

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A. No. 1632/2024
GUL SHAH

V/S

Government of KP & others

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ADVOCATE

M. Muazzam Butt

- 1 -

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1632 /2024

Gul Shah Son of Adil Shah, PSHT
GPS Babu Tang, Tehsil & District Hangu

.....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, Civil Secretariat Near MPA Hostel, Peshawar

.....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 Appointment letter 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 Impugned 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 appellants 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 employe 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

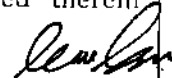
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

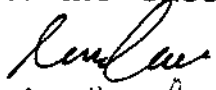
Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.

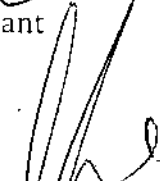
AFFIDAVIT:

I, (the appellant) 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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to _____

Service Appeal No _____ /2024

GUL SHAH

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

Gul Shah
Deponent

Through

Muhammad Muazzam Butt
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY DISTRICT HANGU.

OFFICE ORDER

Consequent upon the recommendation of recruitment committee of Schools & Literacy Department Hangu and further approved by the DCO Hangu, the following Male PST candidates are hereby appointed on contract basis in BPS-7 @ (2220-120-5820) with usual allowances as admissible under the rules with immediate effect & further posted in the Schools noted against their names subject to the terms and conditions as detail given below.

S.No.	Name	Father Name	Address	Merit.	Place of Posting	Remarks
1.	Sahib Noor	Sultan Asghar	Turki Banda	59.80	GPS Shinali Kahi.	A.V.P.
2.	Fazal Azim	Arfa-Mohd.	Karbogha	57.48	GPS No.1 Karbogha.	A.V.P.
3.	Saifullah	Awal Khan	Toghsarai.	56.51	GPS Tavizi Banda	A.V.P.
4.	Mohd:Ijaz	Amanat Khan	Sarozai.	55.72	GPS No.1 Sarozai.	A.V.P.
5.	Abdul Jalil	Sultan Mohd:	Mishti Banda Bagatoo.	55.06	GPS Bagatoo.	A.V.P.
6.	Mohd:Shaheed	Eid Akbar	Tamboli Banda.	54.73	GPS Tambli Banda.	A.V.P.
7.	Mohd:Zahid	Mir Ayaz.	Khazina Banda	54.59	GPS Khazina	A.V.P.
8.	Fazal Wahid	Khiasta Gul	Sarozai.	53.98	GPS No.2 Sarozai.	A.V.P.
9.	Farid Jan.	Sher Jang.	Darshi.	53.92.	GPS Darshi.	A.V.P.
10.	Mohd:Zaman	Naik Bad Shah	Karbogha	53.30	Already in Govt:Service	Qari at GHS Torawari.
11.	S.Jamil Hussain	S.Zainul'Abadin	Pass Kaly	53.	GPS Bahadar Gari.	A.V.P.
12.	Bakhtiar Mohd:	Fiaz Mohd:	Karbogha	52.89	GPS Sharki Karbogha	A.V.P.
13.	Saifullah	Fazal Gul	Gandiri	52.83	GPS Khan Kot	A.V.P.
14.	Khalil Rehman	Momin Khan	Dallan	52.56	GPS No 1 Dallan	A.V.P.
15.	Mohd:Bilal	Mohd:Quraish	Toghsarai	51.81	GPS No.1 Toghsarai.	A.V.P.
16.	Noorud Din	Ghous Din	Karbogha.	51.69.	GPS Shamal Din	A.V.P.
17.	Masiul Haq	Shamsul Haq	Karbogha	51.67	GPS Sharki Karbogha.	A.V.P.
18.	Masood Akbar	Noor Akbar	Azimi Banda	51.56	GPS Azimi Banda	A.V.P.
19.	Shahabud Din	Nazar Ali	Dallan	51.35	GPS No.5 Dallan	A.V.P.
20.	Shahidin	Shamsud Din	Sarozai.	51.31	GPS No.2 Sarozai.	A.V.P.
21.	Shamsul Huda	Abdul Hakim	Karbogha	51.05	GPS No.1 Karbogha	A.V.P.
22.	Roshan Ayaz	Mira khan	Kahi	50.96	GPS No:1 Kahi.	A.V.P.
23.	S.Mohd:Irshad	Bahadar Zaman	Karbogha	50.92.	GPS No:2 Karobgha.	A.V.P.
24.	M.Nisar Khan	Ghazi Mohd:	Chapri Waziran	50.85.	GPS Dapa Thall	A.V.P.
25.	Noor Zarin	Mir Wazir	Darari Banda	50.76	GPS Darari Banda	A.V.P.
26.	Ansar Hussain	Jafar Ghulam	Ganjan, Kaly	50.57	GPS No.4 Hangu.	A.V.P.
27.	Pio Hanif	Sheraz Gul	Sarozai	50.29	GPS Doaba.	A.V.P.
28.	Surat Khan	Hakim-Zar	Chapri Waziran	49.83	GPS Dapa Thall	A.V.P.
29.	Miqdadullah	Zahoorullah	Bagatoo.	49.55.	GPS Bagatoo.	A.V.P.
30.	S.Mohd:Irshad	Mohd:Kamal	Darari Banda	49.33	GPS Darari Banda	A.V.P.
31.	Wali Khan	Abdur Rehman	Dallan	49.26.	GPS No.3 Dallan	A.V.P.
32.	Saifullah Khan	Mushtari	Adam khel(Kach)	48.93	GMPS Sarak Dana	A.V.P.
33.	Mohd:Rahim	Mohd:Salim	Mianji Khel	48.90	GPS Mata Kola	A.V.P.
34.	Rahimud Din	Miraj Ud Din	Dallan	48.81	GPS No.4 Dallan	A.V.P.
35.	Shakirullah	Khial Bat Khan	Naryab	48.47	GPS Shanawari Naryab	A.V.P.
36.	Abdul Samad	Abdul-Majid	Mianji Khel	48.20	GPS Sheikh Wali Korona	A.V.P.
37.	Jahanzeb	Fazal Manan	Azimi Banda	48.14	GPS Azimi Banda	A.V.P.
38.	Mohd:Sher	Islam Gul	Sarozai.	48	GPS Doaba.	A.V.P.
39.	Mohd:Hayat	Mehraban	Sarozai.	47.74	GPS Doaba.	A.V.P.
40.	Mohd:Jan	Hakim Khan	Dallan	47.73	GPS Shinki Banda	A.V.P.
41.	Hazrat Hussain	Zar Mohd:	Doaba	47.68	GPS Doaba.	A.V.P.
42.	Shaukat Ali	Shah Sawar Ali	Lodi Khel	47.50	GPS Lodi Khel	A.V.P.
43.	Aitaur Rehman	Mehmond Khan	Dallan	47.39	GPS No.1 Dallan	A.V.P.

45	Muhammad Shah Keel	Muhammad Nabeel	Gandari waziran	47.21	Mehboob banda	AVP
UNION COUNCIL WISE						
RAISAN						
46	Sajid Ali	Ibrahim Khan	Lodhi Khel	45.89	GPS Lodhi Khel	A.V.P.
47	Hameed Hussain	Mohd:Ali	Lodikhel	41.59	GPS No.3 Ibrahimzai.	A.V.P.
48	Anwar Shah	Syed Wazir	Shahu Wam	41.29	GPS Shahuwam.	A.V.P.
	U/C Khan Bari.					
49	Azmatullah	Gharib Shah	Bahadar Gari	44.71	GPS Gulbagh	A.V.P.
50	Mohd:Imran	Naqibullah	Bahadar Gari	44.70	GPS Bahadar Gari.	A.V.P.
51	Shahab	Gulzar Mohd	Khan Bari	42.83	GPS No 1 Hangu..	A.V.P.
DARBAND						
52	Mohd:Khalid	Hunar Badshah	Darband	35.46	GPS Bado Talab	A.V.P.
DOABA.						
53	Luqman Mohd:	Abdul Mohd:	Sarozai	46.23	GMPS Qasim Abad Doaba.	A.V.P.
54	Rafiullah	Noora Jan	Sarozai.	46.16	GPS Doaba.	A.V.P.
55	Jamshid Khan	Jumak Badshah	Doaba	44.97	GPS Doaba.	A.V.P.
56	Shah Room	Kamin Gul	Doaba	44.35	GPS Doaba.	A.V.P.
NARYAB						
57	Habibur Rehman	Fazal Manan	Sawan Banda	47.14	GPS Shanawari Naryab.	A.V.P.
58	Mohd:Iltaf	Janat Khan	Naryab	46.51	GPS Shanawari Naryab	A.V.P.
59	Amir Mohd:	Ahmad Shah	Sawan Banda	43.73	GPS Sawan Banda	A.V.P.
60	Kasib Rehman	Fazal Rehman	Sawan Banda	42.02	GPS No.2 Zargiri	A.V.P.
61	Hassan Akbar	Mutabar Khan	Marofi Banda	41.98	GPS Marofi Banda	A.V.P.
62	Mohd:Jasim	Meva Gul	Marofi Banda	37.19	GPS No.2 Sarazamka.	A.V.P.
63	Azizur Rehman	Fazal Rehman	Sawan Banda	33.56	GPS No.1 Zargiri	A.V.P.
64	Atiqur Rehman	Hibib Rehman	Marofi banda	33.20	GPS Zargiri No.2	A.V.P.
65	Gul Nawaz	Qadir Khan	Chapri Naryab	29.07	GPS No.2 Chapri Naryab	A.V.P.
DALLAN						
66	Umar Khan	Jahajgir Khan	Gandiri	45.56	GPS Mehboob Banda	A.V.P.
67	Wali Man Shah	Zali Shah	Gandiri	45.68	GPS Adam Banda	A.V.P.
68	Akhtar Gul	Gul Nazir	Mianji Khel	45.33	GPS Adam Banda	A.V.P.
TOGHSARAI						
69	Aqal Badshah	Lal Din Shah	Turki Banda	44.88	GPS Mughal Abad	A.V.P.
70	Qasim Gul	Kamin Gul	Alwara Mela	38.63	GPS Alwara Mela	A.V.P.
71	Iran Badshah	Saifoor Badshah	Asgharo Banda	36.69	GPS Tavizi-Banda	A.V.P.
72	Nasib Halim	Mohd:Karim	Katgarh	35.21	GPS Katgarh	A.V.P.
73	Saifullah Khan	Gul Rehman	Turki Banda	32.29	GPS No.1 Tangi Miangan	A.V.P.
74	Samiullah	Mohd:Umar	Bilyamina	30.58	GPS Balyamina	A.V.P.
DARSAMAND						
75	Mehmood Khan	Mohd:Yousaf	Jawaro Ghundi	38.01	GPS Jawaro Ghundi	A.V.P.
76	Mohd:Walid	Adam Khan	Jandi Darsamand	36.71	GPS No.2 Darsamand	A.V.P.
77	Adil Shah	Ahmad Shah	Regi	32.42	GPS Regi Madi khel	A.V.P.
78	Shajaud Din	Khair Din	Jandi Darsamand	29.68	GPS No.2 Darsamand	A.V.P.
MOHD:KHAWAJA						
79	Wali Rehman	Noorab Khan	Mohd:Khawaja	36.87	GPS No.1 Mohd:Khawaja	A.V.P.
KACH						
80	Gul Shah	Adil Shah	Umar Abad	46.93	GPS Babu Tang.	A.V.P.
KARBOGHA						
			Karboogha	46.57	GPS Sharki	A.V.P.

82.	Mohd:Salim	Abdul Yasin	Karbogha	45.36	GPS Sharki Karbogha	A.V.P.
83.	Mustafaul Haq	Attaul Haq	Karbogha	44.66	GMPS Shahibzagan	A.V.P.
84.	Tariq Rahim	Abdul Ghafoor	Karbogha	41.84	GPS No.1 Karbogha	A.V.P.
85.	Khalid Rehman	Noor Ahmad Khan	Karbogha	37.89	GPS No.1 Karbogha	A.V.P.
86.	Nazim Gul	Itbar Gul	Karbogha	36.13	GPS Shamal Din	A.V.P.
87.	Jalalud Din	Mir Sala Khan	Karbogha	31.05	GPS No.1 Karbogha	A.V.P.
88.	Saifur Rehman	Mir Sala Khan	Karbogha	29.07	GPS Sharki Karbogha	A.V.P.
	THALL URBAN					
89.	Mohd:Sadi	Mohd:Ibrahim	Thall	38.78	GPS No.1 Thall	A.V.P.
90.	Nasimud Din	Hikman ud Din	Thall	32.35	GPS No.3 Thall	A.V.P.
91.	Mohd:Iqbal	Spin Khan	Thall	32.32	GPS No.3 Thall	A.V.P.
	KOTKI					
92.	Dildar Mohd:	Sardar Mohd:	Bagatoo	43.35	GPS Charbala	A.V.P.
93.	Mohd:Rais	Fazal Khan	Bagatoo	43.12	GPS No.1 Kotki Pavan	A.V.P.
94.	Razaullah	Habib Ghulam	Lakhti Banda	42.47	GPS Haji.Khel	A.V.P.
95.	Zahidan Badshah	Farhad Badshah	Chamba Gul	42.38	GPS No.1 Sarki Piala	A.V.P.
96.	Arshad Iqbal	Hafizullah	Charbala	41.24	GPS Chapri Hangu	A.V.P.
	KAHI					
97.	Munir Akbar	Ali Akbar	Azimi Banda	46.51	GPS Azimi Banda	A.V.P.
98.	Fazal Ghafar	Abdul Jabar	Bakaro	44.76	GPS Bakaro Kahi	A.V.P.
99.	Mohd:Yousaf	Aman Khan	Kahi	43.35	GPS No.2 Kahi	A.V.P.
100.	Arsala Khan	Hamid Khan	Kahi	43.05	GPS Pira Gul	A.V.P.
101.	Rahim Khan	Zarwar Khan	Turki	42.05	GPS Turki Kahi	A.V.P.
102.	Mohd:Nasir	Sarmar Khan	Khazina	37.81	GPS Khazina	A.V.P.
103.	Saeed Rehman	Gul Mardan	Kahi	36.54	GPS Tamboli	A.V.P.
104.	Asmatullah	Mohd:Khan	Kahi	36.42	GPS No.1 Kahi	A.V.P.
105.	Wahid Gul	Rehman Gfil	Khazina	35.52	GPS Chani Kahi	A.V.P.
106.	Bismillah Khan	Hayat Khan	Kahi	33.16	GPS No.2 Kahi	A.V.P.
107.	Lal Bat Khan	Hayat-Khan	Kahi	32.56	GPS No.1 Kahi	A.V.P.
	GANJANO KALY					
108.	Rashid Gul	Abdullah Jan	Sangirh	45.37	GPS No.3 Hangu	A.V.P.
109.	Haji Mohd:	Shafi Mohd:	Sangirh Hangu	42.64	GPS No.3 Hangu	A.V.P.
	THALL RURAL					
110.	Zainullah	Rahim Khan	Chapri Waziran	46.72	GPS No.2 Thall	A.V.P.
111.	Mohd:Ayaz Khan	Arsala Khan	Chapri Waziran	43.99	GPS No.2 Thall	A.V.P.
112.	Qudrat Khan	Musali Khan	Khanan Banda	41.07	GPS Abasi Banda	A.V.P.
113.	Kamil Khan	Mohd:Rahim	Chapri Waziran	37.77	GPS Abasi Banda	A.V.P.
114.	Bahadar nawaz	Hakim Zar khan	Chapri Waziran	37.48	GPS Toot Kach	A.V.P.
115.	Mohd:Sahib Khan	Gul Shah Ahmad	Chapri Waziran	34.93	GPS Toot Kach	A.V.P.
	REMAINING 10 VACANT POSTS The following candidates are selected on Merit from Open Merit List Distt:Wise.					
116.	Saifur Rehman	Attiquillah	Mirobak	46.	GPS Khaisari Banda	A.V.P.
117.	Khial Wazir	Badshah wazir	Dallan	45.27	GPS No.1 Chapri Naryab	A.V.P.
118.	Jamshid Khan	Khan Wazir	Hangu	44.97	GPS Aziz Abad	A.V.P.
				44.57	GPS Sur Channar	A.V.P.

82.	Mohd:Salim	Abdul Yasin	Karbogha	45.36	GPS Sharki Karbogha	A.V.P.
83.	Mustafaul Haq	Attaul Haq	Karbogha	44.66	GMPS Shahibzagan	A.V.P.
84.	Tariq Rahim	Abdul Ghafoor	Karbogha	41.84	GPS No.1 Karbogha	A.V.P.
85.	Khalid Rehman	Noor Ahmad Khan	Karbogha	37.89	GPS No.1 Karbogha	A.V.P.
86.	Nazim Gul	Itbar Gul	Karbogha	36.13	GPS Shamal Din	A.V.P.
87.	Jalalud Din	Mir Sala Khan	Karbogha	31.05	GPS No.1 Karbogha	A.V.P.
88.	Saifur Rehman	Mir Sala Khan	Karbogha	29.07	GPS Sharki Karbogha	A.V.P.
	THALL URBAN					
89.	Mohd:Sadi	Mohd:Ibrahim	Thall	38.78	GPS No.1 Thall	A.V.P.
90.	Nasimud Din	Hikman ud Din	Thall	32.35	GPS No.3 Thall	A.V.P.
91.	Mohd:Iqbal	Spin Khan	Thall	32.32	GPS No.3 Thall	A.V.P.
	KOTKI					
92.	Dildar Mohd:	Sardar Mohd:	Bagatoo.	43.35.	GPS Charbala	A.V.P.
93.	Mohd:Rais	Fazal Khan	Bagatoo.	43.12.	GPS No.1 Kotki Payan	A.V.P.
94.	Razaullah	Habib Ghulam	Lakhti Banda	42.47	GPS Haji Khel	A.V.P.
95.	Zahidan Badshah	Farhad Badshah	Chamba Gul	42.38.	GPS No.1 Sarki Piala	A.V.P.
96.	Arshad Iqbal	Hafizullah	Charbala	41.24	GPS Chapri Hangu.	A.V.P.
	KAHI					
97.	Munir Akbar	Ali Akbar	Azimi Banda	46.51	GPS Azimi Banda	A.V.P.
98.	Fazal Ghafar	Abdul Jabar	Bakaro	44.76	GPS Bakaro Kahi	A.V.P.
99.	Mohd:Yousaf	Aman Khan	Kahi	43.35	GPS No.2 Kahi	A.V.P.
100.	Arsala Khan	Hamid Khan	Kahi	43.05	GPS Pira Gul	A.V.P.
101.	Rahim Khan	Zarwar Khan	Turki	42.05	GPS Turki Kahi	A.V.P.
102.	Mohd:Nasir	Sarmar Khan	Khazina	37.81	GPS Khazina	A.V.P.
103.	Saeed Rehman	Gul Mardan	Kahi	36.54	GPS Tamboli	A.V.P.
104.	Asmatullah	Mohd:Khan	Kahi	36.42	GPS No.1 Kahi	A.V.P.
105.	Wahid Gul	Rehman Gfil	Khazina	35.52	GPS Chani Kahi	A.V.P.
106.	Bismillah Khan	Hayat Khan	Kahi	33.16.	GPS No.2 Kahi	A.V.P.
107.	Lal Bat Khan	Hayat Khan	Kahi	32.56	GPS No.1 Kahi	A.V.P.
	GANJANO KALY					
108.	Rashid Gul	Abdullah Jan	Sangirh	45.37	GPS No.3 Hangu	A.V.P.
109.	Haji Mohd:	Shafi Mohd:	Sangirh Hangu	42.64	GPS No.3 Hangu.	A.V.P.
	THALL RURAL					
110.	Zainullah	Rahim Khan	Chapri Waziran	46.72	GPS No.2 Thall	A.V.P.
111.	Mohd:Ayaz Khan	Arsala Khan	Chapri Waziran	43.99	GPS No.2 Thall	A.V.P.
112.	Qudrat Khan	Musali Khan	Khanan Banda	41.07	GPS Abasi Banda	A.V.P.
113.	Kamil Khan	Mohd:Rahim	Chapri Waziran	37.77	GPS Abasi Banda	A.V.P.
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115.	Mohd:Sahib Khan	Gul Shah Ahmad	Chapri Waziran	34.93	GPS Toot Kach	A.V.P.
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117.	Khial Wazir	Badshah wazir	Dallan	45.27	GPS No.1 Chapri Naryab	A.V.P.
118.	Jamshid Khan	Klian Wazir	Hangu	44.97	GPS Aziz Abad	A.V.P.
				44.57	GPS Sur Channar	A.V.P.

- 10 -

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



Personal Information of Mr GUL SHAH d/w/s of ADIL SHAH

Personnel Number: 00213167 CNIC: 1410174350633 NTN:
Date of Birth: 04.08.1978 Entry into Govt. Service: 08.04.2004 Length of Service: 19 Years 09 Months 025 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80002017-DISTRICT GOVERNMENT KHYBE

DDO Code: HG6048-

Payroll Section: 001

GPF Section: 001

Cash Center: 02

GPF A/C No: V.CP.3.P.14

GPF Interest applied

GPF Balance:

499,600.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 16

Wage type		Amount	Wage type		Amount
0001	Basic Pay	55,600.00	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	635.00
2199	Adhoc Relief Allow @10%	433.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	5,211.00	2347	Adhoc Rel AI 15% 22(PS17)	5,211.00
2378	Adhoc Relief All 2023 35%	18,767.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-881.00	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	322,000.00	-10,000.00	92,000.00

Deductions - Income Tax

Payable: 13,852.78 Recovered till JAN-2024: 5,985.00 Exempted: 3463.13 Recoverable: 4,404.65

Gross Pay (Rs.): 97,001.00 Deductions: (Rs.): -17,106.00 Net Pay: (Rs.): 79,895.00

Payee Name: GUL SHAH

Account Number: 4766----4 PLS

Bank Details: THE BANK OF KHYBER, 080018 HANGU BRANCH MAIN BAZAR HANGU. HANGU BRANCH MAIN BAZAR HANGU., HANGU

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: SHHU ROAD HANGU

City: HANGU

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: g9672003@gmail.com

Order s.no-80
Gul Shah.

Annexure - B -

GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/8/2020

Subject: E&A/D/1-3/2020: 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

NOTE NO & EVEN DATE

Copy forwarded to:-

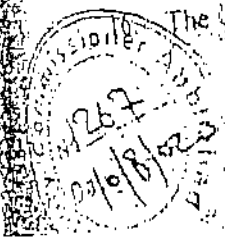
1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary 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.

(Signature)
(WAJIDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

(Signature)



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)



Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)/H&AD/1-3/2023
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 letter to your letter No. SO(Policy-M)/M&SED/1-2/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 (b)id 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 Muhammad Khan)
Section Officer (Policy)

ASSE
7/6

7/6

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.

SE/PA/1

2023
21.6.23

Section Officer (Policy)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

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

Yours faithfully,

(Issa Muhammad Khan)
Section Officer(Policy)

(Encl). of even No & date

Copy is forwarded to :-

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

Section Officer
(POLICY)



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

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

To

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

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

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

(MUHAMMAD Ishaq)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(Muhammad Ishaq)
SECTION OFFICER (PRIMARY MALE)

-16-
B/c

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

To

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

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

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

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

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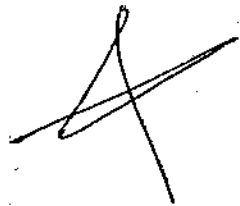
Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)



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

Annexure
0


A meeting regarding the subject matter was held on 04-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.

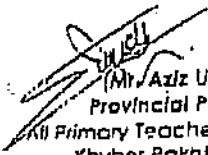
Sl#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

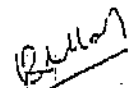
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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.

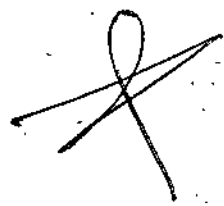

(Mr. Fazal Wahid)
Deputy Director-1
E&SE Department


(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



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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)





No.

8145

Khyber Pakhtunkhwa, Peshawar

Phone: 099-9223344

F.R.No. 3/SST/General Cases

Dated: 21-7-2023

Email: estabslimentmale1@gmail.com

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(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) 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 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(3) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DTS-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.


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

Encls: No.

Copy of the above is to:-

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

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

[Handwritten signature]

Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

Copy of the above to:
1. PD to Director Local Directorate
2. Master Copy

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 action please.

Dear Sir,
I am directed to refer to letter No. (SO/Rmngy-M) E&SED/5-1/6/2023/Minister of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history, along background of case as under:
That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment-Promotion, Transfer Rule 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. 6983 dated 06-08-2023.
(i) Now it is obligatory upon civil servant to accept promotion.
(ii) It is prerogative of civil servant to either accept/demand the offer of promotion.
That your good office forwarded the same to quarters concerned vide letter No. SO (Rmngy-M) E&SED/2-2/Appointment/2023 for necessary guidance.
That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline /forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
That in light of the minutes of the meeting dated 6-07-2023 held under the chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

PSHWAR
(21-7-2023)

-B/c-



-21-

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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 07 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 ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

1. Director EBSE Khyber Pakhtunkhwa.
2. PS to Secretary, EBSE Department Khyber Pakhtunkhwa.


SECTION OFFICER (PRIMARY MALE)
23/8/23

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2. PS to Secretary, E & SE Department (Policy) Islamabad
1. Director E & SE Khyber Pakhtunkhwa
Copy forwarded to:
(Muhammad Ishaq)
Section Officer (Primary)
(Male)

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.

different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011. of the competent authority or try to evade promotion through those officers/officials who do not comply with promotion order

Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 8th June 2023 and to state that after I am directed to refer to your letter No. SO (Primary) (Policy) (E&AD) Dear Sir,

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

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

No. 50 (Primary-M) E&SE D/Pa-8/1
Appointment - Rule/2023
Peshawar Dated 23rd August 2023.

-B/c-

Annexure - F



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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

-24-

-B/C-

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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)

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

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&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 16/03/2024


GUL SHAH
S/O ADIL SHAH
PSHT

Aziz Ullah Khan
President
0333-0416648
azizullah1973@gmail.com
Ch. natakali



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

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

مہاب: میگزینری ایسوسی ایشن خیبر پختونخوا
مہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب عالی

گزارش ہے کہ پروسوشز ہر ادارے میں ہوتے ہیں اور کہ سرکاری ملازم کی فرائض ادا کرنے پر پروسوشز کا ایک قانون ابھرتا ہے جو عام ایک اگر کسی
مہور کے تحت ایک دن پروسوشز نہیں تو وہ پھر آٹھ چار سال تک پروسوشز نہیں لے سکتے تھے مطلب چار سال تک ہر اس کی پروسوشز نہیں اور سکتی تھی
پھر اس قانون میں ترمیمی رعایت دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروسوشز نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتے پہلے ایک اور نوٹیفکیشن آ رہا ہے
جس کے مطابق اب ہر ملازم پروسوشز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی رولز کے مطابق کارروائی کرنے کا کہا گیا ہے
دراصل یہ آئی ٹی نوٹیفکیشن بنیادی حقوق کی مکمل خلاف ورزی ہے سب سے پہلے کی روزہ رول اور پہلی ملازمت میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا
جسکے عام حالات میں بھی زبردستی پروسوشز اور دور دراز بھیجنا بنیادی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خاندانی دشمنیاں
بھی ادا ہوتی ہیں ایسے حالات میں یہ جانو نوٹیفکیشن جو E & SB کی کاپی لیں لیکر کہہ رہے ہیں کیا کیا ہے جو بدلتی اور بنیادی حقوق کی خلاف ورزی
ہم اس کے خلاف قانونی چارہ جوئی کا حق بھی محفوظ رکھتے ہیں
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
زبردستی پروسوشز لینے کی بجائے ان کو مرضی سے لینے دیا جائے
اور پروسوشز نہ لینے کی صورت میں ہاتھ باندھا لیا جائے لیکن یہ زبردستی نہ کی جائے
اس سلسلے میں آپ جلد از جلد تمام (DEOS) ڈی ای او اور کہ ایک خصوصی مراسم جاری کیا جائے تاکہ اطلاع میں سب سیکرٹری پرائمری اساتذہ کو ذہنی
الیت اور ہار جگ سے بچایا جاسکے
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو اپنی طور پر راز کر کے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان آئی ٹی نوٹیفکیشن لیکر سب بھر کے پرائمری اساتذہ خصوصاً سیکرٹری پرائمری اساتذہ کو اپنی اپنی الیت سے مہات دلائل کے

شکریہ

عزیز اللہ خان سہانی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

07.05.2024



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

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-5-24
 Number of 1
 Copying 5
 Uperat 5
 Total 5
 Name of ---
 Date of 13-6-23
 Date of Delivery of copy 12-6-23

[Handwritten signature]

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

GUL SHAH

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.

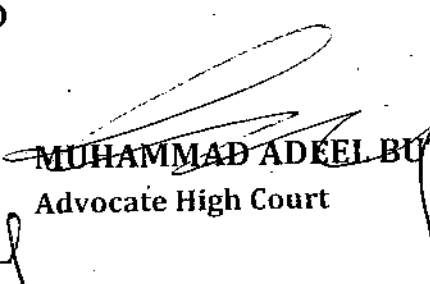


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court




BASSAM AHMAD SIDDIQUI
Advocate High Court

FORM OF ORDER SHEET

Court of _____

Appeal No. 1632/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/09/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 03.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>