


FORM OF ORDER SHEET

Court of _____

Appeal No. 1646 /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 - 1646/24

Muhammad Tariq

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 1646 /2024

Muhammad Tariq Khan Son of Abdul Rashid Khan, PSHT
GPS Hakarya, Tehsil & District Mansehra

.....Appellant

VERSUS

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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

PRAYER:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.
Copy of Appointment letter is annexed as **Annexure A**

2. That as per Khyber Pakhtunkhwa (Appointment/ Promotion/ Transfer) Rules, 1989, as well as in other sister services of the other Provinces and Federation as well, availing of promotion by the employees is always optional and the employees as a matter of right may avail or forego their promotion and the next employee in seniority list is to be promoted.
3. That some employees specifically have foregone their promotion as they could not serve in the areas where there is no facility of accommodation and no houses of their elders are available to look after them in far-flung and solitary mountainous hard areas, and as per Section 25 of per KP Civil Servant Act, 1973, rules to the extent of terms and condition is framed by the Chief Minister and such promotion rules are not made applicable with retrospective effect. The rules framed are published in the Gazette notification and part and parcel of KP Civil Servant Appointment, Transfer and Promotion Rules 1989.
4. That Government of K.P without following the rules position mentioned in Para 6 above promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Respondent No.2 vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. The impugned Notification is reproduced as under:-

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

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020.
Copy of Impugned notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition.
Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action.
Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. Copy of Letter dated 23-08-2023 is attached as Annexure E

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F

10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the 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:-

GROUNDS:-

- 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 affects 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.

- c. 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.
Deponent

Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____/2024

Muhammad Tariq
VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, VIDE LETTER DATED 06/06/2023 TILL THE FINAL DISPOSAL OF CASE IN HAND.

Respectfully Submitted:-

1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification bearing No. So (Policy) E&D/1-3/2020 Dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 is not suspended the appellant would suffer irreparable loss.
4. That valuable rights of the appellant is involved in the case.

In view of the reasons, it is humbly requested that the notification bearing No. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.

AFFIDAVIT:

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


Deponent

Through


Appellant

Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

PROMOTION ORDER (SHT) (M) B-15

Office of the
District Education Officer
(Male) Mansehra

NOTIFICATION

In pursuance of Government of Khyber Pakhtunkhwa Peshawar Notification No SO(B&A) /1-18/P&SE /2012 Dated 11/07/2012 and subsequently Notification issued by the District Education Officer (Male) Mansehra Ed/Off: No. 1711-850 dated 25/02/2013, latter on held in abeyance by Office Order No 3066-3071 dated 30.03.2013, is revised under even No, date and condition.

The following Primary School Head Teacher B-15 are adjusted against newly upgraded Primary School Head Teacher

Post with immediate effect.

S.#	S.L.#	The Teachers of B-15 who already occupied the post in the same school				
1	23	AWWAL KHAN	GPS BHOGERMANG	BHOGARMANG	DHODIAL	GPS BHOGERMANG
2	29	ABDUR RAHMAN	GPS DADAR	BHOGARMANG	DHODIAL	GPS DADAR
3	333	MUHAMMAD FAROOQ	GPS BASOL	BHOGARMANG	DHODIAL	GPS BASOL
4	335	MUHAMMAD ASIF	GPS GRANTHALI	BHOGARMANG	DHODIAL	GPS GRANTHALI
6	624	AURANGZEB	GPS BHOGERMANG	BHOGARMANG	DHODIAL	GPS BHOGERMANG
8	833	NOOR HUSSAIN	GPS SULBANDI	BHOGARMANG	DHODIAL	GPS SULBANDI
7	78	AZIZ UR RAHMAN	GPS CHUNGARI	DEVLI JABAR	DHODIAL	GPS CHUNGARI
8	101	GHULAM SADIQ	GPS PANJOOOL BALA	DEVLI JABAR	DHODIAL	GPS PANJOOOL BALA
9	104	SHOUKAT ALI SHAH	GPS NALLA JABBAR	DEVLI JABAR	DHODIAL	GPS NALLA JABBAR
10	182	JEHANZEB	GPS CHILYANI	DEVLI JABAR	DHODIAL	GPS CHILYANI
11	184	MUHAMMAD RAFIQ	GPS TRADA	DEVLI JABAR	DHODIAL	GPS TRADA
12	208	SAEED AHMAD	GPS BELLA JABBAR	DEVLI JABAR	DHODIAL	GPS BELLA JABBAR
13	637	MOTABER SHAH	GPS KERI SYEDAN	DEVLI JABAR	DHODIAL	GPS KERI SYEDAN
14	845	ANWAR ZEB	GPS CHOTA PAYEEN	DEVLI JABAR	DHODIAL	GPS CHOTA PAYEEN
16	1021	MUKHTIAR HUSSAIN SHAH	GPS JABBAR	DEVLI JABAR	DHODIAL	GPS JABBAR
16	1028	SHABBIR HUSSIAN	GPS JABBAR GALI	DEVLI JABAR	DHODIAL	GPS JABBAR GALI
17	1031	MUHAMMAD IJAZ	GPS SUKAN	DEVLI JABAR	DHODIAL	GPS SUKAN
18	34	S ASHIQ HUSSIAN SHAH	GPS TARNAIN	DHODIAL	DHODIAL	GPS TARNAIN
19	39	MUHAMMAD SADIQ	GPS DULLA MAIRA	DHODIAL	DHODIAL	GPS DULLA MAIRA
20	121	AURANGZEB	GPS SHATAY NO2	DHODIAL	DHODIAL	GPS SHATAY NO 2

ATTESTED

PROMOTION ORDER PSPT (M) B-15

497	163	MUHAMMAD ZAHOOR	GPS SHOHAL MAZULLAH	SHOHAL MAZULLAH	BALAKOT	GPS SHOHAL MAZULLAH
498	258	ABDUL JALIL	GPS GALI SHOHAL	SHOHAL MAZULLAH	BALAKOT	GPS GALI SHOHAL
499	426	FIDA MUHAMMAD	GPS PAT SERI	SHOHAL MAZULLAH	BALAKOT	GPS PAT SERI
500	774	MUHAMMAD YOUSAF	GPS ALLARI BALA	SHOHAL MAZULLAH	BALAKOT	GPS ALLARI BALA
501	917	MUHAMMAD JAVED	GPS KALISH	SHOHAL MAZULLAH	BALAKOT	GPS KALISH
502	1058	BASHIF AHMED	GPS KUMMI	SHOHAL MAZULLAH	BALAKOT	GPS KUMMI
503	1201	MUHAMMAD SHAFEE	GPS JABARI KALISH	SHOHAL MAZULLAH	BALAKOT	GPS JABARI KALISH
504	1388	MUHAMMAD HAROON	GPS NAKA KAWARA	SHOHAL MAZULLAH	BALAKOT	GPS NAKA KAWARA
505	1392	ZUBAIR	GPS BAJMOHRI	SHOHAL MAZULLAH	BALAKOT	GPS BAJMOHRI
506	108	MUHAMMAD ILLYAS	GPS SUGDHAR	TALHATA	BALAKOT	GPS SUGDHAR
507	127	SARAJ AHMED	GPS TARIN BATTORA	TALHATA	BALAKOT	GPS TARIN BATTORA
508	208	MUHAMMAD SHAFIQ	GPS GUL MAIRA	TALHATA	BALAKOT	GPS GUL MAIRA
509	341	AHMED NAWAZ KHAN	GPS KOT BAHALLAH	TALHATA	BALAKOT	GPS KOT BAHALLAH
510	580	MASOOD UR REHMAN	GPS CHAPRA LOHARA	TALHATA	BALAKOT	GPS CHAPRA LOHARA
511	653	MUHAMMAD SADIQUE	GPS BATORA	TALHATA	BALAKOT	GPS BATORA
512	881	MUQADDER ZAMAN	GPS BAGGAH	TALHATA	BALAKOT	GPS BAGGAH
513	723	M. RAFIQUE	GPS LUNDA	TALHATA	BALAKOT	GPS LUNDA
514	740	SAJJAD AHMED KHAN	GPS KAGAL	TALHATA	BALAKOT	GPS KAGAL
515	946	MUHAMMAD AYAZ	GPS NOR SUM	TALHATA	BALAKOT	GPS NOR SUM
516	978	MOHIB HUSSAIN SHAH	GPS JAB KASHTRA	TALHATA	BALAKOT	GPS JAB KASHTRA
517	1197	SAJID KHAN	GPS HASSARI	TALHATA	BALAKOT	GPS HASSARI
518	1207	MUHAMMAD FARDOQ	GPS JABBI NO.1	TALHATA	BALAKOT	GPS JABBI NO 1
519	1215	MUHAMMAD FIAZ	GPS GUL SARI	TALHATA	BALAKOT	GPS GUL SARI
520	1238	MUHAMMAD RAFAQAT	GPS SARWAI	TALHATA	BALAKOT	GPS SARWAI
521	1265	M. FAROQ KHAN	GPS SARWAI	TALHATA	BALAKOT	GPS SARWAI
522	1427	ANIAZ AHMED	GPS PETEKA	TALHATA	BALAKOT	GPS PETEKA
The Teachers of B-15 Adjusted in other school of the Same Union Councils						
523	814	MUHAMMAD YOUSUF	GPS DADAR	BHOGARMANG	DHODIAL	GPS BASALA

ATTESTED

886	1292	MUHAMMAD IQBAL	GPS BANDA SHEKHAN	MALIK PUR	BAFFA	GPS RACHARI
887	1294	ABDUL SATTAR	GPS DARA BALAKOT	BALAKOT	BALAKOT	GPS NAKA KAWAI
888	1300	M ISHTIAQ	GPS LOHAR BANDA NO.2	CITY NO 4	MANSEHRA	GPS SINGALI
889	1309	MUHAMMAD RIAZ	GPS SAWAN BANDI	PAIRAN	MANSEHRA	GPS BATKARAR
890	1325	MUHAMMAD SIDDIQUE	GPS BAFA MERA NO.1	BAFFA	BAFFA	GPS JABI
891	1331	NASEER AHMED	GPS BAFFA MARA NO 1	BAFFA	BAFFA	GPS PANJOOL
892	1337	MUHAMMAD YOUNAS	GPS CHITTA BATTA	SANDASAR	MANSEHRA	GPS CHINI KOT
893	1338	MUHAMMAD NAWAZ	GMPS BAN KOTI	SHAIKAT ABAD	BAFFA	GPS BATI ARBORA
894	1348	M BANARAS	GPS HUSSANIAN	BEHALI	MANSEHRA	GPS CHAKAL BALA
895	1349	ARIF HUSSAIN	GPS TREADA	SHAIKAT ABAD	BAFFA	GPS NAWANSHER
896	1350	ABDUR REHEEM	GMPS DATA	DATTA	MANSEHRA	GPS CHAPARI
897	1351	MUHAMMAD SADAQAT	GPS BHER KUND MERA	BHERKUND	BAFFA	GPS HILL KOT
898	1354	SAKHAWAT	GMPS HARAYALTA	DATTA	MANSEHRA	GPS JEEGI
899	1355	SAJID HUSSAIN	GPS NARRAH	GARLAT	BALAKOT	GPS PULDRAN
900	1359	MUHAMMAD MUSHAL	GMPS AHMAD ABAD	MANSEHRA DEH	MANSEHRA	GPS BATDOGA
901	1383	ABDUL RASHEED	GMPS GHARIB ABAD	MANSEHRA DEH	MANSEHRA	GPS GIDDU BAGLA
902	1376	MURAD KHAN	GMPS FARID ABAD	BAFFA	BAFFA	GPS JABORI
903	1380	MUHAMMAD SAEED	GPS RANJA	CHATTAR PLAIN	PHULRA	GPS SHOAI BANDI
904	1395	MUHAMMAD RIAZ	GPS KALGAN	LABORKOT	MANSEHRA	GPS KARKA SYDAN
905	1411	MUHAMMAD HANIF	GMPS BUJIA	DATTA	MANSEHRA	GPS MALKANA
906	1420	MUHAMMAD SALEEM	GMPS LUNG	INAYAT ABAD	BAFFA	GPS SERI GALI
907	1425	MUHAMMAD BASHIR	GPS BAJNA	TANDA	BAFFA	GPS HARIAN BALA

Note:

Their Promotion is considered from the date of Promotion i.e 25/02/2013.

TERMS & CONDITIONS.

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA
Office Order No 9 / dated 24.3.92

APPOINTMENT.

Consequent upon their selection on merit, the following P.T.G trained candidates are hereby appointed in BPS Rs. 1095-80-1995 plus usual allowances as admissible under the rules with effect from the date of their taking over charge the against the newly created posts in the schools given against their names each in the interest of public service.

S.NO	NAME OF CANDIDATE, FATHER NAME AND RESIDENCE.	NAME OF SCHOOL WHERE APPOINTED	REMARKS.
1.	Fazalul Islam S/O Ahmad Khan R/O Kotly Paean	GPS Nisala Dular	Against Newly created post.
2.	Israrul Haq S/O Usrat Yousaf R/O Kotly Paean	GPS Kulharoy west	vice Mohd. Ayub retired from service.
3.	Mohammad Fiaz S/O Fazalur Rehman R/O Kot Ballah	GPS. Tarawara (Oghi)	Against newly created post.
4.	Anwar Khan S/O Behram Khan R/O Paras	GPS Narain	--do--
5.	Mohammad Ijaz S/O Noor Mohammad R/O Ohannial (Mansehra)	Msq: School Ogra	--do--
6.	Azizur Rehman S/O Mohammad Arfan R/O Pairan	Msq: School Moh:	--do--
7.	Mohammad Yousaf S/O Mahmood Khan R/O Karori Bala	Norh. Tarani GPS K. Jla	Against new created Ad post.
8.	Mohammad Tariq S/O Abdul Hoshid Khan R/O Jabbi (B/Kote)	GPS M. Karyia	vice Mohd. Retired.
9.	Sajjad Ahmad S/O Mohammad Ayub R/O Batkarar (B/Kote)	GPS Ogh Village	Against new created Ad post.
10.	Dost Mohammad S/O Malang Khan R/O Tikri (Battagram)	GPS Gujati B/Cram	Against Ad post.
11.	Shahid Y. Jamil S/O Mohammad Younis R/O Kotkay	GPS P. Dheri	Against Ad post.
12.	H. Ghulam B/O Mohammad Yusuf Shohal Najaf Khan	Msq: S'eet Pira	Against new created post.
13.	Mohammad Rafeqat S/O Mohammad Zarin R/O Kot Ballah	GPS Masain Bonda (Ogh)	newly created post.
14.	Mohammad Ishtiaq S/O Mohammad Younis R/O Haryala	Msq: school Bala	--do--
15.	Raja Babu Jehangir S/O R. Sultan R/O Behali.	Mutra in. GPS Bharaj	--do--
16.	Haq Nawaz S/O Khalilur Rehman R/O Hari Mera	Msq: School Khakoo. Gidder ur.	--do--

(Signature)
S. O. Tachar
S. O. Garhi Habibullah

Contd: Page 2.

S No 8 is verified

(Signature)
ASDEO
(Male) Circle Garhi Habibullah

ATTESTED

- 1. M. Abdul Din S/O Alaf Din GPS Badwar(B/Kote) vice Shakil Ahmad on long leave.
Kalas Bhangian
- 2. Sirajuddin MOHAMMAD S/O Msq: School Sunder Against Newly created
Mohammad Sharif R/O Mera Amjad Ali PTC post.
- 3. Mohammad Saeed S/O Mirza Mohammad --do--
Arfan R/O Ghanoor GPS Bagrian (Ochi)
- 4. Ashfaq Ahmad S/O Mohammad Yousaf Msq: School Mandiar --do--
R/O Mera Amjad Ali
- 5. Attaurehman S/O Saifullah GPS Sarwai Sh: Additional Post.
R/O @ Pore G.I.Ullah Mazullah
- 6. Mohammad Rehman S/O Attaurehman GPS Bateela Against vacant post.
R/O Rasheng Ialai
- 7. M Raja Mohammad Intiaz S/O R. GPS Jiskote Oghi Against Additional
Abdur Rashid R/O Trari post
- 8. Altaf Hussain S/O Safiullah GPS Miana Gali Against Newly created
R/O Pore G.I.Ullah post.
- 9. Mohammad Arif S/O Mohammad Rafique GPS Oghi Centre Additional post.
R/O Garlat
- 10. Ikhlaq Hussain Shah S/O Noor Ahmad Bagan Bala vice Javed on study
Shah R/O Mandi Jigan G.H.Ullah leave.
- 11. Said Nawab S/O Mohammad Khan Msq: School Utra Against newly created
R/O Mera Mada Khail K.D Made Khail.K.D post.
- 12. Mohammad Saleem S/O Mohammad GPS Zoonglay K.D Against Newly created
Ybrahim R/O Jhajja G.H.Ullah post.
- 13. Abdus Sattar R/O Faiz Mohammad GPS Miana Gali --do--
R/O Shinklari
- 14. Inayatullah S/O Said Ahmad R/O GPS Para Gato vacant post.
Pashto

NOTE. The occupant of the post if he should vacate the post and take over charge in the school from where he has been posted/adjusted against any one of the above mentioned newly created posts.

TERMS AND CONDITIONS:-

- 1. They should submit their charge reports to all the concerned.
- 2. Their appointment is purely temporal and can be terminated at any time without assigning any reason.
- 3. Their appointment is subject to the verification of their professional and academic certificates/documents.
- 4. Their pay will be drawn after the verification of their professional and academic certificates from the concerned issuing agency/organisation if found correct.

CONTD: PAGE 9.

ATTESTED

Age....(().....

6. Their original professional and academic certificates should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
7. Their pay will not be drawn till they produce their age and health certificates issued by the Medical Superintendent DHQ Mansehra.
8. They will be Governed under prescribed services rules of Govt of N.W.F.P.

[Handwritten Signature]

DISTRICT EDUCATION OFFICER(M),
PRIMARY MANSEHRA.

Endst.No. 1911-2074

Copy of the above forwarded to the-
1. P.O. Dated Mansehra the 24/3/92

2. Sub-Divisional Education Officer(M) Muzaff Mansehra & Battagram

3. All the candidates concerned.

4. O.O.File;

[Handwritten Signature]

DISTRICT EDUCATION OFFICER(M),
PRIMARY MANSEHRA.

ASBBE (Concerned)

to get the order implemented plz

[Handwritten Signature]

Dy. Dist. Education Officer (Male)
Primary Education / Mansehra

Attested

ASDEO
Male / Circle Garhi Habibullah

27/3

ATTESTED

-12-

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



Personal Information of Mr MUHAMMAD TARIQ KHAN d/w/s of ABDUL RASHID KHAN

Personnel Number: 00222025 CNIC: 1350113409193 NTN: 7085825-8
 Date of Birth: 28.10.1970 Entry into Govt. Service: 30.03.1992 Length of Service: 31 Years 10 Months 003 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80627427-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6337-District Mansehra

Payroll Section: 001

GPF Section: 001

Cash Center: 08

GPF A/C No:

GPF Interest applied

GPF Balance:

772,053.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 24

Wage type		Amount	Wage type		Amount
0001	Basic Pay	71,440.00	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	936.00
2199	Adhoc Relief Allow @10%	637.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,807.00	2347	Adhoc Rel Al 15% 22(PS17)	6,807.00
2378	Adhoc Relief All 2023 35%	24,311.00			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	-3,009.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 46,906.38 Recovered till JAN-2024: 20,138.00 Exempted: 11726.03 Recoverable: 15,042.35

Gross Pay (Rs.): 122,096.00 Deductions: (Rs.): -9,234.00 Net Pay: (Rs.): 112,862.00

Payee Name: MUHAMMAD TARIQ KHAN

Account Number: PLS 6347-0

Bank Details: NATIONAL BANK OF PAKISTAN, 230665 GARHI HABIBULLAH GARHI HABIBULLAH, MANSEHRA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: mtkjabbi@gmail.com

ATTESTED

Annexure - B-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the, 06/8/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTE NO & EVEN DATE

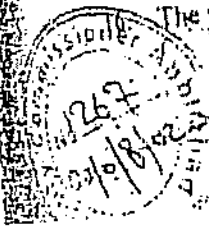
Copy is forwarded to:-

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

ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 25 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII) the chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)

ATTESTED

Annexure - C



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

62

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(6) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

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

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

Yours faithfully,

(Issa Mulyamud Khan)
Section Officer (Policy)

ASE
7/6

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)

ATTESTED

-16-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

To

The Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department.

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

Dear Sir,

I am directed to refer to your letter No SO(Primary.M/E&SED/2 - 2/Appointment/2023) dated 18.04.2023 on the subject noted above and to state that sub-Rule(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06-08-2020; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the ibid rule is aimed to preventing a civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

Yours faithfully,

(Issa Muhammad Khan)
Section Officer(Policy)

(Encl.) of even No & date

Copy is forwarded to :-

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

Section Officer
(POLICY)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.001-9223507)

No.SO (Primary-M)E&SE02-6/2023
Dated Peshawar (In. June 26th, 2023

To

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

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

[Handwritten Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten Signature]

[Handwritten Signature]
(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

[Handwritten Signature]

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

[Handwritten Signature]
ATTESTED

-18-
B/c
No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)


ATTESTED

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

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.


Annexure
①

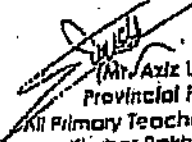
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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


ATTESTED

- B/C -

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 715 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. Rafaqat 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. Rafaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED



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 or mother-in-law who need care. In such cases, there are negative effects on service delivery.

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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

Scanned with CamScanner

WPA442-2023 AZIZULLAH VS GOVT CF PG43

ATTESTED

ATTESTED

Department of Education, Khyber Pakhtunkhwa
WP442-2023

(Muhammad Ishaq)
Section Officer (Primary
Work)

Copy forwarded to:
Director E & SE Khyber Pakhtunkhwa
PS to Secretary, E & SE Department

In this connection it is submitted that in some cases locally 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 fathers 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 locally teacher in primary schools.

Dear Sir,
I am directed to refer to your letter No. S.O. (Primary) /E&AD /1-3/2020 dated 07 June 2023 and to state that after deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion 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.

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

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

No. S (Primary-M) E&SE/1-3-21/
Appointment-Rule/2023
Peshawar Dated 23rd August, 2023.

To

- B/c -

- 12 -



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

Subject: - MINUTES OF THE MEETING

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

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 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 in 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 number of Female Teachers. Thus it is proposed that Teachers below DPE-16 may be exempted of implications of the amendment in the rules if 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

~~TESTED~~

ATTACHED

WP4442-2023 AZIZULHAH VS GOVT OF PERAK

2. Master Copy
1. PH to Director Local Directorate
Copy of the above to:
Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

The case is submitted for perusal and necessary action please.
In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have effected negatively a huge members of female teachers.

That in light of the minutes of the meeting dated 6-07-2023 held under the chairmanship of Hon. Additional Secretary Establish-ment at his office. This office has been asked for submission of consolidated case.
That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) E&ED/1-2/2020 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 your good office forwarded the same to quarters concerned vide letter No. 50 (Promotion) E&ED/2-2/Appointment-2023 for necessary guidance.
That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) E&ED/1-2/2020 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 Establish-ment at his office. This office has been asked for submission of consolidated case.
That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) E&ED/1-2/2020 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 your good office forwarded the same to quarters concerned vide letter No. 50 (Promotion) E&ED/2-2/Appointment-2023 for necessary guidance.
That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) E&ED/1-2/2020 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 Establish-ment at his office. This office has been asked for submission of consolidated case.
That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) E&ED/1-2/2020 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 your good office forwarded the same to quarters concerned vide letter No. 50 (Promotion) E&ED/2-2/Appointment-2023 for necessary guidance.

Dear Sir, I am directed to refer to letter No. (50-Promotion-M) E&ED/5-1/6004/Ministry of Meeting/15/2023 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) added rule 7(S) in Civil Servant (Appointment, Promotion, Transfer etc) vide notification No. 50-P-VI (E&ED) 1-3/2020 dated 06-08-2020.
That the 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/reject/turn down the offer of promotion.

To: DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KP
Section Officer (Primary-Male)
Elementary & Secondary Education Department
KPK, Peshawar.

PESHAWAR
(21-7-2023)

-B/C-
-24-

Annexure - F



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

ATTACHED

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

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

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

-25-

-26-

-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)

Encls. Of even No & date

Copy forwarded to the:-

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

Section officer (Policy)

WP4442-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

Annexure - G

To,

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

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

Sir/ Madam:-

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

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

Dated 30/03/2024

m. Fair
ATTESTED
Muhammad Tariq
Abdul Rashid Khan
PSHT

Khyber Pakhtunkhwa

Aziz Ullah Khan
President
0333-0412648
azizullah1973@gmail.com
aptaapkpi



APTA House
Govt. Primary School No.1,
Quibber Peshwar City.

آل پرائمری ٹیچرز ایسوسی ایشن (ایٹا) خیبر پختونخوا

Annexure - A

مہربان: سیکرٹری، ایسوسی ایشن، خیبر پختونخوا
آل پرائمری ٹیچرز ایسوسی ایشن، خیبر پختونخوا
جناب عالی

گزارش ہے کہ پروموشنز ہر اگست سے ہوتے ہیں اور سرکاری ملازم کی درخواستوں سے پروموشنز کا ایک ٹولہ ہوا کرتا ہے کہ جو ملازم ایک اگر کسی
بھروسہ کے تحت ایک دفعہ پروموشنز نہیں تو دوسرا آگے پار سال تک پروموشنز نہیں لے سکتے تھے مطلب پار سال تک ہر اس کی پروموشنز نہیں اور کئی تھی
پھر اس ٹولہ میں ترقوی رعایت کی گئی پار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروموشنز نہ لیں تو دوسرے سال لے سکتا ہے
لیکن اب ایک وقت پہلے ایک اور نوٹیفکیشن ہوا ہے
جس کے مطابق اب ہر ملازم پروموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ای ڈی کے مطابق کارروائی کر کے لاکھیا گیا ہے
دو ماہ سے آئی نوٹیفکیشن بنیادی انسانی حقوق کی کئی خلاف روئی ہے سب سے کہ دو روز اور پڑتی ملازمت میں فاس کر خواتین اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا
بیکر عام حالات میں بھی ترقی دہی پروموشنز اور دو روزا بیٹیا بنیادی انسانی حقوق کی خلاف روئی ہے کہ کہ خیبر پختونخوا میں بدستوری سے ملازمتی دشمنیاں
کیا ہوئی ہے ایسے حالات میں یہ خواتین نوٹیفکیشن جو E&SE کی کاغذاتس لیکر جناب میں کیا گیا ہے جو بدستوری اور بنیادی انسانی حقوق کی خلاف ہے
ہم اس کے خلاف ٹولہ پارہ ہوئی کا حق بھی منظور 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
ترقی دہی پروموشنز لینے کا بہانہ ان کو مرضی سے لینے دیا جائے
اور پروموشنز نہ لینے کی صورت میں ہاتھ دیا جائے لیکن یہ ترقی دہی کی جائے
اس سلسلے میں آپ جلد از جلد ہم (WEO) کو اطلاع دیں اور ایک خصوصی مراسلہ جاری کیا جائے تاکہ اساتذہ کو سبیل / سبیل پرائمری اساتذہ کو ترقی
الویت اور ترقی تک سے پہلایا جائے
کیونکہ نوٹیفکیشن جاری ہونے ہی پرائمری اساتذہ کو ترقی دہی طور پر ترقی کرنے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ ترقی دہی دیکھتے ہیں کہ آپ صاحبان کوئی ایکشن لیکر سب سے پھر کے پرائمری اساتذہ خصوصاً سبیل پرائمری اساتذہ کو اس ترقی الویت سے محبت دلائیں گے

شکریہ

عزیز اللہ خان صوبائی سیکرٹری
آل پرائمری ٹیچرز ایسوسی ایشن، خیبر پختونخوا

~~TESTED~~

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/commitments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/commitments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]
Muhammad Akbar Khan
Member (B)

Date of Presentation of Application 10-6-24
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of ---
 Date of 13-6-24
 Date of Delivery of copy 12-6-24

~~TESTED~~

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Muhammad Tariq

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