


FORM OF ORDER SHEET

Court of _____

Appeal No. 1662 /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  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A. NO. 1662/2024
SHER MEHMOOD
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 1662 /2024

Sher Mahmood Son of Tajbar Khan, SPST
GPS Gawardesh, 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

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 &

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

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

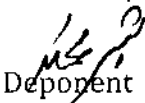
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

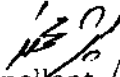
It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

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


AFFIDAVIT:

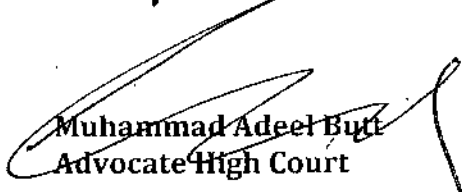
I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

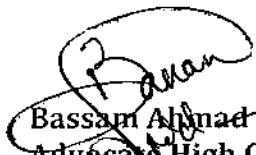

Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

SHER MEHMOOD

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

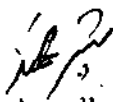
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification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


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


AFFIDAVIT:

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

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt

OFFICE OF THE EXECUTIVE DISTT OFFICER SCHOOLS & LITERACY DIR LOWER AT TIMERGARA - 6 -
 NOTIFICATION

The following Male candidates are hereby appointed as PST in BPS - 07@ Rs (2555-140-6755) and BPS - 06@ Rs 2485/-P.M.Fixed Plus usual allowances as admissible to them under the rules, in the Govt. Primary Schools noted against their names subject to the following terms & conditions in the interest of public service.

25 % Distt:Open Merit

Sr #	S.No M/List	Name	Fathers Name	Qualification	Residence	Mark Position	U/Council	Name of School Where appointed	Remarks
1	1	Akbar Jan	Ahmad Jan	MA/PTC	Amlookdara	68.18	Shahi Khail	GPS Chikhoo	A.V.P
2	2	Dilwar Said	Khaista Rahman	MA/PTC	Chamyaro Banda	65.18	Mayar	GPS Kakas	
3	3	Mohd Haveran	Sher Alarp Khan	MA/PTC	Hanfia	63.79	Sadbarkali	MPS Ghond	
4	4	F. Khalid	Sardar Mok	BA/PTC	Jabagai	63.35	Zaimdara	GPS Daroo	
5	5	Ai Zaman	Bismillah Jan	MA/PTC	Khanpor	61.4	Khanpur	GPS Bagh. 2	
6	6	Khaista Rahman	Mohd Ghajar	MA/PTC	Kotki	60.72	Kotki(M)	GPS Sherkhani. 1	
7	7	Sultan Zaib	Fazal Manan	BA/PTC	Mian Brangola	60.62	Khadagzi	GPS Sharab Kohi	
8	8	Habibur Rahman	Habibullah	MA/PTC	Andhen	60.37	Koto	GPS Andhen	
9	9	Zakir Hussain	Sher Zaman	MA/PTC	Kityan	60.18	Tazagram	GPS Kala Dhen	
10	10	Ataur anent	Fazal Rahman	MA/PTC	Khall	60.06	Khall	GPS Dulaikandao	
11	11	Fazal Robi	Gul Zann Khan	BA/PTC	Lugman Banda	59.51	Shalfalam	GPS Kamartali	
12	12	Shanfullah	Fateh Mohd	MA/PTC	Ajoo	59.37	Noorakhail	GPS Kotigram	
13	13	Sajad Akhtar	Nazir Zaka	MA/PTC	Khungi	59.17	Khungi	GPS Tango Manz	
14	15	Shahid Rashid	Abdur Rashid	BA/PTC	Srai (P)	59.14	Noorakhail	GPS Lalko	
15	16	Abdul	Mohd Talir	BA/PTC	Gumbali	59.09	Kotki(M)	GPS Galgot	
16	17	Shanfullah	Mohd Amin	MA/PTC	Damtal	59.03	Kambat	GPS Quro	
17	18	Sajad Ali	Gul Shahzada	BA/PTC	Badwan	58.69	Badwan	GPS Barora	
18	19	Mohd Imran Khan	Mohd Ali	MA/PTC	Koz Kali	58.75	Khall	GPS Garband	
19	20	Shiraz	Mumtaz	MA/PTC	Tazagram	58.74	Tazagram	GPS Beragam	
20	21	Rafiq Ahmad	Abdullah	MA/PTC	Timergara	58.73	Timergara	GPS Asegi Dara	
21	22	Zakir Rahman	Mohd Ali	BA/PTC	Sonkhara	58.66	Bandagi	GPS Gawardesh	
22	23	Rashid	Mohd Ali	BA/PTC	Bandagi	58.58	Bandagi	GPS Ahmedabad. 2	
23	24	Mohd Ali	Mohd Ali	BA/PTC	B/Dushkhal	58.53	B/Dushk	GPS Manzi D/Khall	
24	25	Asghar Khan	Amir Abbas	BA/PTC	Bandagi	58.39	Tazagram	GPS Dabakoo	
25	26	Amir Jan	Mian Gul Jan	BA/PTC	Sar Ollagai	59.37	Khungi	GPS Rashkhani	
26	27	Mohd Sarwar	Said Mahmood	BA/PTC	Chony	58.36	Koto	GPS Sangoli. 2	
27	28	Atullah	Gul Zaman	MA/PTC	Rahimabad	58.21	Khazana	GPS Aselobanda	
28	29	Mohd Habibur Rahman	Khalilur rahman	BA/PTC	Rahankot	58.25	Khungi	GPS Garband	
29	30	Mukhtiar Alam	Khaista Rahman	BA/PTC	Y.K.Banda	58.24	Bandagi	GPS Asmanbanda	
30	31	Shair Hasan	Rahmat Ali	BA/PTC	Barghandoo	58.16	Kotki(M)	GPS Sartara	
31	32	Aman Khan	Bazir Khan	BA/PTC	Badwan	58.12	Badwan	GPS Binshah	

2% Disable

32	1	Mohd Said	Shah Raza	BA/PTC	Tekni	49.44	Khanpor	GPS Shorshing	
33	2	Mohd Said	Mohd Said	FA/PTC	Shala	41.39	Balambal	GPS Malta	
34	3	Mohd Zaka	Zaman	BA/PTC	Jan Mamada	47.80	Munda	GPS Banr	

DECEASED QUOTA

35	1	Azul Wahab	Abdul Wahab	MA/PTC	Nowokoto	37.98	S/Bagh	GPS Ghorabanda	
36	2	Noorul Haq	Mohd Anwar Shah	MA/PTC	Bosta	38.59	Maskini	GPS Janpase	

75 % U/Council Wise

37	1	Sirajul Haq	Manimul Haq	BA/PTC	Shontala	56.69	S/Bagh	GPS Ghorabanda	
38	2	Noor Mohd Said	Said Mohd	MA/PTC	Sorano	56.51		MPS Shontala (R)	
39	3	Tensurullah	Azizur-Rahman	BA/PTC	Ghwara Banda	55.45		GPS Ghorabanda	
40	4	Fazal Rahim	Ghulam Nabi	BA/PTC	Talar	54.66		GPS Ghorabanda	
41	5	Sirajuddin	Ghazi Mohd	BA/PTC	Golar	53.71		GPS Ghorabanda	
42	2	Husein Ahmed	Khurshaid Ahmad	BA/PTC	Kambat	55.9	Kambat	GPS Kambat. 1	
43	3	Shahir Ahmad	Khurshaid Ahmad	BA/PTC	Kambat	54.24		GPS Chupraqa	
44	2	Nasib Gul	Khaista Gul	BA/PTC	Sadbarkali	56.1	Sadbarkali	MPS Gujarobanda	
45	3	Israai Khan	Guzaman Kh	MA/PTC	Hanfia	54.25		MPS Cham	
46	4	Niqab Khan	Liaqat Khan	FA/PTC	Qandari	53.32		GPS Bandagai	
47	1	Sher Mahmood	Tajbar Khan	FA/PTC	Shahi	43.51	Drangal	GPS Gawardesh	
48	2	Mohd Rafiq	Mohd Yaqoob	FA/PTC	Ijara	43.36		GPS Ijara	
49	3	Hidayatul haq	Noorul Haq	FA/PTC	Yemtai	41.2		GPS Yemtai	
50	4	Ataullah Khan	Sanobar Khan	FA/UT	Gawar Dash	27.99		GPS Gawardesh	
51	5	Sajid Khan	Mohd Ali	FA/UT	Jawzo	27.43		GPS Gawardesh	
52	6	Insanul Haq	Gul Badshah	FA/UT	Hallan	26.41		GPS Nawakali	
53	1	Mohd Razaq	Panda Gul	BA/PTC	Sadokai	51.8	Maskini	GPS Kakas	
				MA/PTC	Sonjara	51.36		GPS Ranaidali	

Sl. No.	Rank	Name	Qualification	Category	Age	Post	Grade	Location
127	1	Abdur Rahman	Fazal Rahman	FA/PTC	40.03	Asbrr	Asbrr	GPS Shraishahfoot
128	2	Muhbulah	Fazal Rahim	MA/PTC	46.51	Asbrr	"	GPS Nawagai
129	4	Waqar Zaman	Shamshuzamae	FA/PTC	46.94	Bambolai	"	GPS Khawas
130	5	Bakht Mond	Fateh Mond	BA/PTC	46.39	Asbrr	"	GPS Khawas
131	6	Hidayatullah	Amir Zada	FA/PTC	44.19	Bambolai	"	GPS Den kashmir
132	7	Muht Afzal	Akhter Munir	FA/PTC	43.50	Bambolai	"	GPS Khawas
133	1	Umer Zaman	Mohd Zaman	BA/PTC	54.03	Laram	Kotigram	GPS Laram
134	2	Ahmad Khan	Mohd Khan	MA/PTC	51.89	Khair Abad	"	GPS Chikho
135	3	Khan Shah	Ibar Shah	MA/PTC	51.57	Kotigram	"	GPS Kotigram colony
136	4	Siraj Ahmad	Mahboob Khan	BA/PTC	51.17	Kotigram	"	GPS Kotigram colony
137	5	Ayub Khan	Mohd Khan	BA/PTC	50.6	Khair Abad	"	GPS Den Ouch
138	1	Pervezgar	Ahmad	MA/PTC	57.91	Ouch	Ouch	MPS Zerbai
139	1	Amir Khan	Said Amin Khan	MA/PTC	57.89	Tangi Payoon	Khadagzi	GPS Karnala
140	4	Gawdur Ali	Amir Mond	BA/PTC	54.41	Khadagzi	"	MPS Mayar (P)
141	3	Qasim Ali	Muzaffar Khan	BA/PTC	55.49	Badwan	Badwan	GPS Badwan
142	1	Mohd Dost	Mohd Ayaz	MA/PTC	51.19	Chakdara	Chakdara	GPS Amirabad
143	2	Amir Mohd	Amir Nawab	MA/PTC	56.18	Gulmuqam	"	GPS Serai Ramora
144	2	Izzuddin	Mohd Khurshaid	BA/PTC	57.46	Jadheri	Shalfalam	GPS Kamertail
145	3	Umrazada	Khaistabar Khan	BA/PTC	56.36	Doab	"	GPS Lalobaia
146	4	Razaul Haq	Asai Khan	MA/PTC	55.18	Safaray	"	GPS Kamalkhartail
147	5	Anwarul Haq	Habibul Haq	FA/PTC	52.38	Jadheri	"	GPS Kndoo
148	1	Arber Sultan	Rahmat Sultan	BA/PTC	50.8	Slagown	Tormang	GPS Guinagat
149	2	Yaqoob Shah	Nasib Hazral	BA/PTC	50.25	Slagown	"	GPS Durga
150	3	Anwar Mohd	"	FA/PTC	50.14	Mango	"	MPS Mango

TERMS & CONDITIONS:

- They will be governed by such rules and regulations as may be prescribed by the Govt from time to time for the category of Govt service to which they belong.
- Their appointment is purely on Temporary basis, liable to termination at any time without notice. In case during the service, they shall be required to submit one month prior notice OR deposit one month salary in the Govt treasury in lieu thereof.
- They will not be eligible for any benefit except pension and gratuity Vide letter No.6(E&AD) 1-13-2005 dt. 13/03/2005.
- The appointment of the candidates mentioned above is subject to the condition that they are domiciled in Distt Dir Lower.
- They are directed to produce their "Health & Age" certificate from the civil surgeon Dir Lower at Tigrara.
- No TA/DA will be paid to them on joining the post.
- Their age may not exceed 35 years OR below 18 years.
- Charge reports should be submitted to all concerned.
- Drawing & Disbursing Officers concerned are directed to check/verify their documents from the concerned Boards/Institutions, before handing over the charge to them.
- S No 50,51,52 & 53 are directed to continue their duties till the availability of trained candidates OR passing the PTC Examination before the contract period.
- This order is issued with effect from the date of publication excepted, as a notice only.

(ZARAWAR KHAN)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LIT DIR LOWER

Sl. No. 10853-20 / Dated Timergara the 13 / 11 / 2006

Copy of the above is forwarded to:

- The District Coordination Officer Dir Lower at Timergara
- The District Nazim Dir Lower at Timergara
- PA to Secretary Schools & Literacy NWFP Peshawar.
- PA to Director Schools & Literacy NWFP Peshawar.
- The District Coordination Officer Schools & Literacy Dir Lower at Timergara
- The District Accounts Officer Dir Lower at Timergara
- Dy. District Officers (M) Timergara & Sameer
- Candidates concerned.

(Signature)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LIT DIR LOWER

- 8 -

Dist. Govt. KP-Provincial
District Accounts Office Dir at Timargar
Monthly Salary Statement (July-2021)



Personal Information of Mr SHER MAHMOOD d/w/s of TAJBAR KHAN

Personnel Number: 00358875 CNIC: 1530119356727 NTN:
 Date of Birth: 05.11.1975 Entry into Govt. Service: 14.11.2006 Length of Service: 14 Years 08 Months 019 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80001409-DISTRICT GOVERNMENT KHYBE

DDO Code: DA6140-GOVT. PRIMARY SCHOOLS (M) SAMARBAGH

Payroll Section: 001 GPF Section: 001 Cash Center: 01

GPF A/C No: VOL CP 6 P 20 Interest Applied: Yes GPF Balance: 396,081.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 10

Wage type		Amount	Wage type		Amount
0001	Basic Pay	26,880.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	500.00
2199	Adhoc Relief Allow @10%	340.00	2211	Adhoc Relief All 2016 10%	1,860.00
2224	Adhoc Relief All 2017 10%	2,688.00	2247	Adhoc Relief All 2018 10%	2,688.00
2264	Adhoc Relief All 2019 10%	2,688.00	2309	Adhoc Relief All 2021 10%	2,688.00
2316	Teaching Allowance 2021	3,036.00	5002	Adjustment House Rent	1,107.00
5150	Adj. Teaching Allow 2021	3,036.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-90.00	3990	Emp.Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-609.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 1,434.10 Recovered till JUL-2021: 90.00 Exempted: 358.17 Recoverable: 985.93

Gross Pay (Rs.): 56,188.00 Deductions (Rs.): -4,635.00 Net Pay: (Rs.): 51,553.00

Payee Name: SHER MAHMOOD

Account Number: 2279-04

Bank Details: HABIB BANK LIMITED, 221744 SAMAR BAGH SAMAR BAGH, SAMAR BAGH

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: SHAHI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: shermahmood75@gmail.com

System generated document in accordance with APPM 4.6.12.9(265994/13.07.2021A-3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/16.07.2021/23:36:23)

- 9 -

Dist. Govt. KP-Provincial
District Accounts Office Dir at Timargarh
Monthly Salary Statement (December-2023)



Personal Information of Mr SHER MAHMOOD d/w/s of TAJBAR KHAN
Personnel Number: 00358875 CNIC: 1530119356727
Date of Birth: 05.11.1975 Entry into Govt. Service: 14.11.2006

NTN:
Length of Service: 17 Years 01 Months 09 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA

DDO Code: DA6140-GOVT. PRIMARY SCHOOLS (M) SAMARBAGH

Payroll Section: 001

GPF Section: 001

Cash Center: 01

GPF A/C No: VOL CP 6 P 20

GPF-Interest applied

GPF Balance:

639,800.00 (provisional)

Vendor Number: -

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 14

Pay Stage: 13

Pay and Allowances:

Wage type		Amount	Wage type		Amount
0001	Basic Pay	45,150.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	500.00
2199	Adhoc Relief Allow @10%	340.00	2316	Teaching Allowance 2021	3,036.00
2341	Dispr. Red All 15% 2022KP	4,207.00	2347	Adhoc Rel At 15% 22(PS17)	4,208.00
2378	Adhoc Relief All 2023 35%	15,193.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-587.00	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
6505	GPF Loan Principal Instal	100,000.00	-6,200.00	0.00

Deductions - Income Tax

Payable: 9,175.78 Recovered till DEC-2023: 3,362.00 Exempted: 2293.58 Recoverable: 3,520.20

Gross Pay (Rs.): 81,311.00 Deductions: (Rs.): -12,622.00 Net Pay: (Rs.): 68,689.00

Payee Name: SHER MAHMOOD

Account Number: 2279-04

Bank Details: HABIB BANK LIMITED, 221744 SAMAR BAGH SAMAR BAGH, SAMAR BAGH

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: SHAIH

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: shermahmood75@gmail.com

Housing Status: No Official

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/8/2020

In exercise of the powers conferred by section 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

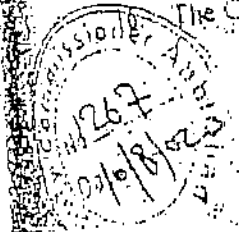
POST NO & EVEN DATE

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.

(WAJIBAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED



Handwritten signature and initials.

- 11 -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)



[Handwritten signature]

WP4412-2023 AZIZULLAH VS GOVT OF POK

[Handwritten notes and signatures]

- 1. PS-10 Special Secretary (Reg.) Establishment Department.
- 2. PS-10 Additional Secretary (Reg-11), Establishment Department.
- 3. PS-10 Deputy Secretary (Policy), Establishment Department.

Copy forwarded to the:
Under: DT even No & date

Section Officer (Policy)

Yours faithfully,
[Signature]
Section Officer (Policy)
(1328 Muhammad Khan)

2011, please.

proceeded against under Khyber Pakhtunkhwa Civil Servants (Recruitment & Discipline) Rules, of the competent authority or try to evade promotion through different means shall be

3. Furthermore, those officers/staffs who do not comply with promotion order civil servant to accept promotion in every condition.

to lack higher responsibilities in case of promotion. Therefore, it is obligatory upon every prevent those who tend to forge promotion or show lack of capacity will serve from their rank by asking for a single alternative position or to

2. The basic rationale behind the detail of the bid rule is aimed at preventing a provision exists to decline or forge promotion.

Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) 2/Appointment 2023 dated 18.04.2023 in the subject noted above and to state that Sub-Rule

I am directed in letter to your letter No. SO(Primary-M)K&S/12-2-2023 dated 18.04.2023 in the subject noted above and to state that Sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) 2/Appointment 2023 dated 18.04.2023 in the subject noted above and to state that Sub-Rule

Subject: GUARANTEE REGARDING PROMOTION OR BIDDING IN THE CIVIL SERVICE (APPPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989

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



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)K&S/12-2/2023
Dated: Faisalabad the June 06, 2023

6.2

Annexure - C

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

To

The Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department.

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

Dear Sir,

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

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

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

Yours faithfully,

(Issa Muhammad Khan)
Section Officer(Policy)

(Encl). of even No & date

Copy is forwarded to :-

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)



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

No.SO (Primary-MYE&SED/2-6/2023
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(5) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.

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

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

Encl: AA

[Handwritten mark]

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

Copy forwarded to the:

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

[Handwritten mark]

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

[Handwritten Signature]

-15-
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)



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


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.

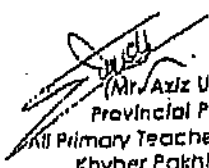
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

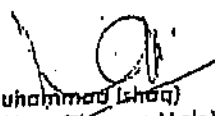
3. After thorough discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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



- Lt -
- 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(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 Secretariat Khyber Pakhtunkhwa Peshawar

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)



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

No. SO(Policy-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.


SECTION OFFICER (PRIMARY MALE)
23/8/23

Scanned with CamScanner

No. 5 (Primary-M) E&SE D/8-21
Appointment - Rule/2023
Peshawar Dated 23rd August 2023.

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

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

Dear Sir,
I am directed to refer to your letter No. 50 (Primary
(Policy) / 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.

Copy forwarded to:
1. Director E&SE Khyber Pakhtunkhwa.
2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa
WPA442-2023 4212/EX/10/2023

(Muhammad Ishaq)
Section Officer (Primary
Matter)

- B/c -

- 19 -



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

Subject: - MINUTES OF THE MEETING

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

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
 - That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-02-2023.
 - (i) Now it is obligatory upon the civil servant to accept Promotion in every condition.
 - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
 - That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
 - That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
 - The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
 - That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary, Establishment at his office this office, has been asked for submission of consolidated case.
- In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPs-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.

[Signature] 21/7/2023
Assistant Director (Estab M-7)
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

[Handwritten mark]

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/GM/Min/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/1-2/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary 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.

Annexure - F



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

To

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

Subject: -

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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.

-23-

- 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)

Annexure - G

To,

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

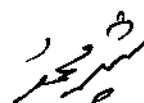
Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER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

Sir/ Madam:-

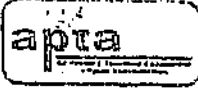
Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against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

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

Dated 16/03/2024


Dated 16/03/2024

Aziz Ullah Khan
President
0313-0414518
azizullah1973@gmail.com
nplakpl



APTA House:
Govt. Primary School No.4,
Gulshan Poshwar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - H

مقام: ٹیکر لوی ہسپتال ڈی ایچ جی این خیبر پختونخوا
مقام: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب عالی

گزارش ہے کہ پرموشنز ہر ادا سے ہوتے ہیں اور کہ سرکاری ملازم کی خواہش ہوتی ہے پرموشن کا ایک قانون ہوا کرتا تھا کہ ہر ملازم ایک اگر کسی
بھروسے تحت ایک دن پرموشن نہ لیں تو وہ پھر آئندہ چار سال تک پرموشن نہیں لے سکتے تھے مطلب چار سال تک پھر اس کی پرموشن نہیں ہو سکتی تھی
پھر اس قانون میں ترمیمی رعایت دی گئی چار سال دہلی بات ضمن کر دی گئی کہ اگر ایک ملازم ایک سال پرموشن نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتے پہلے ایک اور نوٹیفکیشن آ رہا ہے
جس کے مطابق اب ہر ملازم پرموشن ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای ڈی روڈ کے مطابق کارروائی کر لے گا کہا گیا ہے
دراصل یہ آئی نوٹیفکیشن بنیادی انسانی حقوق کی مکمل خلاف ورزی ہے سوسے کی روز روز اور پہاڑی علاقوں میں خاص کر خواتین اساتذہ کو انسانی حقوق کا
سامنا کرنا پڑے گا
بلکہ عام حالات میں بھی ذہنی پرموشن اور دور دراز بیجا بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خاندانی دشمنیاں
مکی ہوتی ہے ایسے حالات میں یہ قانون ٹیچرز جو E&SE کی کاپی لیس لیکر جہاں جہاں میں گیا گیا ہے جو بدلتی اور بدلتی انسانی حقوق کی خلاف
ہم اس کے خلاف قانونی چارہ جوئی کا حق بھی محفوظ رکھتے ہیں
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
زبردستی پرموشن لینے کی بجائے ان کو مرضی سے لینے دیا جائے
اور پرموشن نہ لینے کی صورت میں باقاعدہ باطل لیا جائے لیکن یہ زبردستی نہ کی جائے
اس سلسلے میں آپ جلد از جلد تمام (DEOs) ڈی ای او کو ایک خبر دے کر اس امر سے باخبر کیا جائے تاکہ اطلاع میں آپ سبیل / سبیل پرائمری اساتذہ کو ذہنی
البت اور نارنجک سے بچایا جائے
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر لاپرواہ کر لے گا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کوئی ایسوسی ایشن لیکر سب سے پرائمری اساتذہ خصوصاً سبیل پرائمری اساتذہ کو اس ذہنی البت سے ہمت دلائیں گے

شکریہ

عزیز اللہ خان صوبائی 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]
13/5/24

Date of Presentation of Application 10.7.24
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of 13-1724
 Date of 17-6-24
 Date of Delivery of Copy 17-6-24

[Handwritten Signature]

WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SHER MEHMOOD

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

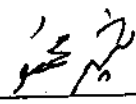
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM


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


I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.



APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court