


FORM OF ORDER SHEET

Court of _____

Appeal No. 1650 /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 = 1650/2024
Muhammad Sardar

V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 1650 /2024

Muhammad Sardar Son of Ali Akbar, PSHT
GPS Dher, 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

P R A Y E R:

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.
- d. 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.

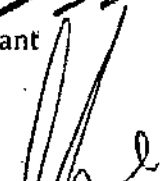
AFFIDAVIT:

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.

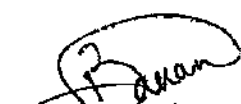

Deponent


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 Sardar
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
District Education Officer
(Male) Manshra

NOTIFICATION

In pursuance of Government of Punjab Pakistan Khawar Fardaws Notification No SO/BZA/1112/E&SE/21 Dated 11/07/2012 and subsequently Notification issued by the District Education Officer (Male) Manshra No 1711-650 of 25/02/2013, later on hold in abeyance by Office Order No 3096-3071 dated 30.02.2013, is revised under even No, date and conditions

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 DHOGERMANG	BHOGARMANG	DHODIAL	GPS BHODIRMAN
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
5	624	AURANGZEB	GPS UNDGERMANG	BHOGARMANG	DHODIAL	GPS BHOGERMANG
6	933	NOOR MUSSAIN	GPS SULBANDI	BHOGARMANG	DHODIAL	GPS SULBANDI
7	76	AZIZ UR RAHMAN	GPS CHUNGARI	DEVLI JABAR	DHODIAL	GPS CHUNGARI
8	101	GHULAM SADIQ	GPS PANJOL BALA	DEVLI JABAR	DHODIAL	GPS PANJOL BALA
9	104	MUKHTAR ALI SHAH	GPS NALLA JABBAR	DEVLI JABAR	DHODIAL	GPS NALLA JABBAR
10	102	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	537	MOTABER SHAH	GPS KERI SYEDAN	DEVLI JABAR	DHODIAL	GPS KERI SYEDAN
14	845	ANWAR ZEEN	GPS CHOTA PAYEEN	DEVLI JABAR	DHODIAL	GPS CHOTA PAYEEN
15	1021	MUKHTAR 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 SUKIAN	DEVLI JABAR	DHODIAL	GPS SUKIAN
18	34	SASHIQ 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 NOZ	DHODIAL	DHODIAL	GPS SHATAY NOZ

~~CONFIDENTIAL~~

793	MIR AFZAL	GPS RIAZ ABAD	PERHINA	PHULRA	GPS CHACHIAN
840	MUHAMMAD MUS-ITAQ	GPS THATHI KHURD	PERHINA	PHULRA	GPS LUBBER
854	MUHAMMAD BAEED	GMPB DEEDAL	PERHINA	PHULRA	GPS GALLIAN
878	HAQ NAWAZ	GPS PARIHINA VILLAGE	PERHINA	PHULRA	GPS PAMWAY
1408	ALI SARWAR	GPS RIAZ ABAD	PERHINA	PHULRA	GPS HARI JANDA
176	TAJ MUHAMMAD	GMPB GHOARA	PHULRA	PHULRA	GPS CHAINA GHAZIKOT
202	MUHAMMAD BASHIR	GPS TERMARY	PHULRA	PHULRA	GPS KALWAL
712	MUHAMMAD FAYYAZ	GPS AHL SERRI	PHULRA	PHULRA	GPS KALIGATTI
1083	KHALID HABIB	GMPB TANGER	PHULRA	PHULRA	GPS GULFA
863	MUHAMMAD SAIED	GMPB KHALSAL	SAWAN MAIRA	PHULRA	GPS KOTLA SIRI
1053	MUHAMMAD JAVED	GPS BANDI GULO NO1	SAWAN MAIRA	PHULRA	GPS BANDI GULO NO2
1426	MUHAMMAD SARGAR	GPS MONAR	SAWAN MAIRA	PHULRA	GPS DHER ✓
173	MUHAMMAD MASKEEN	GMPB KARA	GHANCOL	KAGHAN	GPS SANGAR SERIAN
685 A	MUHAMMAD BASHIR	GPS BUDWAR	GHANCOL	KAGHAN	GPS DABRIAN
701	ABDUL QAYYUM	GMPB KHAT DANGIAN	GHANCOL	KAGHAN	GPS GOR BANDI
986	GHULAM QARI	GMPB SAN DHORI	GHANCOL	KAGHAN	GPS KARI GALI
1059	M. RAFIQUE	GPS BATTIAN	GHANCOL	KAGHAN	GPS GALI GHANCOL
1188	SAHFRAZ	GMPB KHAT SAMJUNDAR ICHAN	GHANCOL	KAGHAN	GPS DANGIAN
1391	ABDUS SALAM	GPS BHATIAN	GHANCOL	KAGHAN	GPS THAWAN GHANCOL
218	MUHAMMAD ZAHIDUR	GMPB KALAD RAJWAL	KAGHAN	KAGHAN	GPS KAMARI
683	JEWAN ZED	GMPB BODRAWAI	KAGHAN	KAGHAN	GPS DANB
682	MUHAMMAD IQBAL	GPS SAOCH	KAGHAN	KAGHAN	GPS BATA KUNDI
700	MUHAMMAD AJMAL	GPS KAGHAN	KAGHAN	KAGHAN	GPS KAYAM (KAGHAN)
1405	MUHAMMAD SIDDIQUE	GMPB NALLA DADAR	KAGHAN	KAGHAN	GPS SONE BATAKUNDI
1116	IFTIKHAR	GPS THUNIAN	KAWAI	KAGHAN	GPS BOONJA
1119	ZIA UL HAQ	GMPB BHUNGAN BHOONJA	KAWAI	KAGHAN	GPS KUNAR DANA
1332	MUHAMMAD ANWAR	GMPB BHOONJAH	KAWAI	KAGHAN	GPS KOHALEY
647	MUHAMMAD IFTIKHAR	GMPB CHAPORIAN	MOHANDRI	KAGHAN	GPS BISHLA MANDOR

PROMOTION ORDER (P/1/T/AM/13-15)

1272	MUHAMMAD IQBAL	GPS BANDA SHEKHAN	MAKHPUR	BAFFA	GPS KACHARI
1284	ABDUL SATTAR	GPS BARA BALAKOT	BALAKOT	BALAKOT	GPS NAKA KAWA
1300	MISHTIAD	GPS LOHAR BANDA NO 2	CITY NO 4	MANSEHRA	GPS SINGALI
1308	MUHAMMAD RIAZ	GPS GAWAN BANDA	PAIRAN	MANSEHRA	GPS BATKALAS
1325	MUHAMMAD SIDDIQUE	GPS NAFA MERA NO.1	BAFFA	BAFFA	GPS LABI
1331	NASEER AHMED	GPS BAFFA MARA NO 1	BAFFA	BAFFA	GPS PANJOL
1337	MUHAMMAD YOUSAF	GPS CHITTA BATTA	SANDASAR	MANSEHRA	GPS CHIN KOT
1338	MUHAMMAD NAWAZ	GMPS BAJ KOTI	SHAUKAT ABAD	BAFFA	GPS BATI ARBORA
1341	M HANARAS	GPS HUSSANIAN	BEHALI	MANSEHRA	GPS CHAKAL BALA
1348	ALIF HUSSAIN	GPS TREADA	SHAUKAT ABAD	BAFFA	GPS NAWANSHER
1350	ABDUL REHEEM	GMPS DATTA	DATTA	MANSEHRA	GPS CHAFARI
1351	MUHAMMAD SAADAT	GPS DHER KUND MERA	DHERKUND	BAFFA	GPS HILL KOT
1354	SADIAWAT	GMPS HARAYALLA	DATTA	MANSEHRA	GPS JEEGI
1365	SAJJU HUSSAIN	GPS NARRAH	GARLAT	BALAKOT	GPS FULDRAN
1368	MUHAMMAD MUSHAL	GMPS AHMAD ABAD	MANSEHRA DEH	MANSEHRA	GPS BATDOGA
1383	ABDUL RASHEED	GMPS GHARIB ABAD	MANSEHRA DEH	MANSEHRA	GPS GIDDU DAGLA
1378	MURAD KHAN	GMPS FARID ABAD BAFFA	BAFFA	BAFFA	GPS JABORI
1388	MUHAMMAD SAEEED	GPS RANJA	GHATTAR PLAIN	PHULIA	GPS SHOAI BANCI
1395	MUHAMMAD RIAZ	GPS KALGAN	LABOTIKOT	MANSEHRA	GPS KARKA SYDAN
1411	MUHAMMAD HANIF	GMPS BUJIA	DATTA	MANSEHRA	GPS VALKANA
1420	MUHAMMAD SALEEM	GMPS LUNG	INAYAT ABAD	BAFFA	GPS SERI GALLI
1425	MUHAMMAD BASHIR	GPS BAJNA	TANQA	BAFFA	GPS HARIAN WALA

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

5 & CONDITIONS

They would be on probation for a period of one year extendable for another one year.

They will be governed by such rules and regulations as may be issued from time to time by the Government.

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.

(CONTINUED ON PAGE NO-2)

1	MR. S. S. SINGH	1	MR. S. S. SINGH
2	MR. S. S. SINGH	2	MR. S. S. SINGH
3	MR. S. S. SINGH	3	MR. S. S. SINGH
4	MR. S. S. SINGH	4	MR. S. S. SINGH
5	MR. S. S. SINGH	5	MR. S. S. SINGH
6	MR. S. S. SINGH	6	MR. S. S. SINGH
7	MR. S. S. SINGH	7	MR. S. S. SINGH
8	MR. S. S. SINGH	8	MR. S. S. SINGH
9	MR. S. S. SINGH	9	MR. S. S. SINGH
10	MR. S. S. SINGH	10	MR. S. S. SINGH
11	MR. S. S. SINGH	11	MR. S. S. SINGH
12	MR. S. S. SINGH	12	MR. S. S. SINGH
13	MR. S. S. SINGH	13	MR. S. S. SINGH
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17	MR. S. S. SINGH	17	MR. S. S. SINGH
18	MR. S. S. SINGH	18	MR. S. S. SINGH
19	MR. S. S. SINGH	19	MR. S. S. SINGH
20	MR. S. S. SINGH	20	MR. S. S. SINGH

Following PTC Trained Candidates are hereby appointed in
 BPS No-7 & (HS-1095-60-1995) plus usual allowances as
 admissible under the rule with effect from the date of their taking
 over the charge when the newly created/vacant posts in the
 people given against their names in the interest of public
 service.

APPOINTMENT

OFFICE ORDER NO. 29.
 DATED:- 29/04/1993.

OFFICE OF THE DISTRICT EDUCATION OFFICER (JUNIOR) PRIMARY MANERNA.

Journal Bala

TERMS & CONDITIONS.

- They should submit their charge reports to all concerned.
- Their appointment is purely on temporary basis and can be terminated at any time without assigning any reason.
- Their appointment is subject to the verification of their original professional and academic certificates/documents.
- Their original professional and academic certificate should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
- No one should be tasked over charge if he is below 18 years and above 25 years.
- Their payroll not be drawn till they produce age and health certificate by the medical superintendent District Head Quarter Hospital Manshera.
- The candidates who received their Professional Qualifications from the College/Universities other than Government Elementary Colleges in N.W.F.P will be appointed according to their merit order after the verification of their Professional Qualification from the concerned issuing agencies.
- They will be governed under prescribed Service Rule framed by the Government of N.W.F.P.

[Signature]
29/4/93

(Sd/- UD-DIN)
DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY MANSEHRA.

dat: NO. 2583-2620/GD/G-1/93 Dated Manshera the 29/04/1993.

Copy of the above is forwarded to the :-

Director Primary Education N.W.F.P (Hayatabad) Peshawar.

1) Sub Divisional Education Officer (M) Manshera & Battagram.

District Account Officer Manshera.

2) All the Candidates Concerned.

[Signature]
29/4/93

DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY MANSEHRA.

ATTESTED

DEPUTY SECRETARY POLICE
(WAZIRAH LATIF)

ATTESTED



- 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. The Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
 4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
 5. The Principal Secretary to Government, 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 Public Service Commission, Peshawar.
 12. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
 13. The Deputy Director (IT, E&A Department, Administration Department with the request to all Section Officers in Establishment & Administration Department).
 14. The Section Officer (Admn), Administration Department.
 15. The Section Officer (Admn), Administration Department.
- The Carriers, Administration Department, arrange 20 gazette copies.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

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

AMENDMENT

Following further amendment shall be made, namely:

(1) The Chief Minister of Khyber Pakhtunkhwa (Appointment, Retention and Transfer) Rules, 1989, the Government of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants Act No. XVIII of 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) in clause of the powers conferred by section 25 of the

Dated Peshawar the 06/08/2020

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

Annexure - B

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



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223507)

No. SO (Primary-M)/E&SED/2-5/2023
Dated Peshawar the June 26th 2023

To

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

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

[Handwritten Signature]
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(B) 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 08 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 (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 SHAQ)
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

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)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(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-MY)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 Mulyamand Khan)
Section Officer (Polcy)

ASSE
7/6

Encl. Of even No & date
Copy forwarded to:-

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

SE/PP/9

2023
21/6/23

Section Officer (Polcy)

ATTESTED

-14-

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

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

- 17 -

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


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

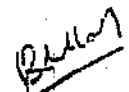
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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
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

WP4442-2023 AZIZULLAH VS GOVT OF PG43


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(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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)


ATTESTED



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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated
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.

(Signature)
SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT CF PG43

(Signature)
ATTESTED

ATTESTED



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

(Muhammad Ishaq)
Section Officer (Primary)
(Male)

Copy forwarded to:
In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.
Mother-in-law who need care. In such cases there are negative effects on service delivery.
Most of them are married with kids and elder father of in the remotest stations with no residential/transport facilities. face serious inconvenience while they have to perform duties teacher of primary level who avail such promotion have to In this connection it is submitted that in some cases lady different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.
of the competent authority or try to evade promotion through those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(5) (Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 27 June 2020 and to state that after I am directed to refer to your letter No. SO (Primary) (Policy) /E&AD Dear Sir,

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

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

No. 5 (Primary-M) E&SE/18-8/1
Appointment - Rule/2023
Reference Dated 23rd August, 2023.

-8/c-
-12-
-20-

ATTESTED

WP4442-2023 AZIZULLAH VS GOVT OF PG43

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

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

Copy of the above is to:-

Assistant Director (Exst-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
21/7/2023

The case is submitted for perusal and necessary actions please.

- Departmental Promotion Committee.
- Teachers have provided their written request prior to conduction of the meeting of the committee. It is proposed that they may be exempted from the application of the amendment in the rules bid.
- 7(2) have offered to resign a huge number of female teachers. Thus it is proposed that they may be exempted from the application of the amendment in the rules bid.
- In view of the above, this office is of considered opinion that the decision of Rules Committee should be in favour of the teachers.
- That in the light of the minutes of meeting held on 07-07-2023 held under the Chairmanship of Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.
- (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- The same was received by this office from your good office vide letter No.50 (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- That there exists no provision to decline or forego promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.50 (Policy) E&ED/1-1/2020 dated 06-06-2023 categorically stated that there exists no provision to decline or forego promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- No.50 (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That your good office forwarded the same to the quarter concerned vide letter promotion.
- (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- (i) Now it is obligatory upon the civil servant to accept promotion in every condition. No.50 dated 06-06-2023.
- That this office sought guidance from your good office in the following words vide letter No.50 dated 06-06-2023.
- vide notification No. SOR-VI (E&ED)/1-1/2020 dated 06-08-2020.
- dated Rule 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) of the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing).

I am directed to refer to the letter No.50 Primary-M E&SED/2-2/Appointment/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

MINUTES OF THE MEETING

Dear Sir,

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

To

No. 8145
Date: 21-7-2023
Email: estab@kpk.gov.pk



- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR,
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir,

I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G/M/18/ Minutes of meeting/PST/2023 dated 30-7-2023 on subject cited above and to present brief history, about background of case as under:-

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion & Transfer Rules 1981) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-08-2023.
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. So (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under ^{every} condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have affected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa.


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(S) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst: Of even No & date

Copy forwarded to the:-

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


ATTENDED

WP442-2023 ARIZULLAH VS GOVT OF PG43



-23-

- 24 -

- B/c -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

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. 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/2-2/2023 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


Muhammad Sardar
JS/O Ali Akbar
ATTESTED
PSHT

Azizullah Khan
President
D 0333-0414518
azizullah1973@gmail.com
#1 nplakpk



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

آل پرائمری ٹیچرز ایسوسی ایشن (اپتا) خیبر پختونخوا

Annexure - A

جناب: سیکرٹری، ایسوسی ایشن خیر پختونخوا
جناب: آل پرائمری ٹیچرز ایسوسی ایشن خیر پختونخوا
جناب: مال

گزارش ہے کہ پروسٹھنز ہر ادا سے میں ہوتے ہیں اور کہ سرکاری ملازم کی خواہش ہوتی ہے پروسٹھنز کا ایک ٹالون ہونا کہ تھا کہ جو ملازم ایک ڈگری کی
بجائے تحت ایک دفعہ پروسٹھنز نہیں تو وہ پھر آج کل پاد سال تک پروسٹھنز نہیں لے سکتے تھے مطلب پاد سال تک پھر اس کی پروسٹھنز نہیں اور سن گئی
پھر اس ٹالون میں توڑا دعوت دی گئی پاد سال دال بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروسٹھنز نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ایک پبلک اسکول اور ٹیچٹیشن اور ہے
میں کے مطابق اب ہر ملازم پروسٹھنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی دولا کے مطابق کارروائی کرنے کا کہا گیا ہے
اور اسلئے یہ آخری نوٹیفکیشن جاری انسانی حقوق کی کل خلاف ورزی ہے سیکرٹری کی دور دلا اور پڑائی ملاقاتوں میں خاص کر خواتین اساتذہ کو انسانی مشکلات کا
سامنا کرنا پڑے گا
بیکر عام حالات میں بھی ضرور ہوتی پروسٹھنز اور دوسرا بیجا بھی جاری انسانی حقوق کی خلاف ورزی ہے کیونکہ خیر پختونخوا میں بدستوری سے ملازمتی دشمنی
کیا ہوتی ہے ایسے حالات میں یہ جاری ٹیچٹیشن جیو کے بارے میں لیا گیا ہے کہ جواب میں کیا گیا ہے جو بدستوری اور جاری انسانی حقوق کی خلاف ورزی ہے
میں اس کے خلاف قانونی پارہ ہونے کا حق بھی ملتا دیکھتے ہیں
لہذا ہم آپ سے مدد اٹھا کر کہیں کہ وہاں لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
زبردستی پروسٹھنز لینے کی بجائے ان کو مرضی سے لینے دیا جائے
اور پروسٹھنز نہ لینے کی صورت میں باقاعدہ ہال لیا جائے لیکن یہ زبردستی نہ کی جائے
اس مسئلے میں آپ بہلہ اور جلد نام (DEOs) کی ای اور کہ ایک نمبر سے رابطہ جاری کیا جائے تاکہ اطلاع میں آپ کی اسٹیبل پرائمری اساتذہ کو ذہنی
البت اور فارچنگ سے بہایا جائے
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر تاد چ کر کے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ درخواست کرتے ہیں کہ آپ صاحبان ذہنی ایسوسی ایشن کے برعکس پرائمری اساتذہ کو خیر پختونخوا کی اس ایسوسی ایشن سے حمایت و ادا کی گئے

شکریہ

میرزا اللہ خان سوہانی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیر 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/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 (I)

(Signature)
Muhammad Akbar Khan
Member (I)

Date of Presentation of Application 10-6-24
 Number of 1
 Copying 1
 Urgent 1
 Total 1
 Name of ---
 Date of 10-6-24
 Date of delivery of copy 10-6-24

(Signature)
ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Muhammad Sardar

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 hereby 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