


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 1664 /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<br/><br/>REGISTRAR</p> |

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A. No. 1664/2024  
Samir Haq

V/S

Government of KP & others

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ADVOCATE

M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 1664 /2024

Sami Ul Haq Jan Son of Fazal I Haq Jan, SPST  
GPS Gwaro, 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:**

- 2
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:-

**GROUNDS:-**

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

- 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

*[Signature]*  
 Appellant

Through

*[Signature]*  
**Muhammad Muazzam Butt**  
 Advocate Supreme Court

*[Signature]*  
**Muhammad Adeel Butt**  
 Advocate High Court

*[Signature]*  
**Bassam Ahmad Siddiqui**  
 Advocate High Court  
 LL.M- Human Rights

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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_ -P of 2024

In Ref to \_\_\_\_\_

Service Appeal No \_\_\_\_\_/2024

**SAMI UL HAQ**  
**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:-

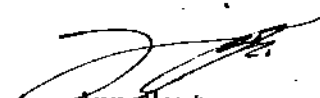
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification 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.

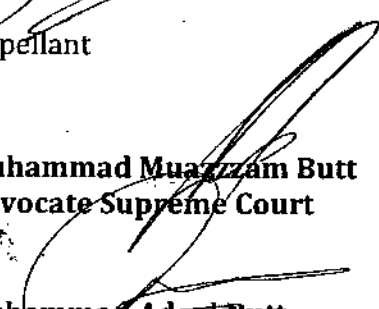
In view of the reasons, it is humbly requested that the notification bearing No. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.

**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 Honorable

Through

  
Appellant

  
**Muhammad Muazzam Butt**  
Advocate Supreme Court

Muhammad Muazzam Butt

OFFICE ORDER:-

ANNEXURE I

In compliance with the verdict of Honourable High Court, No. 2708 dated 23.10.2000; the following trained P.T.C. competitors are hereby adjusted in APS-7 plus usual allowances in the schools noted against their names with immediate effect subject to the terms and conditions as under.

| Sr. No. | Name & Father's Name.                  | Residence.                  | No. of Merit. | Name of School where appointed. | Remarks/Previous Appt. order No. date & place posting.   |
|---------|--|-----------------------------|---------------|---------------------------------|--|
| 1.      | Rahid Shah S/O, Ghazi Mahmood.         | V. Khungai (P)/ Zafar Abad. | 42/69         | GPS Shada.                      | 2223-2407 dt: 24.6.97 GPS Charkeera (N).                 |
| 2.      | Muqadar Khan, S/O, Ayes Khan.          | " Stanadaro.                | 47/68         | GPS Markanadi.                  | 2223-2407 dt: 24.6.97 GPS Lantoor Pir.                   |
| 3.      | Muhammad Din S/O, Habibur Rahman.      | " Khonano Baba.             | 57/70         | GPS <i>Kalasa</i> .             | 2223-2407 dt: 24.6.97 Subject to provision of documents. |
| 4.      | Masoodur Rahman S/O, Habibur Rahman.   | " Khungai.                  | 31/67         | GPS Shabi.                      | 2223-2407 dt: 24.6.97 GPS Dara.                          |
| 5.      | Taj Muhammad S/O, Faiz Muhammad.       | " Dabbar.                   | 43/61         | GPS Gajik-Miskini.              | 2223-2407 dt: 24.6.97 GPS Bada.                          |
| 6.      | Gulistan Shah Zada S/O Gul Faraz Khan. | " Bagh Dushkhal.            | 41/61         | GPS Dheri Shuntala.             | 2223-2407 dt: 24.6.97 GPS Shantala.                      |
| 7.      | Muhammad Saleem S/O Niaz Muhammad.     | " Sado. Shkai-wlai.         | 50/60         | GPS Bangolai.                   | 2223-2407 dt: -do- GPS Dalgram.                          |
| 8.      | Muhammad Rashid S/O Bahadar Said.      | " Dheri Talash.             | 63/60         | GPS Jawee.                      | 2223-2407 dt: -do- GPS Makhal.                           |
| 9.      | Hakimullah S/O, Saeed Jan.             | " Beran Bala Kotigram.      | 16/60         | GPS Jalatai Ashar.              | 2223-2407 dt: -do- GPS Chabgal.                          |
| 10.     | Khalid Muhammad S/O, Fazal Rahman.     | " Tangi Noora-Khal Talash.  | 112/60        | GPS Shyanokasi.                 | 2223-2407 dt: -do- GPS Shingara.                         |
| 11.     | Rafiqullah S/O, Ashmali Khan.          | " Dagan Mian Brangola.      | 21/58         | GPS Diny Shanz.                 | 2223-2407 dt: -do- GPS Khar Tall.                        |
| 12.     | Shah Nawaz Khan S/O Raza Khan.         | " Yousaf Manai Balasbat.    | 81/58         | GPS Ali Banda.                  | 2223-2407 dt: -do- GPS Eera Shah.                        |
| 13.     | Muhammad Riaz S/O, Sher Ghani Khan.    | " Dheri Talash.             | 78/58         | GPS Ghawara Banda.              | 2223-2407 dt: -do- GPS Shingara.                         |
| 14.     | Muhtaq Ahmad S/O, Moazz Khan.          | " Nagrai Bala.              | 154/58        | GPS Tantai.                     | 2223-2407 dt: -do- GPS Kanoai Kas.                       |
| 15.     | Samiul Haq Jan S/O, Fazal Haq Jan.     | " Kandaro Balasbat.         | 95/56         | GPS Qano.                       | 2034-2196 dt: 24.6.97 GPS Haji Abad.                     |
| 16.     | Sunir Gul S/O, Yur Gul.                | " Tangai Khovar.            | 97/56         | GPS Jabara (K).                 | 2034-2196 dt: -do- GPS Nangra.                           |
| 17.     | Nizamud Din S/O, Hamidullah Jan.       | " Kulalano Shah Kumbar.     | 23/55         | GPS Kotho Fazal-Abad.           | 2034-2196 dt: -do- GPS Tanga.                            |

TERMS & CONDITIONS.

1. They will be Governed by the such rules & regulations as may be prescribed by the Govt: from time to time for the category of the Govt: servant which they belong.
2. Their services will be liable to termination on one months notice from either side. In case of resignation without notice one month's pay will be forfeited in lieu thereof.
3. They should joins the posts within one months of the issue of this notification. Their inter-se seniority will be determined in accordance with the merit of the Departmental selection committee.
4. Charge report should be submitted to all concerned.
5. They shall be on probation period of two years & will have to pass departmental Examination. In case no candidate fails to qualify the departmental Exam he will be given one more chance. If he fails again then his services will be terminated on arrival/availability of a trained teacher, the service of untrained teacher occupied the post will be terminated.

(Cont: On Page No. 2.)

Sami - ul - Haq Jan P.T.C

ATTESTED

Sami - ul - Haq Jan





-8-

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



**Personal Information of Mr SAMIUL HAQ JAN d/w/s of FAZALI HAQ JAN**

Personnel Number: 00266499      CNIC: 1530208702109      NTN:  
Date of Birth: 15.07.1970      Entry into Govt. Service: 27.11.2000      Length of Service: 23 Years 02 Months 006 Days

**Employment Category: Active Temporary**

Designation: SENIOR PRIMARY SCHOOL TEA      80674791-DISTRICT GOVERNMENT KHYBE

DDO Code: DA6319-District Dir Lower

Payroll Section: 001      GPF Section: 001      Cash Center: 09  
GPF A/C No:      GPF Interest Free      **GPF Balance:**      440,443.00 (provisional)

Vendor Number: -  
**Pay and Allowances:**      Pay scale: BPS For - 2022      Pay Scale Type: Civil      BPS: 14      Pay Stage: 19

| Wage type |                           | Amount    | Wage type |                           | Amount   |
|-----------|---------------------------|-----------|-----------|---------------------------|----------|
| 0001      | Basic Pay                 | 55,590.00 | 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 | 705.00   |
| 2199      | Adhoc Relief Allow @10%   | 476.00    | 2316      | Teaching Allowance 2021   | 3,036.00 |
| 2341      | Dispr. Red All 15% 2022KP | 5,260.00  | 2347      | Adhoc Rel Al 15% 22(PS17) | 5,261.00 |
| 2378      | Adhoc Relief All 2023 35% | 18,847.00 |           |                           | 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                | -897.00   | 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: 14,138.08      Recovered till JAN-2024: 6,119.00      Exempted: 3534.43      Recoverable: 4,484.65

**Gross Pay (Rs.): 97,852.00      Deductions: (Rs.): -6,732.00      Net Pay: (Rs.): 91,120.00**

Payee Name: SAMIUL HAQ JAN

Account Number: PLS 3131-6

Bank Details: MCB BANK LIMITED, 241263 MCB BALAMBATTIMARGARA MCB BALAMBAT TIMARGARA,

Leaves:      Opening Balance:      Aailed:      Earned:      Balance:

Permanent Address: VILL.KANDARO

City: DIR LOWER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: samiulhaq208@gmail.com

**ATTESTED**

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/02.02.2024/20:12:32)

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

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.

*Wardah Lathif*  
(WARDAH LATHIF)  
DEPUTY SECRETARY (POLICY)

ATTESTED

1267  
01/08/2020

*Attested*  
*A*

-10-

- B/c -

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)



Annexure - C



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

62

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

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

Dear Sir,  
I am directed in refer to your letter No. SO(Policy-MY&SU/D2-  
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 Muhammad Khan)  
Section Officer (Policy)

ASE  
7/6

Handwritten signature

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

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

Section Officer (Policy)

Handwritten signature

2633  
7.6.23

AFFECTED

-12-  
- B/C -  
GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

To

The Government of Khyber Pakhtunkhwa  
Elementary & Secondary Education Department.

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

Dear Sir,

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

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

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

Yours faithfully,

(Issa Muhammad Khan)  
Section Officer(Policy)

(Enclst). 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)

  
ATTACHED



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 lhc. June 26<sup>th</sup>, 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

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

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

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

Encl: AA

*[Handwritten Signature]*

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

Copy forwarded to the:

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

*[Handwritten Signature]*

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

*[Handwritten Signature]*

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

To

The Director  
Elementary & Secondary Education Department  
Khyber Pakhtunichwa, Peshawar

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER  
PAKHTUNICHTWA 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 Pakhtunichwa.

SECTION OFFICER (PRIMARY MALE)



-15-

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

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

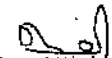
Annexure  
①

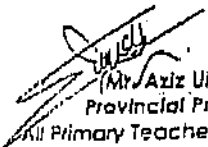
| S# | NAME              | DESIGNATION  |
|----|-------------------|--|
| 1  | Mr. Fazal Wahid   | Deputy Director Establishment of Directorate Elementary & Secondary Education Department |
| 2  | Mr. Aziz Ullah    | Provincial President All Primary Teachers Association Khyber Pakhtunkhwa           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


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


3. After 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-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- -16-

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

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

| S# | 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(Primary-M)E&SED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> 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 06<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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

Scanned with CamScanner

-B/c-

No. 55 (Primary - M) E & SED / 8-A /  
Appointment - Rule / 2023  
Peshawar Dated 23rd August, 2023.

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

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

Dear Sir,  
I am directed to refer to your letter No. 50 (Policy) / E & AD  
/ 1-3/2023 dated 8th June 2023 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

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

- Copy forwarded to;
1. Director E & SE Khyber Pakhtunkhwa.
  2. PS to Secretary, E & SE Department (Khyber Pakhtunkhwa) Peshawar
- (Muhammad Ishtiaq)  
Section Officer (Primary  
Male)



No. 8145

Khyber Pakhtunkhwa, Peshawar

P.F. No. 34/SST/M/General Cases

Dated 21-7-2023

Phone: 091-9221344

Email: establishmentmale@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) dated Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1982) 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.

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

- B/C -

## DIRECTORATE OF ELEMENTARY &amp; 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.I.B./  
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(S) in Civil Servants (Appointment, promotion, Transfer Rule 1989) 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/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office, This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.



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.

WP/142-2023 AZIZULLAH VS GOVT OF PG-3

ATTESTED

22

- B/c -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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 nicer (Policy)

WP4442-2023 AZIZULLAH VS GOVT CF-PG43

**ATTESTED**



23-  
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 15/04/2024



SAMI UL HAQ  
S/O FAZAL I HODI TAN

Aziz Ullah Khan  
President  
0333-0414648  
azizullah1973@gmail.com  
01 notakpi



APTA House  
Govt. Primary School No.1,  
Gulbahar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

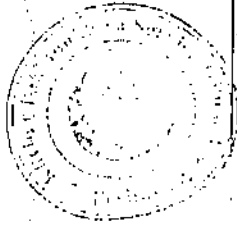
مہاب: سیکرٹری ایگزیکٹو ایسوسی ایشن خیبر پختونخوا  
مہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
جناب عالی

گزارش ہے کہ پرموشنز ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پرموشن کا ایک قانون اور اس کا ہر ملازم ایک اگر کسی  
مجوزے تحت ایک دفعہ پرموشن نہ لیں تو وہ پھر آئندہ چار سال تک پرموشن نہیں لے سکتے تھے مطلب چار سال تک ہر اس کی پرموشن نہیں دینی تھی  
پھر اس قانون میں ترمیمی رعایت دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پرموشن نہ لیں تو وہ دوسرے سال لے سکتا ہے  
لیکن اب ایک ہفتہ پہلے ایک اور نوٹیفکیشن آیا ہے  
جس کے مطابق اب ہر ملازم پرموشن ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف آئی و ڈی رول کے مطابق کارروائی کر کے کہا گیا ہے  
اور اصل یہ آئی نوٹیفکیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے سو بے کی دور دراز اور پہلی طاقتوں میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا  
سامنا کرنا پڑے گا  
بیکہ عام حالات میں بھی ترمیمی پرموشن اور دور دراز بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے علاقائی دشمنیاں  
بھی ہوتی ہے ایسے حالات میں یہ یا نوٹیفکیشن جو E&SE کی گائیڈ لائنوں کی خلاف ورزی ہے جو بدقسمتی اور بنیادی انسانی حقوق کی خلاف ورزی  
ہم اس کے خلاف قانونی چارہ چولی 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 ہاتھ دھوا جائے لیکن یہ زبردستی نہ کی جائے  
اس سلسلے میں آپ پہلے از قبل تمام (DRO) ای او اور ایک خصوصی سراسر جاری کیا جائے تاکہ اساتذہ میں پ سٹیل / لیسٹیل پرائمری اساتذہ کو ذہنی  
البت اور توجہ سے دیا جائے  
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر تار چر کرنے کا سلسلہ شروع ہو چکا ہے  
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان ذہنی ایسٹن لیکر سوچ کر پرائمری اساتذہ خصوصاً لیسٹیل پرائمری اساتذہ کو اس ذہنی البت سے نجات 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]*  
Muhammad Akbar Khan  
Member (I)

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

*[Handwritten signature]*

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

SAMI UL HAQ

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

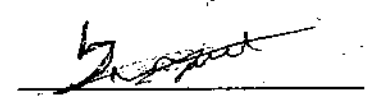
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

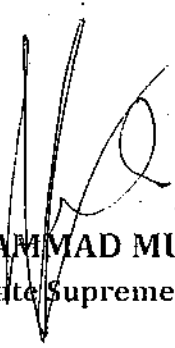
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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

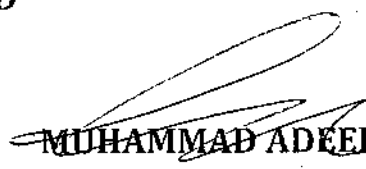


**APPELLANT**

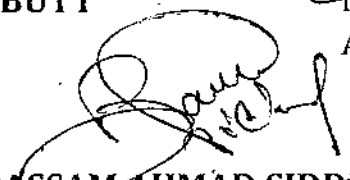
**ACCEPTED**



**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court



**MUHAMMAD ADEEL BUTT**  
Advocate High Court



**BASSAM AHMAD SIDDIQUI**  
Advocate High Court