


## FORM OF ORDER SHEET

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

**Appeal No. 1340/2024**

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. Riaz Muhammad 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

Riaz Muhammad

V/S

Government of KP & others

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ADVOCATE

-1-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

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

Riaz Muhammad Son of Wali Muhammad Resident of Tehsil & District Swabi

Designation: Primary School Head Teacher at GMS X Jhanda

.....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 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 appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

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

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

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

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

**AFFIDAVIT:**

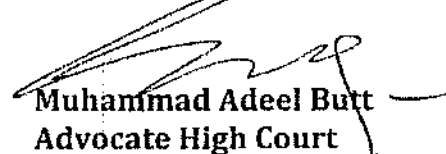
I Riaz Muhammad Son of Wali Muhammad Resident of Tehsil & District Swabi that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

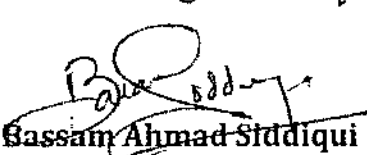
  
Deponent

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

  
Gassam 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

Riaz Muhammad

**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 Riaz Muhammad Son of Wali Muhammad 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

# Annexure - A

Phone No. 2006.

## OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN.

- 6 -

APPOINTMENTS:

OFFICE ORDER.

The following P.T.C. (Trained) teachers are hereby appointed in HPS, No. 7 Rs. 750-34-1370 plus usual allowances as due and admissible under the rules with effect from 15-9-1987, in the interest of public service.

S.No.	Name, Father's Name & Address.	Name of School where posted.	Remarks.
1:-	Jan Bahader S/O Haider of Shewa.	GPS, Aman Kot.	A.V. Post.
2:-	Shan Akbar S/O Gul Faras of Pabani.	GPS, Sanjman.	do
3:-	Muhammad Tariq S/O Misbah Ud Din of, Shewa.	GPS, Sherdara.	do
4:-	Sher Afsar Khan S/O Misal Khan, of Salim Khan.	GPS, Mahmood Abad (Charbagh).	do
5:-	Akbar Ali S/O Hannasheen, of Salim Khan.	GPS, Tordher No. 1.	do
6:-	Fazli Qadir S/O Fazli Hadi, of Salim Khan.	GPS, Rezawan Maini.	do
7:-	Fazal Nazir S/O Mira Tuj, of Rashaka.	GPS, Ismail Abad (Dara)	do
8:-	Usara Khan S/O Hamd Ali, of Shewa.	GPS, Ghulama.	do
9:-	Ikrumullah S/O Sher Aman Khan, of Maniki.	GPS, Shuntra Jalsai.	do
10:-	Lugman Shah S/O Marifat Shah, of Babgani.	GMPS, Gani Mot.	do
11:-	Sher Shah S/O Bahader Shah, of Ziarat Payan Zaira.	GPS, Shaheedan Maini.	do
12:-	S. Sher Shah S/O S. Muhammad Zahir Shah, of Ismaila.	GPS, Ghazi Abad.	do
13:-	Muhammad Usman S/O Muhammad Sher, of Bakayana Jagannath.	GMPS, Charai Banda Hund.	do
14:-	Shahras Khan S/O Nawab Khan, of Salim Khan.	GMPS, Baji.	do
15:-	Noorul Basar S/O Zulqadar, of Salim Khan.	GMPS, Bara Khel Kotha.	do
16:-	Arifullah S/O Rahmanullah, of Seri Charbagh.	GPS, Tordher No. 7.	do
17:-	Muhammad Salim S/O Muhammad Amin, of Mansabdar.	GPS, Naro Jadid Charbagh.	do
18:-	Niaz Muhammad S/O Shamsul Qamar, of Managi.	GMPS, Peti Banda Shagai.	do
19:-	Said Wali Shah S/O Shah Said, of Kotha.	GPS, Malik Abad.	do
20:-	Rusan Qadir S/O Sarra Khan, of Mani Bala.	GPS, Mani Bala.	do
21:-	Sajjad Ali S/O Ali Gohar, of Mani Bala.	GPS, Mani Bala.	do
22:-	Naqsood Ali S/O Mir Gohar, of Kalu Aban.	GMPS, Dilbar Acad Shewa Adda.	do
23:-	S. Nazhar Ali Shah S/O S. Adil Shah, Ismaila.	GPS, Uch Khawar.	do
24:-	S. Younus Ali Shah S/O S. Gabeen Shah, Ismaila.	GMPS, Soraria.	do
25:-	S. Muctafa Shah S/O S. Zahir Shah, of Nazar Banda Ismaila.	GMPS, Lorha.	do
26:-	Umar Khan S/O Salah Khan, of Kalabat.	GPS, Topi No 7.	do
27:-	Muhammad Ayaz S/O Rahim Baz, of Yarussein.	GPS, Faqir Abad Dagi.	do
28:-	Abdul Samad S/O Shamsul Arifin, of Yarussein.	GMPS, Allahdad Khel Yarussein.	do
29:-	Fida Ullah S/O Shamsur Rehman, of Yarussein.	GPS, Yarussein.	do
30:-	Muzayen Sher S/O Khan Sher.	GPS, Yarussein.	do
31:-	Mir Ahmad Khan S/O Ahmad Khan, of Shewa.	GMPS, Ina Kh. Chhangira.	do



32:-	Shah Jehan S/O Shamsul Qamar, of Kunda,	GPS, Panjpir.	A. W. Post.
33:-	Fazli Wahab S/O Ayub Khan, of Kalabat.	GPS, Topi No. 1.	---do---
34:-	Muhammad Qamar S/O Gul Umar, of Kaddi.	GPS, Panjpir.	---do---
35:-	Aftab Saeed S/O H. Chawas Khan, of Panjpir.	GPS, Jehangira No. 2.	---do---
36:-	Rizul Amin S/O Gul Amin, of Topi.	GPS, Topi No. 2.	---do---
37:-	Majtar Ali S/O Zarnosh, of Nawan Kili.	GPS, Qamar Dhand Sher "ara (Narang).	---do---
38:-	Sabz Ali Khan S/O Sher Akbar, of Nawan Kili.	GPS, Spin Khel Shagai.	---do---
39:-	Hussan Muhammad S/O Raza Muhammad, of N/Kili.	GPS, Jamal Abad.	---do---
40:-	Sher Azam Khan S/O Sher Afzal, of Nawan Kili.	GPS, Mehor Ali.	---do---
41:-	Riaz Muhammad S/O Ahmad Khan, of Nawan Kili.	GPS, Rahim Gul Banda.	---do---
42:-	Inayatullah S/O Shafiullah, of Kalu Khan.	GPS, Khalil.	---do---
43:-	Liaqat Ali Khan S/O Kapoor Khan, of Kalu Khan.	GPS, Bam Khel.	---do---
44:-	Hussain Ali S/O M. Muhammad Tahir, of Jagannath.	GPS, Kalo Dhok Jalsai.	---do---
45:-	Arshad Khan S/O Zamarud Khan, of Rokhani.	GPS, Jehangira No. 1.	---do---
46:-	S. Riaz Shah S/O Muhammad Shah, of Panj Pir.	GPS, Jehangira No. 1.	---do---
47:-	Ali Sher S/O Manzari, of Soodker.	GPS, Miraftab Dhok Lahor.	---do---
48:-	Zinur Rehman S/O Maqsoodur Rehman, of Dobhyan.	GPS, Rozi Abad Jalbai.	---do---
49:-	Jafar Ali S/O Amir Zada, of Gani Chatra.	GPS, Nogram.	---do---
50:-	Rahmanullah S/O Samiullah, of Bal Yaqoobi.	GPS, Fazli Abad Tordher.	---do---
51:-	Sabaz Ali Khan S/O Abdul Wahid, of Mathra Dagi.	GPS, Kunawar Jalsai.	---do---
52:-	Said Islam S/O Said Ghulam, of Sheikh Jana.	GPS, Baja.	---do---
53:-	Munfat Ali S/O Waris Khan, of Ghazi Kot.	GPS, Jalsai No. 2.	---do---
54:-	Misal Khan S/O Risaldar, of Bazargi.	GPS, Islamia Lahor.	---do---
55:-	Muhammad Karim S/O Ali Bahadar, of Shewa.	GPS, Aman Kot.	---do---
56:-	Noorul Amin S/O Said Mahmood, of Turlandi.	GPS, Shewa No. 1.	---do---
57:-	S. Shamsul Arifin S/O Said Isa, of Nigan Dheri.	GPS, Uda.	---do---
58:-	Habib Ur Rehman S/O Faqir Muhammad, of Kalabat.	GPS, Topi No. 1.	---do---
59:-	Fania Bahadar S/O Jan Bahadar, of Thand Kot.	GPS, Ashiq Abad Gar Munara.	---do---
60:-	Muhammad Haqem S/O Dost Muhammad, of Ismaila.	GPS, Ismaila.	---do---
61:-	Iftikhar Ahmad S/O Mirza Muhammad, of Kalabat.	GPS, Marghuz No. 1.	---do---
62:-	Shakil Ahmad S/O Muhammad Nawab, of Kalabat.	GPS, Marghuz No. 1.	---do---
63:-	Riaz Muhammad S/O Wali Muhammad, of Salim Khan.	GPS, I Jhanda.	---do---
64:-	Riaz Ahmad S/O Faras Khan, of Maini.	GPS, Pabeni.	---do---
65:-	Far Sher S/O Sarfaraz, of Shewa.	GPS, Khosha.	---do---
66:-	Fakhrul Islam S/O Shamsul Islam, of Marghuz.	GPS, Gar Munara.	---do---
67:-	Bakir Hussain S/O H. Irshad Hussain, of Kalu Khan.	GPS, Qajeor.	---do---
68:-	Munoz Ali S/O Khan Dad, of Yarusain.	GPS, Jalbai.	---do---
69:-	Muhammad Nazir S/O Garibullah, of Ghazi Kot.	GPS, Garhi Khankehal Lahor.	---do---
70:-	Taj Said S/O S. Noor Badshah, of Hamza Dher.	GPS, Shahmansoor.	---do---
71:-	Farwar Shah S/O Hakim Shah, of Kabgani.	GPS, Badga Scri.	---do---
72:-	Karooner Rashid S/O Muhammad Shuaib, of Sheraghand.	GPS, Luqman Dheri.	---do---
73:-	Dilshad Ahmad S/O Farwar Mir Khan, of Kalabat.	GPS, Gala.	---do---

- NOTE:-
1. No TA/DA, or T/G, is allowed to any One.
  2. Charge Reports should be submitted to all concerned.
  3. Their appointments are purely temporary, liable to termination with out any notice or assigning any reason.
  4. In case of resignation they will have to give One month, s prior notice to the Department or forfeit One month, s pay in lieu thereof to the Government.
  5. They are required to produce their Health and age certificates from the Medical Supt: D.H.Q. Mardan before taking over charge.

(GUL ZAMAN KHAN)  
District Education Officer  
(Male) Mardan.

Endct: No. 17419-85 /PTC Apptt: Trd/

Dated Mardan the 12-9- 196.

Copy forwarded for information to the:-

- 1:- Director of Education (Schools) NWFP, Peshawar.
- 2:- Director of Education (Schools) Peshawar Division Peshawar.
- 3:- Sub-Divisional Education Officer (Male) Swabi.
- 4:- Headmasters/Head Teachers of the concerned schools.

*Checked &  
S. J. Khan / W  
A. D. E. O. (1)*

*[Signature]*  
DISTRICT EDUCATION OFFICER  
(MALE) MARDAN.

Qadim/+++Khalid.

- 9 -

**Dist. Govt. KP-Provincial**  
**District Accounts Office Sawabi**  
**Monthly Salary Statement (December-2023)**



**Personal Information of Mr RIAZ MUHAMMAD d/w/s of WALI MUHAMMAD**

Personnel Number: 00234183      CNIC: 1620229398541      NTN: 0  
 Date of Birth: 13.04.1967      Entry into Govt. Service: 15.09.1987      Length of Service: 36 Years 03 Months 018 Days

**Employment Category: Active Permanent**

Designation: PRIMARY SCHOOL HEAD TEACH      80004527-DISTRICT GOVERNMENT KHYBE

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

Payroll Section: 003

GPF Section: 001

Cash Center: 24

GPF A/C No:

GPF Interest applied

GPF Balance:

784,301.00 (provisional)

Vendor Number: -

**Pay and Allowances:**

Pay scale: BPS For - 2022

Pay Scale Type: Civil      BPS: 15

Pay Stage: 28

Wage type.		Amount	Wage type		Amount
0001	Basic Pay	79,360.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	1,090.00
2199	Adhoc Relief Allow @10%	727.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	7,605.00	2347	Adhoc Rel Al 15% 22(PS17)	7,605.00
2378	Adhoc Relief All 2023 35%	27,083.00			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	-4,183.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 65,683.38      Recovered till DEC-2023: 24,168.00      Exempted: 16420.26      Recoverable: 25,095.12

**Gross Pay (Rs.): 134,614.00      Deductions: (Rs.): -10,408.00      Net Pay: (Rs.): 124,206.00**

Payee Name: RIAZ MUHAMMAD

Account Number: 4320156215

Bank Details: NATIONAL BANK OF PAKISTAN, 231321 MANERI BRANCH SWABI MANERI BRANCH SWABI, SWABI

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

Permanent Address: VILL AND PQ SALIM KHANSWBI

City: SWABI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: riazmuhammad665@gmail.com

Handwritten mark resembling a large 'X' or star.

DEPUTY SECRETARY (POLICY)  
(VA) (D) (A) (L) (T) (R)  
M-11, S-1

ATTESTED



- The Registrar, Administration Department.
- arrange 26 gazette copies.
- The Section Officer (Admn), Administration Department.
- All Deputy Officers in Establishment & Administration Department with the request to
- The Deputy Director (IT), E&A Department.
- The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- The Registrar, Khyber Pakhtunkhwa High Court, Peshawar.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- All Heads of Attached Departments in Khyber Pakhtunkhwa.
- All Divisional Commissioners in Khyber Pakhtunkhwa.
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- Development Department.
- Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning &

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

DATE AND EVEN DATE

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

AMENDMENT

Following further amendment shall be made, namely:

Section 10 (Chief Minister of Khyber Pakhtunkhwa) is deleted in direct that in the Khyber Pakhtunkhwa Civil Servants Act No. XVIII of 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) in exercise of the powers conferred by section 26 of the

Dated Peshawar the 06/18/2020

NOTIFICATION

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION-WING)

Annexure - B -

B/C

-11-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 36 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-rule (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)H&AD/1-3/2020  
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,  
I am directed to refer to your letter No. SO(Polcy)H&AD/1-3/2020-  
Appointments/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule  
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)  
Rules, 1989 stands deleted vide this Department notification dated 06.08.2020; thus, no  
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed 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 handle 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,

(Iqbal Malik) (Section Officer (Policy))

ASE  
7/6

Handwritten signature

Encl. Of even No & date  
Copy forwarded to:-

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

Section Officer (Policy)

Handwritten notes and signatures

Handwritten notes and dates: 2.1.8.23

Handwritten signature

X

Discipline) Rules, 2012, please. (Pakistani Civil Servants Efficiency & Promotion Rules, 1989)

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 & Promotion) Rules, 1989.

The basic rationale behind the deletion of the said rule is aimed to prevent 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.

Dear Sir,  
I am directed to refer to your letter No. 80 (Primary-M) /EE/EB/12-2/ Appointment (2023) dated 18.04.2023 on the subject noted above and to state that sub-rule (5) of rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointments, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2023; thus, no provision exists to decline or forgo promotion.

For The Government of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department.  
SUBJECT: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER PAKHTUNKHWA CIVIL SERVAANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES 1989.

B/c

-14-

-B/c-

Yours faithfully,

(Issa Muhammad Khan)  
Section Officer (Policy)

Endst. of every no & date

Copy forwarded to the :-

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

Section Officer  
(Policy)





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

No. SO (Primary-MYE&SEC/2-6/2023  
Dated Peshawar lhc. June 26<sup>th</sup>, 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

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

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

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

Encl: AA

*[Handwritten Signature]*

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

Copy forwarded to the:

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

*[Handwritten Signature]*

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

*[Large Handwritten Signature]*

B/c -15-

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, 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.

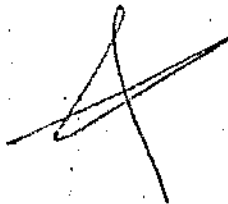
Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to, he:

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

SECTION OFFICER (PRIMARY MALE)



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

-17-

Annexure  
D

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.

SN.	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-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

-B/c- -18-

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

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

S/II	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aztz 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 Secretarial-Khyber Pakhtunkhwa Peshawar

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)



No. 8145

Khyber Pakhtunkhwa, Peshawar  
J.F. No. 34557/VG/Chief Secy  
Phone: 091-9825314  
Email: esidhishilamin@kpnw.gov.pk

Dated 21-7-2023

To

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

Subject -  
MINUTES OF THE MEETING

I am directed to refer to the letter No. SO (Primary-Sub) E&SED/5-11/GA/Min/103 of the Meeting/2023 dated 10-07-2023 on the subject cited above and in present brief history obtain the background of the case as under:

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) notified Rule 7(5) in the Civil Services (Appointment, Promotion & Transfer Rules 1989) vide notification No. SOR-VI (GA/D/1-3/2020) dated 06-08-2020. That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-02-2023.

(i) Now if job is vacant upon the civil servant to accept promotion in every condition, (ii) If the promotional offer of the civil servant to other accept or turn down the offer of promotion.

That your good office forwarded the same to the quarter concerned vide letter No. SO (Primary-Sub) E&SED/2-7/Appointment/2023 for necessary guidance.

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SO (Policy) E&D/1-3/2020 dated 06-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

The same was received by this office from your good office vide letter No. SO (Primary-Sub) E&SED/2-7/Appointment/2023 dated 12-06-2023.

That, in the light of the minutes of meeting dated 6-07-2023, held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office, has been asked for submission of considered opinion.

In view of the above, this office is of considered opinion that the violation of Rule 7(5) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers below D/S-16 may be exempted of implications of the amendment in the rules bid provided they submit their written request prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

17/7/2023  
Assistant Director (ES&ED A-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Ends: No. \_\_\_\_\_  
Copy of the above is in:-

- 1. PA to Director, Local Directorate.
- 2. Master Copy.

Assistant Director (ES&ED A-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

*[Handwritten signature]*

2. Master Copy  
1. PA to Director Local Directorate  
Copy of the above to:  
Rahmad Director  
Elementary & Secondary Education  
KPK, Peshawar

Please -  
The case is submitted for perusal and necessary action  
members of female teachers.  
In view of the above, this office is of considered opinion  
that the case of Rules 7(S) have affected majority a huge  
consolidated case.

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

no provision to declare / except promotion under every condition.  
Eg AD/1-2/2020 dated 6-06-2023 accordingly stated that there exists  
That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy)  
Eg AD/1-2/2020 dated 6-06-2023 accordingly stated that there exists

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

offer of promotion.  
(ii) It is prerogative of civil servant to either accept/demand the  
offer of promotion.  
(iii) Now it is obligatory upon civil servant to accept promotion.  
That this office sought guidance from your good office in the following  
words vide letter No. 987 dated 06-08-2023.  
vidi notification No. N. SDR-VI (Eg AD) 1-3/2020 dated 06-08-2020.  
That Government of KP Establishment department (Regulation Wing)  
added rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 1987)  
present brief history, and background of case as under.

Minutes of meeting PST/2023 dated 10-7-2023 on subject cited above and to  
I am directed to refer to letter No. 50 (Policy) Eg SED/5-1/GWA/1/  
Dear Sir,

Subject: Minutes of Meeting

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

PESHAWAR  
(21-7-2023)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK



-21-

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-0223587)

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 06<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

  
(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
23/8/23

Scanned with CamScanner

*[Handwritten signature]*

Department of Education, Government of Khyber Pakhtunkhwa

Section Officer (Primary)  
(Muhommal Tahsil)

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

Copy forwarded to:

In this connection it is submitted that in some cases lady teacher of primary level who evade 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.

different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011. of the competent authority or try to evade promotion through those officers/officials who don't comply with promotion order. Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, 1/3/2020 dated 6th June 2023 and to state that after 9 am directed to refer to your letter No. 50 (Primary) (Policy) /E&AD

Dear Sir,

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

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

No. 50 (Primary-M) E&SE D/8-21  
Appointment - Rule / 2023  
Peshawar Dated 23rd August 2023.

- b/c -  
- 22 -



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 rendered to your good office vide this department letter of  
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encl. 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.

WP-12-3023 AZIZULLAH US GOVT CF PG43

-23-

-24-

-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)

Encl. 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)

Annexure - G

-25-

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

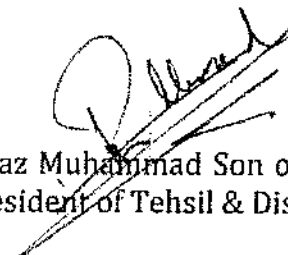
**REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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

  
Riaz Muhammad Son of Wali Muhammad  
Resident of Tehsil & District Swabi

Aziz Ullah Khan  
President  
0333-6412648  
azizullah1973@gmail.com  
71 nainap



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

آل پرائمری لیچرز ایسوسی ایشن (اپٹا) خیر بختونورا

Annexure - A

بہاب: نیکر لری انٹرنی ۵ سیکڑی ایچ کیشن خیر بختونورا  
بہاب: آل پرائمری لیچرز ایسوسی ایشن خیر بختونورا  
بہاب: نالی

گزارش ہے کہ پروموشن ہر ادارے میں ہوتے ہیں اور کہ سرکاری ادارہ کی خواہش ہوتی ہے پروموشن کا ایک قانون اور کہ تھا کہ ہر سال ایک اگر کسی  
مدرسے قریب ایک اول پروموشن نہیں تو وہ پھر آئے ہر سال تک پروموشن نہیں لے سکتے تھے مطلب ہر سال تک ہر اس کی پروموشن نہیں دے سکتے تھے  
پھر اس قانون میں ترمیمی دہلیت دی گئی ہر سال والی بات ختم کر دی گئی کہ اگر ایک سال پروموشن نہ لیں تو وہ دوسرے سال لے سکتے ہیں  
لیکن اب ایک وقت پہلے ایک اور لوٹیشن ہوا ہے

جس کے مطابق اب ہر سال پروموشن ضرور نہیں لے کر نہیں لیں گے تو اس کے خلاف ای سی ڈی ڈولر کے مطابق کارروائی کرنے کا کہا گیا ہے  
اور اسلئے یہ آجری لوٹیشن جاری انسانی حقوق کی مکمل خلاف ورزی ہے جسے کہ دور دور اور پہاڑی علاقوں میں خاص کر نواحین اساتذہ کو اجالی منکات کا  
سامنا کرنا پڑے گا

کیونکہ عام حالات میں بھی زبردستی پروموشن اور دور دورا بھیجا گیا انسانی حقوق کی خلاف ورزی ہے کیونکہ خیر بختونورا میں پرنسپل سے ملائی دشمنیاں  
کیا گئی ہیں یہ خیال لوٹیشن جے ایس ایس کی کاپی لیس لیکر کی جواب میں کیا گیا ہے جو بدلتی اور جاری انسانی حقوق کی خلاف ورزی ہے  
اس کے خلاف قانونی کارروائی کا حق نہیں منکر رکھتے ہیں

لہذا ہم آپ سے درخواست کرتے ہیں کہ لوٹیشن کو راز میں لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (declassification) دیا جائے اور ان کو  
زبردستی پروموشن لینے کا مجھے ان کو سزا سے لینے دیا جائے

اور پرائمری نہ لینے کا سورت نہ ہا، ہا، ہا، ہا لیا جائے لیکن یہ زبردستی نہ کی جائے

اس سلسلے میں آپ جلد از جلد تمام (DEOs) کی ای اور کہ ایک خصوصاً براہ راست جاری کیا جائے تاکہ اساتذہ میں پ سیکل / لیٹیل پرائمری اساتذہ کو ذہنی  
الوت اور لاد چنگ سے پہلایا جائے

کیونکہ لوٹیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر لاد کر کے اساتذہ شروع ہو چکا ہے

لہذا ہم نے ترقی رکھتے ہیں کہ آپ صاحبان ذریعہ ایکشن لیکر سب بر کے پرائمری اساتذہ خصوصاً لیٹیل پرائمری اساتذہ کو اس ذہنی الوت سے بہت واقف کر کے

شکریہ

22/7/23

عزیز اللہ خان سرہانی صدر  
آل پرائمری لیچرز ایسوسی ایشن خیر بختونورا

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-submission 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. 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 (I)

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

Date of Presentation of Application 10-5-24  
 Number of 1  
 Copies 1  
 Urgent 1  
 Total 1  
 Name of 13 (13)  
 Date of 12/5/24  
 Date of receipt of 12/5/24

*[Handwritten signature]*

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

Riaz Muhammad

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

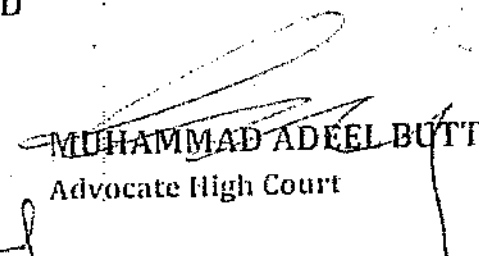
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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