


FORM OF ORDER SHEET

Court of _____

Appeal No. 1674 /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. 1674/2024
RAHEEM KHAN

V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

- 1 -

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1674 /2024

Raheem Khan Son of Zarwar Khan, PSHT
GPS Furki Kahi, 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:

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:-

1. 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.
2. 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.
3. 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.
4. 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.

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

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

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

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

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

Rahim Khan
 Deponent

Through

Rahim Khan
 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

RAHIM KHAN.
VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

AFFIDAVIT:

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

Through

Rahim Khan
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Adel Butt
Muhammad Adel Butt

with immediate effect & further posted in the Schools noted against their names subject to the terms and conditions as detail given below.

S.No.	Name	Father Name	Address	Merit.	Place of Posting	Remarks
1.	Sahib Noor.	Sultan Asghar	Tucker Banda	59.80	GPS Shinali Kahi.	A.V.P.
2.	Fazal Azim	Atta Mohd.	Karbogha	57.48	GPS No.1 Karbogha.	A.V.P.
3.	Saifullah	Awal Khan	Toghsarai	56.51	GPS Tavizi Banda	A.V.P.
4.	Mohd. Ijaz	Amanat Khan	Sarozai.	55.72	GPS No.1 Sarozai.	A.V.P.
5.	Abdul Jalil	Sultan Mohd.	Mishtu Banda Bagatoo.	55.00	GPS Bagatoo	A.V.P.
6.	Mohd:Shaheed	Eid Akbar	Tamboli Banda.	54.73	GPS Tambli Banda.	A.V.P.
7.	Mohd:Zalid	Mir Ayaz.	Khazina Banda	54.59.	GPS Khazina	A.V.P.
8.	Fazal Wahid	Khinda Gul	Sarozai	51.98	GPS No.2 Sarozai.	A.V.P.
9.	Fazal Jan	Mir: Haq	Hangu	51.97	GPS Darshi.	A.V.P.
10.	Mohd: Zaman	Naik Bad Shah	Karbogha	51.30	Already in Govt:Service	Quarant GHS Torawari.
11.	S.Jabir Hussain	S.Zainul Abaqin	Pass Kaly	55.	GPS Bahadar Gari.	A.V.P.
12.	Bakhtiar Mohd:	Fiaz Mohd:	Karbogha	52.89	GPS Sharki Karbogha	A.V.P.
13.	Saifullah	Fazal Gul	Gandiri	52.83	GPS Khan Kot	A.V.P.
14.	Khaliq:Rehman	Momin Khan	Dallan	52.56	GPS No 1 Dallan	A.V.P.
15.	Mohd:Bilal	Mohd:Quraish	Toghsarai	51.81	GPS No.1 Toghsarai.	A.V.P.
16.	Noorud Din	Ghous Din	Karbogha	51.69.	GPS Shama: Din	A.V.P.
17.	Masud Haq	Shamsul Haq	Karbogha	51.67	GPS Sharki Karbogha.	A.V.P.
18.	Masood Akbar	Noor Akbar	Azimi Banda	51.56	GPS Azimi Banda	A.V.P.
19.	Shahabud Din	Nazar Ali	Dallan	51.35	GPS No.5 Dallan	A.V.P.
20.	Shahidin	Shamsud Din	Sarozai.	51.31	GPS No.2 Sarozai.	A.V.P.
21.	Shamsul Huda	Abdul Hakim	Karbogha	51.05	GPS No.1 Karbogha	A.V.P.
22.	Roshan Ayaz	Mira:Khan	Kahi	50.96	GPS No.1 Kahi.	A.V.P.
23.	S.Mohd:Irshad	Bahadar Zaman	Karbogha	50.92.	GPS No.2 Karbogha.	A.V.P.
24.	M.Nisar Khan	Ghazi Mohd:	Chapri Waziran	50.83.	GPS Dapa:Thall	A.V.P.
25.	Noor Zarin	Mir Wazir	Darari Banda	50.76	GPS Darari Banda	A.V.P.
26.	Ansar Hussain	Jafar Ghulam	Ganjan Kaly	50.57	GPS No.4 Hangu.	A.V.P.
27.	Pio Hanif	Sheraz Gul	Sarozai	50.29	GPS Doaba.	A.V.P.
28.	Surat Khan	Hakim Zar	Chapri Waziran	49.83	GPS Dapa:Thall	A.V.P.
29.	Miqdadullah	Zahoorullah	Bagatoo.	49.55.	GPS Bagatoo.	A.V.P.
30.	S.Mohd:Irshad	Mohd:Kamal	Darari Banda	49.33	GPS Darari Banda	A.V.P.
31.	Wali Khan	Abdur Rehman	Dallan	49.26.	GPS No.1 Dallan	A.V.P.
32.	Saifullah Khan	Mushtari	Adam khel(Kach)	48.95	GMPS Surak Dana	A.V.P.
33.	Mohd:Rahim	Mohd:Salim	Mianji Khel	48.90	GPS Mata Kola	A.V.P.
34.	Rahmud Din	Miraj Ud Din	Dallan	48.81	GPS No.4 Dallan	A.V.P.
35.	Shakirullah	Khial Bat Khan	Naryab	48.47	GPS Shanawari Naryab	A.V.P.
36.	Abdul Samad	Abdul Majid	Mianji Khel	48.20	GPS Sheikh Wali Korona	A.V.P.
37.	Jahanzeb	Fazal Manan	Azimi Banda	48.14	GPS Azimi Banda	A.V.P.
38.	Mohd:Sher	Islam Gul	Sarozai.	48	GPS Doaba.	A.V.P.
39.	Mohd:Hayat	Mehrabat.	Sarozai.	47.71	GPS Doaba.	A.V.P.
40.	Mohd:Jan	Hakim Khan	Dallan	47.73	GPS Shinki Banda	A.V.P.
41.	Hazrat Hussain	Zar Mohd:	Doaba	47.68	GPS Doaba.	A.V.P.
42.	Abdul Ali	Ghosh:Gowar Ali	Each Khel	47.50	GPS Each Khel	A.V.P.
43.	Attaur Rehman	Mehmood Khan	Dallan	47.49	GPS No.1 Dallan	A.V.P.
44.	Muhammad Khan	Saifoor Khan	Moh: Saidan	47.36	GPS No.1 Hangu	AVP

UNION	COUNCIL WISE	MUNICIPAL	RAISAN	GPS	A.V.P.
45.	Muhammad Shah Keel	Munamir Nabee			
				GPS Ludhi Khel	A.V.P.
			45.89	GPS No.3	A.V.P.
			41.59	Ibrahinzai	
46.	Sajid Ali	Ibrahim Khan		GPS Shahuwam.	A.V.P.
	Hameed Hussain	Mohd:Ali			
47.			41.39		
				GPS Gulbani	A.V.P.
48.	Anwar Shah	Syed Wazir		GPS Bahadar	A.V.P.
	U/C Khan Bari.		44.71	Gari	A.V.P.
49.	Azmatullah	Gharib Shah		GPS No.1	A.V.P.
	Mohd:Imran	Naqibullah	44.70	Hangu.	
50.					
			42.83		
51.	Shahab	Gulzar Mohd		GPS Bado Talab	A.V.P.
	DARBAND				
			35.46		
52.	Mohd:Khalid	Hunar Badshah		GMPS Qasim	A.V.P.
	DOABA			Abad Doaba.	A.V.P.
			46.23	GPS Doaba.	A.V.P.
	Muhamd Mohd:	Abdul Mohd:		GPS Doaba	A.V.P.
			46.16	GPS Doaba	A.V.P.
	Rafiqullah	Muhamd Jari		GPS Doaba	A.V.P.
54.	Jamshid Khan	Jumak Badshah			
	Shah Room	Kamin Gul		GPS Shanawari	A.V.P.
55.				Naryab	A.V.P.
56.	NARYAB			GPS Shanawari	A.V.P.
			47.14	Naryab	A.V.P.
57.	Habibur Rehman	Fazal Manan		GPS Sawan	A.V.P.
			46.51	Banda	
58.	Mohd:Itaf	Janat Khan		GPS No.2 Zargiri	A.V.P.
			43.73	Banda	
59.	Amir Mohd:	Ahmad Shah		GPS Marofi	A.V.P.
			42.02	Banda	
60.	Kasib Rehman	Fazal Rehman		GPS No.2	A.V.P.
	Hassan Akbar	Mutabar Khan		Sarazanika.	
61.			41.98	GPS No.1 Zargiri	A.V.P.
				GPS Zargiri No.2	A.V.P.
62.	Mohd:Jasim	Meva Gul		GPS No.2	A.V.P.
			37.19	Chapri	A.V.P.
63.	Azizur Rehman	Fazal Rehman		GPS No.2	A.V.P.
	Atiqur Rehman	Hibib Rehman		Naryab	
64.	Gul Nawaz	Qadir Khan			
65.			33.56		
			33.20		
			29.07		
66.	DALLAN			GPS Mehboob	A.V.P.
	Umar Khan	Juhajgir Khan		Banda	
			45.56	GPS Adam Banda	A.V.P.
67.	Wali Mun Shah	Zari Shah		GPS Adam Banda	A.V.P.
	Akhtar Gul	Gul Nazir			
68.	TOGH SARAI			GPS Mughal	A.V.P.
			45.68	Abad	
			45.33		
69.	Aqal Badshah	Lal Din Shah		GPS Alwara Mela	A.V.P.
				GPS Tavizi Banda	A.V.P.
			44.88	GPS Katgarh	A.V.P.
70.	Qasim Gul	Kamin Gul		GPS No.1 Tangi	A.V.P.
	Iran Badshah	Saifoor Badshah		Miangan	
71.	Nasib Hafim	Mohd:Karim		GPS Balyamina	A.V.P.
	Saifullah Khan	Gul Rehman			
72.			38.63		
73.			36.69		
			35.21		
			32.29		
			30.58		
74.	Samiullah	Mohd:Umar		GPS Jawaro	A.V.P.
	DARSAMAND			Ghundi	
			38.01		
75.	Mehmood Khan	Mohd:Yousaf		GPS No.2	A.V.P.
				Darsamand	
			36.71		
76.	Mohd:Wahid	Adam Khan		GPS Regi Madi	A.V.P.
				khel	
			32.42	GPS No.2	A.V.P.
77.	Adil Shah	Ahmad Shah		Darsamand	
			29.68		
78.	Shajaud Din	Khair Din		GPS No.1	A.V.P.
				Mohd:Khawaja	
			36.87		
79.	MOHD:KHAWAJA			GPS Babu Tang.	A.V.P.
	Jawad Rehman	Noorah Khan			
			46.93		
80.	KACH			GPS Sharki	A.V.P.
	Gul Shah	Adil Shah			
			46.57		

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

- 10 -



Personal Information of Mr RAHEEM KHAN d/w/s of ZARWAR KHAN

Personnel Number: 00211349 CNIC: 1410147947483 NTN:
 Date of Birth: 12.12.1973 Entry into Govt. Service: 08.04.2004 Length of Service: 19 Years 08 Months 025 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80002017-DISTRICT GOVERNMENT KHYBE
 DDO Code: HG6048-
 Payroll Section: 001 GPF Section: 001 Cash Center: 01
 GPF A/C No: 211349 GPF Interest applied **GPF Balance:** 504,228.00 (provisional)
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 16

Wage type	Amount	Wage type	Amount
0001 Basic Pay	55,600.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2148 15% Adhoc Relief All-2013	635.00
2199 Adhoc Relief Allow @10%	433.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	5,211.00	2347 Adhoc Rel Al 15% 22(PS17)	5,211.00
2378 Adhoc Relief All 2023 35%	18,767.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-882.00	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: 13,852.78 Recovered till DEC-2023: 5,104.00 Exempted: 3462.24 Recoverable: 5,286.54

Gross Pay (Rs.): 97,001.00 Deductions: (Rs.): -7,107.00 Net Pay: (Rs.): 89,894.00

Payee Name: RAHEEM KHAN
 Account Number: 1124-0 PLS
 Bank Details: UNITED BANK LIMITED, 210868 KAH1 KAH1, HANGU

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: TURKI BANDA HANGU
 City: HANGU Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address:
 City: Email: rahimkhanhpst@gmail.com

System generated document in accordance with APPM 4.6.12.9(210536/24.12.2023/v3.0)
 * All amounts are in Pak Rupees
 * Errors & omissions excepted (SERVICES/31.12.2023/17:38:46)

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

NOTE NO & EVEN DATE

Copy is forwarded to:-

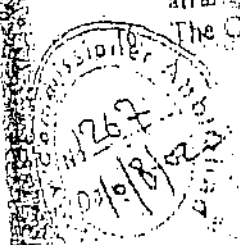
1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary 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 Deputy Director (IT), E&A Department.
13. All Section Officers in Establishment & Administration Department.
14. The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
15. The Caretaker, Administration Department.

(Signature)
(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

(Signature)



-12-

**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(Polcy)/I&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(E) 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-MYP&SMD/1-2/Appointment)2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (3) 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 M. Khan)
Section Officer (Policy)

ASE
7/6

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)

-14-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

To

The Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department.

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

Dear Sir,

I am directed to refer to your letter No SO(Primary.M/E&SED/2 - 2/Appointment/2023) dated 18.01.2023 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 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)

(Signature) of even No & date

Copy is forwarded to :-

PS to Special Secretary (Reg), Establishment Department.

PA to Additional Secretary (Reg-II), Establishment

PS to Deputy Secretary(Policy), Establishment Department.

Section Officer
(POLICY)



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 thc. June 26th, 2023

To

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

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

[Handwritten Signature]
26/6/23

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. SO (Policy)E&AD/1-3/2020 dated 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

[Large Handwritten Signature]

- 16 -
B/c

No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

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

Annexure
①


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


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


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

3. After 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.

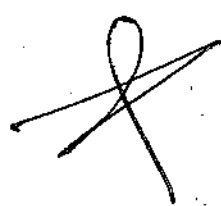

(Mr. Fazal Wahid)
Deputy Director
E&SE Department


(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



-18-
-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 thorough discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit & self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

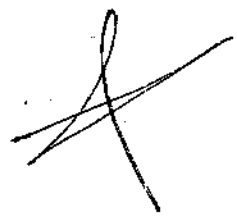
(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

WP442-2023 AZIZULLAH VS GOVT OF PESHAWAR





No. 8145

Khyber Pakhtunkhwa, Peshawar

JF.No. 34/SST/M/General Cases

Dated 21-7-2023

Phone: 091-9275344

Email: estab11mentmala1@gmail.com

To

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

Subject: - MINUTES OF THE MEETING
Dear Sir,

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

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



-21-

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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 05th June 2023, and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
23/8/23

Scanned with CamScanner

[Handwritten signature]

No. 5 (Primary-M) ESES/18-1/
Appointment - Rule/2023
Peshawar Dated 23rd August, 2023.

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. S (Primary)
Policy/E&AD
/1-3/2020 dated 6th 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 daily
teacher of primary level who avail such promotion have to
face serious inconvenience while they have to perform duties

in the remotest stations with no residential/transport facilities.
Most of them are married with kids and elder father of
mother-in-law who need care. In such cases there are negative

effects on service delivery.
In view of above, the said amendment may be reconsidered to
the extent of lady teacher in primary schools.

Copy forwarded to;

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

(Muhammad Ishaq)
Section Officer (Primary
Male)

Department of Public Administration
WP/442-2023

-22-
-b/c-

Annexure - F



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

To

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-
2/Appointment-Rule/2023 dated 23.08.2023 on the subject noted above and to state that
necessary guidance has already been rendered 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.

-24-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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)

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

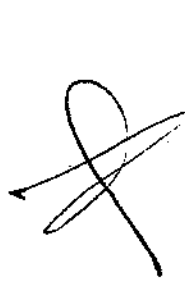
Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER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

Sir/ Madam:-

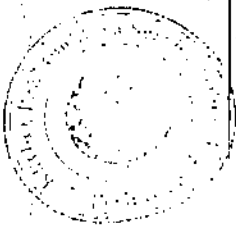
Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against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

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

Dated 16/03/2024


RAHEEM KHAN
S/O ZARWAR KHAN
PS HT.

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 10-5-24
 Number of 1
 Copying 1
 Urgent 1
 Total 1
 Name of 13-5-24
 Date of 17-5-24
 Date of Delivery of Copy 17-5-24

[Handwritten signature]

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

بہاب: بیکری ویلنٹری سیکٹری ایجوکیشن خیبر پختونخوا
بہاب: 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 ہونا کہ جہاں تک جہاں تک ایک اگر کسی
موجودہ تحت ایک دفعہ پرموشن نہ لیں تو وہ پھر آگے چار سال تک پرموشن نہیں لے سکتے تھے مطلب چار سال تک ہر اس کی پرموشن نہیں ہو سکتی 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 ہوا ہے

جس کے مطابق اب ہر ملازم پرموشن ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی رولز کے مطابق کارروائی کر کے لے لیا گیا ہے
دراصل یہ آئی ٹی نوٹیفکیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے جسے کی دور دراز اور پہلی ملازمتوں میں خاص مگر خواتین اساتذہ کو انسانی حقوق کا
سامنا کرنا پڑے گا

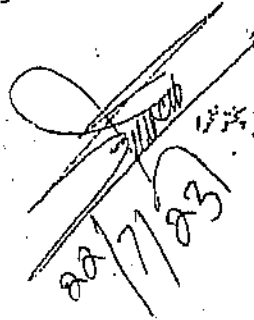
جبکہ عام حالات میں بھی ڈیڑھ سنی پرموشن اور دو دروازہ بھیجا یعنی بنیادی انسانی حقوق کی خلاف ورزی ہے کہ تک خیبر پختونخوا میں پرموشن سے خلاصہ یعنی دشمنیاں
بھی ہوتی ہے ایسے حالات میں یہ نیا نوٹیفکیشن جو E&SE کی کاہلیس لیسر کی جواب میں کیا گیا ہے جو بدینے اور بنیادی انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف قانونی پارہ جوئی کا حق بھی محفوظ رکھتے ہیں

لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
ڈیڑھ سنی پرموشن لینے کی ہولتے ان کو مرضی سے لینے دیا جائے
اور پرموشن نہ لینے کی صورت میں باقاعدہ ہٹا لیا جائے لیکن یہ (برہنہ) نہ کی جائے

اس سلسلے میں آپ سید از جلد تمام (DEOs) ڈی ای او کو ایک خصوصی مراسلہ جاری کیا جائے تاکہ اطلاع میں آپ سید / لیسٹریل پرائمری اساتذہ کو ذہن
البتہ اور توجہ تک سے بنایا جائے

کہے کہ نوٹیفکیشن جاری ہونے ہی پرائمری اساتذہ کو ذہنی طور پر لاچ کر کے اس سلسلے شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کوئی ایجنس لیکر صوبہ ہر کے پرائمری اساتذہ خصوصاً لیسٹریل پرائمری اساتذہ کو اس ذہنی البتہ سے بہت دلائل کے

شکریہ



عزیز اللہ خان صوبائی سسر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا



WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

RAHEEM KHAN

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

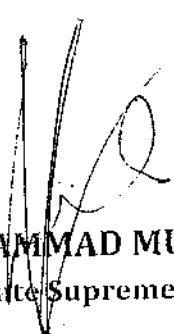
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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

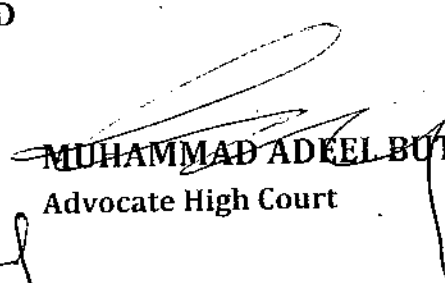


APPELLANT

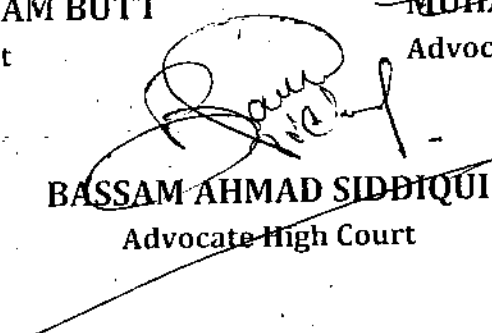
ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court