


FORM OF ORDER SHEET

Court of /

Appeal No. 1638 /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 1638/2024

MINHAJ UD DIN

V/S

Government of KP & others

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ADVOCATE

M. Muazzam Butt

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 1638 /2024

Minhaj Ud Din Son of Sajid Din, PSHT
GPS Sara Zamaka, 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:

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 forego promotion and it is obligatory upon every civil seryant 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 &

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

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees.

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

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

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

AFFIDAVIT:
 I, (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.
 Minhaj
 Deponent

Through

Minhaj
 Appellant

Muhammad Muazzam Butt
 Advocate Supreme Court

Muhammad Adeel Butt
 Advocate High Court

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

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____/2024

MINHAJ UD DIN

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

Through

Minhaj
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Adeel Butt
Muhammad Adeel Butt

OFFICE OF THE DISTRICT EDUCATION OFFICER (MAIN) PRIMARY KOHAT
NOTIFICATION

Annex A

Consequent upon their selection by the Departmental Selection Committee, the District Education Officer (Main) Primary Kohat has been pleased to appoint the following trained PTC candidates at the schools noted against their names in BPS-7(1480-81-2695) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms and conditions:-

S.NO. NAME OF CANDIDATE WITH FATHER NAME AND ADDRESS D/O BIRTH NO OF MERIT SCHOOL WHERE POSTED REMARK

DISTRICT MERIT APPOINTMENT

1. Mehboob Elahi S/o Mohd Yasin R/o Meri Col: Kohat. 26.12.73 1/71 GPS City Centre Kohat vice Mohd Ali terminated
2. Mohd Atif S/o Mohd Inayat R/o Mohi Niaz Kohat. 01.4.73 2/71 ~~GPS City Centre Kohat~~ Sooba ~~terminated~~
3. Mohammad Ameer S/o Mohd Rafiq R/o Shino Khel Kohat. 10.3.74 3/71 ~~GPS City Centre Kohat~~ Khalilur ~~terminated~~
4. Mohammad Saleem S/o Mohd Faheem R/o Shadi Khel 15.11.74 4/71 GPS Kamal Khel vice Tufail Ahmad terminated
5. Shabid Anwar S/o Amanullah R/o Shakardara 06.4.71 5/69.66 GPS Garyo Par vice Intizar Khan terminated
6. Wahidullah S/o Adam Khan R/o Ashaq Col: Kohat. 15.3.71 6/69.33 MPS Baro Khel vice Fazal Noon terminated
7. Mohammad Tahir S/o Mohd Ishaq R/o Gumat 1.1.74 7/73 GPS Garyo Par vice Sabir Shah terminated
8. Mohammad Ismail S/o Gul Zarin R/o Cheshmi Saghri 14.4.74 8/67 MPS Dh: Sahib Khan already occupied by him
9. Javed Ibrar S/o Rais Khan R/o Togh Bala 01.5.74 9/67 GPS Abbasi Banda already occupied by him
10. Rahimullah S/o Said Khan R/o Shakardara 04.1.76 10/65 GPS Chappri Saghri already occupied by him
11. Zulfikar Ali S/o Dildar Shah R/o College Town Kohat 30.8.77 11/65 GPS Haji Abad (Kharmatoo) vice Dost Mohd terminated
12. Sajid Nazir S/o Nazir Bul R/o Mir Ahmad Khel Kohat 11.4.73 12/62 GPS Kharmatoo vice Mushtaq Ahmad terminated due to low merit
13. Asif Faqir S/o Faqir Khan R/o Lachi 18.3.71 13/61 GPS Karbogha No.1 vice Mohd Riaz terminated due to low merit
14. Saifur Rehman S/o Taimur Shah R/o Meri Col: Kohat 01.5.73 14/61 GPS Kat Garh vice Talib Jan terminated due to low merit
15. Ija Mehmood S/o Umar Khan R/o Bori Saghri 04.1.74 15/61 GPS Thall No.2 vice Shah Nawaz terminated due to low merit

Contd..... Page...2

	170	Max	School where remarked
16. Sh. Kashif, Ahmad S/o Ahmad Sultan R/o Mohi Zargarani	21.2.74	16/61	GPS Mianjee K-el No.1 vice Hussain Nohd terminated due to low merit.
17. Mohd Gazi Khan S/o Malik Rehman R/o Usterzai Payan	12.3.74	17/61	GPS Mata Kola vice Mhd Amin terminated due to low merit.
18. Aminul ah E/o Yasin Khan R/o Shahzad Col: Kohat	12.5.76	18/61	GPS Shaamal Din K, la vice Ajmaeen Khan terminated due to low merit.
19. Khursheed Ahmad S/o Rais Khan R/o Seni Gumbat	10.9.72	19/60	GPS Eid Gul Pershhi vice Mohd Ehsan terminated due to low merit.
TERMINATED DUE TO LOW MERIT			
20. Hajid Malook S/o Malook Shah R/o Jungle Khel	12.12.75	21/60	GPS Banda Abdur Rehman vice Fazal Gayum terminated due to low merit.
21. Aminul Haq S/o Fazal Haq R/o Shadi Khel	10.4.72	22/60	GPS Daud Khel vice Mushtri Khan terminated due to low merit.
22. Arif Khan S/o Faqir Khan R/o Lachi	13.3.73	23/60	GPS Koteri vice Abdul Hameed terminated due to low merit.
23. Mucadiq Ali Khan S/o Ghulam Yousof R/o Billitang	18.3.76	24/60	GPS Tball No.2 vice Istekhab Hussain terminated due to low merit.
24. Islamuddin S/o Burhanuddin R/o Chorlaki	30.7.72	25/60	GPS Sarki Piala No.1 already occupied by him.
25. Amir Ahmad S/o Ahmad Shah Sawan Banda.	02.3.73	26/60	GPS Sarbzai No.1 already occupied by him.
CONSTITUENCY, PF- 28 KOHAT			
1. Shameul Haq S/o Abdul Haq R/o Shadi Khel	05.4.76	8/54	GPS Dh Sa'id Bad Shah vice Iqaz Hussain terminated due to low merit.
2. Daud Khan S/o Ghulam Farooq R/o Shadi pur	09.8.77	9/54	GPS Shadipur vice Mohd Ayaz terminated due to low merit.
3. Rahimdad Khan S/o Ghafoor Khan R/o Chorlazi	04.5.75	10/53	GPS Banda Zamir Gul vice Sher Ali terminated due to low merit.
4. Za'id Behmoos S/o Arif Gul R/o Billitang	04.4.76	11/53	GPS Darsha Khel vice Fazal Keziq terminated who did not apply for interview.
5. Mchd. Sultan S/o Moor Sheh Gul R/o Land Banda	15.9.76	12/53	GPS Shadipur vice Abdul Wali terminated due to low merit.
6. Sa'id Khan S/o Umer Hayat R/o Lugh Bala	10.5.77	13/53	GPS Tora Stana No.1 vice Zafar Ali terminated due to low merit.
7. Moor Zada S/o Gaffar Khan R/o Pasta Chana	06.2.78	14/53	GPS Sa'in vice Abdul Shakoos terminated due to low merit.
8. Iaved Khan S/o Mirbat Khan R/o Ekora Ghari	11.1.70	15/53	GPS Tora Stana No.1 vice Rozi Khan terminated due to low merit.



FATHER NAME AND ADDRESS	Birth	Merit	Sc. of ...	Remarks
CONSTITUENCY, PF-30				
1. Adil Mehmood S/o Mushtaq Ali	16.7.59	15/59		GPS Chlachana vice Paraz Khan terminated due to his absence from interview.
CONSTITUENCY, PF-31				
1. Mohammad Ashraf S/o Hadli Khan K/o Koto Minz	14.4.74	2/60		MPS Kotoa Minz already occupied by him
2. Sajid Shah S/o Moeen Shah R/o Naryab	02.5.70	3/53	33	MPS Fagir Abad vice saifullah PTC terminated due to low merit.
3. Noor Haleem S/o Gul Haleem R/o Anar China	09.4.73	4/53		MPS Fir Khan Kalai vice Inayatullah terminated due to low merit.
4. Kohi Jumair S/o Bahadar Khan R/o Sarozai	21.11.70	5/52		GPS Sarozai No.2 already occupied by him.
5. Minhajuddin O/o Sajeddin R/o Eara Zamaka	25.4.72	6/50		GPS Sara Zamaka already occupied by him.
6. Inam Bad Shah S/o Sunab Shah R/o Darband	01.1.74	7/50		GPS Shanawari Hangu already occupied by him.
7. Munir Khan S/o Saleh Zarin R/o Naryab	10.1.74	8/50		GPS Naryab No.2 already occupied by him.
8. Habibur Kehman S/o Fazal Manan R/o Sawan Banda	03.5.76	9/50		GPS Sawan Banda already occupied by him.
9. Acal Bad Shah S/o Laldan Shah R/o Terki Banda	12.4.72	11/45		GPS Darband already occupied by him.
10. Saleh Amin S/o Said Amin R/o Maroofi Banda	12.2.75	12/45		GPS Maroofi Banda already occupied by him.
11. Airsiab Khan S/o Mohd Amin R/o Dallah	23.3.75	13/45		MPS Raza Din already occupied by him.
12. Mohd Ishaq S/o Nawab Gul R/o Maroofi Banda	01.4.76	14/45		GPS Maroofi Banda already occupied by him.
13. Mohammed Saad S/o Bar Khan R/o Sarozai	06.6.72	15/43		GPS Spin Khawari No.2 vice Abdul G affar terminated due to low merit.
14. Abdul Wahab S/o Khan Zada R/o Koto Minz	14.5.69	16/42	65	GPS Dallah No.5 vice Sharab Ghani terminated due to low merit.
15. Wakil Khan S/o Bad Shah Khan R/o Shinki Banda	01.12.72	17/38	33	MPS Khanak Banda vice S. Azizur Rehman terminated due to low merit.

DISABLE

1. Iftikhar Mehmood S/o Mehmood Khan R/o Shikardara (PF-30). 10.6.76 30/43.66, GPS Pira Gul Korpcna vice Amir Mohd terminated due to low merit.

TERMS AND CONDITIONS

1. They will be governed by such rules and regulations as may be prescribed by the Govt: time to time for the category of the Govt: servants to which they belong.
2. Their services will be liable to termination on one month notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. They should join the posts within one month of the issue of this notification.

the merit of Departmental Selection Committee.

5. Charge Report should be submitted to all concerned.
6. They shall be on probation for a period of two years and will have to pass Departmental examination. In case a candidate fails to qualify the Departmental Exam; he will be given one more chance. If, he fails again then his services will be terminated. On arrival/ availability of trained teachers, the services of untrained teachers occupies the post will be terminated.
7. Their original certificates/Degrees should be checked and verified from the concerning University/BISE/RDE and Islamic Madrassas concerned before handing over charge.
8. Service books of the teachers must be prepared complete in all respect before handing over charge.
9. The declaration of assets should be obtained from them immediately and placed on record.
10. They are required to produce Health and Age Certificate from Medical Authorities concerned before taking over charge.
11. Charge should not be given to the overage candidates. His case for age relaxation be sent to the concerned quarter.
12. Efforts for transfer before the completion of tenure will disqualify him from the service.
13. NO TA/DA is allowed.
14. An undertaking shall be obtained from Master and Degree holder PTC, that they will serve the Department for at least 5 years, unless be/they are selected by the Public Service Commission for any post.
15. In case of person appointed as an untrained teacher; he will have to pass the requisite training examination within a period of 4-years failing which his services will be terminated.

(TAIMUR JAN)
I/O DISTRICT EDUCATION OFFICER
(MALE) PRIMARY KOHAT.

2190-2245
Encl No. 3/14/2 Dated: 26/6/97
Copy forwarded for information to the:

1. Accountant General NWFP Peshawar.
2. Director of Education (Primary) NWFP Peshawar.
3. District Accounts Officer Kohat.
4. P/E to secretary to Govt: of NWFP Education Department Peshawar.
- 5-55. Officials concerned.

26/6/97
DISTRICT EDUCATION OFFICER
(MALE) PRIMARY KOHAT.

10 -

Dist. Govt. KP-Provincial
District Accounts Office Hangu
Monthly Salary Statement (November-2023)



Personal Information of Mr MINHAJ UD DIN d/w/s of SAJID DIN

Personnel Number: 00212545 CNIC: 1410107890079 NTN:
 Date of Birth: 25.04.1972 Entry into Govt. Service: 26.09.1995 Length of Service: 28 Years 02 Months 006 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80639884-DISTRICT GOVERNMENT KHYBE
 DDO Code: HG6161-District Hangu
 Payroll Section: 001 GPF Section: 001 Cash Center: 04
 GPF A/C No: EDUKT008260 GPF Interest applied **GPF Balance:** 822,636.00 (provisional)
 Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 17

Wage type		Amount	Wage type		Amount
0001	Basic Pay	57,580.00	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	740.00
2199	Adhoc Relief Allow @10%	501.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	5,610.00	2347	Adhoc Rel Al 15% 22(PS17)	5,610.00
2378	Adhoc Relief All 2023 35%	20,153.00			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	-1,063.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00	6075	Adj GPF	-5,620.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 17,006.88 Recovered till NOV-2023: 5,315.00 Exempted: 4251.58 Recoverable: 7,440.30

Gross Pay (Rs.): 101,338.00 Deductions: (Rs.): -12,908.00 Net Pay: (Rs.): 88,430.00

Payee Name: MINHAJ UD DIN
 Account Number: 4036-2 PLS
 Bank Details: MCB BANK LIMITED, 240304 DOABBA (MIAN BAZAR) HANGU, HANGU

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: SERO ZAI HANGU

City: HANGU Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address:
 City: Email: minhajbangash25472@gmail.com

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/8/2020

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

INDEX NO & EVEN DATE

Copy is forwarded to:-

1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. The Senior Member-Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
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)
(WAJDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

10/8/20
20/8/20

(Signature)

-12-
B/c

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)



[Handwritten signature]

WP4442-2023 AZIZULLAH VS GOVT OF PGIJ

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/E/AT/1-3/2020
Dated: Islamabad the June 06, 2023



62

Annexure - C

-13-

Subject: CHALLENGE REGARDING LIMITATION OF RULE 7(6) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER)
REGULATION AND (TRANSFERS) RULES, 1989.

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

Dear Sir,
I am directed in letter to your letter No. SO(Polcy-MY&SH/12-
2/Appointment/2023) dated (8.04.2023) in 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 the department notification dated 06.08.2020; thus, no
provision exists to decide or forgo promotion.

2. The basic rationale behind the said rule is aimed at preventing a
civil servant from temptation for illicit gain by seeking to a single lucrative post/position or to
prevent those who tend to forgo promotion to evade posting/transfer or show lack of respect
to higher responsibilities in case of promotion. Therefore, it is obligatory upon every
civil servant to accept promotion in every condition.
3. Furthermore, those 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,
(Asa Raza Khan)
Section Officer (Policy)

Section Officer (Policy)

Copy forwarded to the:-
1. PS to Special Secretary (Reg), Establishment Department
2. PS to Additional Secretary (Reg-II), Establishment Department
3. PS to Deputy Secretary (Policy), Establishment Department.

[Handwritten signature]

ASE
M
7/6

21.6.23
[Handwritten signature]

-14-
B/c

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)

(Enclt). 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)



-15-

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

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 herewith 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

OC

[Signature]
(MUHAMMAD Ishaq)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

OC

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

B/c

16

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

Annexure
0


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.

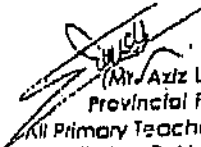
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

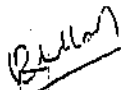
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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


(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



- B/c -

18-

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 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)

WP442-2023 AZIZULLAH vs GOVT OF PAK





No. 8145

Khyber Pakhtunkhwa, Peshawar

P.O. No. 34/SST/M/General Cases

Dated: 21-7-2023

Phone: 091-9223344

Email: establlimentinfo@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 in
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-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(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DRS-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

- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR,
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G.MBL/Minutes of meeting/PST/2023 dated 30-7-2023 on subject cited above and to present brief history, about background of case as under:-

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion & Transfer Rule 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 06-08-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/tosdown the offer of promotion.
- That your good office forwarded the same to a/units 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.





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 06th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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


(MUHAMMAD SHAH)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
23/8/23

Scanned with CamScanner

No. 50 (Primary-M) E3/SE/18-21/

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(5) in the

Civil Servant (Appointment, Promotion & Transfer Rules

1989).

Dear Sir,

I am directed to refer to your letter No. 50 (Primary

Policy) E3/AD

1-3/2020 dated 6th June 2023 and to state that after

deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment,

Promotion and Transfer Rules 1989) it has been intimated that

these 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 E3 SE Khyber Pakhtunkhwa.

2. PS to Secretary, E3 SE Department

(Khyber Pakhtunkhwa)

(Muhammad Ishaq)
Section Officer (Primary
Matter)

- b/c - 22 -

Annexure - F



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

23-

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.

- B/c -

24-

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)

25-
Annexure - G

No.

- 1) Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar
- 2) Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Civil Secretariat, Peshawar
- 3) Director Elementary and Secondary Education Department

Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

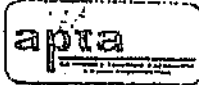
Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against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

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&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 26/01/2024


MINHAJ UD DIN

Aziz Ullah Khan
President
0333-0414648
a.azizullah1973@gmail.com
PT aptakpk



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

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

مہاب: میگزین دہلی و سیکڑوں ایجوکیشن خیبر پختونخوا
مہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب مال

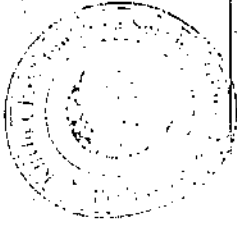
گزارش ہے کہ پروسٹن ہر ادارے میں ہوتے ہیں اور کہ سرکاری ملازم کی خواہش ہوتی ہے پروسٹن کا ایک قانون اور اگر ہاتھ جو ملازم ایک اگر کسی
مجرب کے تحت ایک دفعہ پروسٹن نہ لیں تو وہ پھر آٹھ ماہ سال تک پروسٹن نہیں لے سکتے تھے مطلب پانچ سال تک پھر اس کی پروسٹن نہیں ہو سکتی تھی
پھر اس قانون میں ترمیمی دعوت دی گئی پانچ سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروسٹن 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 پروسٹن ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای و ای کے مطابق کارروائی کر لے گا کہا گیا ہے
اور اصل یہ آئی نوٹیفکیشن بنیادی انسانی حقوق کی کل خلاف ورزی ہے سوسے کی دور اور اور پہلی ملازمین میں خاص کر خواتین اساتذہ کو انسانی مشکلات کا
سامنا کرنا پڑے گا
بیکہ عام حالات میں بھی ڈیڑھ سنی پروسٹن اور دور دورا بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خاندانی دشمنیاں
بھی ہوتی ہے ایسے حالات میں یہ نا نوٹیفکیشن جو SE & SB کی کاغذی لیزر کی جناب میں کیا گیا ہے جو بد قسمتی اور بنیادی انسانی حقوق کی خلاف ہے
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
ڈیڑھ سنی پروسٹن لینے کی ہولے ان کو مرضی سے لینے دیا جائے
اور پروسٹن نہ لینے کی صورت میں ہاتھ ہاتھ ہاتھ لیا جائے لیکن یہ ڈیڑھ سنی نہ کی جائے
اس سلسلے میں آپ نے جلد از جلد تمام (DEOs) ای ای اور کو ایک خصوصی مراسلہ جاری کیا جائے تاکہ اطلاع میں آپ سب سب / نہیں پرائمری اساتذہ کو ذہنی
الیت اور توجہ تک سے ہٹایا جائے
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر لاد چ کر کے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کوئی ایجنٹ مگر سب بھر کے پرائمری اساتذہ خصوصاً نہیں پرائمری اساتذہ کو اس ذہنی الیت سے ہمت دلائیں گے

شکریہ

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

27

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]
DIRECTOR
Punjab
Service Tribunal
Lahore

Date of Presentation of Application 10-6-23
 Number of 1
 Copies 5
 Urgent 5
 Total 5
 Name of 13-6-23
 Date of 13-6-23
 Date of Delivery of copy 13-6-23

[Handwritten signature]

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MINHAJ UD DIN
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

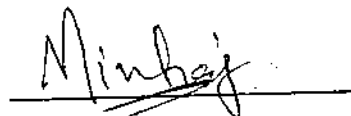
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

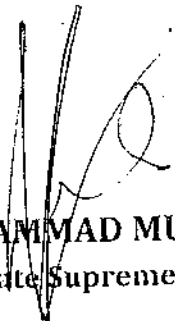
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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

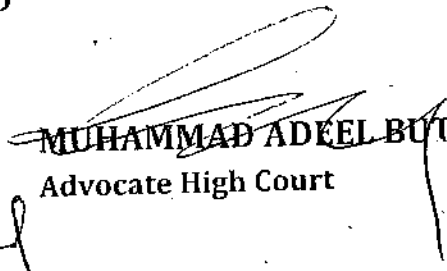


APPELLANT

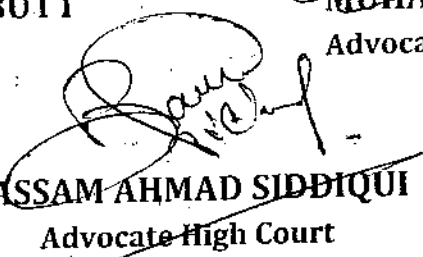
ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court