


# FORM OF ORDER SHEET

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

Appeal No. 1672 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27 /09/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 03.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A. No. 1672/24

BIBI ZAINAB

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 1672 /2024

BiBi Zainab Wife of Muhammad Shafique, SPST  
GGPS Maroofi Banda, Tehsil & District Hangu

.....Appellant

**VERSUS**

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

.....Respondents

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

**PRAYER:**

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

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

**RESPECTFULLY SHEWETH:**

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

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

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

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

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as **Annexure F**
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed. Copy of Representation against the said notification is annexed as **Annexure G & H**
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

**GROUND:-**

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

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

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

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

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

**AFFIDAVIT:**

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

*Zainab*  
Deponent

Through

*Zainab*  
Appellant

*Muhammad Muazzam Butt*  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Advocate High Court

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

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

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

**BIBI ZAINAB**

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

**AFFIDAVIT:**

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

*Zainab*  
Deponent

Through

*Zainab*  
Appellant

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

S.NO.	NAME OF THE APPLICANT WITH HOME ADDRESS & FATHER NAME	NAME OF THE SCHOOL	POST ADJUSTED	HP	REMARKS
23.	Miss Maryam Begum, Ghalam, Hangu.	Ganjohi Khel	PS Darul Banda	07	UC Wise
24.	Miss Najma Begum, Batiq, Hangu.	High Naran	CGPS Kat Char	07	UC Wise Subject to the condition to provide Age Relaxation from competent authority within 15 days of issuance of order. Otherwise the appointment will be considered as cancelled.
25.	Miss Noor Sakina, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP
26.	Miss Ayesha, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP
27.	Miss Zohra Khatun, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP
28.	Miss Sakeena Tabassum, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP
29.	Miss Noori Zahra, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP
30.	Miss Ghazala Nazreen, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP
31.	Miss Sabina, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP
32.	Miss Zeenat, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP
33.	Miss Sadfa Perveen, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP
34.	Miss Bibi Sakina, Batiq, Hangu.	Hangu	CGPS Ghata China	07	AVP

**TERMS AND CONDITIONS.**

1. They will be governed by such rules and regulations as prescribed by the Govt. from time to time for the category of Govt. servants to which they belong.
2. Their services will be liable to termination on one month prior notice from either side. One month pay will be forfeited in favour of Govt. if resigned without prior notice.
3. They should join the post within 15 days after the issuance of a notification.
4. If the age of any candidate is less than 18 years or above the age limit their appointment will not be considered as cancelled.
5. Their inter seniority will be determined in accordance with the District Departmental Selection Committee.
6. Charge report should be submitted to the District Officer concerned before taking over the charge.
7. They are required to produce Health & Age certificate from Medical Superintendent concerned before taking over the charge.
8. The appointment is subject to the condition that they are permanently domiciled of District Hangu.
9. They will produce Bank Receipt deposited for the purpose of verification of their certificate/Diplomas/Degree etc & before taking over the charge. The appointment of candidates will be canceled if their testimonials are found spurious.
10. They will be on probation for a period of three years.
11. The DDOs Will not draw their salaries unless their certificate/diplomas/Degree etc are verified by concerned institution /Board etc.
12. They shall for all intents and purposes be Civil Servants, except for purpose of pension and gratuity in lieu of the same, they shall be entitled to receive contributory provident fund for the said fund 10% contribution will be made by Provincial Govt. and 10% by Civil servants concerned in the prescribed manner. Provided further that, in the event of death of the Civil servants, whether before or after retirement, his family shall be entitled to receive the said amount, if it has already not been received by concerned deceased civil servant.
13. They will have all rights/Privileges contained in NWFP Civil servants Act, 1973 with all amendments made their including NWFP Civil Servants (Amendment) Act, 2005 and rules made there under.
14. In case of disciplinary matter, NWFP Civil servants act, 1973 and NWFP Civil servant removal from service, (Special Powers), Ordinance 2000 shall be applicable.
15. They will not claim their rights through appeals Petitions if they are terminated on the basis of any mistake/oversight committed and pointed out at latter stage.

HAZLE UMCEL  
EXECUTIVE DISTRICT OFFICER,  
SCHOOLS & LITERACY HANGU.

10336-77

/Dated Hangu the 13-12-2007.

- Copy to the:-
- Director Schools & Literacy NWFP Peshawar.
  - District Nazim Hangu.
  - District Coordination Officer, Hangu.
  - District Accounts Officer, Hangu.
  - Deputy District Officer, (F), P. Hangu.
  - Officials Concerned.

DISTRICT OFFICER,  
(S&L) HANGU.



- 7 -

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY HANGU.**  
**APPOINTMENT ORDER.**

Consequent Upon the selection and approval of District recruitment committee of Schools & Literacy Department of District Hangu, the following appointments are hereby order in BPS(07) in the basic pay scale (Rs.2940-160-7740) & plus usual allowances as admissible under the rules against vacant PST Female Posts in the schools notified as follows each with immediate effect on the terms and conditions given below:-

S.NO.	NAME OF CANDIDATES & FATHER'S NAME WITH HOME ADDRESS	NAME OF P.O.	APPOINTED/ADJUSTED	BPS	RE.MARKS
1.	Miss: Masuda Jan D/O Mst. Mohammad R/O Moh: Khan Bari Hangu	Khan Bari	GGPS No.2 Bilyamina	07	Open Merit ANCP
2.	Miss: Nuhat Batool D/O S. Qadir Hussain R/O Moh: Ali Akbar Ganjano Kili Hangu.	Ganjano Kili	GGPS Rasheed Abud	07	Open Merit ANCP
3.	Miss: Sheela Khan D/O Wazir Khan R/O Moh: Saad Khan Hangu	Khan Bari	GGPS Naurang Abad	07	Open Merit ANCP
4.	Miss: Zeenat Ara D/O Rahim Hakeem R/O Moh: Hafiz Chari Hangu	Khan Bari	GGPS Torki Banda	07	Open Merit ANCP
5.	Miss: Man Jabeen D/O Nisar Ali R/O Moh: Yarrhinwal Pat Bazar Hangu.	Khan Bari	GGPS Kut Ghar	07	Open Merit ANCP
6.	Miss: Seema Gul D/O Iqbal Khan R/O Moh: Subhat Khan Thall Urban	Thall Urban	GGPS Toli Deth	07	Open Merit ANCP
7.	Miss: Nafees D/O M. Amrullah Khan R/O Moh: SaJJano Banda Hangu	Khan Bari	GGPS No.1 M. Khawaja	07	Open Merit ANCP
8.	Miss: Zainab D/O Jinnat Khan R/O Moh: Gul Rugh Kili Near GCMHS No.1 Hangu	Khan Bari	GGPS Minroofi Banda	07	Open Merit ANCP
9.	Miss: Shozbi D/O Yaseen Shah R/O Moh: Ganjano Kili	Ganjano Kili	GGPS Heera Banda	07	Open Merit ANCP
10.	Miss: Khadeeja Habib D/O Halid Khan R/O Moh: Ganjano Kili Hangu.	Ganjano Kili	GGPS Bori Kili	07	Open Merit ANCP
11.	Miss: Sulra Bano D/O Ali Nawaz R/O Moh: Ibrahimzal R/O Hangu.	Raissan	GGPS Chani Kahi	07	Open Merit ANCP
12.	Miss: Shazmeen Sultana D/O Sarwar Hussain R/O Moh: Khawaja Khizar (Jawozara) P.C. Osterzal Bala.	Raissan	GGPS Rasheed Abud	07	Open Merit ANCP
13.	Miss: Laila Naz D/O Irshad Ali R/O Vill: Ibrahimzal Hangu.	Raissan	GGPS Sial Tallo	07	Open Merit ANCP
14.	Miss: Uzma Bintul Huda D/O Jubar Ali R/O Vill: Lodhi Khel Hangu.	Raissan	GGPS Sara Chagari	07	Open Merit ANCP
15.	Miss: Najma Zahra D/O Nisar Hussain R/O Vill: Khawaja Khizar (Jawozara) Hangu.	Raissan	GGPS Togh Sarai	07	Open Merit ANCP
16.	Miss: Abida Perveen D/O Muhammad Zubair R/O Vill: Togh Sarai	Togh Sarai	GGPS Heera Banda	07	Open Merit ANCP
17.	Miss: Salma Ilyas D/O Muhammad Ilyas R/O Moh: Ganjano Kili	Ganjano Kili	GGPS Shaqwari Ali Khel	07	Open Merit ANCP
18.	Miss: Tahira Naheed D/O Muhammad Anwar R/O Moh: Khan Bari	Khan Bari	GGPS No.1 Thall	07	Open Merit ANCP
19.	Miss: Sumaira Khalid D/O Khalid Shah R/O Moh: Malik Subhat Khan Thall City.	Thall Urban	GGPS Chagwari	07	Open Merit ANCP
20.	Miss: Rubila Bano D/O Jubar Ali R/O Vill: Lodhi Khel Hangu.	Raissan	GGPS Sial Tallo	07	Open Merit ANCP
21.	Miss: Nusrat Shahreen D/O Muhammad Tariq	Raissan	GGPS Sial Tallo	07	Open Merit ANCP

Continue Next page No 2

**Dist. Govt. KP-Provincial**  
**District Accounts Office Hangu**  
**Monthly Salary Statement (December-2023)**



**Personal Information of Miss BIBI ZAINAB d/o/s of MUHAMMAD SHAHIQUE**  
 PANONET Number: 00419949      CNIC: 1410164150212      NTN:  
 Date of Birth: 24.09.1984      Entry into Govt. Service: 14.12.2007      Length of Service: 16 Years 00 Months 09 Days

**Employment Category:** Vocational/Temporary  
**Designation:** SENIOR PRIMARY SCHOOL TEA      80002004-DISTRICT GOVERNMENT KHYBER  
**HRD Cycle:** HC04049  
**Payroll Section (01)**      **GPF Section:** 001      **Cash Center:**  
**GPF A/C No:**      **GPF Interest applied:**      **GPF Balance:**      536,504.01 (provisional)  
**Vendor Number:**  
**Pay and Allowances:**      **Pay scale:** BPS E-2052      **Pay Scale Type:** Civil      **BPS:** 14      **Pay Stage:** 12

Wage type	Amount	Wage type	Amount
0001 Basic Pay	42,410.00	1001 House Rent Allowance 45%	3,321.00
1201 Convey Allowance 2009	2,856.00	1300 Medical Allowance	1,500.00
1501 Special Allowance	800.00	2148 15% Adhoc Relief All 2013	636.00
2160 Adhoc Relief Allow 0 10%	358.00	2318 Teaching Allowance 2021	3,036.00
2341 Dispr. Rel All 15% 2022KP	4,032.00	2347 Adhoc Rel All 15% 2022KP	4,032.00
2378 Adhoc Relief All 2023 33%	14,584.00		0.00

**Deductions - General**

Wage type	Amount	Wage type	Amount
2012 GPF Subscription	-3,900.00	3501 Benevolent Fund	-1,200.00
2009 Income Tax	-710.00	3990 Emp. Edu. Fund KPK	-135.00
4004 R. Benefits & Death Contn.	-600.00		0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 8,302.48      Recovered all DRC-2023: 4,045.00      Exempted: 0.20      Recoverable: 4,257.28

Gross Pay (Rs.): 78,400.00      Deductions (Rs.): -6,545.00      Net Pay (Rs.): 71,855.00

Payee Name: BIBI ZAINAB  
 Account Number: 6145-9  
 Bank Details: THE BANK OF KHYBER, 080018 HANGU BRANCH MAIN BAZAR HANGU, HANGU BRANCH MAIN BAZAR HANGU, HANGU.

**Leaves:**      **Opening Balance:**      **Availed:**      **Earned:**      **Balance:**

**Permanent Address:**  
 City: HANGU      **Domicile:**      **Housing Status:** No Official  
**Temp. Address:**  
 City:      **Email:** bibi31944@gmail.com

System generated document is available with APPM JS 22.9037053674.12.2023@1.0  
 \* All amounts are in Pak Rupees  
 \* Errors & omissions excepted (SERV/2023/01.12.2023/09-15-49)

ATTESTED

DEPUTY SECRETARY (POLICY)  
WAZIRAH LATIF

*[Handwritten signature]*



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

CHIEF SECRETARY  
GOVERNMENT OF THE KHAYDER PAKHTUNKHWA

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

AMENDMENT

Following further amendment shall be made, namely:

(a) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer) Rules, 1989, the powers conferred by section 26 of the Government of Khyber Pakhtunkhwa Act No. XVIII of 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) shall be deleted.

Dated Peshawar the 06/08/2020

NOTIFICATION

GOVERNMENT OF  
KHAYDER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION-WING)

Annexure - B

-9-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

B/c

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]*

WP442-2023 AZIZULLAH VS GOVT OF FGAD

Section Officer (Policy)

Section Officer (Policy)

Yours faithfully,

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

Copy forwarded to this  
Index, Of even No & Date

*[Handwritten initials]*

2011, please

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

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

to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every prevent those who tend to forgo promotion in evade position/transfer or show lack of capacity civil servant from temptation for their title by sticking to a single lucrative position or to

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

Rules, 1989 stands amended vide this department notification dated 06.08.2020; thus, no (3) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) 2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule 1 am directed in refer to your letter No. SO(Priory-M)77&511/2-

Subject: GUIDANCE REGARDING BID RULE IN THE APPOINTMENT AND TRANSFER RULES, 1989

The Government of Khyber Pakhtunkhwa  
Secretary & Secondary Education Department.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)16/A/1-2/2020  
Dated Peshawar the 06.08.2023

62

Annexure - C

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

B/c

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. Whether those officers/officials who do not comply with promotion order of the competent authority or 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)

(Encls). 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)

Nn.S.O (Primary-MYE&SED/2-5/2023  
Dated Peshawar the. 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 initials]*

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

Copy forwarded to the:

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

*[Handwritten initials]*

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

*[Large handwritten signature]*

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  
D


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.

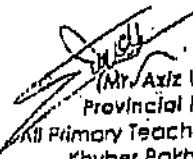
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

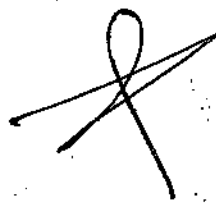
  
(Mr. Fazal Wahid)  
Deputy Director-1  
E&SE Department

  
(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





-16-  
-B/C-

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

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

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

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

WP 4442-2023 AZIZULLAH VS GOVT OF PAKISTAN





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/1-1/G.Mtxe/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted 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 in 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 IPS-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-1)  
 Elementary & Secondary Education  
 Khyber Pakhtunkhwa

Encls: No. \_\_\_\_\_  
 Copy of the above is to:-

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

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

*(Large Signature)*

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR  
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G/Mil/  
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 1997) 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 06-07-2023
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(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 Paktunkhwa.





-19-

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)/ EB&AD/ 1-3/2020 dated 05<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 of mother-in-law who need care. In such cases, there are negative effects on service delivery.

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

  
(MUHAMMAD ISMAIL)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
23/8/23

Scanned with CamScanner



1. Director E & SE Khyber Pakhtunkhwa  
 2. PS to Secretary, E & SE Department of Khyber Pakhtunkhwa  
 Copy forwarded to:  
 (Muhammad Ishaq)  
 Section Officer (Primary)  
 (Male)

Dear Sir,  
 I am directed to refer to your letter No. 50 (Primary Policy) / E&AD / 1-3/2020 dated 8th June 2023 and to state that after deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that these 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 2012. 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.

**SUBJECT:** Guidance regarding deletion of Rule 7(S) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989).  
 Peshawar.  
 The Secretary to Government of Khyber Pakhtunkhwa.  
 Establishment and Administration Department,  
 Peshawar.

No. 50 (Primary-M) E&SE D / 1-1 /  
 Appointment - Rule / 2023  
 Peshawar Dated 23rd August 2023

- b/c -

Annexure - F



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

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

Subject: **GUIDANCE REGARDING DELETION OF RULE 7(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.

- B/c -

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 24/01/2024

Zainab

 BIBI ZAINAB  
W/O MUHAMMAD SHAFIQUE  
SPST.



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



APTA House  
Govt Primary School No.4  
Gulshar 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 پروسوزر ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پروسوزر کا ایک قانون اور ہر تھما کہ جو ملازم ایک اگر کسی  
مہور کے تحت ایک دوسرے پروسوزر نہیں تو وہ ہر آٹھ ماہ سال تک پروسوزر نہیں لے سکتے تھے مطلب ہر سال تک ہر اس کی پروسوزر نہیں اور سکتی تھی  
پھر اس قانون میں قہوڑی رعایت دی گئی ہر سال والی بات علم کر دی گئی کہ اگر ایک ملازم ایک سال پروسوزر نہ لیں تو وہ دوسرے سال لے سکتا ہے  
لیکن اب ایک وقت پہلے ایک اور ٹیبلٹیشن ہوا ہے

جس کے مطابق اب ہر ملازم پروسوزر نہیں لے سکتے ہیں اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی ہر لاکھ کے مطابق کارروائی کر لے گا کہا گیا ہے  
اور اصل یہ آئی ٹی ٹیبلٹیشن بنیادی انسانی حقوق کی مکمل خلاف ورزی ہے سوسے کی دور دراز اور پہلی ملازمت میں خاص کر خواتین اساتذہ کو انسانی مشکلات کا  
سامنا کرنا پڑے گا

جبکہ عام حالات میں بھی ذہنی پروسوزر اور دور دراز بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خاندانی دشمنیاں  
بھی ہوتی ہے ایسے حالات میں یہ نیا ٹیبلٹیشن جو E&SE کی کابینہس لیزر کی جواب میں کیا گیا ہے جو بدقسمتی اور بنیادی انسانی حقوق کی خلاف ورزی  
ہم اس کے خلاف قانونی کارروائی کا حق بھی محفوظ رکھتے ہیں

لہذا ہم آپ سے استدعا کرتے ہیں کہ ٹیبلٹیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو  
ذہنی پروسوزر لینے کی ہولہ ان کو سرس سے لینے دیا جائے

اور پروسوزر نہ لینے کی صورت میں ہر آٹھ ماہ ہال لیا جائے لیکن یہ ذہنی تھکاؤ کی جائے  
اس سلسلے میں آپ سہلہ از جملہ تمام (DEOS) ڈی ای او اور کو ایک خصوصاً سراسر جاری کیا جائے تاکہ اساتذہ میں پ سیل / لیبل پرائمری اساتذہ کو ذہنی  
البت اور توجہ تک سے ہٹایا جائے

کیونکہ ٹیبلٹیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر لادج کرنے کا سلسلہ شروع ہو چکا ہے  
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان ذہنی ایکشن لیکر سب بھر کے پرائمری اساتذہ خصوصاً لیبل پرائمری اساتذہ کو اس ذہنی البت سے مہات دلائل کے

شکریہ

88/77/83

عزیر اللہ خان سوہانی 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 5/-  
 Urgent 5/-  
 Total 10/-  
 Name of 13-8-24  
 Date of 12-6-24  
 Date of Delivery of Copy 12-6-24

*[Large handwritten signature]*

# WAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

*BIBI ZAINAB.*

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.

*Zainab*

**APPELLANT**

**ACCEPTED**

*Muhammad Muazzam Butt*  
**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court

*Muhammad Adeel Butt*  
**MUHAMMAD ADEEL BUTT**  
Advocate High Court

*Bassam Ahmad Siddiqui*  
**BASSAM AHMAD SIDDIQUI**  
Advocate High Court