


FORM OF ORDER SHEET

Court of _____

Appeal No. 1366/2024

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. Mustaqim Khan submitted today by Mr. Muazam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A No - 1366 / 2024

Mustaqim Khan
v/s

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-8
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	9-10
5.	Copy of Impugned Letter dated June 06th, 2023	C.	11-15
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	16-19
7.	Copy of Letter dated 23-08-2023	E.	20-21
8.	Copy of Impugned letter dated 07-09-2023	F.	22-23
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	24, 25 26
10.	Wakalat Nama		27

ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

Service Appeal No. 1366 /2024

Mustaqim Khan Son of Khadi Khan PSHT,

GPS Abdul Ajab Banda District Swabi

.....Appellant

VERSUS

- 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 petitioner filed this 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 appellants are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

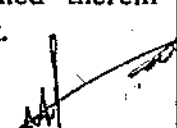
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

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

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

AFFIDAVIT:

I Mustaqim 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.

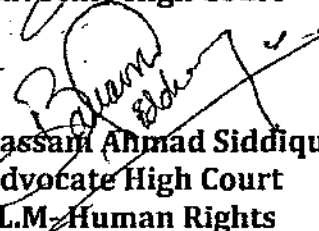

Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


Bassam Ahmad Siddiqui
Advocate High Court
LL.M. Human Rights

-5-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

Mustaqim 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:

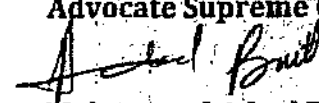
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

Must copy ch SNO 37 1st order copy.

Annex - A

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE-PRIMARY) SWABI.

OFFICE ORDER

The following appointments of P.T.C teachers are hereby ordered in GPS-7 (Rs. 1095-60-995) plus usual allowances with effect from the date of taking over charge purely on merit basis and strictly in accordance with the prescribed Rules, regulations and the instructions of the concerned authorities on the terms and conditions given at the end:-

Sr. No.	NAME, PARENTAGE & ADDRESS	QUALIFICATION	WHERE APPOINTED	REMARKS
1	Hanatulhah s/o Rahatulhah s/o V. Rashakai, PO Tarakai	PTC/793	GPS Maneri Payan	Vacant Post.
2	Sartaaj s/o Abdul Muqtadir s/o V. & PO Salim Khan	PTC/791	GPS Bakar	do.
3	Gohar Ali s/o Khaliq Das s/o Palo Dhand, PO Qazi Abad	PTC/768	GNPS Noyeah Da Ea (Salim Khan)	do.
4	Mohammad Islam s/o Noor Ahmad s/o V. & PO Dagai (Swabi)	PTC/768	GPS Shagai (Maneri)	do.
5	Mahid Aliyash s/o Raham Dil s/o V. & PO Thand Kri (Swabi)	PTC/735	GPS-I, Zaida	do.
6	Subhanullah s/o Aman Khan s/o V. & PO Dagai (Swabi)	PTC/732	GNPS Arakh (Tarakai)	do.
7	Imran Zamin s/o Sher Khan s/o V. & PO N Killi	PTC/728	GNPS Bakar	do.
8	Feroze Khan s/o Noor Haider s/o V. & PO Maneri Bala	PTC/714	GPS Naeem Shah Koruna (Swabi)	H.C Post.
9	Mumayun Khan s/o Smer Aman s/o V. & PO Tarakai	PTC/709	GPS-4 Maneri	Vacant Post.
10	Sahadar Khan s/o Sher Amar s/o V. & PO Dagai	PTC/707	GPS Naeem Shah Koruna (Swabi)	do.
11	Jehan Iqbal s/o Lamsrud Khan s/o V. & PO Nawar Killi	PTC/708	GPS Swabi	do.
12	Mizan Ali s/o Lamsrud s/o V. & PO Dagai	PTC/705	GNPS Gharib Abad (Swabi)	do.
13	Muzammil Shah s/o Gul Hameed Sh. s/o V. & PO Kaddi	PTC/703	GPS Miar Dheri	do.
14	Madi Aman s/o Sir Aman s/o V. & PO Dagai	PTC/701	GNPS Ghafcor Anad (Maneri Payan)	do.
15	Mushtaq Ahmad s/o Rasratullah s/o V. & PO Marghuz	PTC/687	GNPS Rasool Abad (Panj Pir)	do.
16	Abdus Salam s/o Abdul Wahid s/o V. & PO Nawar Killi	PTC/688	GNPS Saeed Abad (Darra)	do.
17	Hameed Khan s/o Hazan Gul s/o V. & PO Nawar Killi	PTC/685	GPS Danizai Kotay (Rashakai)	do.
18	Mubashirullah s/o Inayatullah s/o Maneri Payan	PTC/675	GPS Sher Afzal Gudargai (Darra)	do.
19	Anwarullah s/o Hafiz Mohammad s/o V. & PO Panj Pir	PTC/674	GPS Miar Dheri	H.C Post.
20	Mataur Rahman s/o Sheriu Khan s/o V. & PO Dagai	PTC/670	GPS-1 Zaida	Vacant Post.
21	Muhammad s/o Hafizullah s/o V. & PO Shah Mansoor	PTC/661	GPS-1 Jehangira (PF-27)	do.
22	Saleem Khan s/o Rahim Khan s/o V. & PO Dagai	PTC/655	GPS-4 Jalbai (PF-27)	do.
23	Muhammad s/o Azid Khan s/o V. & PO Kaddi	PTC/648	GPS Rest House, Jalbai (PF-27)	do.
24	Muntaz Mohammad s/o Faqir Mohammad s/o V. & PO Swabi	PTC/597	GPS Hund (PF-27)	do.
25	Fazli Ghani s/o Fazli Rabbi s/o V. & PO Qazi Akad (Salim Khan)	PTC/596	GPS Jalo Banda (PF-27)	do.
26	Muhammad s/o Sadar Khan s/o V. & PO Dagai	PTC/709 A/R	GPS Feroz Pur (Jalbai) (PF-27)	do.
27	Muhammad s/o Karam Saif s/o V. & PO Salim Khan	PTC/763(A) A/OU	GPS Farooq Banda (PF-27)	do.

SNO
37
2

ATTESTED

SR.NO.	NAME, PARENTAGE & ADDRESS	QUALIFICATION	WHERE APPOINTED	REMARKS
28	Murad Ali Shah s/o Roghan Shah PTC/672(B) PT QES, Bahkot (Swabi)	PTC/672(B)	GPS Momin Khan Banda (PF-27)	Vacant Post
29	Abdur Rauf s/o Abdul Jalil PT QES, Shagar (Panj Pir)	PTC/672(B)	GPS Gujran Koruna (Nabi) (PF-27)	do.
FF-22, SWABI-2				
30	Azizur Rahman s/o Fazal Rahman r/o V & PO Baja	PTC/746	GPS Topi-1	Vacant Post
31	Mohammad Israr s/o Mohammad r/o V & PO Kalabat -Sherin	PTC/703	GPS Dewar Khal (Kalabat)	do.
32	Atiqur Rahman s/o Abdul Hanan r/o V & PO Kalabat	PTC/676	GPS Shahidan (Meni)	do.
33	Zubair Mohammad s/o Hazrat Umar r/o V & PO Panjwan	PTC/674	GPS Kundal (Meni)	do.
34	Farooq Shah s/o Farid Shah V & PO Meni	PTC/658	GPS-1 Meni	do.
35	Mohammad Amir s/o Mir Akbar V Ghani Kot, PO Gabasni	PTC/649	GPS Abdul Ajab Banda (Takail)	do.
36	Sher Mohammad s/o Mohammad Khurshid V Ghani Kot, PO Gabasni	PTC/648	GPS Sarkoi Payan	do.
37	Muhammad Khan s/o Khan Khan V & PO Takail	PTC/632	GPS Abdul Ajab Banda	do.
38	Ijaz Ahmad s/o Fazal Mohammad r/o V & PO Kalabat	PTC/627	GPS-1 Topi	NC Post
39	Lal Mohammad s/o Amir Mohammad r/o V & PO Sandaf	PTC/626	GPS Redwar (Meni)	Vacant Post
40	Bher Zaman Shah s/o Gharif Shah r/o V & Sndowa, PO Kabgani	PTC/624	GPS Kasirabad Meni	do.
41	Mohammad Salih s/o Ghulam Jan r/o V & PO Ulla	PTC/623	GPS Sarkoi Payan	do.
42	Ali Rokhan s/o Gulbar r/o V & Chelai, PO Gabasni	PTC/618	GPS Dewi Jarhi	do.
43	Niaz Mohammad s/o Nazir Mohammad r/o V & PO Pabani	PTC/617	GPS Said Shah Garhi (Pabani)	do.
44	Kazar Rahman s/o Abdur Rakim r/o V & PO Dhir Gali	PTC/614	GPS Sarkoi Payan	do.
45	Mohammad Rashid s/o Mohammad Sarwar r/o V & PO Gabasni	PTC/604	GPS Kabgani	do.
46	Said Nati Shah s/o Taj Mohammad r/o V & PO Mangal Chai	PTC/599	GPS Redwar (Meni)	NC Post
47	Iqbal Hussain s/o Samiullah r/o V & PO Ulla	PTC/599	GPS Kutkari (Meni)	Vacant Post
48	Rahim Zada s/o Pir Zada r/o V & PO Gabasni	PTC/598	GPS Sakiana (Pabani)	do.
49	Dahirullah s/o Fazal Sayam r/o V & Ghani Kot, PO Gabasni	PTC/598	GPS Chak Sukailai	do.
50	Mohammad Shah s/o Said Ali r/o V & PO Gabasni	PTC/594	GPS Sara Dara	do.
51	Mohammad Eayed s/o Buzurg Jan r/o V & PO Ulla	PTC/593	GPS Mian Noor Abad	do.
52	Said Luqman s/o Mohammad Sardar r/o Mangal Chai	PTC/539	GPS Sarkoi	do.
53	Shamas Khan s/o Iqbal Umar r/o V & Ghani Chatra, PO Kabgani	PTC/589	GPS Sadga	do.
54	Musakher Shah s/o Hayat Habib r/o V & PO Ulla	PTC/535	GPS Sadga Serai	do.
55	Amir Abbas Khan s/o Habib Shah r/o V & PO Katgarah	PTC/534	GPS Mandaro Dero	do.

SER. NO.	NAME, PARENTAGE & ADDRESS	QUALIFICATION	WHERE APPOINTED	REMARKS.
110	Mohammad Nawaz s/o Abdul Ghani r/o V & PO-Tor Dher	PTC/679	GPS Tano Dheri FF-27	Vacant Post
111	Amjad, Ali s/o Bakht Ali Khan r/o V & PO-Tordher	PTC/581	GPS Wilayat Ghel FF-27	do.

TERMS AND CONDITIONS.

- These appointments are purely temporary and liable to termination without assigning any reason and without any prior notice.
- They will have to produce the following certificates:-
(i) Medical Certificate of physical fitness from the MS, DH, Hospital, Swabi.
(ii) Verification of antecedents by the DSP Swabi/Lahor
- Their age should not be below 18 years and above 25 years. However, the upper age limit may be relaxed upto the period of ban on recruitments.
They must take over charge of the post within 14 days of the issue of this order, thereafter the appointment will stand cancelled.
- The appointments of candidates at Sr. Nos: 26, 74, 105 and 106 are conditional and subject to confirmation that their professional certificates by the R.D.E, N.W.F.P, Peshawar.
- The Headmasters/Head Teachers must check all the certificates before handing over charge.
- In case of resignation, they will have to submit one months prior notice or forfeit one months pay in lieu thereof.
- Charge reports must be submitted to all concerned.
- No TA/DA/TG is allowed.

Sahib Zada
(SAHIB ZADA)
DISTRICT EDUCATION OFFICER,
(MALE-PRIMARY)
(SWABI)

Encl: 1189-1431 / P.No: 31/ DA-I/PTC Appnt: Dated 18/3/1992.

Copies forwarded to:-

- Director, Primary Education, N.W.F.P, (Hayat, Abad) Peshawar.
- ES to the Minister for Education, N.W.F.P, Peshawar.
- ES to the Secretary, Govt. of N.W.F.P, Education Department, Peshawar.
- The District Accounts Officer, Swabi.
- The DSP, Swabi and Lahor with ref to the above 2(ii).
- The Medical Superintendent, LH, Hospital, Swabi with ref to above 2(i)
- The Sub Divisional Education Officer (male) Swabi and Lahor.
- The candidates concerned.
- The Headmasters/Head Teachers of concerned schools.
- The Superintendent, Local Office.

Sahib Zada
(SAHIB ZADA)
DISTRICT EDUCATION OFFICER,
(MALE-PRIMARY)
SWABI.

DIST. GOVT. NWFP-PROVINCIAL
District Accounts Office Swabi
Monthly Salary Statement (March-2024)



Personal Information of Mr MUSTAQIM KHAN d/w/s of KHADI KHAN

Personnel Number: 00237105 CNIC: 1620209153327 NTN: 0
 Date of Birth: 10.03.1970 Entry into Govt. Service: 21.03.1992 Length of Service: 32 Years 00 Months 012 D

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80004531-DISTRICT GOVERNMENT KHYBE

DDO Code: SU6236-Government Primary Schools (Male) Topi, Swabi

Payroll Section: 003 GPF Section: 001 Cash Center: 05

GPF A/C No: Interest Applied: Yes GPF Balance: 801,155.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 22

Wage type	Amount	Wage type	Amount
0001 Basic Pay	67,480.00	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	1923 UAA-OTHER 20%(1-15)	1,000.00
2148 15% Adhoc Relief All-2013	985.00	2199 Adhoc Relief Allow @10%	591.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	6,408.00
2347 Adhoc Rel AI 15% 22(PS17)	6,408.00	2378 Adhoc Relief All 2023 35%	22,925.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-1,588.00	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	500,000.00	-25,000.00	75,000.00

Deductions - Income Tax

Payable: 24,803.75 Recovered till March-2024: 13,839.00 Exempted: 6200.84 Recoverable: 4,763.91

Gross Pay (Rs.): 116,941.00 Deductions: (Rs.): -32,813.00 Net Pay: (Rs.): 84,128.00

Payee Name: MUSTAQIM KHAN

Account Number: 0135000004027001

Bank Details: THE BANK OF KHYBER, 080135 I.B.Br. Topi Swabi. I.B.Br. Topi Swabi., Swabi

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILL AND PO TAKAIL SWABI

City: SWABI Domicile: NW - Khyber Pakhtunhwa

Housing Status: No Official

Temp. Address:

City: Email:

ATTESTE

(232428/26.03.2024/09:38:45) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

Subject: (E&AD)/1-1/2020: In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII 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

ENCL: 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.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration Department.
15. The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

1267
09/08/2020

(WAJIAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

Attested

ATTESTED

- 10 -

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

-11-

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)E&A/D/1-3/2020
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Policy-MY)E&A/D/2-
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from temptation for illicit gain by 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.

Yours faithfully,

(Issa Bhat) (Chief)
Section Officer (Policy)

ASE
7/6

Encl. Of even No & title

Copy forwarded to:-

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

Section Officer (Policy)

ATTESTED

~~SECRET~~

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 (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.

WP 4442-2023 AZIZULLAH VS GOVT OF PK 43

ATTESTED

-13-

~~---~~
-B/c-

Yours faithfully,

(Issa Muhammad Khan)
Section Officer (Policy)

Endst. of every n/a & date

Copy forwarded to the :-

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

Section Officer
(Policy)


ATTESTED

- 14 -

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

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

To

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

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

[Handwritten Signature]
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1988.

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 (E&SE) 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 this:

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

[Handwritten Signature]

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

[Large Handwritten Signature]

[Handwritten Signature]
ATTESTED

-15-

B/c

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

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT OF PG43




ATTESTED

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

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


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

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

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

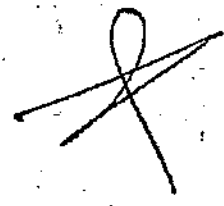

(Mr. Fazal Wahid)
Deputy Director-I
E&SE Department


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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




ATTESTED

- 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(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED



No. 8145 / F.No. 3/SST/UG General Cases Dated 21/7/2023
Phone: 091-9223344 Email: estab@kpn.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/3-1/ G.Misc/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and to 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 1987) 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 06-02-2023.
 - (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/2-2/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 to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 dated 13-06-2023.
- 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 violation of Rules 7(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DS-16 may be exempted of implications of the amendment in the rules ibid 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.

(Signature) 21/7/2023
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

(Signature)
ATTESTED

- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
PESHAWAR,
(21-7-2023)

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

Subject: Minutes of Meeting

Dear Sir; I am directed to refer to letter No. (SO Primary-TV) E&SED/5-1/G/M/12/2023 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 1997) 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/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-1/2023 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.

ATTESTED



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

No. SO(Primary-M)E&SED/2-2/Appointment-Rule 7/2023
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(Polcy)/ EBAD/ 1-3/2020 dated
05th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil
Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those
officers/ officials who do not comply with promotion order of the competent authority or
try to evade promotion through different means shall be proceed under Khyber
Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

-21-

-B/c-

-2-

No.50 (Primary-M) E&SE/D/2023
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
(Primary) /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

(Muhammad Ishaq)
Section Officer (Primary
Male)

ATTESTED

22-

Annexure - F



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

ATTESTED

To

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

Yours faithfully,

Section Officer (Policy)

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.

MPR442-2023 AZIZULLAH VS GOVT OF PK47

-23-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No. & date

Copy forwarded to the:-

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

Section Officer (Policy)


ATTESTED

24 -
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

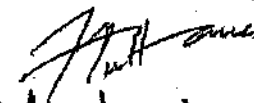
Sir/ Madam:-

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&D/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 ___/0_/2024


ATTESTED


Mustaqim Khan
S/o Khadi Khan
PSHT, Swabi

Khyber Pakhtunkhwa

Aziz Ullah Khan
President
0333-0414548
azizullah1973@gmail.com
E: azizullah1973@gmail.com



APTA House:
Govt. Primary School No.1,
Gulbahar Peshwar City.

آل پرائمری لیجیٹیمیشن ایجنس (ایپا) خیبر پختونخوا

Annexure - A

مہاب: میگزین ویٹنری و ایگریکلچرل ایجنس خیبر پختونخوا
مہاب: آل پرائمری لیجیٹیمیشن ایجنس خیبر پختونخوا
مہاب: مالا

گزارش ہے کہ پروموشن ہر ایڈوانس میں ہوتے ہیں اور کہ سرکاری ملازم کی خواہش ہوتی ہے پروموشن کا ایک قانون اور اگر ملے گا کہ جو ملازم ایک ڈگری پاس
بجرو کے تحت ایک ماہر پروموشن میں 7000 روپے آجود پار سال تک پروموشن میں لے سکتے ہیں۔ طلبہ پار سال تک ہر اس کا پروموشن نہیں ہو سکتی تھی
ہر اس قانون میں ترقی دہانت دیا گیا پار سال ہائے تعلیم کو کہ اگر ایک ملازم ایک سال پروموشن نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتہ پہلے ایک اور نوٹیفکیشن آیا ہے

جس کے مطابق اب ہر ملازم پروموشن ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ایف بی ڈی کے مطابق کارروائی کر لے گا کیا ہے
اور اسلئے آخری نوٹیفکیشن ایف بی ڈی کے مطابق کارروائی کی گئی ہے جس کی دور دور اور پہلی ملازمین میں خاص کر نوٹیفکیشن ایف بی ڈی کے مطابق کارروائی کی گئی ہے
ملاحظہ فرمائیے گا

بیک عام حالات میں کسی ڈگری پاسی پروموشن اور دور دورہ بھیجنا ایف بی ڈی کے مطابق کارروائی کی گئی ہے لیکن خیبر پختونخوا میں بد قسمتی سے قانونی دشمنیاں
بھی ہوتی ہیں ایسے حالات میں یہ قانونی لیجیٹیمیشن جی ڈی ایف کی ایگریکلچرل ایجنس کے ذریعے سے کیا گیا ہے جو بدقسمتی اور ایف بی ڈی کے مطابق کارروائی کی گئی ہے
اس کے خلاف کارروائی ہوتی ہے لیکن اس میں کوئی ترقی نہیں ہو سکتی ہے

لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری ایف بی ڈی کے مطابق کارروائی (Relaxation) دیا جائے اور ان کو
ڈگری پاسی پروموشن لینے کی اجازت دی جائے کہ اس میں سے لینے دیا جائے

اور پروموشن نہ لینے کی صورت میں باقاعدہ ایف بی ڈی لیا جائے لیکن یہ ضروری نہ کی جائے
اس سلسلے میں آپ کو اطلاع دیا جا رہا ہے کہ ایک مخصوص مراحل جاری کیا جائے تاکہ اطلاع میں بہ عمل آسکے پرائمری ایف بی ڈی کے مطابق کارروائی کی جائے
البتہ اور تاہم جگہ سے پہلے جانئے

کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری ایف بی ڈی کے مطابق کارروائی شروع ہو جائے گی
لہذا ہم یہ درخواست کرتے ہیں کہ آپ صاحبان کوئی ایجنس لیکر سب جگہ کے پرائمری ایف بی ڈی کے مطابق کارروائی کی جائے تاکہ اس ضمنی لایٹ سے بہت فائدہ ملے

شکریہ

85/77/83

عزیز اللہ خان سرہانی صدر
آل پرائمری لیجیٹیمیشن ایجنس 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/commitments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]
Muhammad Akbar Khan
Member (B)

Date of Presentation of Application 12-5-24
 Number of 1
 Copies 1
 Uppan 1
 Total 1
 Name of 13-6-23
 Date of 17-6-23
 Date of Delivery of Copy 17-6-23

[Handwritten signature]
ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Mustaqim Khan

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

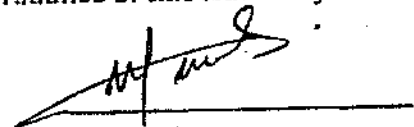
BASSAM AHMAD SIDDIQUI AHC

&

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