06.2023; thus, no provision exists to decline or forgo promotion.

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

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

Yours faithfully,
(Jasa Mahomed Khan)
Section Officer (Policy)

ASE
7/6

Dist. of even No & date

Copy forwarded to:

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

Section Officer (Policy)

623
2.1.6.23

ATTESTED

B/C

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

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

Dear Sir,

I am directed to refer to your letter No. 80 (Primary-M) /EE&ED/2-2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (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.

WP 442-2023 AZIZULLAH VS GOVT OF PK 43

ATTESTED

-13-

-10-

-B/C-

Yours faithfully,

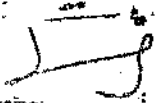
(Issa Muhammad Khan)
Section Officer (Policy)

Encl. of even No Ep 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)


ATTESTED



- 14 -

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

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

To

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

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

[Handwritten Signature]
26/6/23

**Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION**

a letter of Establishment Department dated
06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)
E&SE Department in his office.

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

Encl: AA

[Handwritten Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

[Handwritten Signature]
ATTESTED

[Handwritten Signature]

B/c - 15 -

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

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

ATTESTED

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 04-07-2023 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	Muhammed Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

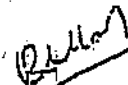
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After inroadbare 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.

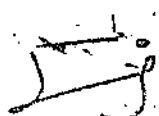

(Mr. Fazal Wahid)
Deputy Director-I
E&SE Department



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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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


ATTESTED



- B/c - 17 -

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

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

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 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)

ATTESTED



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

No. SO(Policy-M)E&SE/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 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 ISHTIAQ)
SECTION OFFICER (PRIMARY MALE)

Cc forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner


ATTESTED



ATTESTED

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

(Muhammad Ishaq)
Section Officer (Primary)
(Male)

Copy forwarded to:
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.

Dear Sir,
I am directed to refer to your letter No. S/primary (Policy)/E&AD/1-3/2023 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.

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.
To
No. S/ (Primary-M) E&SE/D/1-3-23/
Appointment-Rule/2023
Peshawar Dated 23rd August 2023.

-B/c-

-20-
-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/General/Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1981) 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 06-07-2023.
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quonies concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment-2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under 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 Pachtunkhwa

ATTESTED

ATTESTED

[Signature]

WP4442-2023 AZIZULLAH VS GOVT OF POK

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Copy of the above is in:-
1. P.A to Director Local Directorate.
2. Master Copy.

Assistant Director (Estab A-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
12/1/2023

This case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

Teachers below P-5-16 may be exempted of implications of the amendment in the rules laid (75) have affected negatively a large number of Female Teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the retention of Rules been asked for submission of consolidated case.

Chairman, Staff Union, Mithamunja Secretary Establishment at his office this office has that in the light of the minutes of meeting held 6-07-2023 held under the (Primary-M) & SED/2-2/Appointment/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.50 Civil servant to accept promotion under every condition.

that there exists no provision in decline or forgo promotion. It is obligatory upon every (Wing) vide letter No.50 (Policy) Ed. D/1-3/2020 dated 6-06-2023 categorically stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-M) & SED/2-2/Appointment/2023 for necessary guidance.

The your good office forwarded the same to the quarter concerned vide letter promotion.

(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 No.6987 dated 06-02-2023.

That this office would guide from your good office in the following words vide letter vide notification No. 50X-WI (E&AD)/1-3/2020 dated 06-08-2020.

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) No.50 (Primary-M) & SED/2-2 dated 10-07-2023 on the subject cited above and in present brief history detail the background of the case as under:

MINUTES OF THE MEETING

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

Dear Sir,



No. 8145

Phone: 09223344

Khyber Pakhtunkhwa Education Department
Email: kwhed@pked.gov.pk

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.

WP4442-2023 AZIZULLAH VS GOVT OF PK83

ATTESTED

23-

- B/c -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

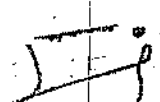
Endst. Of even No & date

Copy-forwarded to the:-

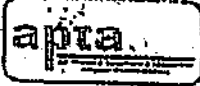
1. PS to Special Secretary (Reg), Establishment Department.
2. PA to Additional Secretary (Reg-II), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

Section Officer (Policy)

WP4442-2023 AZIZULLAH VS GOVT OF PG43


ATTESTED

Aziz Ullah Khan
President
0333-0414648
azizullah1873@gmail.com
aptpkh



APTA Hausel
Govt. Primary School No.4,
Gulbaha Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

مہاب: میگزنی انٹرنیٹ ویب سائٹ پر ایجنٹس فیڈ بیک
مہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب عالی

گزارش ہے کہ پرموشنز ہر ادا سے ملتا ہوا ہے اور سرکاری ملازم کی خواہش اور ہے پرموشن کا ایک قانون اور اس کا جو ملازم ایک اگر کسی
موجودہ تحت ایک اور پرموشن نہ لیں تو وہ پھر آئندہ چار سال تک پرموشن نہیں لے سکتے تھے مطلب چار سال تک ہر اس کی پرموشن نہیں اور اس کی
پھر اس قانون میں ترمیمی رعایت دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پرموشن نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک وقت پہلے ایک اور نوٹیفکیشن اور ہے

اس کے مطابق اب ہر ملازم پرموشن ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی اور اس کے مطابق کارروائی کرنے کا کہا گیا ہے
اور اس سے آگے نوٹیفکیشن جاری لسانی حقوق کی کئی خلاف ورزی ہے سو اسے کا دور دورہ اور پڑا لائق میں خاص کر خواتین امانتہ کو اہل مشکلات کا
سامنا کرنا پڑے گا

بکہ عام حالات میں بھی فہرستی پرموشن اور دستاویز بھی لسانی حقوق کی خلاف ورزی ہے کہ کہ فیڈ بیک اپٹا میں پرموشن سے غائبی و شمولیت
کیا ہوتی ہے ایسے حالات میں یہ نوٹیفکیشن جو E&SB کی گائیڈ لائن لیکر جاری کیا گیا ہے جو برائے اور لسانی حقوق کی خلاف ورزی
ہم اس کے خلاف قانونی چارہ جوئی کا حق بھی محفوظ رکھتے ہیں

لہذا ہم آپ سے ہمدردی اظہار کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری امانتہ کو (Relaxation) دیا جائے اور ان کو
لبرڈ کیا پرموشن لینے کی بجائے ان کو مرخصی سے لینے دیا جائے

اور پرموشن نہ لینے کی صورت میں ہاتھ پاؤ لیا جائے لیکن یہ لبرڈیشن کا جائے
اس سلسلے میں آپنا جملہ اراجلہ نام (DOs) لای ای اور ایک خصوصی مراسلہ جاری کیا جائے تاکہ اطلاع میں سپ کیل / لیٹیل پرائمری امانتہ کو زمین
البت اور ہر جگہ سے بنایا جائے

کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری امانتہ کو اپنی طور پر لبرڈ کر کے تا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان اپنی ایجنٹس لیکر سب سے پرائمری امانتہ خصوصاً لیٹیل پرائمری امانتہ کو اس ضمنی لبرڈیشن سے نجات دلائیں گے

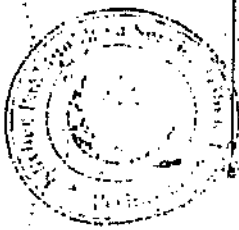
شکریہ

08/11/23

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

ATTESTED

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

Certified to be true copy (Muhammad Akbar Khin)
Member (P)

[Handwritten signature]
Muhammad Akbar Khin
Member (P)

Date of Presentation of Application 10-5-24
 Number of 1
 Copies 1
 Urgent SI
 Total SI
 Name of SI
 Date of 13-5-24
 Date of delivery of copy 12-5-24

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ATTESTED

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-26-

To,

Dated: 26-02-2024

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

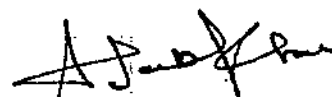
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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



Ajab Khan Son of Sarfaraz Khan
Resident of Tehsil & District Swabi


ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Versus

Government of KP & others Appellant

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

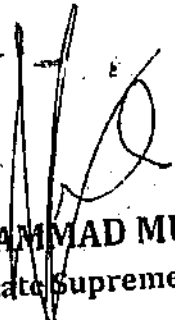
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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

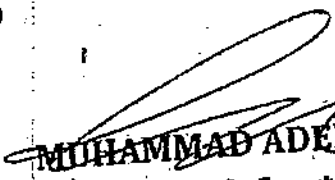


APPELLANT


ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court