


FORM OF ORDER SHEET

Court of _____

Appeal No. 1634 /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>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A. No. 1634/2024

MUHAMMAD ARSHID.

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 1634 /2024

✓ Muhammad Arshid Son of Latif Khan, SPST
GPS Dorari Banda, 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 Senior Primary School 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 appellant have not so far been redressed. Copy of Representation against the said notification is annexed as **Annexure G & H**
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

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

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellants. 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 appellants.

AFFIDAVIT:

I, (the appellants) 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.

ATSD
Deponent

ATSD
Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No _____/2024

**MUHAMMAD ARSHID
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

Arshid
Deponent

Through

Arshid
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 (ELE & SEC EDU DEPT) DISTRICT HANGU

APPOINTMENT / ADJUSTMENT

Consequent upon the recommendation of the Departmental Selection Committee, the following candidates are hereby selected as Primary School Teacher (Male) in BPS 02 in the basic pay scale @ Rs. (6200-380-17600) plus usual allowances as admissible by the government on regular basis at the vacant posts in the schools as mentioned against their names with immediate effect in the interest of public service subject to the terms & conditions as laid down below

S.No	Name	Father's Name	U/Council	School where posted / Adjusted	Remarks.
1	Shabir Muhammad	Gulab Muhammad	Darsamand	GPS Darsamand No:1	Vice s.No55
2	Ayub Rehman	Habib Ur Rehman	Dooba	GPS No. 1 Khattak Banda	
3	Muhammad Asim	Johar Ali	Raisan	GPS Shahu Khel	A.V.P
4	Waqar Ali	Mumtaz Ali	Raisan	GPS Shahu Khel	A.V.P
5	Qadir Shah	Mehraban Shah	Dallan	GPS No.4 Dallan	A.V.P
6	Shoaib Rehman	Shahid Rehman	Darband	GPS Khuli Samana	A.V.P
7	Shamsur Rehman	Eida Khan	Thali*	GPS Darsamand No:4	A.V.P
8	Amir Shah Jehan	Sultan Khan	Naryab II	GPS Qadeem Banda	AVP O/age by 02 yrs 02 months
9	Niamatullah	Khoozabagh	Karbogha	GPS Sharqi Karbogha	A.V.P
10	Zubir ud Din	Shamsu Din	Dooba	GPS No.2 Khattak Banda	A.V.P
11	Muhammad Arshid	Sher Bahadar	Naryab-I	GPS Chapri Naryab	A.V.P
12	Shamsullah	Gul Muhammad Khan	Dallan	GPS No.4 Darsamand	A.V.P
13	Darvish Ur Rehman	Noor Rehman	Kahi	GPS No.2 Dorari Banda	AVP
14	Fazal Manoor	Khan Mir	Dallan	GPS No.5 Dallan	AVP
15	Shakil Ahmad	Saeed Muhammad	M.Khawajaa	GPS Khawaja Muhammad Korogha.	AVP
16	Muhammad Ibrar	Ayub Khan	Kach	GPS Wach Bazar	AVP
17	Asad Ullah Khan	Niazmeen Khan	Raisan	GPS No.1 khattak Banda	AVP
18	Fawad Khan	Shah Wali Khan	Dooba	GPS Shinali Banda	AVP
19	Muhammad Rafiq	Wazir Bad Shah	Dallan	GPS Mata Kola	Vice S.No.59
20	Gulzar Ul Haq	Anbia ul Haq	Karbogha	GPS Darshi	AVP
21	Saifullah	Gulab Khan	Kach	GPS Mardu Khel Banda	Vice S.No.56
22	Khalid Rehman	M.Jamil	Dallan	GPS Khanan Talab	Vice S.No.63
23	Kausar Iqbal	Wilayat Shah	Darband	GPS Samana Hangu	AVP
24	Muhammad Ibrahim	Rehmat Qasim	Torawori	GPS Sialo Talab	AVP
25	Waris Khan	Lal Mir Khan	Naryab	GPS No.2 Chapri Naryab	AVP
26	Muhammad Iqbal	Nooraz Gul	Kahi	GPS No.2 Dorari Banda	AVP
27	Faj Muhammad Khan	Abdur Rehman	Kach	GPS Navi Kally	AVP
28	Muhammad Ajmeen	Umer Janan	Kach	GPS No.2 lakht Banda Hangu	AVP
29	Muhammad Arshad	Latif Khan	Kahi	GPS No.2 Dorari Banda	AVP
30	Fazal Islam	Fazal Hakeem	Bilyamina	GPS Bilyamina	AVP
31	Saif ur Rehman	Islam Gul	Kach	GPS No.1 Tangi Miangan	AVP
32	Saqib Ahmad	Mir Alam	Thoghsarai	GPS Anar China	AVP
33	Muhammad Shamshir Khan	Muhammad Rashid	Kotki	GPS No.Shanawori Hangu	AVP
34	Muhammad Asif Khan	Wali Bad Shah	G/Kally	GPS No.4 Sangir Hangu	Vice S.No.58

35	Ahmad Shah	Hayat Shah	Kach	GPS No.2 Tangi Miangan	AVP
36	Munir Khan	Ghazi Mar Jan	Thall (U)	GPS Thall Cantt	AVP
37	Abdur Rehman	Muhammad Yousaf	Khan Bari	GPS No.1 Tangi Miangan	AVP
38	Naeem Shah	Umer Shah	Dallan	GPS Tari Banda	AVP
39	Akram uddin	Nauman ud Din	Karbogha	GPS Sialo Talab	AVP
40	Muhammad Ibrahim	Anwar Khan	G/Kally	GCMPS Izat Banda	Vice S.No.57
41	Zaristan Khan	Sultan Khan	Kotki	GPS No.1 Warasta Hangu	Vice S.No.64
42	Niamat Ullah	Akhar Shiroon	Karbogha	GPS Qadeem Banda	AVP
43	Muhammad Aul	Shamuz Zaman	Karbogha	GPS Tari Banda	AVP
44	Abdul Hafeez	Mir Rehman	Kotki	GPS Chapri Hangu	AVP
45	Muhammad Farhad	Salim Khan	Darsamand	GPS No.1 Darsamand	AVP
46	Muhammad Shoib	Gul Nawab	Kahi	GPS No.2 Dorari Banda	AVP
47	Sher Wali Khan	Ali Khan	Dallan	GPS Abasi Banda	AVP
48	Tariq Abass	Muhammad Hilal	Raisan	GPS Shinali Kahi	AVP
49	Noor Malik	Abdul Malik	Doaba	GPS No.2 Sero Khel	AVP
50	Tajamal Hussain	Sargand Ali	Raisan	GPS Bakaro Kahi	AVP
51	Ahmad Khan	Sawab Gul	Kach	GPS No.2 Tangi Miangan	AVP
52	Muhammad Sadiq PST	GPS Sharqi Doaba		Adjusted at GPS Farid Abad Doaba	Vice S.No.53
53	Habib Ur Rehman	GPS Farid Abad		Adjusted at GPS Sharqe Doaba	Vice S.No.52
54	Mr.Nasim Ul Haq PST	GPS Thall Cantt:		GPS No.1 Thall	
55	Habib Gul PST	GPS No.1 Darsamand		Adjusted at GPS No.2 Sero Khel	
56	Shah Muhammad Khan PST	GPS Mardu Khel		Adjusted at GPS No.2 Lakhti Banda Hangu	
57	Muhammad Mushtaq PST	GMPS Izat Banda		Adjusted at GPS Bagatoo <i>Kotki Bala</i>	AVP
58	Jamil Hussain PST	GPS No.4 Sangir Hangu		Adjusted at GPS Ganjano Kally	
59	Javid Iqbal PST	GPS Mata Kola		Adjusted at GPS No.2 Mianji Khel	
60	Mr.Zamir Ul Hassan PST	GPS Mardu Khel Banda		adjusted at GPS Ganjano Kally	Mutual Transit S.No.61
61	Malik Ahmad Nawaz PST	GPS Ganjano Kally		Adjusted at GPS Mardu Khel Banda Hangu	Vice S.No.60
62	Muhammad Jalil PST	GPS No.2 Chapri Naryab		GPS Aziz Abad Zargiri Hangu	AVP
63	Mr.Wahib ur Rehman PST	GPS Khanan Talab		GPS No.2 Darsamand	AVP
64	Muhammad Rais PST	GPS No.1 Warastu Hangu		Adjusted at GPS Bagatoo	AVP
65	Muhammad Farooq PST	GPS No.1 Zargari Hangu		Adjusted at GPS No.2 Zargari	Vice S.No.66
66	Faraz Ahmad PST	GPS No.1 Zargari		Adjusted at GPS No.1 Zargari	Vice S.No.65
67	Farid Ullah PST	GPS Shamal Din Karbogha		Adjusted at GPS No.1 Karbogha	AVP
68	Salabat Khan PST	GPS Sharqi Karbogha		Adjusted at GPS Shamal Din Karbogha	Vice S.No.67

TERMS & CONDITIONS

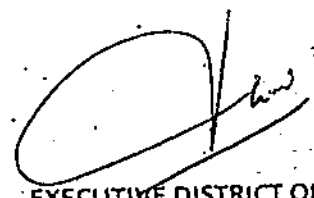
- 1) Their appointment is made on regular basis as per instructions contained in Establishment & Administration Department (Regulation Wing) Peshawar Letter No. 200 (Reg. & Adm.) dated 10/01/2011.
- 2) The selectees shall for all intents & purposes be Khyber Pakhtunkhwa civil servants except for the purpose of pension & gratuity. They shall be entitled to receive Contributory Provident Fund in the manner & rates prescribed by the Government.
- 3) The selectees will remain on probation for two years under rules 15(1) NWFP Civil Servants Appointment Rules 1989 extendable for further two years.
- 4) Before assumption of charge, the selectees will provide Medical Fitness Certificate from R & Superintendent DHQ Hospital Hangu.
- 5) Charge report should be submitted to all concerned.
- 6) They will have all rights & privileges contained in the NWFP Civil Servants Act-1973 with all amendments there in including NWFP Civil Servants Act (Amendment) Act 2005 and rules made there under.
- 7) The selectees should join their posts within 15 days of the issuance. In case of non-joining the post, his selection shall be withdrawn & next candidates in the merit list shall be entertained.
- 8) In case of resignation, the official will have to give one month prior notice to the officer in the absence of such notice his one month pay shall be forfeited to Government.
- 9) The DDOs will not draw their salaries unless their certificates /Diplomas /Degrees are verified by the concerned institutions / Boards e.t.c.
- 10) They will not claim their rights through appeal /petitions, if they terminated based on any mistake / over sight committed and pointed out at later stages.
- 11) Their seniority list will be maintained as per their merit position under rules 17(a) of Appointment /Promotion /Transfer Rules -1989.
- 12) The candidate at S.No.03, he is over age by specific age limit, he will have to provide Relaxation Certificate from Establishment Department within a month for validation of his appointment.

(JEHAN MUHAMMAD)
 EXECUTIVE DISTRICT OFFICER
 ELE & SEC EDU DEPTT HANGU

Ednst No. 9488-565 Apptt:EDO(H)2011, Dated Hangu the ,30-09-2011

Copy for information & n/a to the:-

- 1) P.S to Minister for Education (Elementary & Secondary Education) Deptt:Khyber Pakhtunkhwa Peshawar.
- 2) The secretary to Govt of Khyber Pakhtunkhwa Peshawar.
- 3) Directress (E & S) Education Deptt, Khyber Pakhtunkhwa Peshawar.
- 4) District Coordination Officer Hangu.
- 5) District Officer, /Deputy District Officer (M&F) Secy: /Primary Hangu.
- 6) District Account Officer Hangu.
- 7) Computer Cell Local Office.
- 8) Accountant Local Office.
- 9) Official concerned.
- 10) Office Copy.



EXECUTIVE DISTRICT OFFICER
 ELE & SEC EDU DEPTT HANGU

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-9-

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



Personal Information of Mr Muhammad Arshid-1 d/w/s of Latif Khan

Personel Number: 00658034 CNIC: 1410173762017 NTN:
Date of Birth: 03.02.1989 Entry into Govt. Service: 03.10.2011 Length of Service: 12 Years 03 Months 030 Days

Employment Category: Active Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80002017-DISTRICT GOVERNMENT KHYBE

DDO Code: HG6048-

Payroll Section: 001

GPF Section: 001

Cash Center: 03

GPF A/C No: 658034

GPF Interest applied

GPF Balance:

423,957.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 14

Pay Stage: 10

Wage type		Amount	Wage type		Amount
0001	Basic Pay	39,930.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	400.00	2199	Adhoc Relief Allow @10%	275.00
2316	Teaching Allowance 2021	3,036.00	2341	Dispr. Red All 15% 2022KP	3,681.00
2347	Adhoc Rel Al 15% 22(PS17)	3,681.00	2378	Adhoc Relief All 2023 35%	13,366.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-414.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Luan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 6,396.28 Recovered till JAN-2024: 2,733.00 Exempted: 1598.08 Recoverable: 2,065.20

Gross Pay (Rs.): 72,046.00 Deductions: (Rs.): -6,249.00 Net Pay: (Rs.): 65,797.00

Payee Name: Muhammad Arshid-1

Account Number: 7633-6

Bank Details: NATIONAL BANK OF PAKISTAN, 230420 HANGU HANGU Kohat, HANGU

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: Hangu

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: marshadchanikahi@gmail.com

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/8/2020

S.O. No. 1157/2020 in exercise of the powers conferred by section 25 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

EXIST. 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.

(Signature)
(WAJID AH LATHI)
DEPUTY SECRETARY (POLICY)

ATTESTED



(Signature)

- 11 -

B/c

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)



[Handwritten signature]

WP4442-2023 AZIZULLAH VS GOVT OF POK

[Handwritten notes and stamps]
2023
21.6.23

Section Officer (Policy)

Yours faithfully,
[Signature]
Section Officer (Policy)
(Issa Khayyat Khan)

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

Copy forwarded to the:
Rust. Of even No & date

[Handwritten initials]
7/6

2011, please

proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, of the competent authority or try to evade promotion through different means shall be

3. Furthermore, those officers/officials who do not comply with promotion order of civil servant to accept promotion in every condition.

to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every prevent those who tend to forgo promotion or show lack of capacity or to will servant from temptation for their job by seeking to a single lucrative post/promotion or to

2. The basic rationale behind the bid rule is aimed at preventing a provision exists to decline or forgo promotion.

Rules, 1987 stands deleted vide this department notification dated 04.08.2020; thus, no (3) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) 2011/2022 dated 18.04.2022 in the subject noted above and to state that sub-rule

I am directed to refer to your letter No. SO(Policy-MYK&SU/22:22/2023 dated 18.04.2023 in the subject noted above and to state that sub-rule

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

Subject:-
GUIDANCE REGARDING REGULATION OF RULE 7(3) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1987.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)K&AD/1-3/2020
Dated Faisalabad the June 06, 2023

62

Annexure - C

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

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 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)

(Enast). of even No & date

Copy is forwarded to :-

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

Section Officer
(POLICY)



-14-

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 the, June 26th, 2023

To

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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

ac

Muhammad Ishaq
(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

ac

Muhammad Ishaq
SECTION OFFICER (PRIMARY MALE)
26/6/23

B/c

- 15 -
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)

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

Annexure
①


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

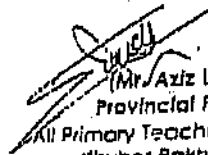
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

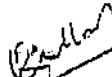
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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.

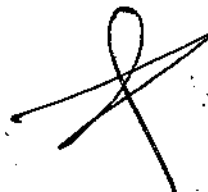

(Mr. Fazal Wahid)
Deputy Director
E&SE Department


(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



-17-
-B/c-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING OF 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 Secretarial Khyber Pakhtunkhwa Peshawar

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

3. After 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)

[Handwritten signature]

WP4442-2023 AZIZULAH VS GOVT OF FG43

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

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

Copy of the above is to:

[Signature]
21/7/2023
Assistant Director (Establish M-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

The case is submitted for perusal and necessary actions please.

G.Mixc/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and in present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1980) 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 16-02-2023.
- (1) Now is the 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 office forwarded the same to the quarter concerned vide letter No. SO (Primary-M) E&SED/2-1/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 06-06-2023 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/2-1/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 Rule 7(5) have effected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below D/S-16 may be exempted of implications of the amendment in the rules bid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

MINUTES OF THE MEETING

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

Dear Sir,

No. 8145 /R.No. 34/SST/W/General Cases
Dated 21-7-2023
Email: estab@khyberpk.gov.pk
Khyber Pakhtunkhwa, Peshawar
Phone: 091-92252341



- 19 -

- 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-M) E&SED/S-1/G/Mil/Minister of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:-

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



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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 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 E&SE Khyber Pakhtunkhwa.
2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

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

Scanned with CamScanner

(Signature)

-21-
-B/c-

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

Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. 50 (Primary) (Policy) /E&AD
/1-3/2023 dated 6th 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.

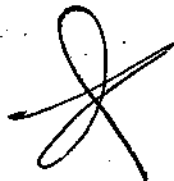
In view of above, the said amendment may be reconsidered to
the extent of lady teacher in primary schools.

Copy forwarded to;

1. Director E & SE Khyber Pakhtunkhwa.

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

(Muhammad Ishaq)
Section Officer (Primary
Male)



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.

-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 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)

Encl. 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)

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. 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 06-03-2020. 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 24/01/2024





MUHAMMAD ARSHID
S/O LATIF KHAN
PSHT.

Aziz Ullah Khan
President
0333-0414648
azizullah1973@gmail.com
01 nptokpk



APTA House:
Govt. Primary School No.4,
Gulohar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

بہاب: سیکرٹری ایگزیکٹو ایجوکیشن خیبر پختونخوا
بہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
بہاب: طالب مال

گزارش ہے کہ پرموشنز ہر ادا سے ملے ہوتے ہیں اور کہ سرکاری ملازم کی خواہش ہوتی ہے پرموشن کا ایک سالوں ہوا کرتا تھا کہ جو ملازم ایک اور کسی
مہرہ کے تحت ایک دفعہ پرموشن نہ لیں تو وہ پھر آٹھ چار سال تک پرموشن نہیں لے سکتے تھے مطلب چار سال تک مہرہ اس کی پرموشن نہیں اور سبھی
مہرہ اس سالوں میں تھوڑی رعایت دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پرموشن نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک وقت پہلے ایک اور نوٹیفکیشن آ رہا ہے

جس کے مطابق اب ہر ملازم پرموشن ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی ڈولر کے مطابق کارروائی کرنے کا کہا گیا ہے
دراصل یہ آخری نوٹیفکیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے سب سے کی دور دراز اور پہلی ملازمتوں میں خاص مہرہ اس سالوں کو انسانی مشکلات کا
سامنا کرنا پڑے گا

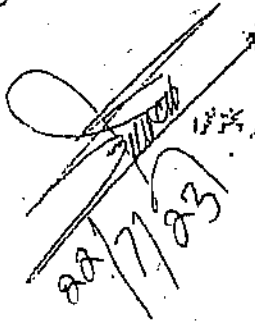
کیونکہ عام حالات میں بھی ڈیڑھ سنی پرموشن اور دو دروازہ جیٹا بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خاندانی دشمنیاں
مکمل ہوتی ہے ایسے حالات میں یہ نوٹیفکیشن جو E&SE کی گائیڈ لائنوں کے خلاف ہے جواب میں کیا گیا ہے جو بدقسمتی اور بنیادی انسانی حقوق کی خلاف ورزی ہے

ہم اس کے خلاف قانونی چارہ چلانی 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 پرموشن لینے کی بجائے ان کو مرضی سے لینے دیا جائے

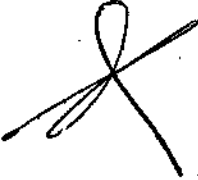
اور پرموشن نہ لینے کی صورت میں ہاتھ ہاتھ لیا جائے لیکن یہ زبردستی نہ کی جائے
اس سلسلے میں آپ جلد از جلد تمام (DEOs) ای سی ڈی اور کہ ایک خصوصی مراحل جاری کیا جائے تاکہ اساتذہ میں پ سیل / لیٹیل پرائمری اساتذہ کو ذہنی
الیت اور تازگی سے بہایا جائے

کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر تازہ کرنے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کوئی ایجنٹ لیکر سب سے بھر پور پرائمری اساتذہ خصوصاً لیٹیل پرائمری اساتذہ کو اس ذہنی الیت سے بہات دلائیں گے

شکریہ


08/11/23

عزیز اللہ خان صوبائی 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)

(Signature)
Muhammad Akbar Khan
Member (I)

Date of Presentation of Application	10-6-24
Number of	1
Copies	1
Urgent	
Total	1
Name of	
Date of	13-6-24
Date of Delivery of	13-6-24

(Signature)

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD ARSHID

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

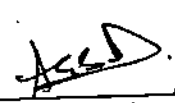
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

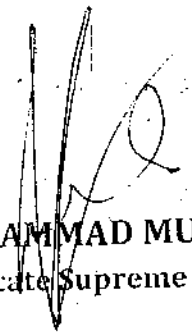
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents, 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