


FORM OF ORDER SHEET

Court of _____

Appeal No. 1659 /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. 1659/224
MULHAMMAD HAYAT KHAN
V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1659 /2024

Muhammad Hayat Khan Son of Muhammad Shoaib, PSHT
GPS Ghaligai, Tehsil & District Timargara

.....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:-

GROUND:-

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

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

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

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

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

AFFIDAVIT:
 I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

[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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No _____/2024

MUHAMMAD HAYAT KHAN
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.

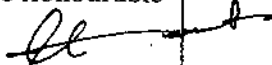
Respectfully Submitted:-

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

21. Shamsul Wahab S/O Abdul Wahab R/O Bahimabad.	1.3.73	23/74	GPS: Dhanyar Kano	V: ...
22. Rafiul Haq S/O Jamil Haq R/O Kambal.	3.3.74	25/71	MPS: Duhroko.	V: Sul - Mul...
23. Taamimul Alam S/O Shamsul Alam R/O Rehankot.	1.4.76	26/71	MPS: Binar Bayari	V: ...
24. Mumtaz Muhammad S/O Badahah Muh- ammad R/O Shaw Dir.	6.6.74	28/71	GPS: Barikot (Dir)	V: ...
25. Noorul Hassan S/O Muhammad Islam R/O Kulalano.	3.1.75	29/70	GPS: Banda (M)/ DR:	V: ...
26. Ashfaqur Rahman S/O Saeed Khan R/O Badwan.	15.3.73	30/70	GPS: Ouch No. 3	V: ...
27. Rahmat Khan S/O Saïd Ahmad Khan R/O Khani Banda.	9.2.74	31/70	MPS: Awi Shah	V: ...
28. Khan Muhammad S/O Yar Muhammad R/O Chakdara.	14.3.73	32/70	GPS: Kano Warghar	V: ...
29. Muhammad Din Khan S/O Habibur Rahman R/O Khonno Baha.	21.71	33/70	GPS: Kano Warghar	V: ...
30. Muhammad Hayat Khan S/O Muhammad Shah R/O Tarnav.	...	34/70	GPS: ...	V: ...
31. Khista Rahman S/O Inayat Rahman R/O Khirabad.	15.3.75	35/70	GPS: Ghuligai (R)	V: ...
32. Sarbiland Khan S/O Muhammad Zarin R/O Siar.	25.5.73	36/70	GPS: Koir. GPS: Guma Dand	V: ...
33. Ayazur Rahman S/O Ubidur Rahman Rehan Kot.	6.2.73	37/70	...	V: ...
34. Muhammad Usman S/O Habib Saïd R/O Shikwalai.	1.6.72	38/70	GPS: Sor Dam.	V: ...
35. Fazal Valai S/O Fazal Wadood R/O Karai.	1.3.77	39/70	GPS: Sondal	V: ...
36. Ataur Rahman S/O Faizur Rahman R/O Warai.	1.3.73	40/70	GPS: Sara Bihag	V: ...
37. Hamayoon Khan S/O Saïd Gul R/O Sadoo.	25.5.72	41/69	GPS: Khushmuqa (M)	V: ...
38. Mahid Shah S/O Qazi Muhammad R/O Khungi.	8.5.72	42/69	GPS: Charkoom (B)	V: ...
39. Hanifullah S/O Muhammad Rasool R/O Shah Zadai.	1/4.75	43/68	GPS: Dambur Qula.	V: ...
40. Ikramullah S/O Ghulam Rasool R/O Gudar.	2.3.71	44/68	GPS: Rokhna.	V: ...
41. Khan Muhammad S/O Umot. Shah R/O Tikni (B)	1.5.74	45/68	GPS: Ashar Manai	V: ...
42. Tajud Din S/O Muhabat Khan R/O Gugyal.	15.1.72	46/68	GPS: Chua.	V: ...
43. Muqadar Khan S/O Ayaz Khan R/O Stanadar.	3.1.73	47/68	GPS: Chantoor. (DIR)	V: ...
44. Hiaz Khan S/O Saïd Khan Lajbok.	11.5.70	48/65	GPS: Dab Baghi- Haram.	V: ...
45. Saïdur Rahman S/O Abdur Rahman R/O Harai Shah.	10.1.76	49/65	GPS: Patrak.	V: ...
46. Sarbiland Khan S/O Fazli Rahman Hirgem.	27.4.74	47/65	GPS: Babgam.	V: ...

Count on page... 3...

Dad Gps. Kasika

SDP/9(45)
Timorara

1197

2

Shah Zeb S/O Khuna Gul R/O Barakai.	1.1.56	52/65	GPS:Dar.	Terminated.
Iqbalullah S/O Shamsul Haq R/O Behri(T)	15.8.70	55/64	" Nacafa.	V:Muhammad Ikram Terminated.
Fazli Rahman S/O Bakhtawar Shah R/O Stanadar.	2.2.75	56/64	" Banio D.	V:Muhammad Zaid Terminated.
Rashidul Din S/O Abdul Bashir R/O Miskori.	1.6.77	57/64	" Safar Wari	V:Bakht Shah Terminated.
Sabz Ali S/O Said Faqir R/O Ajoo	1.8.77	58/64	" Janas Mir	V:Shahibzada Terminated.
Abdul Qadeem S/O Faraz Khan R/O Barawal	5.4.76	59/63	" Tikar Kot	V:Bakirullah Terminated.
Muhammad Yousaf S/O Muhammad Yousaf R/O Tidodag.	11.5.77	60/63	" Shenai.	V:Muhammad Riaz Terminated.
Ihsanul Haq S/O Bunir Gul R/O Qasho Dal.	15.12.75	61/63	" Ali Banda	V:Mumin Khan Terminated.
Muhammad Gul S/O Mian Gul R/O Munda.	1.12.75	62/63	" Qandari.	V:Siraj Muhammad Terminated.
Sher Ali S/O Rahimullah R/O Rani.	19.8.74	63/62	" Jan Pasa	V:Rahim Shah Terminated.
Saeedullah S/O Gul Baz Khan R/O Mani Banr.	2.2.73	65/62	" Banda MKD	V:Mashtaq Ahmad Terminated.
Baktawar Khan S/O Ghulam Muhammad R/O Standar.	15.3.75	66/62	" Kidar Kot	V:Muhammad Zahir Terminated.
Saeedur Rahman S/O Habibur Rahman R/O Khungi.	15.5.77	67/62	" Darak.	V:Abdul Hadi Terminated.
Iftikhar Ahmad S/O Anwar Naseem R/O Shikawlei.	1.2.77	68/62	" Gandirai.	V:Kamal Khan Terminated.
Muhammad Riaz S/O Amir Nawaz R/O Timargara.	20.2.76	70/62	" Jabai.	V:Rizk Muhammad Terminated.
Muhammad Shah Mazool S/O Bahdar R/O Arakh (Sarai Bala)	14.5.66	71/62	" Dowlai.	V:Muhammad Terminated.
Sher Hayat S/O Sher Zamin R/O Shamshikhan.	12.4.77	73/62	" Samang.	V:Muhammad Javid Terminated.
Naqib Shah S/O Muhammad Khan R/O Khungi.	15.2.77	74/62	" Tal No.1	V:Ghulam Haq Terminated.
Ihsanul Haq S/O Fazli Mabeod R/O Doryal.	28.1.74	76/62	" Bagh(K)	V:Muhammad Iqbal Terminated.
Muhammad Taib S/O Hamidullah R/O Kotkai.	13.5.69	77/62	" Nimaz Kot	V:Saleh Muhammad Terminated.
Fazal Azim S/O Qazi Shahzada R/O Kamo.	15.6.73	78/62	" Kalpani.	V:Salimur Rahman Terminated.
Zar Shah Ali Khan S/O Hakim Khan R/O Barawal.	2.5.75	79/62	" Tikar Kot	V:Azizul Khan Terminated.
Ikramullah S/O Muhammad Afzal R/O Lalqila.	24.3.77	80/61	" Nimaz Kot	V:Muhammad Ishaq Terminated.
Faizullah Khan S/O Milat Khan R/O Shiringal.	2.1.77	81/61	" Gat Kot	V:Muhammad Ali Terminated.
Muhammad Iskan S/O Muhammad Raziq R/O Dog.	19.4.77	82/61	" Dambar Kot	V:Fiazur Rahman Terminated.
Mushtaq Ahmad S/O Said Ahmad R/O Shenai Makhai.	10.5.77	83/61	" Islam Gat.	V:Sanatullah Terminated.
Hayatullah S/O Noor Hamid Jan R/O Barikaw.	29.4.74	84/61	" Nikhan Banda	V:Riaz Muhammad Terminated.

Count on page...4.....

74. Nisar Muhammad S/O Habibullah R/O Malala.	11.9.74	35/61	GPS: Ashar	V: Habibullah Term:
75. Burhand Din S/O Muhammad Kamil R/O Takwara.	1.1.77	36/61	" Nikhan Banda	V: Samiullah Term:
76. Sher Zamin Khan S/O Saeed Mukhtiar R/O Lag Bang.	26.7.75	37/61	" Batara	V: Samiullah Term:
77. Amin Khan S/O XXXXXXXXXX Ikram, Khan R/O Shehi Kot.	15.2.73	38/61	" Bangal Shah	V: Rahatullah Term:
78. Aminullah S/O Biradar R/O Daskor.	28.3.73	39/61	" Dal Kor. No.2	V: Waliullah Term:
79. Muhammad Rafiq S/O Khan Zaman R/O Dislawar.	1.10.77	90/61	" Moha.	V: Sher Hus Term:
80. Badshah Ali S/O Biland Khan R/O Umra Ali.	12.3.78	91/61	" Nagril.	V: Muhammad Term:
81. Taj Ali S/O Malang Rio Sandol	1.1.74	92/61	" Dolar.	V: Nisarullah Term:
82. Bakhtiarullah S/O Nawroz Khan R/O Nasir Abad.	6.1.74	93/61	" Batan.	V: Aminullah Term:
83. Muhammad Rahim S/O Muhammad Ghani R/O Gurai.	14.6.72	94/61	" Dargai.	V: Sherin Term:
84. Noor Rahman S/O Wali Rahman R/O Mata (T)	15.1.78	95/61	" Lalqila No.2	V: Akram Term:
85. Gulistan Shahzada S/O Gul Faraz Khan R/O Bagh (D)	1.1.75	96/61	" Rokhan.	V: Hazrat Term:
86. Said Ali Shah S/O Sultan Zarin R/O Gumbat (T)	7.5.76	97/61	MPS: Kigora (K)	V: Shaukat Term:
87. Taj Muhammad S/O Faiz Muhammad R/O Dabar.	12.2.77	98/61	" Bada.	V: Muhammad Term:
88. Nisar Khan S/O Qadar Khan R/O Kots.	8.3.73	99/61	GPSSarai Warai	V: Rahatullah Term:
89. Sher Hayat S/O Firoz Khan R/O Mian Banda.	12.4.75	100/61	GPS: Him Banda	V: Muhammad Term:
90. Hayatullah Khan S/O Gul Baz Khan R/O Manai Band.	16.2.74	101/61	GPS: Lalqila No.2	V: Rashid Term:
91. Matiur Rahman S/O Faqir Muhammad R/O Talash.	12.5.75	102/60	" Arif.	V: Najim Term:
92. Riazul Haq S/O Gul Roz Khan R/O Pito.	30.3.73	103/60	" Shaga.	V: Shokir Term:
93. Umer Latif S/O Muhammad Din R/O Srai.	2.3.76	104/60	" Sor Paw	V: Anwar Term:
94. Muhammad Salim S/O Niaz Muhammad R/O Sadoo.	6.11.70	105/60	" Dalgram (P)	V: Sher B Term:
95. Alawd Din S/O Zahir Shah R/O Sado.	5.8.76	106/60	" MPS: Kolal	V: Sa Term:
96. Sajadullah S/O Sher Muhammad R/O Fazal Abad.	1.1.77	108/60	MPS: Warsak Sh:	V: Muhammad Term:
97. Shair Khan S/O Ghani Rahman R/O Mandish.	7.8.69	109/60	GPS: Kamla	V: Muhammad Term:
98. Nishad Khan S/O Faqir Muhammad R/O Bajwro.	1.11.76	110/60	" Samai.	V: Amir Term:
99. Sahibullah S/O R/O Gurjai	1.72	111/60	" Nakam	V: Jahan Term:

- 10. Muhammad S/O Fazal Rahman 5.1.75 112/60 G.P.S:Shingra
R/O Banda
- 11. Htikhar Alam S/O Muhammad Shuib 1.3.75 113/60 " Binar
R/O Yar Khan Banda.
- 12. Iramullah S/O Muhammad Nazeem Khan 11.5.75 114/60 " Rax Patana
R/O Tangai Shah.
- 13. Fahid Ali S/O Mian Dad Meer 7.5.78 115/60 " Dapoor
R/O Malakand.
- 14. Sher Ali S/O Abdul Karim 8.10/74 116/60 " Prang Dera
Banda(T)
- 15. Muhammad Rashid S/O Bahadar Said 11.4.75 117/60 " Makhal
R/O Dehri(T)
- 16. Muhammed Rafiq S/O Khan Muhammad 16.7.76 118/60 G.P.S:Binar
R/O Sher Khoni.
- 107. Muhammad Shah S/O Gul Ha ir Khan 1.4.71 121/60 " Shabikot
R/O Warai.
- 108. Star S/O Sargand Khan 15.1.75 122/60 G.P.S:Dehri Kasi
R/O Warai. Khel.
- 109. Amir Nawab S/O Said Nawab 4/5/73 123/60 " Hishwan
R/O Warai. Band.
- 110. Shah Zafar Khan S/O Muhammad Saeed 1.1.75 124/60 " Kohan
R/O Abid Khan.
- 111. Arshadullah S/O Nek Muhammad 3.2.72 125/60 " Pashtan
R/O Jabar.
- 112. Mahabobur Rahman S/O Khirur Rahman 7.5.75 126/60 " Dislawan
Gujar.
- 113. Mian Fahim S/O Mian Haroon 1.3.77 127/60 " Sondrai Warl
R/O Mulo Gujar.
- 114. Umar Rahman S/O Redi Gul 8/8.72 128/60 " Aligasar
R/O Tarpatar.
- 115. Noor Rahman S/O Fazal Rahman 5.4.75 129/60 " Bagh Banda
R/O Bishgram.
- 116. Murad Ahmad S/O Said Ahmad 1.5.73 130/60 " Dehro(M)
R/O Bagh (M)
- 117. Fazal Qadar Khan S/O Fazal Muhammad 131/60 " Babagan
R/O Brikanai. 1.3.74
- 118. Muhammad Nawaz S/O Faridooon Khan 132/60 " Lalqila
R/O Shagai. 25.11.75
- 119. Muhammad Zada S/O Badshah Zada 10.4.75 133/60 " Dehri Ashaur
R/O Musa Tangai.
- 120. Haroonur Rashid S/O Himatullah 1.1.75 134/60 G.P.S:Unara
R/O Khatagzai.
- 121. Muhammad Nisar S/O Abbas Salam 14.4.74 135/60 G.P.S:Sar hat
R/O Khagzai.
- 122. Ali Nawab S/O Nahidullah 20.4.75 136/60 G.P.S:Donga
R/O Tindodog.
- 123. Habibul Ghafoor S/O Ahmad Hussin 137/60 G.P.S:Noora
R/O Kityuri. 20.12.72
- 124. Hakimullah S/O Saeed Jan 5.1.62 138/60 G.P.S:Changal
R/O Biran (B)
- 125. Hlas Muhammad S/O Ashraf 16.1.73 139/60 G.P.S:Kaga
R/O Tikri (B) Mala

1	her Hadi S/O Amir Wahid /O Kotigram.	4.4.74	140/60	GPS:Jan Bahadur	V:Kasurullah
2	amil Hadi S/O Ghulam Wahid /O Kotigram.	15.3.74	141/60	" Noorkhal.	V:Kasurullah
3	hafiqur Rahman S/O Khirur Rahman /O Ouch.	10.4.75	142/60	" Jaba(2)	V:Sehat Sarin
4	Muhammad Ayaz S/O Ghulam Shamsustabriz R/O Yarkhan Banda.	1.7.74	143/59	" Taoran.	V:Kasurullah
5	Rahman Faqir S/O Jan Faqir R/O Timargara.	1.6.74	145/59	" Rokhana.	V:Kasurullah
6	Abdul Hanan S/O Ahya Gul /O Bishgram.	2.3.75	146/59	" Jabara(1)	V:Kasurullah
7	Abdul Hamid S/O Ahmad Jan /O Dir.	13/2.75	147/59	" Shamoor Gar.	V:Kasurullah
8	Abdul Hakim S/O Jan Khan /O Kambat.	4.2.73	148/59	" Maekina.	V:Kasurullah
9	Bahadar Khan S/O Gul Zarin /O Rahim Abad.	1.4.77	149/59	" Soopan Shah.	V:Kasurullah
10	Amal Abdul Nasar S/O Amanul Mulk /O Shekawalai.	18.9.76	150/59	HPS:Romal Nasir	V:Kasurullah
11	Mahimul Haq S/O Hakimul Haq /O Rahan Kot.	10.3.73	151/59	HPS:Findal Khan	V:Kasurullah
12	Amnullah S/O Sher Bahdar /O Shamshikhan.	6.3.73	152/59	GPS:Daboono(N)	V:Kasurullah
13	Seed Zaman S/O Gul Zaman /O Talash.	15.2.72	153/59	" Hakamai.	V:Kasurullah
14	Mushtaq Ahmad S/O Noor Zaman /O Nagrai(B).	13.12.76	154/58	" Hazraai Kaus	V:Kasurullah
15	Muhammad Salim S/O Reshan Zamin /O Tangai.	4.3.74	155/58	" Pari Kaus	V:Kasurullah
16	Hassan S/O Ajab Khan /O Timargara.	3.2.72	156/58	" Abdullah Banda	V:Kasurullah
17	Munir Rahman S/O Gul Rahman /O Ziarat(T).	15.3.76	157/58	M:Koto.	V:Kasurullah
18	Muwar Hussin S/O Ghulam Sarwar /O Amlook Dara.	2.4.06	158/58	GPS:Batroor.	V:Kasurullah
19	Muhammad Zahid S/O Sher Ghani Khan /O Dehri(T).	5.6.75	159/58	" Shingara.	V:Kasurullah
20	Mahib Zada S/O Sher Zada /O Landai Shah.	10.12.75	160/58	HPS:Gul Abad	V:Kasurullah
21	Muhammad Razaq S/O Muhammad Halim /O Nagrai(F).	13.10.74	161/58	" Gumbati Jilar	V:Kasurullah
22	Muhammad Nawaz Khan S/O Raza Khan /O Yousaf Manai.	1.1.73	161/58	" Surrai SH:	V:Kasurullah
23	Muzal Rabi S/O Fizur Rahman /O Toor Mang.	1.6.77	162/58	" Tookrai.	V:Kasurullah
24	Majbar Khan S/O Muzafar Khan /O Ugyar.	2.5.73	163/58	" Far Patai.	V:Kasurullah
25	Mahim Shah S/O Sher Bahdar /O Dag Sam.	8.4.68	164/58	G:Kotkai	V:Kasurullah
26	Rafiullah S/O Ashmali Khan /O Degon.	1.10.73	165/58	GrS:Kamar Tal.	V:Kasurullah
27	Ghulam Habib S/O Muhammad Hazrat /O Brangola.	22.2.66	166/58	" Gudisamra.	V:Kasurullah
28	Bahadar Zeb S/O Gulam Khan /O Takhai.	20.3.73	167/58	" Shawa Kaus	V:Kasurullah

b

Page.....7.....

54. Muhammad Awis Khan S/O Muhammad Gul R/O Kotigram.	25.9.72	184/55	" Singar	
55. Mr Hayat Muhammad S/O Balchah Munim R/O Onat Pat.	10.5.74	170/55	" Singar	
56. Muhammad Hayat S/O Faisal Ghafar R/O Ouch.	1.12.74	170/55	MPS: Ouch	
57. Ikramullah S/O Ghulam Yusuf R/O Shaw Dir.	24.4.74	171/55	" Sundish.	
58. Jamalul Din S/O Faisal Razi R/O Bishgram.	1.5.75	172/55	G.S: Banda	
59. Badshah Zada S/O Nawshad R/O Sondal.	5.12.74	173/57	MPS: Kabal	
60. Noor Muhammad S/O Ghazi Khan R/O Amluk Dara.	2.10.72	174/57	" Haji Abad Dion Sera	
61. Latifullah S/O Noorul Haq R/O Pito Dara.	20.12.77	175/57	MPS: Fashrek	
62. Atiqur Rahman S/O Muqarab Khan R/O Kasso.	20.1.74	176/57	" Deb Jang	
63. Nisar Khan S/O Muhammad Wasil R/O Rani.	2.7.74	177/57	" Dogal	
64. Bahdar Zeb S/O Sher Zada Bandagai	1.1.73	178/57	" Khushmugan	
65. Muhammad Qayoum S/O Gul Alam Khan R/O Zafar Abad.	12.4.77	179/57	" Manzai Neka	
66. Rafiullah S/O Fasihullah R/O Harai Shah.	27/1/62	182/57	" Don (F)	
67. Ghulam Ali S/O Fatch Rahman R/O Kumbanr.	25.3.72	183/57	" Doedan Puro	
68. Fizullah S/O Hamid Din R/O Zimara.	3.1.73	184/57	" Doobardo.	
69. Akhtar Gul S/O Kedi Gul Galgot.	1.1.75	185/57	" Tal No. 3	
70. Muhammad Wazir S/O Faisal Rahman R/O Haji Abad.	6.4.72	186/58	" Pito Banda	
71. Muhammad Syaz S/O Muhammad Sherin R/O Kehankot.	17.9.69	187/56	" Bariket	
72. Sher Bahdar Khan S/O Hadi Ahmad Salam Kot.	1.12.74	188/56	" Atanr (E)	
73. Muhammad Badroz Zaman S/O Mehmood R/O Achar(r)	24/10/70	189/56	" Don (r) No. 2	
74. Muhammad Ishaq S/O Muhammad Iqbal R/O Jabar.	10.2.	190/56	" Hasham.	
75. Qayoumul Haq S/O Sakhi Jan R/O Sadbar Kali.	3.1.77	191/56	" Gawar Dech	
76. Shah Wazir Khan S/O Gul Facha R/O Munda.	1.4.73	192/56	" Mandol.	
77. Sardar Ali Shah S/O Mian Badshah R/O Landakor.	19.4.71	193/56	" Sadbar Ka	
78. Rafiqul Islam S/O Sifal Malook R/O Sorino.	28.5.73	194/56	" Samar Bag	
79. Sar Zamin Khan S/O Bakht Zamin Khan R/O Garla.	1.3.74	195/56	" Rashakai.	

1

PERMS & CONDITIONS.

1. They will be Governed by the such rules & regulations as prescribed by the Govt: from time to time for the Govt: servant which they belong.
2. Their services will be liable for termination from either side. In case of resignation with pay will be forfeited in lieu thereof. They should join the posts within one month's notification. Their inter-se seniority will be with the merit of the Departmental selection Certificate.
3. Charge report should be submitted to all concerned.
4. They shall be on probation period of two years and will have departmental Examination. In case of candidate fails in departmental Exam: he will be give one more chance. If he fails then his services will be terminated on arrival of trained teacher, the services of untrained teacher will be terminated.
5. Their original certificates etc will be checked and verified by concerned institution/BISE/MSB and Islamic Madrasah before handing over the charge.
6. S/Books of the teachers must be prepared complete in all respect before handing over charge.
7. The declaration of assets should be obtained from them and included placed on record.
8. They are required to produce Health & age certificates from medical authorities concerned.
9. Charge report should not be given to the over and candidate for a relaxation be sent to the concerned quarter.
10. Efforts for transfer before the completion the tenure will not qualify him from the service.
11. No TA/DA is allowed.
12. An undertaking shall be obtained from Master and teacher holders C.T etc the effect that they will serve the Government for 5 years unless he/she/they are selected by the Public Service Commission for any post.
13. In case a person appointed as untrained teacher he will have to pass the requisit training examination within 6 years failing in his services will be terminated.

Note:-

Complete information of each category separately in consolidated form on the prescribed proforma (attached) be submitted by the District Officer, the Director of Education Primary, (DES (M&P) Primary) within a week positively.

Endst: No. 2223-2487 (USMANI) DISTT: EDUC. OFFICE (M&P) Primary, District Tehargarh, dated 21/15/97

- Copy for order to:-
1. P/S to Secretary Education Govt of N.W.F. Peshawar.
 2. The Director Primary Education N.W.F. Peshawar.
 3. The Distt: Accounts Officer, District Tehargarh.
 4. All the SDEU's (M) in Distt: Dir
 5. The Officials concerned.

Distt: Education Officer (M) Primary District Tehargarh

-14

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



Personal Information of Mr MUHAMMAD HAYAT KHAN d/w/s of MUHAMMAD SHUAIB

Personnel Number: 00267754 CNIC: 1530783108271 NTN:
 Date of Birth: 08.04.1975 Entry into Govt. Service: 25.06.1997 Length of Service: 26 Years 07 Months 008 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80674793-DISTRICT GOVERNMENT KHYBE
 DDO Code: DA6321-District Dir Lower
 Payroll Section: 001 GPF Section: 001 Cash Center: 21
 GPF A/C No: EDUDR010671 GPF Interest applied **GPF Balance:** 945,287.00 (provisional)
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 21

Wage type		Amount	Wage type		Amount
0001	Basic Pay	65,500.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	1923	UAA-OTHER 20%(1-15)	1,000.00
2148	15% Adhoc Relief All-2013	827.00	2199	Adhoc Relief Allow @10%	555.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	6,208.00
2347	Adhoc Rel All 15% 22(PS17)	6,209.00	2378	Adhoc Relief All 2023 35%	22,232.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-2,220.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 34,274.88 Recovered till JAN-2024: 14,610.00 Exempted: 8568.08 Recoverable: 11,096.80

Gross Pay (Rs.): 113,675.00 Deductions: (Rs.): -8,445.00 Net Pay: (Rs.): 105,230.00

Payee Name: MUHAMMAD HAYAT KHAN
 Account Number: C/A 2253-2
 Bank Details: NATIONAL BANK OF PAKISTAN, 231331 NBP CHAKDARA DIR NBP CHAKDARA DIR,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILL TARNAW
 City: DIR LOWER Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address:
 City: Email: hayateducation@gmail.com

System generated document in accordance with APPM 4.6.12.9(743105/25.01.2024/v3.0)
 * All amounts are in Pak Rupees
 * Errors & omissions excepted (SERVICES/02.02.2024/20:08:17)

Annexure - B-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/8/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

INDEX NO & EVEN DATE

Copy is forwarded to:-

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

(WARSAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

Attested

4



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-rule (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)



Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. 50(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. 50(Primary-MY&SU/D1-
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 Nizhwan Khan)
Section Officer (Polcy)

ASSE
7/6

7/6

Encl. Of even No & date

Copy forwarded to the:-

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

Section Officer (Polcy)

8/6/23

26/6/23
21/6/23

[Handwritten signature]

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

To

The Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department.

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

Dear Sir,

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

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

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

Yours faithfully,
(Issa Muhammad Khan)
Section Officer(Policy)

(Encl). of even No & date

Copy is forwarded to :-

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

Section Officer
(POLICY)



-19-

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

No.SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar lho. June 26th 2023

To

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

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

[Signature]
26/6/23

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

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

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

Encl: AA

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

Copy forwarded to the:

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

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

20
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.

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Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

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

Annexure
1
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A meeting regarding the subject matter was held on 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.

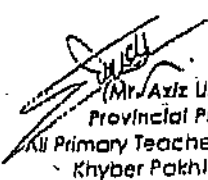
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

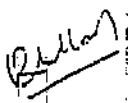
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

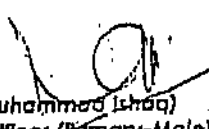
3. After threadbare discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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

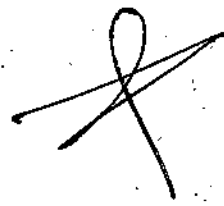

(Mr. Fazal Wahid)
Deputy Director-1
E&SE Department


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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



- B/c -

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

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

2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.
3. After threadbare discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit & 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)



No. 8145

Khyber Pakhtunkhwa, Peshawar

/F.No. 34/SST/NO General Cases

Dated: 21-7-2023

Phone: 091-9225144

Email: estab11mentmala1@gmail.com

To

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

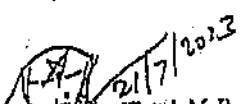
Subject: - MINUTES OF THE MEETING
Dear Sir,

I am directed to refer to the letter No.SO(Primary-M)E&SED/3-1/
G.Misc/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and in
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(S) in the Civil Servants (Appointment, promotion & Transfer Rules 1980) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-02-2023.
 - (i) Now it is obligatory upon the civil servant to accept Promotion in every condition.
 - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPE-16 may be exempted of implications of the amendment in the rules ibid provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.


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

Encls: No.

Copy of the above is to:-

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

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

-B/c-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir; I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G.M.B.L/Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(5) in Civil Servants (Appointment, promotion, Transfer Rules 1981) vide Notification No. No. SOR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

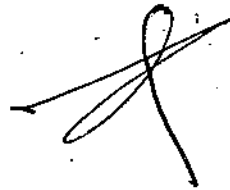
In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge members of Female teachers.

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 Paktunkhwa.





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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 06th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) It has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
20/8/23

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[Handwritten signature]

Department of Education
Khyber Pakhtunkhwa
WP442-2023 AZI22KXN 08/08/2023

- 1. Director E & SE Khyber Pakhtunkhwa
 - 2. PS to Secretary, E & SE
- Copy forwarded to;

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

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

Dear Sir,

I am directed to refer to your letter No. SO (Primary) (Policy) /E&AD /1-3/2023 dated 6th June 2023 and to state that after deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that 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.

No. SO (Primary-M) E&SE/18-81/
Appointment - Rule/2023
Peshawar Dated 23rd August 2023

-B/c-

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.

- 28 -

- 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)

-24-

Annexure - G

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

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

Sir/ Madam:-

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

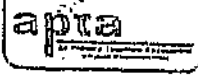
It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&AD/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution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

Dated 16/03/2024



MUHAMMAD HAYAT KHAN
S/O MUHAMMAD SHOH
PS-AT.

Aziz Ullah Khan
President
0333-0414548
azizullah1973@gmail.com
aptpkpk



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

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - H

مہاب: سیکرٹری ایجوکیشن و سیکلری ایجوکیشن خیبر پختونخوا
مہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب عالی

گزارش ہے کہ پروسوز ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پروسوز کا ایک قانون بنا کر تاکہ جو ملازم ایک اگر کسی
بجوریکے تحت ایک دوسرے پروسوز میں 70 روز بعد چار سال تک پروسوز میں لے سکتے تھے مطلب چار سال تک پھر اس کی پروسوز نہیں ہو سکتی تھی
پھر اس قانون میں تھوڑی رعایت دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروسوز میں نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتہ پہلے ایک اور نوٹیفکیشن ہوا ہے

جس کے مطابق اب ہر عام پروسوز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف آئی وے ڈی ڈول کے مطابق کارروائی کر لے گا کہا گیا ہے
دراصل یہ آخری نوٹیفکیشن بنیادی انسانی حقوق کی مکمل خلاف ورزی ہے سب سے کہ دور روز اور پہلی طاقتوں میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا

جبکہ عام حالات میں بھی زبردستی پروسوز اور دور روز بھیجنا بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں پوسٹل سے قانونی دشمنیاں
ہی ہوتی ہے ایسے حالات میں یہ نیا نوٹیفکیشن جو E&SE کی گائیڈ لائنوں کے خلاف ہے جس میں کیا گیا ہے جو بدستور اور بنیادی انسانی حقوق کی خلاف ہے

ہم اس کے خلاف قانونی چارہ چوٹی کا حق بھی محفوظ رکھتے ہیں
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو

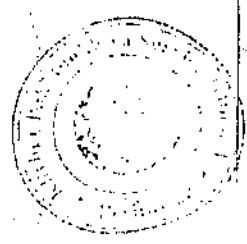
زبردستی پروسوز لینے کی بجائے ان کو مرضی سے لینے دیا جائے
اور پرائمری اساتذہ کی صورت میں باقاعدہ اپڈ لیا جائے لیکن یہ زبردستی نہ کی جائے
اس سلسلے میں آپ ہیلڈ اور جلد تمام (DOs) کی ای او اور ایک خصوصی مراسلہ جاری کیا جائے تاکہ اساتذہ میں پ سبیل / لیٹیل پرائمری اساتذہ کو ذہنی
البت اور نارنجنگ سے بچایا جائے

کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر لارچ کرنے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کوئی ایجنس مگر سب سے پرائمری اساتذہ خصوصاً لیٹیل پرائمری اساتذہ کو اس ذہنی البت سے نجات دلائیں گے

شکریہ

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

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]
Muhammad Akbar Khan
Member (I)

Date of Presentation of Application 10.7.23
 Number of 1
 Copying 1
 Urgent 1
 Total 1
 Name of 18-632
 Date of 12.6.23
 Date of Delivery of Copy 12.6.23

[Large handwritten signature]

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD HAYAT KHAN

Appellant

Versus

Government of P.P. & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

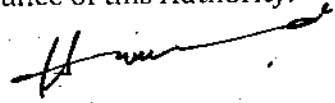
BASSAM AHMAD SIDDIQUI AHC

&

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