


FORM OF ORDER SHEET

Court of _____

Appeal No. 1345/2024

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. Bader un Nisa 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

In Ref to

Service Appeal No 1845 /2024

Bader Un Nisa

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.	6-9
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	10-11
5.	Copy of Impugned Letter dated June 06th, 2023	C.	12-16
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	17-19
7.	Copy of Letter dated 23-08-2023	E.	20-21
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. 1845 /2024

Bader Un Nisa wife of Muhammad Farooq, PSHT,
GPS Government Girls High School Tehsil & District Swabi

.....Appellant

V E R S U S

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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

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

GROUND:-

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

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

It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (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.

Bader Nisa
Appellant

AFFIDAVIT:
I, Bader Un Nisa solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Through

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Bader Nisa
Deponent

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

Commissioner
Commissioner
Muzaffargarh District Court
04/06/23

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

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

Service Appeal No _____ /2024

Bader Un Nisa

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

Bader Nisa
Appellant

Through

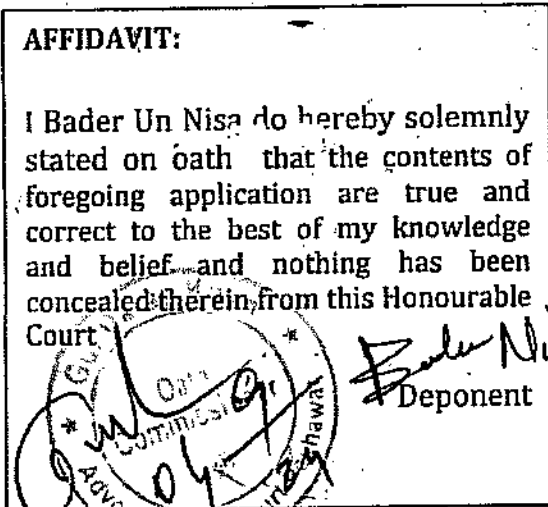
Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

AFFIDAVIT:

I Bader Un Nisa 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.

Bader Nisa
Deponent



- 1 - 6 -

OFFICE OF THE DISTRICT EDUCATION OFFICER: FEMALE, PRIMARY: SWABI.

APPOINTMENT

CONSEQUENT UPON THE APPROVAL OF DEPARTMENTAL SELECTOR COMMITTEE, CONDITIONS FOR APPOINTMENT OF TRAINED P.T.C. MISTRESS-3, the following trained candidates are hereby appointed against the vacant posts on P.T.C. on temporary basis GRS-1480/-PM. in SPS. No 7 of Rs/ 4500/-2695 plus usual allowances as due and admissible under the rules, in force, in the institutions noted against each in the interest of public service with immediate effect subject to the following terms and conditions:

Sl. No./Parentage and Name-Address.	POSTED AT: G.G.P.S:
1. Ulfa Begum, D/O. Jageer Mohammad, Mohallah: Nischan, Vill: P.O. Zaida.	Ferozepur (Jalbai).
2. Saeed Wahid, D/O. Wali Mohammad, Mohallah. Belarkheil, Vill: DAGAI.	Meeradhoke, Lahr.
3. Margas Begum, D/O. Anwar Sher, Mohallah: Marakheil, Vill: P.O. Ismaeela.	Sherabi Banda (Jalbai).
4. Farida, D/O. Nawaz Khan, Mohallah, NIL. Village, FARAFAL (Swabi).	Allahdher (Tordher).
5. Hussain, Mrs. D/O. Ghulam Sarwar, Mohallah. Adfa-Birajpur, Vill: P.O. Nawankilli.	-do- do-
6. Samera Naz, D/O. Wazir Mohammad, Mohallah. Khwarishail, Vill: P.O. Nawankilli.	Jabbar (Tordher).
7. Ghaila, D/O. Ayub Khan, Mohallah Marzakhail, Vill: P.O. Kalabat.	No-2, Takail.
8. Shafiqat Begum, D/O. Inayatullah Rehman, Mohallah Khawaj Boppe-Kheil, Vill: P.O. Nawankilli.	No-3, Jalbai.
9. Riffat Naz, D/O. Saif Qasim, Mohallah Roadside, Vill: P.O. Ismaeela.	Gadano-Banda. (Jalbai).
10. Saira Wahid, D/O. Abdul Wahid, Mohallah. Kharkheil, Vill: P.O. Marghuz.	Ferozepur. (Jalbai).
11. Angela Haider, D/O. Fazal Haider, Mohallah Marchan, Vill: P.O. Kalabat. (Swabi).	No-2, Gerdafdher.
12. Saeeda Naz, D/O. Safaraz Khan, Mohallah Akhadkheil, Vill: P.O. Marghuz.	Chaurtrai.
13. Asma, D/O. Shah Nazir Khan, Mohallah. Belarkheil, Vill: P.O. Zaida.	-do- do-
14. Gulshan Ara, D/O. Saqi Mohammad. and W/O. ZIARA BEGUM, Vill: P.O. Dhoobian.	No-2, JAMRA
15. Nadia, D/O. Saif Qasim, Mohallah Babukheil, Vill: and P.O. Zaida.	Sher-Abad (Jalbai)
16. Zubaida Khanum, D/O. Khawaja Mohammad. Mohallah Sher Garhi, Vill: P.O. Ismaeela.	Rustan Korona (Jalbai)
17. Aida Begum, D/O. Fazal Akbar, Mohallah Mohik-Banda, Vill: P.O. Dagai.	Shahbazpur (Jalbai).
18. Baqarina, D/O. Sultan Mohammad, Mohallah. Gularkheil, Vill: P.O. Kotla. (Swabi).	Sarknibala (Gadon
19. Shafiq, D/O. Miftaytullah, Mohallah, Roadside Gauraband, Vill: P.O. Ismaeela.	MANO (LAHOR).
20. Ghazala Wahid, D/O. Nawaz Khan, Mohallah. Belarkheil, Vill: P.O. Zaida.	Farkhate
21. Rani Begum, D/O. Karim Khan, Mohallah. Karkheil, Vill: P.O. Anko Charsaf (Swabi).	Nabi Dhoke (Lahr)
22. Farzina, D/O. Mirza Khan, Mohallah. Marakheil. Vill: P.O. Kalabat (Swabi).	Sher Nati P. (Jalbai)
23. Fozia Wahid, D/O. Sher Hassan, Mohallah. Unmarkheil, Vill: P.O. Naja (Swabi).	No-3, Jalbai.
24. Rozita Afzal, D/O. Sher Afzal, Mohallah. and Mrs. Anwar, P.O. Kalabat, Vill: P.O. Kalabat.	Palori Fayan (Gadon)
25. Farida Begum, D/O. Ghulam Sarwar, Mohallah. FARAFAL, Vill: P.O. Farafal.	Yousaf Ghani (Gadon)
26. Farida Khanum, D/O. Ghulam Sarwar, Mohallah. Sdmi, Vill: P.O. Farafal.	Meeradhoke (Lahr)

ATTESTED

SN Name/Parentage and Home Address: P.O. AT GE

27. Qadaf Ameer. D/O. Amir Bahader Khan. Vill: Qadar-abad (Khasana) P.O. Kalabat (Swabi). Dalouf Payan.
28. Jameem-Ijaz. D/O. Ijaz Nabi. Mohallah Rafiz-abad. Vill: & P.O. Zaida. Deval-Ghari Fata (G).
29. Sadru-Nisa. D/O. Shamsud Khan. Vill: & P.O. Sheikhkhari (Lahor). Bekadma. Lahor).
30. Hadia Naz. D/O. Subhan Dad. Mohallah Akshheil, Vill: & P.O. Marghuz. Sarfai Payan (Gadoon).
31. Salma Naz. D/O. Kiyasatullah. Allahadkheil, Vill: & P.O. Degai. Degai (Gadoon).
32. Ghazala Jabir. D/O. Jabir Khan. Mohallah. Mohallah KHamsakheil, Vill: & P.O. Degai. No-2, Sarlaf Chero.
33. Yasmeen. D/O. Fateh Mohammad. Mohallah Hazeekheil, Vill: & P.O. Kalabat. Kulyan Gabae (Gadoon).
34. Shazia Naz. D/O. Walidad. Mohalla. Nil. MATRAN (VILL: & P.O. DAGAI). Naro (Gadoon).
35. Samreena Begum. D/O. Qamru-Zaman. Mohallah Bomikheil, Vill: & P.O. Kalabat. Shanai (Gadoon).
36. Nooreena. D/O. Shamsur Rehman. Mohallah Pir Piran. Vill: & P.O. Ismaeela. Sher Aman Banda (Gadoon).
37. Rameem Begum. D/O. Sargand Khan. Mohallah Bhattia-abad (Vill: & P.O. Ketha. Dewal (Gadoon).
38. Safia Naheed. D/O. Saifur Rehman. Mohallah Karrakheil, Vill: & P.O. Sheikhjena (Swabi). Seri Hassanani (Gadoon).
39. Salma Nooren. D/O. Khisra Kanal. Mohallah Saadat. Vill: Naran Banda. P.O. Ismaeela. No-2, Sarlowe (Gadoon).
40. Zahida Begum. D/O. Fiza Mohammad. Mohallah Malak Chag. Vill: & P.O. Jaisai. No-3, Jaisai.
41. Farkhanda Jabeen. D/O. Dawar Khan. Mohallah Monakheil, Vill: P.O. Ismaeela. Gaabara (Gadoon).
42. Eudhra Begum. D/O. Qazi Farzi Khaliq. Mohallah Manoor Kheil, Vill: & P.O. Zaida. ANWARSHAH BANDA (G).
43. Samiyat. D/O. Mutahir Shah. Mohallah Peeran. Vill: P.O. Ismaeela. BANJO (GADOON).
44. Shahida. D/O. Umar Saif. Mohallah. Nil. Vill: & P.O. Asota Shereef (Swabi). No-2, Deval-Ghari (G).
45. NAZIA. D/O. Mohammed Sadiq. Mohallah. Barcham. Vill: & P.O. Kalabat. Sokelai (Gadoon).
46. Nighat Jamal. D/O. Jameel Ahmad. Mohallah. Chota BRY (D). MANGAL-Ismaeela. CHAI.
47. Khalida Jamal. D/O. Bakht Jamal. Mohallah. Allahadkheil. Vill: & P.O. Degai. Chok Sokelai (G).
48. Fauzia Begum. D/O. Dawar Zaman. Mohallah. Markheil. Vill: & P.O. Ismaeela. Haydar Shah Banda (G).
49. Naureen Begum. D/O. Qazi Saad Mutahammul Shah. Mohallah Sabukheil. Vill: & P.O. Zaida. SATKEWAR (G).
50. Nageena Begum. D/O. Sultan Mohammad. Mohallah. Allahadkheil. Vill: & P.O. Degai. No-3, Mangulchai (G).
51. Farakhdeeba. D/O. Sikandar Sher. Mohallah. Khankheil, Vill: & P.O. Marghuz. Jakkari (Gadoon).
52. Farkhanda Naz. D/O. Faral Qadeem. Mohallah Khankheil, Vill: & P.O. Marghuz. Jakkari (Gadoon).
53. Mahamira. D/O. Jattah and Datta. Mohallah. Bhakheil. Vill: & P.O. Zaida. Jakkari (Gadoon).
54. Faneema Gul. D/O. Syed Ahmad Jan. Mohallah Nil. Vill: & P.O. Ismaeela. Chok Sokelai (G).
55. Bukhtia Begum. D/O. Fagor and Datta. Mohallah, Nil. Vill: & P.O. Ismaeela. Chok Sokelai (G).
56. Farhat Naz. D/O. Zareen Dad. Mohallah. Akshheil, Vill: & P.O. Marghuz. Chok Sokelai (G).
57. Gauhar Khatoon. D/O. Mohammad Saad. Mohallah Nil. Vill: & P.O. Marghuz. Chok Sokelai (G).
58. Nighat Begum. D/O. Mohammad Saad. Mohallah Nil. Vill: & P.O. Marghuz. Chok Sokelai (G).

CONTD:

SN. Name/Parity Stage and Home address.

POSTED AT GGPS:-

- 60. Fozia Akhtar, D/O. Sandat Khan, Mohallah, Bhangankeilly Vill: P.O. Zaida. DAULAT ARAN (MANKI TIRAZIYAK)
- 61. Farzana Basheer, D/O. Mohammad Basheer, Mohallah. Nisocham. Vill: & P.O. Zaida. No-2, Jhangira.
- 62. Syeda Hamida Bukhari, D/O. Syed Abdul Fattah- Shahbaspur (Jaibai). -Bul ar. Mohallah. Bhagar. Vill: & P.O. Saleen Khan.

TOTAL NUMBER OF CANDIDATES.....62.

TERMS AND CONDITIONS:

- 1/- Their appointments are purely made on temporary basis and liable to termination at any time without assigning any reasons nor notice.
- 2/- In case of resignation, the candidate concerned will have to tender her resignation one month's prior the actual date of her resignation or to forfeit one month's Pay and allowances thereof to the Government.
- 3/- They are required to produce their Health and Age Certificate from the concerned Medical Superintendent before taking-over charge.
- 4/- They should not be allowed to takeover charge if their age is less than 18 years or above 30 years.
- 5/- Their appointments are made subject to the further condition that they are domicile of Swabi District.
- 6/- All Education, Character and Domicile Certificates should thoroughly be checked by the concerned SDEO(F) before handingover charge and if necessary it should be verified from the Institution/quarter concerned.
- 7/- In case they fail to takeover charge of the post within 15 days from the date of effect of these orders, the order of appointment shall stand automatically Cancelled.
- 8/- Charge Reports should be submitted to all concerned.
- 9/- No TA/DA etc: is allowed.
- 10/- All the candidates must obey the standing orders of the Department.
- 11/- No candidate will try for transfer before completion of normal tenure. In this connection, A Bond duly attested by the OATH-COMMISSIONER will have to be handedover to appointing-authority with a Photostat to the concerned SDEO(F) before takingover charge.
- 12/- These orders will take effect from 7.5.1996 or the date of takingover charge whichever is later.

Fatima Begum
 (FATIMA BEGUM):
 DISTRICT EDUCATION OFFICER:
 FEMALE (PRIMARY): SWABI.
 Dated Swabi, the FEBRUARY 26, 1996

Encl: No. 631 /1-AE/1-1 /Appt: PTO: Vol: IV Copy forwarded for information and necessary action to the:-

- 1/- Director, Primary Education, NWFP, Dabganj Garden, Peshawar.
- 2/3/- Sub-Divisional Education Officer, Female, SWABI and LAHOR.
- 4. Headmistress concerned.
- 5. Candidate.
- 6. A.D.E.O (ACCOUNTS) local office.

Fatima Begum
 DISTRICT EDUCATION OFFICER
 FEMALE (PRIMARY): SWABI.

ATTESTED

- 4 -

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



Personal Information of Miss BADER-UN NISA d/w/s of SHAMSHER KHAN

Personnel Number: 00237331 CNIC: 1620110441160 NTN:
 Date of Birth: 01.02.1975 Entry into Govt. Service: 04.03.1996 Length of Service: 27 Years 10 Months 029 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80004530-DISTRICT GOVERNMENT KHYBE

DDO Code: SU6133-Government Primary Schools (Female) Lahor Swabi

Payroll Section: 003 GPF Section: 001 Cash Center:

GPF A/C No: GPF Interest applied GPF Balance: 871,673.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	63,520.00	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	740.00
2199	Adhoc Relief Allow @10%	546.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,009.00	2347	Adhoc Rel Al 15% 22(PS17)	6,009.00
2378	Adhoc Relief All 2023 35%	21,539.00			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	-1,829.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death C. sp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 28,022.88 Recovered till JAN-2024: 11,875.00 Exempted: 7005.23 Recoverable: 9,142.65

Gross Pay (Rs.): 109,507.00 Deductions: (Rs.): -8,054.00 Net Pay: (Rs.): 101,453.00

Payee Name: BADER-UN NISA

Account Number: 7900460003

Bank Details: HABIB BANK LIMITED, 220507 FAUJOON (LAHORE), SWABI. FAUJOON (LAHORE), SWABI, SWABI

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: SHEAKH DHERI LAHOR SWABI

City: SWABI Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City: Email: engrfarooq2014@gmail.com

ATTESTED

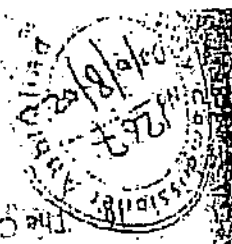
System generated document in accordance with APPM 4.6.12.9(232428/25.01.2024/v3.0)

* All amounts are in Pak Rupees-

* Errors & omissions excepted (SERVICES/02.02.2024/20:12:36)

ATTESTED

ATTESTED



DEPUTY SECRETARY POLICY (W/AD/1-1-17)

Handwritten signature and initials.

- Copies forwarded to:-
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 Governor, Khyber Pakhtunkhwa.
 4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
 5. The Principal Secretary to Government, 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 Public Service Commission, Peshawar.
 12. The Secretary, Khyber Pakhtunkhwa E&A Department.
 13. The Deputy Director (IT), E&A Department.
 14. All Section Officers in Establishment & Administration Department with the request to the Section Officer (Admin), Administration Department.
 15. The Section Officer (Admin), Administration Department.
 16. The Carpark, Administration Department.

CHIEF SECRETARY GOVERNMENT OF THE KHYBER PAKHTUNKHWA

AMENDMENT

In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, No. XXIII of 1973 (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:

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

NOTIFICATION

Dated Peshawar, the 06/08/2020

GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (REGULATION WING)

Handwritten marks and numbers: 10-

Annexure - B

-11-

**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

To, The Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department. SUBJECT: QUARANTEE 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-W) / E&S/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 06.08.2023; thus, no provision exists to decline or forgo promotion.

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.

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, 2014, please.

Yours faithfully,
[Signature]

ATTESTED

WP/1442-2023 AZIZULLAH US GOVT OF PK/43

-B/c-

Yours faithfully,

(Issa Muhammad Khan)
Section Officer (Policy)

Endst. of every no Ep date

Copy forwarded to the :-

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

Section Officer
(Policy)



ATTESTED

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/E&AD/13/2023
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,
I am directed in refer to your letter No. SO(Polcy-M)/M&S/HD/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 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,

(Issa Muhammad Khan)
Section Officer (Polcy)

ASKE
62-
76

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 (Polcy), Establishment Department.

Handwritten signature

26/6/23

21/6/23

Handwritten signature

Section Officer (Polcy)

Handwritten signature
ATTESTED

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

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

To

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

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

[Handwritten Signature]
26/6/23

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

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

-16-

B/c

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

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

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

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

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

WP4442-2023 AZIZULLAH VS GOVT CP PG43


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).

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


Annexure
0

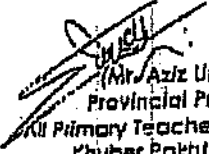
SN	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

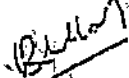
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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
E&SE Department


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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


ATTESTED

- B/C -

- 17/A -

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



No. 8145

Phone No. 99222344

Email: establishment@prial.com

Khyber Pakhtunkhwa, Peshawar

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

Subject -
Dear Sir,

I am directed to refer to the letter No. SOR-Primary-KYB/ASE/17-11 dated 10-07-2023 on the subject cited above and in present brief history given in the background of the case as under:

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020. This office sought guidance from your good office in the following words vide letter No. 6987 dated 06-02-2023.

(i) Now it is being sought upon the civil servant to accept promotion in every condition. (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2023 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. SOR-Primary-M/ASE/ED/2-1/Appointment/2023 dated 12-06-2023. In the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at this office, it has been asked for submission of considered case.

In view of the above, this office is of considered opinion that the decision of Rules 7(2) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers having 25-16 may be exempted of implications of the amendment in the rules laid 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.

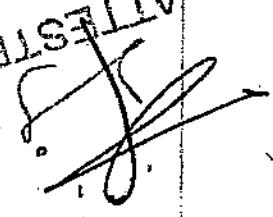
Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa
21/7/2023

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

WP4442-2023 AZIZULLAH VS GOVT OF PGB43

ATTESTED

ATTESTED


MP4442-2023 AZIZULLAH VS GOVT OF PG43

2. Master Copy
 1. Pt to Director Local Directorate
 Copy of the above to:
 National Director
 Elementary & Secondary Education
 Ministry, Bishkek.

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have effected negatively a huge members of female teachers.

The case is submitted for perusal and necessary action please.

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

• That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQAD/1-3/2020 dated 6-06-2023 retroactively stated that there exists no provision to decline / reject promotion. It is obligatory upon every civil servant to accept promotion under every condition.

• That your good office forwarded the same to quarters concerned vide letter No. SO (Policy) EQAD/1-2/Appointment/2023 for necessary guidance.

• That this office sought guidance from your good office in the following wide notification No. No. SDR-VI (EQAD) 1-3/2020 dated 06-08-2020. (U) It is obligatory upon civil servant to accept promotion. (U) It is prerogative of civil servant to either accept/desist from the offer of promotion.

• That Government of KP Establishment department (Regulation Wing) deleted rule 7(5) in Civil Servants (Appointment, Transfer Rule 1987) wide notification No. No. SDR-VI (EQAD) 1-3/2020 dated 06-08-2020. That this office sought guidance from your good office in the following wide notification No. No. SDR-VI (EQAD) 1-3/2020 dated 06-08-2020. (U) It is prerogative of civil servant to either accept/desist from the offer of promotion. (U) It is obligatory upon civil servant to accept promotion.

• That your good office forwarded the same to quarters concerned vide letter No. SO (Policy) EQAD/1-2/Appointment/2023 for necessary guidance.

Dear Sir,
 I am directed to refer to letter No. (SO Policy-M) EQAD/5-1/G/2023/Ministry of meeting/PST/2023 dated 30-7-2023 on subject cited above and to present brief history about background of case as under:-

Subject: Minutes of Meeting
 KPK, Peshawar
 Elementary & Secondary Education Department
 Section Officer (Primary-Male)
 Peshawar
 (21-7-2023)

TO:
 DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

- B/C -

- 1 -



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

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

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)/ EBAD/ 1-3/2020 dated
06th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil
Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those
officers/ officials who do not comply with promotion order of the competent authority or
try to evade promotion through different means shall be proceed under Khyber
Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

(MUHAMMAD ISLAM)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(Signature)
SECTION OFFICER (PRIMARY MALE)
23/8/23

Scanned with CamScanner

ATTESTED

-B/c-

-27-

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

Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

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

In this connection it is submitted that in some cases lady
teacher of primary level who avail such promotion have to
face serious inconvenience while they have to perform duties
in the remotest stations with no residential/transport facilities.

Most of them are married with kids and elder father of
Mother-in-law who need care. In such cases there are negative
effects on service delivery.

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

Copy forwarded to;

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

(Muhammad Ishaq)
Section Officer (Primary
Male)


ATTESTED

Annexure - F



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

ATTESTED

-22-

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.

WP/447-2023 AZIZULLAH VS GOVT OF PG/3

- B/C -

- 23 -

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,
Primary & 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)

Encls. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

Dated: 16-03-2024

To,

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

REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SD (Policy) /EDAD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and, therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan.

Best Regards


Bader Un Nisa wife of Muhammad Farooq, PSHT,

Tehsil & District Swabi


ATTESTED

ATTESTE

[Handwritten signature]

WP4442-2023 AZIZULLAH VS GOVT OF PUNJ

[Handwritten signature]

[Handwritten text in Urdu]

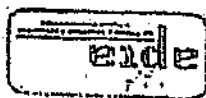
[Main body of handwritten text in Urdu, appearing to be a legal document or affidavit]

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Annexure - H

اپنی شہادت پر (اپنی) شہادت پر

Govt. Primary School, Naal, Gujranwala



Khyber Pakhtunkhwa

APTA House
0333-8414648
Prokani
ajma@ajma.com

07.05.2024



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

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

[Handwritten signature]
Muhammad Akbar Khan
Member (P)

Date of Presentation of Application 10-6-24
 Number of 1
 Copying 1
 Urgent 1
 Total 1
 Name of 10-6-24
 Date of 10-6-24
 Date of Delivery of copy 10-6-24

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ATTESTE

WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Bader un Nisa

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



ATTESTED