


## FORM OF ORDER SHEET

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

**Appeal No. 1346/2024**

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. Abzahir 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 1346 /2024

Abzahir Khan

V/S

Government of KP & others

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ADVOCATE

-1-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No. 1346 /2024

Abzahir Khan Son of Gul Mast Khan, PSHT,  
GPS NO 4, Jalsai 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 aging 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.**

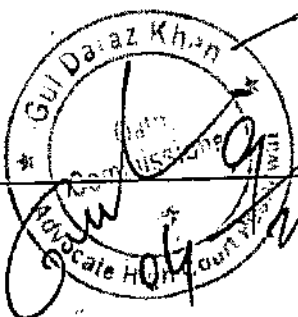
**It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.**

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

*[Signature]*  
Appellant

**AFFIDAVIT:**

I, Abzahir Khan 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.



*[Signature]*  
Deponent

Through

*[Signature]*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*[Signature]*  
Muhammad Adeel Butt  
Advocate High Court

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

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

Abzahir Khan

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

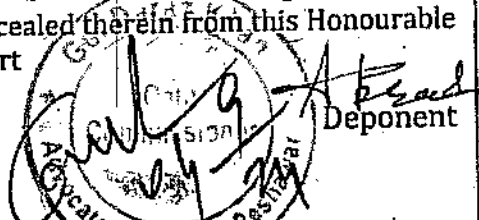
**APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, VIDE LETTER DATED 06/06/2023 TILL THE FINAL DISPOSAL OF CASE IN HAND.**

Respectfully Submitted:-

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

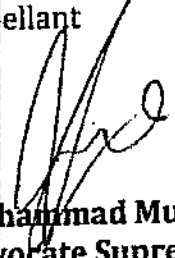
In view of the reasons, it is humbly requested that the notification bearing No. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.

**AFFIDAVIT:**  
I Abzahir Khan do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

  
Deponent

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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

-6-



Annex-A

Personal Information of Mr ABZAHIR KHAN d/w/s of GULMAST KHAN

Personnel Number: 00342092

CNIC: 1620106877609

NTN:

Date of Birth: 12.03.1978

Entry into Govt. Service: 21.10.2004

Length of Service: 19 Years 03 Months 012 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH

80004528-DISTRICT GOVERNMENT KHYBE

DDO Code: SU6131-Government Primary Schools (Male) Lahor Swabi

Payroll Section: 003

GPF Section: 001

Cash Center: 05

GPF A/C No:

GPF Interest applied

GPF Balance:

419,133.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil

BPS: 15

Pay Stage: 14

Wage type		Amount	Wage type		Amount
0001	Basic Pay	51,640.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	550.00
2199	Adhoc Relief Allow @10%	397.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	4,812.00	2347	Adhoc Rel Al 15% 22(PS17)	4,812.00
2378	Adhoc Relief All 2023 35%	17,381.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-764.00	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
6505	GPF Loan Principal Instal	250,000.00	-7,000.00	173,000.00

Deductions - Income Tax

Payable: 11,973.28

Recovered till JAN-2024: 5,163.00

Exempted: 2992.83

Recoverable: 3,817.45

Gross Pay (Rs.): 90,736.00

Deductions: (Rs.): -13,989.00

Net Pay: (Rs.): 76,747.00

Payee Name: ABZAHIR KHAN

Account Number: 9400010013960

Bank Details: NRSP BANK LIMITED, 720940 SAWABI BRANCH SAWABI BRANCH, SAWABI

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address:

City: SWABI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: abzahirk42@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(232+28/25.01.2024/v3.0)

\* All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES/02.02.2024/20:38:40)



**OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & SUPERVISOR**

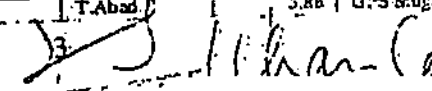
**OFFICE ORDER**

Consequent upon the approval of the competent authority, the following male candidates are hereby appointed as PST in BPS-07 (Rs (2200)20-5820) plus usual allowances as admissible under the rules on regular/control basis, school specific in the school noted against each in the best interest of public service with immediate effect.

S#	Name	Father's Name	U/Counsell	Address	Score	Post
1	Muhammad Zahir	Tiber Khan	Maid	Labari	60.77	AVP/Contract
2	Haidi Iqbal	Touss Khan	Sw. Mandi	Sw. Mandi	61.68	AVP/Contract
3	Muhammad Zaid	Chaman Syed	Labari	Labari	62.63	AVP/Contract
4	Aurang Zeb	Diyar Khan	Labari	Labari	62.94	AVP/Contract
5	Muhammad Khan	Qazi Muhammad	Labari	Labari	63.63	AVP/Contract
6	Aziz Iqbal	Suhail Khan	KSK	KSK	61.77	AVP/Contract
7	Muhammad	Aliam Buz	KSK	KSK	61.88	AVP/Contract
8	Sulaiman	Khan Sali	KSK	KSK	61.88	AVP/Contract
9	Muhammad Khan	Fazal Khan	Talwar	Talwar	61.97	AVP/Contract
10	Muhammad Khan	Chaman Khan	Mandi	Mandi	61.97	AVP/Contract
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99	Muhammad Khan	Chaman Khan	Mandi	Mandi	61.97	AVP/Contract
100	Muhammad Khan	Chaman Khan	Mandi	Mandi	61.97	AVP/Contract



60	Ujayt Ullah	Anar Gul	Kotha	Kotha	51.48	GPS Sugiarslay	AVP/Contract
61	Khalid Ahmad	Muhammad Zarin	Kotha	Kotha	46.76	GPS-1 Kotha	AVP/Contract
62	Pir Zaman Khan	Mawab Khan	Gandaf	W.C. Gandaf	45.85	GPS Mala Khel	AVP/Regular
63	M. Shaukat Ali	Nawaz Khan	Gandaf	Gandaf	49.88	GPS Mala Khel	AVP/Contract
64	Amir Rehman	Gul Behman	Ohanchaba	Dewal	46.23	GPS Check Sotradal	AVP/Contract
65	Muhammad Amin	Muhammad Qayim	Kahganj	Galai	47.77	GPS Nantar Bari Galai	AVP/Contract
66	Sakt Paraz Shah	Saem Shah	Kahganj	Besak	47.53	GPS Besak	AVP/Contract
67	Gul Muhammad	Noor Muhammad	Kahganj	Kahganj	45.35	GPS. Qadim	AVP/Contract
68	Alam Zeb	Haidir Jang	Kahganj	Besak	41.78	GPS Oden Takal	AVP/Contract
69	Noor Ali Shah	Azau Shah	Kahganj	Besak	40.75	GPS Kambla	AVP/Contract
70	Sher Wali Khan	Sher Aman	Kahganj	Seri	36.32	GPS Aziz Abad Qadim	AVP/Contract
71	Gul Paraz	Darwazi Khanq	Kahganj	Takul	30.91	GPS Qadim Banda	AVP/Contract
72	Siraj Khan	Ummat Khan	Kahganj	Takul	34.93	GPS. 1 Takul	AVP/Contract
73	Ujayt Ullah	Muhammad Ullah	Mami	Mami	35.13	GPS Qasim Abad	AVP/Contract
74	Noor Khalid	Umar Khalid	Mami	Mami	34.83	GPS Esq Khel Mami	AVP/Contract
75	Subhan Ullah	Roshan Ali	Mami	Mami	33.80	GPS Shahrudin Mami	AVP/Contract
76	Hilal Zaman	Oasim Khan	Mami	Mami	31.33	GPS Rida Wan Mami	AVP/Contract
77	Zahid Zaman	Lali Zaman	Balekura	Balekura	29.25	GPS. Galin	AVP/Contract
78	Muhammad Ahmad	Hussain Shah	Topi (W)	Topi	49.28	GPS-4 Topi	AVP/Contract
79	Muhammad Fazl	Muhammad Zaman	Topi (W)	Topi	46.82	GPS-1 Topi	AVP/Contract
80	Majid Rehman	Haidir Rehman	Topi (E)	Topi	51.22	GPS-2 Topi	AVP/Contract
81	Nisar Ahmad	Sabbir Ali	Topi (E)	Topi	47.77	GPS-1 Topi	AVP/Contract
82	Adnan Ali	Jehan Zeb	Topi (E)	Topi	40.49	GPS-6 Topi	AVP/Contract
83	Hameed Sher	Muhammad Sher	Topi (E)	Topi	56.67	GPS-3 Chera	AVP/Contract
84	Saeed Nawaz	Faqir Shah	Gohrani	Moghal Chai	55.78	GPS Chai	AVP/Contract
85	Saeed Ullah	Fazal Wahab	Gohrani	Dalari	54.07	GPS Shaluchi	AVP/Contract
86	Muhammad Zahir	Haya Khan	Gohrani	Dewal	53.12	GPS Musa Banda	AVP/Contract
87	Muhammad Asif	Rafiq Ullah	Gar Munara	Dotha	41.26	GPS. Gar Aka Khel	AVP/Contract
88	Abdul Samad	Abdul Masih	Gar Munara	Gar Munara	36.62	GPS. Gar Aka Khel	AVP/Contract
89	Faiz Ahmad	Hussain Dad	Gar Munara	Gar Munara	54.59	GPS Jamal Abad (KSK)	AVP/Contract
90	Khan Shah	Gul Shah	K.S.Kill	K.S.Kill	36.33	GPS Jamal Abad KSK	AVP/Contract
91	Fauziah Syar	Abdul Qasim	K.S.Kill	K.S.Kill	54.29	GPS Adia KSK	AVP/Contract
92	Muhammad Imad	Saif Kamal	K.S.Kill	K.S.Kill	52.54	GPS Adia KSK	AVP/Contract
93	Sahib Ullah	Faizan Ullah	K.S.Kill	K.S.Kill	54.17	GPS-3 Sheikh Jana	AVP/Contract
94	Muhammad Islam	Faiz Khan	Sheikh Jana	Sheikh Jana	51.33	GPS-2 Sheikh Jana	AVP/Contract
95	Bakht Zaman Shah	Mutahir Shah	Sheikh Jana	Sheikh Jana	1.50	GPS-3 Sheikh Jana	AVP/Contract
96	Shahid Aizaz	Ali Gohar	Permul	Permul	5.67	GPS Permul	AVP/Contract
97	S. Malik Shah	Mustafa Shah	Permul	Permul	51.72	GPS Mumtaz Malala Pe	AVP/Contract
98	Alam Raj	Lal Bahadur	Permul	Meller Ali	51.17	GPS Mumtaz Malala Pe	AVP/Contract
99	Javed Khan	Rohan Dad	Permul	Permul	51.73	GPS Mumtaz Malala Pe	AVP/Contract
100	Rasool Ali Shah	Masrooh Shah	Permul	Sher Dara	50.09	GPS-1 Sher Dara	AVP/Contract
101	Pervez Khan	Shehzad Gul	Permul	Sher Dara	48.73	GPS-1 Sher Dara	AVP/Contract
102	Sheraz Amir	Muhammad Amin	Permul	Permul	50.36	GPS Potosi	AVP/Contract
103	Muhammad Islam	Azfar Rehman	Naranjee	Naranjee	49.94	GPS Potosi	AVP/Contract
104	Muhammad Amin	Saif Amir	Naranjee	Takim Kall	48.05	GPS Qamar Dhand	AVP/Contract
105	Serai	Ghaffoor Muhammad	Naranjee	Naranjee	42.21	GPS Gohar Abad	AVP/Contract
106	Shaukat Ali	Redwan Ullah	Naranjee	Naranjee	39.10	GPS Hameed Dara	AVP/Contract
107	Nasim Ullah	Aziz Ullah	Naranjee	Naranjee	36.61	GPS Ahmed Khan	AVP/Contract
108	Muhammad Qasim	Abdur Rahman	Check Nodch	Abad Khan	55.54	GPS-1 Turandi	AVP/Regular
109	Karam Ullah	Qudrat Ullah	Turandi	K.S.Kill	45.51	GPS-1 Turandi	AVP/Contract
110	Amnat Ali	Nasrullah	Turandi	Turandi	53.32	GPS. Roshala	AVP/Contract
111	Taqi Johar	Saif Johar	Turandi	Turandi	36.77	GPS Spin Kani	AVP/Contract
112	Muhammad Hayat	Allah Yar	Asota Sharif	Spin Kani	56.56	GPS Spin Kani	AVP/Contract
113	Shahid Anwar	Saif Jamal	Asota Sharif	Asota Sharif	50.56	GPS Spin Kani	AVP/Contract
114	Anwar Ali	Fazal Qasir	Asota Sharif	Asota Sharif	52.15	GPS Spin Kani	AVP/Contract
115	Ashiq Muhammad	Abdul Hafiz	Asota Sharif	Gharb Abad	51.06	GPS Spin Kani	AVP/Contract
116	Muhammad Asim	Asad Hq	Asota Sharif	Asota Sharif	49.60	GPS Spin Kani	AVP/Contract
117	Muhammad Imad	Saif Ali	Asota Sharif	Asota Sharif	50.06	GPS Kaban	AVP/Contract
118	Javed Shah	Bakht Zaman Shah	Shewa	Shewa	47.05	GPS Khara Koway	AVP/Regular
119	Majeed Ullah	Saeed Ullah	Shewa	Shewa	51.78	GPS. 3 Shewa	AVP/Contract
120	Muhammad Nasim	Muhammad Afzal	Shewa	Shewa	36.86	GPS-1 Daga	AVP/Contract
121	Muhammad Amir	Muhammad Amin	Dagai	Dagai	36.79	GPS Mula Banda	AVP/Contract
122	Nasir Ahmad	Ayub Khan	Dagai	Dagai	45.32	GPS Dandoga	AVP/Contract
123	Salam Nawaz	Sardar Bahader	Dagai	Dagai	55.60	GPS Shshewa Qadim	AVP/Contract
124	Muhammad Arif	Khalid Akbar	Tarakal	Tarakal	55.21	GPS W. Muhammad Kote	AVP/Contract
125	Muhammad Fazl	Waqar Khan	Tarakal	Bachai	52.51	GPS W. Muhammad Kote	AVP/Contract
126	Wali Muhammad	Mir Alam	Tarakal	Managi	57.14	GPS-1 Kala Khan	AVP/Contract
127	Noor Wali	Zubair Khan	Kala Khan	Sher Qand	51.99	GPS Penz Kala Khan	AVP/Contract
128	Shahid Ahmad	Muhammad Aliq	Kala Khan	Kala Khan	56.85	GPS. 1 Kala Khan	AVP/Contract
129	Sajid Ali	Umar Gohar	Kala Khan	Kala Khan	54.15	GPS Ismaila	AVP/Contract
130	Fazul Ismail	Abdus Salam	Ismaila	Ismaila	48.15	GPS Gohar Abad	AVP/Contract
131	Muhammad Amir	Rahim Dil	Ismaila	Ismaila	47.40	GPS Khawar Qadry	AVP/Contract
132	Zahoor Muhammad	Noor Muhammad	Ismaila	Ismaila	45.60	GPS Rabi Khel	AVP/Contract
133	Wahid Ali	Pervez Shah	Ismaila	Ismaila	48.53	GPS. Gohar Abad	AVP/Contract
134	Anjad Ali	Sher Ali Khan	Ismaila	Ismaila	5.88	GPS Mughal Kol	AVP/Contract
135	Anjad Ali	Mir Dad	Bachai	T. Abad			

  
 ATTESTED





Terms & Conditions:-

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

(KHAN SHER)

EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY, SWABI

Endst: No. 6991-C

Date: Swabi the 20 October 2004

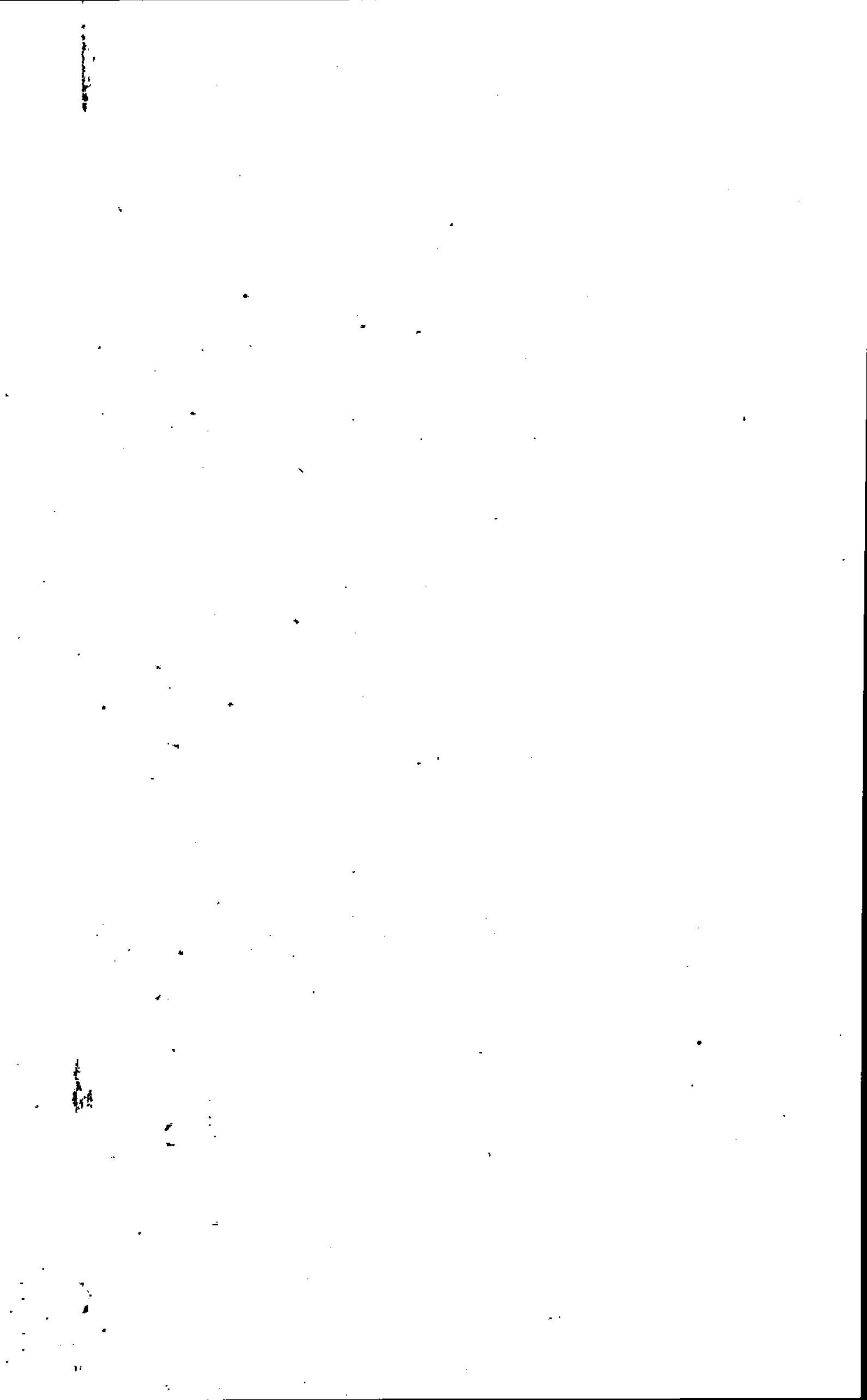
Copy of the above is forwarded for information and n/a to the:-

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

EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY, SWABI

ATTEST

Imtiaz/Gul  
لغت مراد گل



Annexure-1-B-12

GOVERNMENT OF  
KHAYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGISTRATION-WING)

**NOTIFICATION**

Dated Peshawar the 06/8-2020

In exercise of the powers conferred by section 25 of the Government of Punjab Act No. XVII of 1973 (Khayber Pakhtunkhwa Act No. XVII of 1973) the Chief Minister of Khayber Pakhtunkhwa is pleased to direct that in the Khayber Pakhtunkhwa (Appointments, 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 KHAYBER PAKHTUNKHWA

CHIEF SECRETARY, Govt. of Khayber Pakhtunkhwa, Planning & Development Department.

Copy is forwarded to:-

1. Additional Chief Secretary, Govt. of Khayber Pakhtunkhwa, Planning & Development Department.

2. The Senior Member Board of Revenue, Khayber Pakhtunkhwa.

3. All Administrative Secretaries to Govt. of Khayber Pakhtunkhwa.

4. The Principal Secretary to Chief Minister, Khayber Pakhtunkhwa.

5. The Principal Secretaries to Government of Khayber Pakhtunkhwa.

6. All Divisional Commissioners in Khayber Pakhtunkhwa.

7. All Heads of Attached Departments in Khayber Pakhtunkhwa.

8. All Autonomous/Semi Autonomous Bodies in Khayber Pakhtunkhwa.

9. All Deputy Commissioners in Khayber Pakhtunkhwa.

10. The Registrar, Peshawar High Court, Peshawar.

11. The Registrar, Khayber Pakhtunkhwa Public Service Commission, Peshawar.

12. The Deputy Director (T, E & A) Department, Administration Department.

13. All Section Officers in Establishment & Administration Department with the request to arrange 20 Gazette copies.

14. The Director, Administration Department.



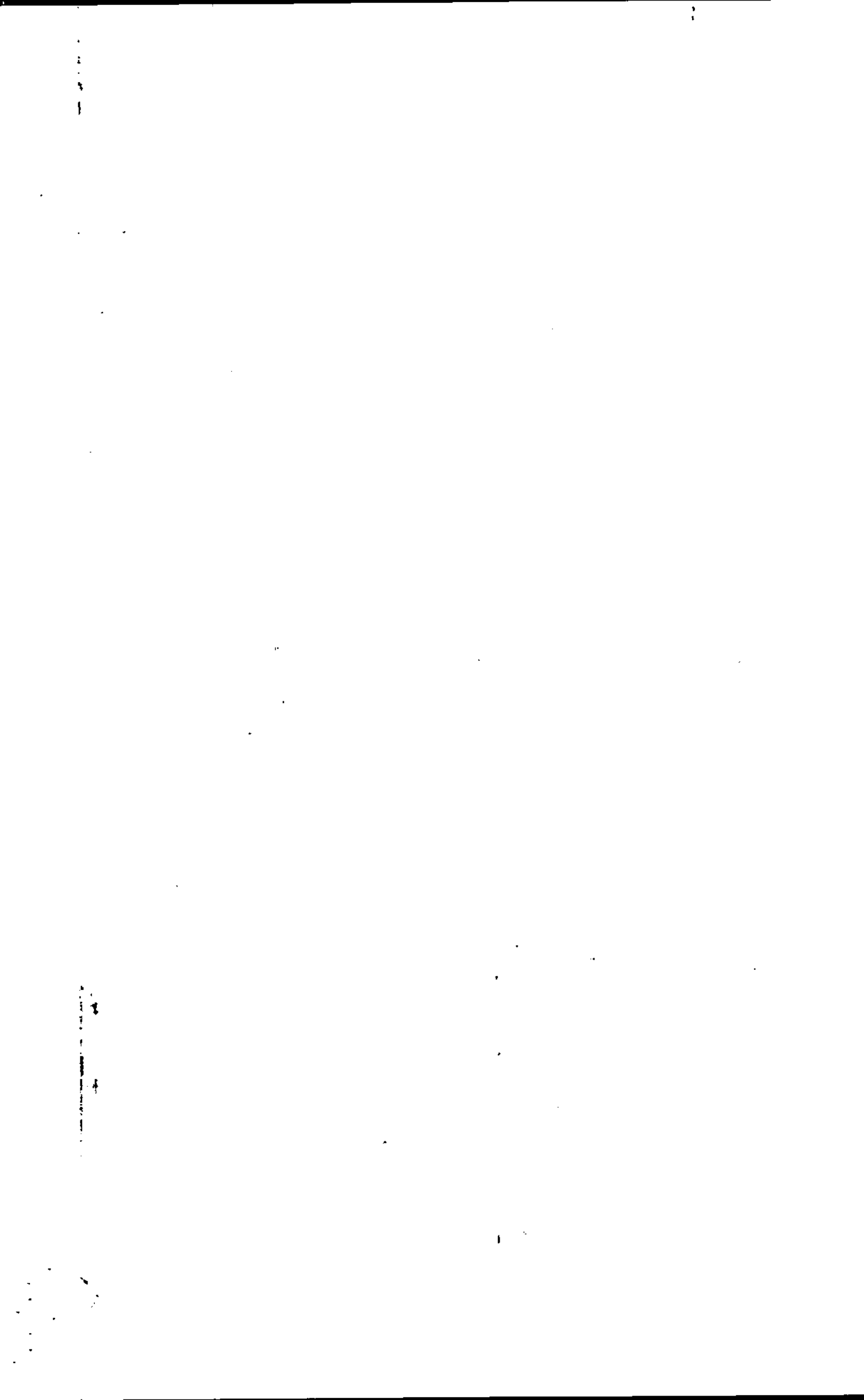
ATTESTED

ATTESTED

(MAJID AH LALJI)  
DEPUTY SECRETARY (POLICY)

*[Signature]*

*[Signature]*





-13-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 26 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII) the chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)

ATTESTE



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

62

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

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

Dear Sir,  
I am directed to refer to your letter No. SO(Polcy)I&AD/I-3/2020-2/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,

(Jasa Muhammad Khan)  
Section Officer (Policy)

ASE  
7/6

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.

Handwritten signature

Handwritten date: 26/8/23

Handwritten date: 27/8/23

Section Officer (Policy)

ATTESTED

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

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

Dear Sir,

I am directed to refer to your letter No. 80 (Primary-M) /EE&ED/2-2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointments, 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 to preventing a civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

WP4447-2023 AZIZULLAH VS GOVT OF PK43

ATTEST

ATTEN

WP443-2023 AZIZULAH VS GOVT OF PAK

Section Officer  
(Policy)

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

Endst. of even. n/o & date  
Copy forwarded to the :-

(Issa Muhammad Khan)  
Section Officer (Policy)

Yours faithfully

- B/c -

- 15 -

-17-

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

No. SO (Primary-MYE&SED/2-5/2023  
Dated Peshawar the June 26<sup>th</sup>, 2023

To

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

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

**Subject: GUIDANCE REGARDING DELETION OF RULE 7(B) 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)  
26/6/23

WP4442-2023 AZIZULLAH VS GOVT OF PG43

  
ATTESTED

B/c -18-

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

Azizullah 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, 1909.

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

  
ATTESTED

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

Annexure  
①

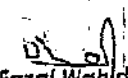
A meeting regarding the subject matter was held on 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


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


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


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

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

  
(Mr. Fazal Wahid)  
Deputy Director  
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

  
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

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

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

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

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

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

\_\_\_\_\_

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





-21-

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

No. SO(Policy-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 05<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 or mother-in-law who need care. In such cases, there are negative effects on service delivery.

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

  
(MUHAMMAD ISHTIAQ)  
SECTION OFFICER (PRIMARY MALE)

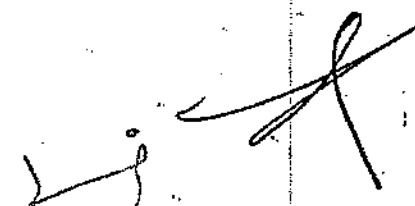
Copy forwarded to the:


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

  
SECTION OFFICER (PRIMARY MALE)  
23/8/23

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WP4442-2023 AZIZULLAH VS GOVT CF PG43

  
ATTEST

ATTESTED  


(Muhammad Ishaq)  
Section Officer (Primary  
Mater)

Department of Education  
Khyber Pakhtunkhwa  
Peshawar  
19800

1. Division E & SE Khyber Pakhtunkhwa.  
2. PS to Secretary, E & SE  
Copy forwarded to;

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

Dear Sir,  
I am directed to refer to your letter No. SO (Primary) /E&AD /1-3/2023 dated 07 June 2023 and to state that after deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.  
SUBJECT: Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989).  
The Secretary to Government of Khyber Pakhtunkhwa.  
Establishment and Administration Department,  
Peshawar.

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

-22-  
-B/C-

ATTEST

*[Handwritten signature]*

WP4442-2023 AZZULLAH VS GOVT OF PAK

Assistant Director (Estab-I)  
Elementary & Secondary Education  
Kyber Pakhtunkhwa

Assistant Director (Estab II)  
Elementary & Secondary Education  
Kyber Pakhtunkhwa  
21/7/2023

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

Copy of the above is in:-

This case is submitted for perusal and necessary actions please.

Departmental Promotion Committee. Teachers below 17-16 may be exempted if implications of the amendment in the rules bid provided they submit their written refusal prior to conclusion of the meeting of

7(5) have affected negatively a large number of Female Teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the decision of Rules

been asked for re-consideration of consolidated case. Chairmanship of Hon. Additional Secretary Establishment of this office, has

That, in the light of the minutes of meeting dated 6-07-2023 held under the (Priority-I) E&S&ED-2/1/2023 dated 13-06-2023.

The same was received by this office from your good office vide letter No.50

civil servant to accept promotion under every condition. They there exist no provision to decline or forgo promotion. It is obligatory upon every

Wing) vide letter No.50 (Policy) E&AD-1-3/2020 dated 6-06-2023 categorically stated that the Government of Kyber Pakhtunkhwa Establishment Department (Regulation

No.50 (Priority-I) E&S&ED-2/1/2023 for necessary guidance. That your good office forwarded the same to the quarter concerned vide letter

promotion. (ii) It is the prerogative of the civil servant to either accept or turn down the offer of

No.6987 dated 16-02-2023. That this office would still guidance from your good office in the following words vide letter

vide notification No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020. That Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing)

dated Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989)

G.Mix&M/n/17/ST/2023 dated 10-07-2023 on the subject cited above and in present-17/17 history obtain the background of the case as under:

I am directed to refer to the letter No.50 (Priority-I) E&S&ED-2/1/2023 dated 10-07-2023 on the subject cited above and in present-17/17 history obtain the background of the case as under:

**MINUTES OF THE MEETING**

The Section Officer (Priority-Wale),  
Elementary & Secondary Education Department,  
Kyber Pakhtunkhwa Peshawar.

Subject -  
Dear Sir,



No. 2145

Phone: 091-92222111

Email: krc@kpk.gov.pk

kyberpakhtunkhwa.gov.pk

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR  
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G/MAL/Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rules 1989) vide notification No. No. SDR-VI(E&AD)1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/discard the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to:

1. PA to Director Local Directorate
2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTER

Annexure - F



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

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

WP4442-2023 AZIZULLAH VS GOVT OF PK43

ATTEST

- B/C -

- 26 -

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. 50(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. 50(Primary-M)/E&SED/2-2/Appointment-  
Rule/2023 dated 23.08.2023 on the subject noted above and to state that necessary  
guidance has already been tendered to your good office vide this department letter of even  
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section nicer (Policy)

ATTESTED

Annexure - G

-27-

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

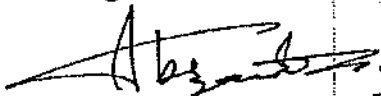
**REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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



Abzahir Khan Son of Gul Mast Khan, PSHT,

Tehsil & District Swabi

  
ATTESTED

ALTESTEI

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WP4442-2023 AZIZULLAH VS GOVT OF PGAS

Handwritten signature and date: 28/7/23

Handwritten text: لا انا ولا ابائى ولا اهل بيتى ولا اهل امة

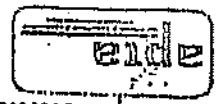
Main body of handwritten text in Urdu, appearing to be a legal or official statement.

Handwritten signature and date at the bottom of the main text.

Annexure - H

Handwritten text: لا انا ولا ابائى ولا اهل بيتى ولا اهل امة

APTA House 1, Oval Primary School Near, Qutbshahr Post Office, New

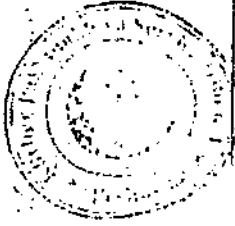


Khyber Pakhtunkhwa

President, D 0333, 011688, 0333119720@gmail.com, P. P. P. P.



07.05.2024



-29-

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.
3. 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]*  
MEMBER (I)  
Service Tribunal  
Islamabad

Date of Presentation of Application 10-6-24  
 Number of 1  
 Copying 1  
 Urgent 1  
 Total 1  
 Name of 13-6-24  
 Date of 12-6-24  
 Date of Delivery of Copy 12-6-24

*[Handwritten Signature]*

*[Handwritten Signature]*  
ATTESTED

# WAKAIAT

BEFORE THE

Abzahir

Versus

Government

RESPONDENTS

WE, the Abzahir Khan

do hereby appoint and retain

**MUHAMMAD MUAZZAM BUTT & 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.

Dated this the

\_\_\_\_\_

Abzahir Khan

PSHT GPS NO4 Jalpai

NIC = 16201-0687760-9

Con No: 03479225862

A Khan

HEAD MASTER  
GPS  
Teh: L...

M. MUAZZAM BUTT  
Advocate Supreme Court

ACCEPTED

&

Bassam  
BASSAM AHMAD SIDDIQUI  
Advocate High Court