


FORM OF ORDER SHEET

Court of _____

Appeal No. 1649 /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-1649/24

Bushra Noreen

v/s

Government of KP & others

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ADVOCATE

M. Muazzam Butt

- 1 -

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 1649 /2024

Bushra Naureen Daughter of Aman Ullah, PSHT
GGPS Gul Bagh, Tehsil & District Hangu

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the 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 effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

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

[Signature]
Deponent

Through

[Signature]
Appellant

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court

[Signature]
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

Bushra Noreen
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

OFFICE OF THE EXECUTIVE DISTT OFFICER LITERACY & EDUCATION HANGU
NOTIFICATION:-
APPOINTMENT:-

Consequent upon, their selection by the District Departmental Committee, and approved by the District Nazim Hangu the following female-fresh FA/FSC candidate bologs to Hangu District are hereby appointed as PTC on contract basis as per policy of Govt NWFP Literacy & Education Department office notification No.SO(PE) 4-3/2001/PTC service rule/dated 22/01/2002 @Rs.4000/- P.M fixed for 3-years only in the best interest of public service with immediate effect. They will have to qualify themselves as PTC within three year as required under the rules.

S.No.	Name of Mistress	Father's Name	Merit Position	School where appointed	Remarks
1	Saima Iqbal Kohi Bagh Hangu	S.Iqbal Shah	41.54	GGPS Shahi Wari	Vacant Post
2	Nausheen Jamal Bahadar Garhi Hangu	Jamal Hussain	39.80	GGPS Wari Killa	Vacant Post
3	Sahifa Naz Moh: Bazo Kor Thall	Noor Karim	39.15	GGPS Thall No.3	Vacant Post
4	Rahat Jabeen Moh: Malik Abad Thall	M.Yousaf	38.69	GGPS Bilyamina No.1	Vacant Post
5	Rifat Nijat Ibrahimzal	Nijat Ali	37.44	GGPS Lahdi Khel	Vacant Post
6	Shagufta Gul Vill.&P/O Lohi Khel	Rajman Ali	37.58	GGPS Lahdi Khel	Vacant Post
7	Shabane Yasmin Moh: Malik Abad Hangu	Gul Habib	37.41	GGPS Nazim Banda	Vacant Post
8	Saffa Tahir	Tahir Ahmad	37.40	GGPS Garibo Killa	Vacant Post
9	Robina Ibrahimzal	Ali Zaman	37.35	GGPS Shahu Khel	Vacant Post
10	Fatima	M.Yousaf	37.04	GGPS Azim Banda No.1	Vacant Post
11	Safina Shaheen Moh: Malik Abad	Malik Dilawar Khan	36.80	GGPS Merobak	Vacant Post
12	Shazia Nisar Hangu	Akhtar Nisar	36.73	GGPS Pat Darband	Vacant Post
13	Nazifa Jamil Moh: Parachgan Thall	Jamil Badshah	36.17	GGPS Thall No.2	Vacant Post
14	Bi Bi Tehseen Fatima Ganjano Killa Hangu	Syed Riaz ul Hassan	35.77	GGPS Khosari Banda	Vacant Post
15	Noik Zana Moh Pass Killoy Hangu	Naqi Ghulam	35.43	GGPS Sial Talab	Vacant Post
16	Husna Zara Khawaja Khizer Jawzara Hangu	Khurshid Anwar	35.15	GGPS Dattan No.1	Vacant Post
17	Fara Naz Moh: Darul Uloom Thall	Khalid Shah	33.74	GGPS Thall No.1	Vacant Post
18	Madiba Aftab Moh: Ali Abad Ganjano Killa	S.Aftab Ali Shah	32.15	GGPS Bilyamina No.1	Vacant Post
19	Sakina Bi Bi Moh: Khan Bari Hangu	Pir Muhammad	31.18	GGPS Darari Banda	Vacant Post
20	Shazia Tabassum Moh: Malik Subal Khan Thall	Azmat Khan	30.36	GGPS Thall No.2	Vacant Post
21	Shafia Mishal Banda	Tahir Ahmad Mir	30.83	GGPS Bagatoo	Vacant Post
22	Najma Begum Thall.	Fazlur Rehman	30.15	GGPS Thall No.1	Vacant Post
23	Bushra Nourreen Moh: Khan Kohi Hangu	Amanullah Khan	29.65	GGPS Gul Bagh	Vacant Post
24	Sadia Perveen Moh Khan Bari Hangu	Janat Mir	29.62	GGPS Bari Killa.	Vacant Post
25	Shazia Muslim Abad Hangu	Faqir Mohd	29.31	GGPS Shaheed Abad	Vacant Post
26	Shabnum Saad Kohi Bagh Hangu	Saadud Din	29.21	GGPS Kohi No.1	Vacant Post
27	Shuasa Ubaid Moh: Khan Darbar Hangu	Ubaidullah	28.96	GGPS Kati No.1	Vacant Post
28	Bi Bi Zulfina Gul Moh Saray Hangu	Faiz Mohd: Khan	28.86	GGPS Kohi No.2	Vacant Post
29	Robina Jamil Station Road Hangu	M.Jamil	28.41	GGPS Karbagha.	Vacant Post
30	Shazia Tabassum Hangu	Ajmir Shah	28.26	GGPS Karbagha	Vacant Post
31	Rashida Qadoos Moh: Khan Sahib Thall	Abdul Qadoos	28.18	GGPS Thall No.1	Vacant Post
32	Ulfat Nijat Ibrahimzal Hangu	Nijat Ali	27.98	GGPS Tugh Sarai No.1	Vacant Post

TERMS & CONDITION

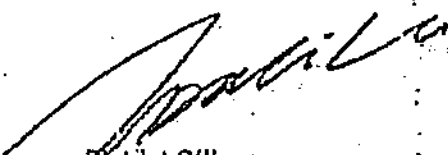
1. Their appointment is made on contract basis in BPS 7 (Fixed) for three years which will be expected to continue on showing good performance/result and punctuality in attendance.
2. They will also execute an agreement bond on prescribed form provided by the Govt of NWFP for three years.
3. If any candidates is lilled to resume her duty within stipulated period of fifteen days of the issued of this order of appointment will be considered as cancelled.
4. If the age of any candidates is less then 18 years or above then 39 years their appointment orders will also be considered as cancelled.
5. Charge report should be submitted to all concerned, in duplicate
6. No TA/DA is allowed.
7. Their service are liable to termination/at any time without reasons being as signed.
8. This appointment does not confer on them any right to claim seniority over their counterpart or those who have higher marks and have not been appointed so far for one or other reasons.
9. Their appointment is subject to further conditions that they are domicile of Hangu Distt:
10. They will be governed by such rules and regulations as may be prescribed by Govt from time to time for the category of the Govt servants which they belong.
11. Their pay will not be drawn by the concerned DDO till the processes of verification of their documents is completed.
12. The DDO is responsible for verification of their documents before handing/taking over charge and in case any of their documents proved fake, their appointment will be considered as cancelled without any right are privilege.
13. Health and age certificate must be obtained from Medical supdt concerned.
14. They should be on probation period of three year and will neither apply for long leave nor seek admission in any college/university.
15. They will have to qualify their self by passing PTC Examination within three years.

ANEES-UL-HASSAN
Executive Distt: Officer
Schools & Literacy Hangu

Endsl No: 988-1000/PTC/ dated 28/10/2002

Copy forwarded for information and necessary action to the:-

1. Director Schools & Literacy NWFP Peshawar with the request that the Finance Deptt: NWFP Peshawar may please be approached abolishing and re sanction of the above mentioned posts on monthly wages basis @Rs.4000/- PM w.e.f 01/11/2002
2. Secretary Education and Literacy Department NWFP Peshawar
3. DCO Hangu
4. District Nazim Hangu
5. District Officer Primary Education Hangu
6. DAO Hangu
7. ADO Establishment/TS(F) Local office Hangu
8. Superintendent Pry Branch Hangu
9. Dy Distt Officer (F) Hangu
10. Candidates Concerned.


District Officer
Schools & Literacy Education
Hangu

- 8 -
 Dist. Govt. KP-Prachiatal
 District Accounts Office Hangu
 Monthly Salary Statement (January-2024)



Personal Information of Mrs BUSHRA NAUREEN d/o of ASANULLAH KHAN
 Personnel Number: 00210102 CNIC: 141017124088 NIN:
 Date of Birth: 28.07.1975 Entry into Govt. Service: 01.11.2002 Length of Service: 21 Years 03 Months 00 Days

Employment Category: Vocational Temporary
 Designation: PRIMARY SCHOOL HEAD TEACH B0002018-DISTRICT GOVERNMENT KHYBER
 DDO Code: 1176019
 Payroll Section: 001 GPF Section: 001 Cash Center: 01
 GPF AC No: GPF Interest applied GPF Balance: 699,360.00 (provisional)
 Vendor Number: -
 Pay and Allowances: Pay scale: BPS Por - 2022 Pay Scale Type: Civil BPS 15 Pay Stage: 14

Wage type	Amount	Wage type	Amount
0001 Basic Pay	51,640.00	1001 House Rent Allowance 45%	1,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	1550 Special Allowance	400.00
2148 15% Adhoc Relief All-2013	600.00	2199 Adhoc Relief Allow @10%	410.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	4,412.00
2547 Adhoc Rel All 15% 22(DS17)	4,812.00	2378 Adhoc Relief All 2023 35%	17,241.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-1,040.00	3990 Emp. Edu. Fund KPK	-175.00
4004 R. Benefits & Death Comp:	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 12,232.18 Recovered till JAN-2024: 7,035.00 Exempted: 0.47- Recoverable: 5,197.05

Gross Pay (Rs.): 91,599.00 Deductions: (Rs.): -7,265.00 Net Pay: (Rs.): 84,334.00

Payee Name: BUSHRA NAUREEN
 Account Number: 7100004001 PLS
 Bank Details: HABIB BANK LIMITED, 220234 MAIN BAZAR, HANGU, MAIN BAZAR, HANGU, HANGU

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: KOTHI BAGH HANGU
 City: HANGU Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email: bushranaureenp@yahoo.com

System generated this report in its random mode with APPAR 1.6.12 v2 (10/06/2024) 2024/01/01
 * All amounts are in Pak Rupees
 * Errors & omissions excepted (S1 BY) (15/02/02 2024/19 38 16)

ATTESTED

ATTESTED

DEPUTY SECRETARY (POLICY)
(WAZIRIYA TALUK)



[Handwritten signature]

- 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. The Principal Secretaries in Khyber Pakhtunkhwa.
- 7. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Peshawar High Court, Peshawar.
- 12. The Registrar, 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.
- 16. The Section Officer (Admin), Administration Department.
- 17. The Section Officer (Admin), Administration Department.
- 18. The Section Officer (Admin), Administration Department.
- 19. The Section Officer (Admin), Administration Department.
- 20. The Section Officer (Admin), Administration Department.

EXISTENCE NO & REVENUE DATE

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

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

AMENDMENT

In exercise of the powers conferred by section 25 of the Khyber Pakhtunkhwa Civil Servants Act No. XVIII of 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:

NOTIFICATION

Dated Peshawar the 06/8/2020

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

[Handwritten signature]

Annexure - B -

-10-

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)**

NOTIFICATION
Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

**CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**


(ANDS): & EVEN DATE

Copy is forwarded to :-

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

**(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)**

ATTESTED



Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/KAD/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(5) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,

1. I am directed in refer to your letter No. SO(Prietary-MY)M&SUD/2-
2/Appointment/2023 dated 12.04.2023 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 this department notification dated 06.08.2023; 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 (or like pain 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.

ASE
7/6

Yours faithfully,

(Issa Dildar Muhammad Khan)
Section Officer (Polcy)

Encls. Of even No & date
Copy forwarded to the:-

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

Section Officer (Polcy)

ATTESTED

-12-

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)

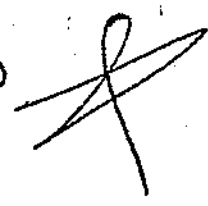
(Encl). of even No & date

Copy is forwarded to :-

PS to Special Secretary (Reg), Establishment Department.
PA to Additional Secretary (Reg-II), Establishment
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.091-9223587)

N.O (Primary-M/E&SED/2-5/2023
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

[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 05 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

ATTESTED

-14-
B/c
No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT CF PG43

~~ATTESTED~~

- 13 -

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

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
□

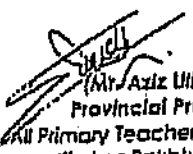
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

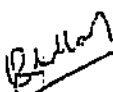
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED

- 16 -

- B/C -

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

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

S/1	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

(Abdulrah)

Additional Secretary (Establishment)

ATTESTED

~~ATTACHED~~

WP442-2023 AZIZULLAH VS GOVT OF POK

Assistant Director (Establishment & Secondary Education) Khyber Pakhtunkhwa

Copy of the above is:-
1. PA to Director, Local Directorate.
2. Master Copy.

Assistant Director (Establishment & Secondary Education) Khyber Pakhtunkhwa
21/07/2023

The case is submitted for perusal and necessary actions please.

G.Mix/Mingus of the meeting/ST/2023 dated 10-07-2023 on the subject cited above and in present brief history about the background of the case as under:
I am directed to refer to the letter No.SOR/Primary-4/E&SED/23-17 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) vide notification No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020 and 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-4) 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-4) E&SED/2-2/Appointment/2023 dated 12-06-2023.
That, in the light of the minutes of meeting held 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(2) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DF-16 may be exempted of implications of the amendment in the rules provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.
The case is submitted for perusal and necessary actions please.

MINUTES OF THE MEETING

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

Subject -
Dear Sir,



No. 8145

Khyber Pakhtunkhwa, Peshawar
P.O. No. 34/SS/TV/General Correspondence
Phone: 091-9923344
Email: establishment@pki.gov.pk
Date: 21-7-2023

ATTACHED

WP4443-2023 AZIZULHAH VS GOVT OF PERAK

Assistant Director
Elementary & Secondary Education
Kedah Bahru, Alor Setar

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

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

That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Education at his office. This office has been asked for submission of consolidated case.

That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQAD/1-3/2020 dated 8-06-2023 (revised) 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. SO (Policy) EQAD/2-2/Appointment/2023 for necessary guidance.

That this office sought guidance from your good office in the following words vide letter No. EQB dated 06-07-2023. (i) Now it is obligatory upon civil servant to accept promotion. (ii) If a prerogative of civil servant to either accept/demand the offer of promotion.

That Government of KP established department (Regulation Wing) vide notification No. SO-VR-VI (EQAD) 1-3/2020 dated 06-08-2020. Minutes of meeting/PST/2023 dated 30-7-2023 on subject cited above and for present brief history, about background of case as under.

I am directed to refer to letter No. (SO Policy-M) EQAD/5-1/GMB/2023 dated 30-7-2023 on subject cited above and for.

Section Officer (Primary-Male)
Elementary & Secondary Education Department
KPK, Peshawar.
Subject: Minutes of Meeting
Dear Sir,
To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
PESHAWAR
(21-7-2023)

-B/C-

-18-



-17-

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

No. SO/Primary-M/E&SED/2-2/Appointment-Rule-7/2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Dear Sir,

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

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

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


(MUHAMMAD ISMAIL)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT CF PG43

ATTESTED

-B/c-

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

To

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

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

Dear Sir,

I am directed to refer to your letter No. So (Primary) (Policy) / E & AD /
1-3/2020 dated 8th June 2023 and to state that after
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,
Promotion and Transfer Rules 1989) it has been intimated that
those officers/officials who do not comply with promotion order
of the competent authority or try to evade promotion through
different means shall be proceed under Khyber Pakhtunkhwa
Civil Servant (Efficiency and Discipline) Rule 2011.

In this connection it is submitted that in some cases lady
teacher of primary level who avail such promotion have to
face serious inconvenience while they have to perform duties
in the remotest stations with no residential / transport facilities.
Most of them are married with kids and elder father of
Mother-in-law who need care. In such cases there are negative
effects on service delivery.
In view of above, the said amendment may be reconsidered to
the extent of lady teacher in primary schools.

Copy forwarded to;

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

(Muhammad Ishaq)
Section officer (Primary)
Male

ATTESTED

Annexure - F



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

To

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

Subject: -

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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.


ATTESTED

WP-1442-2023 AZIZULLAH VS GOVT OF PK

-2/-

-22-
- B/c -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encl. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

WP4443-2023 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:-

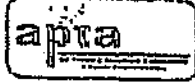
Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. 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. 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


Bushra Noreen
ATTESTED
By Aman Ullah
PSHT

Aziz Ullah Khan
President
0333-8414648
azizullah1973@gmail.com
aptpkpk



APTA House
Govt. Primary School No.4,
Gulshar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (ایچا) خیبر پختونخوا

Annexure - A

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

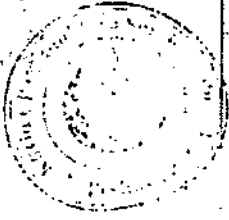
گزارش ہے کہ پروفیسر ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش اولیٰ ہے پروفیسر کا ایک سالوں ہونا کہتا کہ ہر ملازم ایک اگر کسی
پروفیسر کے تحت ایک دوسرے پروفیسر ہیں تو وہ ہر آگے چار سال تک پروفیسر نہیں لے سکتے تھے سبب چار سال تک ہر اس کی پروفیسر نہیں ہو سکتی تھی
پھر اس سالوں میں تھوڑی مددیت دی گئی چار سال ڈال پت عزم کر دی گئی کہ اگر ایک ملازم ایک سال پروفیسر نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتہ پہلے ایک اور نوٹیفکیشن آیا ہے
جس کے مطابق اب ہر ملازم پروفیسر نہ لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ای ڈی کے مطابق کارروائی کرنے کا کہا گیا ہے
اور اصل یہ آخری نوٹیفکیشن بنیادی السالی حق کی مکمل خلاف ردی ہے جس کے دو روز اور پہلی ملازمت میں غائب کر خواتین امتداد کے انتہائی مشکلات کا
سامنا کرنا پڑے گا
جبکہ عام حالات میں بھی فوری پروفیسر اور دوسرا بیہنا بنیادی السالی حق کی خلاف ردی ہے کہ ایک فیکر پختونخوا میں پروفیسر سے غائب اور دشمنی
میں ہوتی ہے ایسے حالات میں یہ جانو نوٹیفکیشن جو EASE کی کاغذات لیکر کی جواب میں کیا گیا ہے جو بدلتا اور بنیادی السالی حق کی خلاف ہے
ہم ان 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 کہ پرائمری امتداد کے (Relaxation) دیا جائے اور ان کی
رہدہ پروفیسر لینے کی بجائے ان کی مرضی سے لینے دیا جائے
اور پروفیسر لینے کی صورت میں امتداد ہٹا دیا جائے لیکن یہ رہدہ پروفیسر کی جائے
اس سلسلے میں آپ جلد از حد (DRO) ای او ای ڈی کو ایک قسم کی مراحل جاری کیا جائے تاکہ امتداد میں پ میں / لیبل پرائمری امتداد کو ذہنی
الوت اور تازگی سے تیار کیا جائے
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری امتداد کو ذہنی طور پر تازگی کرنے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان فوری ایکشن لے کر سب سے پہلے پرائمری امتداد خصوصاً لیبل پرائمری امتداد کو ان ذہنی الوت سے نجات دلائیں گے

عکریہ

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

ATTESTED

07.05.2024



1. Learned counsel for the appellant present.

2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/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]
Secretary
National Commission for Human Rights
Islamabad

Date of Presentation of Application 10-6-23
 Number of 1-1
 Copying 5/-
 Urgent 5/-
 Total 5/-
 Name of ---
 Date of 13-6-23
 Date of Delivery of copy 17-6-23

ATTESTED

WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Bushra Noieen

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

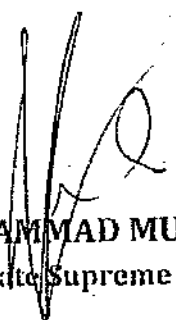
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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