


FORM OF ORDER SHEET

Court of _____

Appeal No. 1361/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06-Sep-24	<p>The appeal of Mr. Mehwish 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

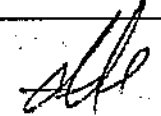
Mehwish

V/S

Government of KP & others

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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1361 /2024

Mehwish wife of Tariq Sher Resident of Tehsil & District Swabi

Designation: Primary School Head Teacher at GGPS No 1, Pabaini

.....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-è. 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.

AFFIDAVIT:

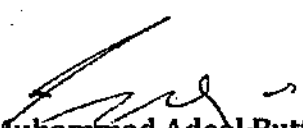
I Mehwish wife of Tariq Sher Resident of Tehsil & District Swabi that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court



Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


Bassam Ahmad Siddiqui
Advocate High Court
LL.M Human Rights

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

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

Service Appeal No _____/2024

Mehwish

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 Mehwish wife of Tariq Sher Resident of Tehsil & District Swabi do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

Deponent

Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

Dist. Govt. KP-Provincial
District Accounts Office Swabi
Monthly Salary Statement (December-2022)

- 6 -

Annex - A



Personal Information of Miss MEHWISH d/w/s of FAZLI QAYYUM

Personnel Number: 00396095 CNIC: 1620295624822

Date of Birth: 01.01.1980 Entry into Govt. Service: 21.03.2007

NTN:

Length of Service: 15 Years 09 Months 012 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH

80004529-DISTRICT GOVERNMENT KHYBE

DDO Code: SU6132-Government Primary Schools (Female) Swabi

Payroll Section: 003

GPF Section: 001

Cash Center:

GPF A/C No: 396095

GPF Interest applied

GPF Balance:

506,608.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 12

Wage type		Amount	Wage type		Amount
0001	Basic Pay	47,680.00	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	450.00
2199	Adhoc Relief Allow @10%	340.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	4,613.00	2347	Adhoc Rel AI 15% 22(PS17)	4,613.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-2,890.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-354.00	3990	Emp.Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 5,404.48 Recovered till DEC-2022: 1,936.00 Excmpted: 1350.18 Recoverable: 2,118.30

Gross Pay (Rs.): 68,840.00 Deductions: (Rs.): -5,169.00 Net Pay: (Rs.): 63,671.00

Payee Name: MEHWISH

Account Number: 509-5

Bank Details: NATIONAL BANK OF PAKISTAN, 231698 NBP PABAINA NBP PABAINA,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: SWABI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: mehwishpb345@gmail.com

03469829345

ATTESTED

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

Consequent upon the approval of the Departmental Selection Committee as per Notification/Letter No.SOR-V(E&AD)2-25/03/dated 22.10.2003, the following PTC/PST Female teachers are hereby appointed against the vacant PTC/PST posts on Regular basis except Pension and Gratuity in term of Section-19 of the NWFP, Civil Servants Act, 1973 as amended by NWFP Civil Servants amended Act 2005 according to the specification of BPS under the existing policy given below in the Schools noted against each in the best interest of public service with immediate effect.

SPECIFICATION OF BPS: -

1. FA/FSc PTC/Diploma in Elementary Edu: or SSC PTC with 03 years Diploma BPS-07(Rs.2555-140-0755)
2. FA/FSc-----BPS-06(Rs.2485-125-0245)
3. Matric (SSC)-----BPS-05(Rs.2415-115-5865)
4. Middle Pass-----BPS-04(Rs.2345-100-5945)

25 % OPEN

Sl.	Name	Father,s Name	Address	Score	Posted at	Remarks
1	Huma Rahman	Ameer ur Rahman	Kotha	62.98	GGPS-3 Gandaf Payan	A.V.P
2	Nazra Rahman	Ameer ur Rahman	Kotha	62.87	GGPS-3 Gandaf Payan	A.V.P
3	Aneela Naz	Noor ul Amin	Swabi	61.65	GGPS Gulon Dheri	A.V.P
4	Ambreen	M.Yunas Khan	Thand Koi	61.40	GGPS Gajai	A.V.P
5	Haaseena Begum	Zahir Khan	Marghuz	60.86	GGPS No.2 Gandaf	A.V.P
6	Uzma	Mir Ahmad Shah	Bamkhel	60.69	GGPS Seri Pabaini	A.V.P
7	Nazish Akhtar	Said Jaffar Shah	Baja	60.63	GGPS Malak Abad	A.V.P
8	Andlib Begum	Noorul Amin	Swabi	60.53	GGPS Panjman	A.V.P
9	Faida Naz	Nawab Zada	Marghuz	59.31	GGPS Panjman	A.V.P
10	Humaira Naz	Malik Hayat	Dagi	59.01	GGPS Showa Wand	A.V.P
11	Jalwa Garaha	Abdul Halim	Parmoli	58.30	GGPS No.1 Pemooli	A.V.P
12	Alia Naz	Sardar uddin	Lahor	58.13	GGPS Gadhano Banda	A.V.P
13	Shabana	Faridoo Khan	Shewa	58.08	GGPS Aman Kot	A.V.P
14	Haleema Bibi	Sarwar Sher	Gar Munara	58.03	GGPS Gajai	A.V.P
15	Ulfat	Rchan Gul	Yar Hussain	58.00	GGPS Aman Kot	A.V.P
16	Aisha Bibi	Nisar Muhammad	Ambar	57.95	GGPS Allah Dher	A.V.P
17	Farhat Rahman	Inayat ur Rahman	Yaqubi	57.91	GGPS No.1 Sard Chna	A.V.P
18	Shazia Akbar	Muhammad Akbar	Dagi	57.73	GGPS No.1 Narnajee	A.V.P
19	Khalida	Mohabat Khan	Topi	57.46	GGPS Stonai	A.V.P
20	Khanisa Bibi	Muhammad Ismail	Thand Koi	57.42	GGPS Badasar	A.V.P
21	Noreena Begum	Fagir Muhammad	Zaida	57.33	GGPS No.1 Beka	A.V.P
22	Razia Begum	S.Jamil Shah	Mahmul Abad	57.29	GGPS No.2 Jehangira	A.V.P
23	Shahida	Afriday	Manari	57.09	GGPS Jangdher	A.V.P
24	Mehreen	Wafadar Khan	Dagi	56.61	GGPS K.S.K	A.V.P
25	Shaista Safdar	Safdar Ali	Yaqubi	56.60	GGPS Palosai	A.V.P
26	Ambreen Israr	Israr Ali	Kalabat	56.50	GGPS Kor Gabai	A.V.P
27	Haaseena	Akrami Shah	Jalsai	56.25	GGPS Gadhano Banda	A.V.P
28	S.Musarrat Begum	Mian Aman ul Mulk	Sudher	56.21	GGPS No.1 Pemooli	A.V.P
29	Sanam Seema	Abdul Halim	Parmoli	56.06	GGPS Chulanwan	A.V.P
30	Wasia	Abdul Khaliq	Yar Hussain	55.83	GGPS Banda Jalbai	A.V.P
31	Malak Naz	Muhammad nazir	Swabi	55.81	GGPS No.2 Qadra	A.V.P
32	Shakila Naz	Ghulam Haider	Dardher	55.80	GGPS Zareen Abad	A.V.P
33	Sabiha Khan	Aqeel Khan	Manari	55.64	GGPS Seen Khel	A.V.P
34	Mehnaz Qadar	Abdul Qadar	Mathra	55.43	GGPS Kor Gabai	A.V.P
35	Sameena Taj	Quresh Khan	Pabaini	55.41	GGPS No.1 Pabaini	A.V.P
36	Tabassum	Zarbaz Khan	Manari	55.33	GGPS Kuladhand	A.V.P
37	Jania Gul	Ghulam Habib	Kunda	55.23	GGPS Allah Dher	A.V.P
38	Tanzeela Shahin	Meher Dil Khan	Manari	55.15	GGPS Dewal Garhi	A.V.P

25% open

S/NO 47

ATTESTED

39	Sihat Bibi	S. Musbaraf Shah	Jalsai	55.05	GGPS No.2 Jalsai	A.V.P.
40	Ulfat Melnaz	Farid Ullah	Swabi	54.87	GGPS Ganikal	A.V.P.
41	Rifat	Muhammad Ayaz	Asota	54.84	GGPS Asota Sharif	A.V.P.
42	Salma Rahman	Attaur Rahman	Marghuz	54.84	GGPS Kulaghar	A.V.P.
43	Ghazala	Muhammad Saeedullah	Zarabi	54.83	GGPS No.1 Zarabi	A.V.P.
44	Musarrat Shaheen	Said Muhammad	Swabi	54.75	GGPS Para M. Chai	A.V.P.
45	Mamoona Akbar	Wali Akbar	Marghuz	54.74	GGPS Kot Gabai	A.V.P.
46	Asma Bibi	Allaf Qadar	Kalabat	54.64	GGPS No.3 Zarabi	A.V.P.
47	Mebwish	Fazli Qayyum	Pabaini	54.64	GGPS No.1 Pabaini	A.V.P.
48	Arjumand Bano	Muhammad Salim	Ismaila	54.61	GGPS Pungwal	A.V.P.
49	Taskin Ara	Amir Muhammad	Katu Khan	54.50	GGPS No.1 Permpoli	A.V.P.
50	Sadia Mumtaz	Mumtaz Muhammad	Ambar	54.47	GGPS Nabi	A.V.P.

75% Union Council Wise

S#	Name	Father's Name	U/Council	Address	Score	Name of Schools Were Poster	Remarks
1	Anis Zahir	Zahir Shah	Asota	Asota	54.43	GGPS Gango Dher	A.V.P.
2	Nighat Ali Said	Ali Said	Asota	Asota	51.61	GGPS Gango Dher	A.V.P.
3	Ilmat	Gul Nabi	Asota	Asota	51.36	GGPS Gango Dher	A.V.P.
4	Nabeeya	Shah Nazar Khan	Asota	Asota	50.54	GGPS Asota Sharif	A.V.P.
5	Nishat Begum	Faqeer Khan	Ambar	Ambar	53.16	GGPS No.1 Sheikh Dheri	A.V.P.
6	Aisha Khurshid	Khurshid Ahmad	Ambar	Ambar	52.10	GGPS No.2 Haryan	A.V.P.
7	Nadia Alam	Alam Sher	Ambar	Sh: Dheri	49.52	GGPS Sheikh Dheri	A.V.P.
8	Amshida Noz	Fuzal Rabbi	Bamkhel	Bamkhel	48.23	GGPS Bamkhel	A.V.P.
9	Samina Rahman	Saifur Rahman	Batakara	Batakara	52.74	GGPS Batakara	A.V.P.
10	Uzma Shaheen	Farman	Batakara	Himel	45.56	GGPS Batakara	A.V.P.
11	Arfina Begum	Said Khan	Beka	Nabi	52.27	GGPS Nabi	A.V.P.
12	Bibi Rabia	Said Rahman	Beka	Beka Dheri	50.75	GGPS No.2 Beka	A.V.P.
13	Zakia Mentas	Ali Haider	Beka	Tano	50.10	GGPS Bazar	A.V.P.
14	Basliqat	Lal Badshah	Beka	Tano	40.76	GGPS No.2 Beka	A.V.P.
15	Amina Haider	Ali Haider	Beka	Beka	37.65	CMS Nabi	A.V.P.
16	Nadia Noor	Noor Muhammad	Dagi	Dagi	54.03	GGPS No.5 Dagai	A.V.P.
17	Ghazala Aziz	Aziz ur Rahman	Dagi	Dagi	54.01	GGPS Dandapi	A.V.P.
18	Suriya Shalab	Saiduz Zaman	Dagi	Dagi	54.00	CMS Mohib Banda Dagi	A.V.P.
19	Tabassum Naz	Muhammad Hasht	Dobian	Dobian	50.40	GGPS Shahid Ullah Banda	A.V.P.
20	Saira Bano	Khaqan Khan	Gandaf	Gandaf	50.16	GGPS Mutakhel Gandaf	A.V.P.
21	Nazera	Bakht Zaman	Gandaf	Gandaf	46.29	GGPS Gandaf No.1	A.V.P.
22	Saeeda begum	Shah ur Rahman	Gandaf	Hada	42.43	GGPS Bada (G)	A.V.P.
23	Mujahida Khan	Namdar Khan	Gandaf	Gandaf	35.70	GGPS Mutakhel Gandaf	A.V.P.
24	Zubaida Begum	Shah ur Rahman	Gandaf	Hada	35.55	GGPS Hada (G)	A.V.P.
25	Saira Khan	Sher Zamin Khan	Gandaf	Gandaf	35.12	GGPS No.1 Gandaf Payan	A.V.P.
26	Farzana	Malik Akbar	Gandaf	Gandaf	27.39	GGPS Mohd Khel Gandaf	A.V.P.
27	Yasmin malik	Malik Akbar	Gandaf	Gandaf	24.59	GGPS No.3 Dhero Gandaf	A.V.P.
28	Salma Rahman	Noor Rahman	Gandaf	Gandaf	19.20	GGPS Gandaf Payan-2	A.V.P.
29	Nazma Gul	Zamir Gul	Gahasni	Dalori	35.05	GGPS Banjo	A.V.P.
30	Ishrat Bibi	Muhammad Sherin	Gahasni	M.Chi	34.52	GGPS Bounshoon	A.V.P.
31	Saeeda Begum	Rangeen Shah	Gahasni	M.Chi	32.69	GGPS Sarko Bala	A.V.P.
32	Sadqat	Fazal rahman	Gahasni	Channai	28.24	GGPS Sara Daffa	A.V.P.

[Signature]
ATTESTED

Deceased Employees Daughter.

1	Rabia Haider	Glulam Haider	Thandkoi	Douher	01.04.86	GGPS Malak Abad
2	Mehmaz Taj	Taj ul Malook	Ismaila	Ismaila	20.4.83	GGPS No.1 Permaoli
3	Shahista Tabassum	Abdul Ghaflar	Topi East	Topi	31.5.72	GGPS No.2 Malak Abad
4	Shah Rukh	Abdul Warif	Panjpir	Darra	22.4.85	GGPS No.2 Panj Pir
5	Shima Gul	Samar Dad	Asota	Asota	20.10.84	GGPS No.1 Permaoli

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 35 years.
4. They must take over charge of the post within 14 days of the issue of this order failing which the appointment will stand automatically cancelled.
5. All the original academic/professional certificates/degrees should be verified from the concerned Board/University. If any discrepancy was found at any stage the case may be started under the Rules and legal action will be initiated.
6. Verification of documents should be made departmentally before drawl of their pay and the concerned DDO's of the schools should send a certificate on the following pattern to this office. " Certified that I have personally verified the original certificates/Degrees from the concerned Board/Universities in respect of Mst. _____ D/O _____ and found correct who has been appointed against PTC at _____ (School Name)
7. DDO's of the concerned schools should check all the documents including domicile certificates of the candidates concerned.
8. After completion of verification process and subject to the provision of O.K certificate required in para-6 above, a proper order will be issued by this office for release of their pay against the post occupied by them.
9. In case of resignation they will have to submit one month prior notice. Otherwise their one moth pay will be forfeited to the Government. After tendering resignation they will not leave their job until the acceptance of their resignation by the competent authority nor shall they be granted any leave.
10. In case any one of the above appointees deprives of receiving charge due to non-availability of vacant post (in the school indicated against her name) anywhere in the above mentioned schools/offices, the services of junior most on merit in the relevant category will automatically be stood as dispensed with from service.
11. They will be governed by the service rules framed by the Govt. from time to time.
12. The untrained candidates appointed in Gadoon back ward Area will have got PST/PTC training within three (03) years positively, in case of failure their services shall be ceased automatically after expiry of the above period i.e. three (03) years and an undertaking to this effect will be given on Judicial Stamp Paper before taking over charge.
13. No TA/DA is allowed to any one.
14. Charge report should be submitted to all concerned.


(SAIF-UR-RAHMAN)
 EXECUTIVE DISTRICT OFFICER
 SCHOOLS & LITERACY, SWABI


 ATTESTED

Endst:No.4120-G/PTC(F) Apptt:File/EDO(S&L),dated Swabi the 21/03/2007.

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

1. Hon;able Minister for Education Govt:of NWFP, Peshawar.
2. Secretary Schools & Literacy Department Govt:of NWFP, Peshawar.
3. Director Schools & Literacy NWFP, Peshawar.
4. District Nazim, Swabi.
5. District Coordination Officer, Swabi
6. District Accounts Officer, Swabi
7. District Officer (M&F) Local Office.
8. ADO (B&A/Establishment) Local Office.
9. Supdt (M&F) Branch Local Office.
10. Dy:District Officer (Female) Swabi/Lahor.
11. Dealing Assistant concerned.
12. Official concerned.


EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY, SWABI

Gul/Azam/**


ATTESTED

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/8/2020

Serial No. ERAD/1-3/2020. In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

INDEX NO & 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.
- (The Deputy Director (IT), E&A Department.
All Section Officers in Establishment & Administration Department.
The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
The Caretaker, Administration Department.

(WAJIAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED



Handwritten signature and initials.

- 12 -

B/C

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)11&A/1-2/2020
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,
I am directed in refer to your letter No. SO(Polcy-MY&A/11/2-
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 with 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 seeking to a single lucrative post/position or to
prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity
to 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.

ASE
7/6

Yours faithfully,
(Isha Nisbat Ahmad Khan)
Secretary (Polcy)

Encls. Of even No of this
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 (Polcy), Establishment Department.

Section Officer (Polcy)

ATTESTED

-14-

B/C

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

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

Dear Sir,

I am directed to refer to your letter No. 30 (Primary-M) /EE&SED/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 to preventing a civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

WP 4447-2023 AZIZULLAH VS GOVT OF PK 43

ATTESTED

-15- -B/C-

Yours faithfully,

(Issa Muhammad Khan)
Section Officer (Policy)

Enclst. of even no Ep date

Copy forwarded to the :-

1. PB to Special Secretary (Reg), Establishment
Department.

2. PA to Additional Secretary (Reg-II), Establishment
Department.

3. PB to Deputy Secretary (Policy), Establishment
Department.

Section Officer
(Policy)


ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No. 001-9223587)

No. SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar (td). 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

[Handwritten Signature]

B/c - 17 -

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

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)


ATTESTED

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1969).

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.

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

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

3. After 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

-19-
-B/C-

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

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

S/1	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 Secretarial Khyber Pakhtunkhwa Peshawar

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

3. After 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





No. 8145

Khyber Pakhtunkhwa, Peshawar

Phone: 091-9223344

Dated: 21-7-2023

Email: estab@kpk.gov.pk

To

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

Subject: MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No.SO(Primary-M)E&SED/S-1/ G.Mts/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and in present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) vide notification No. No. SOR-M/ (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 06-02-2023.
 - (i) Now it is obligatory upon the civil servant to accept Promotion in every condition.
 - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/3-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision in declass or fargo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/3-2/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPE-16 may be exempted of implementation of the amendment in the rules held provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

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

Encl: No.

Copy of the above is to:-

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

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

WP4442-2023 AZIZULLAH VS GOVT CP PG43

ATTESTED

-2/-
-B/c-

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/5-1/G.M.W./
Minutes of meeting/PST/2023 dated 30-7-2023 on subject cited above and to
present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rules 1997) vide notification No. No. SOR-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 06-05-2023:
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turn down 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 ~~any~~^{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.

WP4442-2023 AZIZULLAH VS GOVT OF PG43


ATTESTED





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 23rd August, 2023

Annexure
E

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment & Administration Department,
Peshawar

**SUBJECT: - GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE CIVIL
SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES
1989).**

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 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 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 ISLAW)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISLAW)
SECTION OFFICER (PRIMARY MALE)
26/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

- B/c -

- 2 -

No. 50 (Primary - M) E&SEED / 8-A /
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 (Policy) / E&AD
/ 1-3 / 2020 dated 8th 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
WP4442-2023

(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

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)

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.

WP1645-2023 ARIZULLAH VS GOVT OF PK43

ATTESTED

-25-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No. & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

-26-

Annexure - G

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

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

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&AD/1-3 1-2020 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 and against the fundamental principles of natural justice.

Dated 06/03/2024


ATTESTED


MEHWISH W/O
TARIQ SHER, District
SAWABI

27

Khayber Pakhtunkhwa

Act 1 of 2011
President
0333-8414618
actzullah1973@gmail.com
actzullah



APTA House
Govt. Primary School No.1
Gulshan Parknowr City

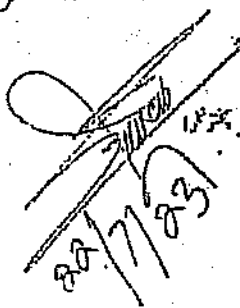
آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

مقام: میگزین پبلسٹیٹی و سیکرٹری ایجنٹیشن خیبر پختونخوا
مقام: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب مال

مزاوت ہے کہ پروموشن ہر اوائس میں ہوتی ہے اور کہ سرکاری ملازم کی خواہش ہوتی ہے پروموشن کا ایک قانون اور ذکر ہوتا ہے کہ ملازم ایک اگر کسی
مجربیکہ تحت ایک دفعہ پروموشن نہیں تو وہ ہر آٹھ ماہ سال تک پروموشن نہیں لے سکتے تھے مطلب چار سال تک ہر اس کی پروموشن نہیں آسکتی تھی
پھر اس قانون میں ترمیمی رعایت دی گئی چار سال ہر سال ہر ایک ملتا ہے اور ایک سال پروموشن نہیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک دفعہ پہلے ایک اور نوٹیفکیشن آیا ہے
میں کے مطابق اب ہر ملازم پروموشن ضرور لینی کے اگر نہیں لیں گے تو اس کے خلاف ایف اے ڈی درجہ کے مطابق کارروائی کئے جا سکتا ہے
اور اسلئے یہ آفری نوٹیفکیشن جاری انسانی حقوق کی کئی خلاف ورزی ہے جسے کی دور ہونا اور پہلا قانون میں ناس کی خواہشیں اساتذہ کو انہی کے خلاف کا
سامنا کرنا ہوتے کا
چونکہ عام حالات میں بھی ڈیڑھ ماہی پروموشن اور دوسرا مجربیکہ جاری انسانی حقوق کی خلاف ورزی ہے کہ کہ خیبر پختونخوا میں پڑھتے سے ملازمی و شایلیں
میں آتی ہے لیکن حالات میں یہ قانون نوٹیفکیشن جی ڈی ایس کی نالی میں لیکر کی جاتی ہے اس کی کیا ہے جو بدلتے اور جاری انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف قانونی چارہ چلوانے کا حق بھی محفوظ رکھتے ہیں
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کی
رزروئیشن پروموشن لینے کے لئے ان کی سرٹس سے لینے دیا جائے
اور پروموشن لینے کی صورت میں اساتذہ کو دیا جائے لیکن یہ ریزروئیشن کی جائے
اس سلسلے میں آپ جلد اقدام (DRO) لیں اور ان کی ایک فیسرٹی سرٹس جاری کیا جائے تاکہ اطلاع میں آپ کل / سبیل پرائمری اساتذہ کو ذہن
الیت اور ہر چہ تک سے بچایا جائے
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہن طور پر اور چہ کر کے کا سلسلہ شروع ہوتا ہے
لہذا ہم یہ حق رکھتے ہیں کہ آپ صاحبان کوئی ایجنٹ لیکر سب غیر کے پرائمری اساتذہ فیسرٹی سبیل پرائمری اساتذہ کو اس ضمنی ایلیٹ سے اجازت دلائیں گے

شکریہ



موزا اللہ خان سہیل صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

ATTESTED



07.05.2024



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

[Handwritten signature]
13-6-24

Date of Presentation of Application 10-6-24
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of S.P.
 Date of 13-6-24
 Date of delivery of copy 17-6-24

[Handwritten signature]
ATTESTED

[Handwritten signature]

-29-

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Mehwish

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

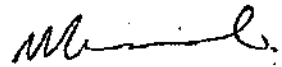
BASSAM AHMAD SIDDIQUI AHC

&

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.

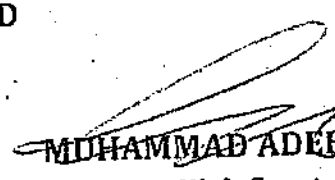


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court