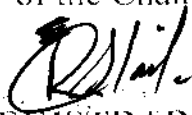


FORM OF ORDER SHEET

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

Appeal No. 1729 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02 /10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 07.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A No = 1729 / 24

FAZAL RAZIQ KHAN  
V/S

Government of KP & others

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1.	Appeal and Verification	*	1-4
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3.	Copy of Monthly Salary account	A.	6 - 8
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	9 - 10
5.	Copy of Impugned Letter dated June 06th, 2023	C.	11 - 13
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	14 - 17
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8.	Copy of Impugned letter dated 07-09-2023	F.	20 - 21
9.	Copy of Representation against the said notification and representation made by APTA President	G & H.	22, 23 24
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ADVOCATE  
M. Muazzam Butt

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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No. 1729 /2024

Fazal Raziq Khan Son of Abdul Khaliq, SPST (BPS-14)

Abdullah Khan, Sarai Saleh, Tehsil and district Haripur

.....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-
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) /E&AD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. 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:-

**GROUNDS:-**

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

- 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.

*Frazia*  
Deponent

*Frazia*  
Appellant

Through

*Muhammad Muazzam Butt*  
Advocate/Supreme Court

*Muhammad Adeel Butt*  
Advocate High Court

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

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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

In Ref to

Service Appeal No \_\_\_\_\_2024

Fazal Raziq 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 this Honorable Court.

*Fazal Raziq*  
Deponent

*Fazal Raziq*  
Appellant

Through

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

Dist. Govt. KP-Provincial  
District Accounts Office Shangla  
Monthly Salary Statement (August-2024)



Personal Information of Mr FAZAL RAZIQ (son of ABDUL KHALIQ)

Personnel Number: 00661660 CNIC: 1350192918715 NTN:  
Date of Birth: 18.03.1979 Entry into Govt. Service: 01.11.2011 Length of Service: 12 Years 10 Months 601 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA MAJLISHA DISTRICT GOVERNMENT KHYBER

DDO Code: SH6059-DDO (M) PRIMARY ALPURAI

Payroll Section: 001 GPF Section: 001 Cash Center:  
GPF AY No: GPF Interest Free GPF Balance: 269,582.00 (provisional)

Vendor Number: 30482174 - FAZAL RAZIQ (son of) ABDUL KHALIQ

Pay and Allowances: Pay scale: BPS E-2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	38,190.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1911	Convey Allow 20% (1-15)	1,000.00	2148	15% Adhuc Relief All-2013	400.00
2199	Adhuc Relief Allow (a) 10%	275.00	2316	Teaching Allowance 2021	1,036.00
2341	Dispr. Rel All 15% 2022KP	3,505.00	2347	Adhuc Rel All 15% 22(P517)	1,506.00
2378	Adhuc Relief All 2023 35%	12,757.00	2393	Adhuc Relief All 2024 25%	9,547.00
5011	Adj Conveyance Allowance	5,100.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-1,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-1,376.00	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: 18,191.00 Recovered till AUG-2024: 2,497.00 Exempted: 4484.00 Recoverable: 11,210.00

Gross Pay (Rs.): 84,993.00 Deductions (Rs.): -7,211.00 Net Pay: (Rs.): 77,782.00

Payee Name: FAZAL RAZIQ

Account Number: CA0000000000515-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231341 NDP SHAIHUR SWAT NDP SHAIHUR SWAT.

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: City: SHANGLA Domicile: Housing Status: No Official  
Emp. Address: Email: fazalraziq64@gmail.com  
City:

ATTESTED





-7-

**OFFICE OF THE  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION SHANGLA.  
CONTACT NO. (0996) 850639, 851108- Fax # 851108**

**OFFICER ORDER/APPOINTMENT:**

Consequent upon the recommendation / approval by the District Selection Committee (Elementary & Secondary Education) Shangla in its meeting held on 31/10/2011 undersigned has been pleased to appoint the following PSTs (M/F) fresh recruitment BPS-07 (PS 5000 220 10400) against the vacant posts of PST (Male & Female) mentioned against their names (as per amended regular / contract policy and permanent in case of BPS-07) and approved in view of the interest of public service.

**PST (Male)**

SN	Name	Father Name	Union Council	Merit Position	School / Station where posted	Remarks
1	Fazal Wadood	Sarnad Dani	Pr Khana	53.09	GPS Sero	
2	Said Uziq Shah	Shah Said	Kuz Kana	53.74	GPS Kuz Kana	
3	Abul Hayat	Alamgir	Shahpur	48.13	GPS Shahpur Khwar	
4	Abdul Haseeb	Abdul Haq	Shahpur	48.8935	GPS Kandow Kana	
5	Fazal Raziq	Abdul Khaliq	Shahpur	53.9216	GPS Shahpur Khwar	
6	Muhammad Tayeb	Muhammad Zahir	Damora	56.3000	GPS Kandari Damora	
7	Shafiqullah	Gul Becha	Damora	55.6336	GPS Kandari Damora	
8	Muhammad Tanvir	Muhammad Zahid	Damora	53.3046	GPS Shahid Fezdera	
9	Hussain Khan	Mulabar	Damora	55.1591	GPS Sheshan	
10	Muhammad Peshan	Jaloor	Damora	58.2009	GPS Laiband	
11	Hauqur Rahman	Rahmani Gul	Pr Abad	52.4734	GPS Shikman	
12	Izal Ali	Muhammad Yaseen	Diprai (A)	59.6077	GPS Picho Banda	
13	Zahmanullah	Gul Hayat	Diprai (A)	58.0710	GPS Bazar Kot	
14	Muhammad Ali	Muhammad Ali	Diprai (A)	53.2861	GPS Sahaz Mahala	
15	Muhammad Khaliq	Rahim Ali	Diprai (A)	49.3745	GPS Sahaz Mahala	
16	Muhammad Qasim Shah	Noor Muhammad Jan	Diprai (A)	58.2539	GPS P. K. Shah	
17	Fazal Ur Rahman	Fazal Ur Rahman	Diprai (A)	46.3470	GPS Chardam	
18	Akbar Ali	Said Jan	Diprai (A)	41.2558	GPS Dandari	
19	Javed iqbal	Sultanat Khan	Diprai (A)	45.9202	GPS Dandari	
20	Waqar Ahmad	Sahilah	Diprai (A)	48.1570	GPS Dandari	Adj. UC
21	Huzefa Ahmad	Alamzeb	Diprai (A)	44.9617	GPS Dandari	Adj. UC
22	Sahib Bahadar	Hussain Taj	Diprai (A)	52.1253	GPS Dandari	
23	Shahid iqbal	Abdul Wahid	Diprai (A)	46.8364	GPS Dandari	
24	Muhammad Ali	Ghulam Sarder	Diprai (A)	42.5053	GPS Dandari	
25	Huzama Haq	Amir Rahman	Diprai (A)	52.6579	GPS Dandari	
26	Fazal Akhbar	Ahrday	Diprai (A)	51.3303	GPS Dandari	
27	Haq Nawaz	Muhammad Sarder	Diprai (A)	47.8227	GPS Dandari	
28	Hussain Ahmad	Jan Muhammad	Diprai (A)	46.6167	GPS Kuz Lashai	
29	Rafiqullah	Saleh Faqeer	Diprai (A)	46.1180	GPS Dandari	
30	Naheen Shah	Muhammad Ishtiaq	Diprai (A)	45.7091	GPS Kuz Poshesh	
31	Balram Khan	Amazay	Dandari	52.7985	GPS Dandari	
32	Zia Ur Rahman	Gul Nawaz Khan	Dandari	49.3148	GPS Kuz Kaley Dandari	
33	Muhammad Zahir	Azizur Rahman	Dandari	49.5043	GPS Dandari	
34	Muhammad Ali	Muhammad Ali	Dandari	54.7507	GPS Dandari	
35	Muhammad Ali	Muhammad Ali	Dandari	52.4693	GPS Dandari	
36	Bakht Jamal	Shah Jehan	Dandari	52.3239	GPS Dandari	
37	Abdur Rahman	Muhammad Iqbal	Dandari	59.6447	GPS Dandari	
38	Rasool Rahman	Bakht Ahsan	Dandari	53.5715	GPS Dandari	
39	Shafiqullah	Shah Nawaz Khan	Dandari	55.1535	GPS Dandari	
40	Rafiqullah	Fasihul Lisan	Dandari	54.7221	GPS Dandari	
41	Farmanullah	Said Feroz Khan	Dandari	50.6160	GPS Dandari	
42	Ziaullah	Abdullah Khan	Dandari	58.8914	GPS Dandari	
43	Zakir Hussain	Ummir	Dandari	54.3720	GPS Dandari	
44	Muhammad Ali	Resalder	Dandari	46.1655	GPS Dandari	
45	Muhammad Ali	Kolia	Dandari	42.9455	GPS Dandari	
46	Muhammad Ali	Muhammad Iqbal	Dandari	45.8463	GPS Dandari	
47	Muhammad Ali	Muhammad Qasim	Dandari	51.4442	GPS Dandari	
48	Muhammad Ali	Muhammad Zahir	Dandari	47.72	GPS Dandari	

**ATTESTED**

**ATTENDED**

**PST (Female)**

S#	Name	Father Name	Union Council	Merit Position	School / Station where posted	Remarks
1	NILA BIBI	MUHAMMAD RAHMAN	Aloch	58.8676	GGPS Gabar	
2	ATIA RAHMAN	MUHAMMAD RAHMAN	Aloch	51.6212	GGPS Fiza Delrai	
3	NFEI A BEGUM	AMIR ZAMAN	Chowja	47.3807	GGPS Banar Bangar	
4	SAEED BIBI	GHANI RAHMAN	Bengolar	42.3754	GGPS Ghwandow	

**TERMS AND CONDITIONS:**

- 1) The appointment is purely on contract basis against BPS-07 plus usual allowances as admissible under the rules.
- 2) The probation period of appointment shall be two years.
- 3) The appointment of the above candidates are made as regular civil servants for all intents and purposes except for purpose of pension and gratuity. They shall contribute such amount towards the contributory provident fund, along with contribution made by the government to their account in the said fund in the prescribed manner, in lieu of pension and gratuity.
- 4) The service of the above candidates will be liable to termination at any time without assigning any notice / reason. In case of resignation without notice, two month pay and allowances if any shall be forfeited to Govt treasury.
- 5) The candidates should join their posts within fifteen days of the issue of their orders. The Principal / Head Master / Head Mistress / DDO concerned should furnish a certificate to the effect that the candidates have joined the posts within stipulated period of time failing which their appointment will be automatically treated as cancelled.
- 6) The fresh candidates will not be handed over charge if their age exceeded 35 or below 19 years.
- 7) The appointment is subject to the production of health and age certificate from the medical superintendent concerned.
- 8) The Principal / H/M / DDO concerned should check their original certificates / domicile etc before handing over charge and attested copy of the agreement signed on both side be obtained for further verification of certificates / Degrees from concerned Institution.
- 9) Charge report should be submitted in duplicate to all concerned.
- 10) No TA / DA is allowed.
- 11) The candidate will be governed by the terms and condition of service mentioned in agreement / enforced.
- 12) The Principal / H/M / DDO concerned should obtain Surety Bond as well as agreement as to obey the contract policy and will have no right to challenge the contract policy in court of law.

*Sd/-*  
**(ABDULLAH)**  
EXECUTIVE DISTRICT OFFICER,  
ELEMENTARY & SECONDARY EDUCATION /  
CHAIRMAN DSC (E&S) DISTRICT SHANGLA  
Dated 31/10/2011

Encl: No. 1546-1600

Copy of the above is forwarded to

- 1) The PS to Secretary Elementary & Secondary Education Department Khyber Pukhtunkhwa Peshawar
- 2) The Director Elementary & Secondary Education Khyber Pukhtunkhwa, Peshawar
- 3) The District Coordination Officer, Shargla
- 4) The District Account Officer, Shargla
- 5) All the concerned Principals / Head Masters / Head Mistresses / DDOs concerned  
the candidates concerned.

*[Signature]*  
DISTRICT OFFICER (M&T)  
ELEMENTARY & SECONDARY EDUCATION  
DISTRICT SHANGLA

Annexure - B

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar: the 06 / 8 / 2020

In exercise of the powers conferred by section 24 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

COPIES NO & EVEN DATE

Copies forwarded to:

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



ATTESTED

*(Signature)*  
DEPUTY SECRETARY (POLICY)

*(Signature)*

ATTESTED

-10-

**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)**

**ATTESTED**

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Polcy)HRAD/13/2020  
Dated Peshawar the June 06, 2023

62

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

Subject: **GUIDANCE REGARDING DELETION OF RULE 7(3) IN THE  
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,  
PROMOTION AND TRANSFER) RULES, 1989.**

Dear Sir, I was directed to refer to your letter No. SO(Polcy-MY)HRAD/10/2020-2/ 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 06.06.2020; 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 seeking 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, page 4.

ASB  
7/6

Yours faithfully,  
  
Section Officer (Polcy)

Encl. Of seven Nos & date  
Copy forwarded to:-

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

17/06/23  
21/6/23

  
Section Officer (Polcy)

ATTESTED

-12-



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

No. SO (Primary-M)/E&SED/2-5/2023  
Dated Peshawar Dtd. June 26<sup>th</sup> 2023

To

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

*[Handwritten signature]*  
26/6/23

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

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 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

**ATTESTED**  
*[Handwritten signature]*

-13-  
B/c

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

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(S) 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

(MURAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP442-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(S) 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

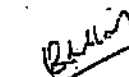
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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

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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

  
**ATTESTED**



-15-  
-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(S) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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

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

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Rafaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

**ATTESTED**



No. 8145

Khyber Pakhtunkhwa, Peshawar  
Date: 21/07/2023  
Phone: 9223344  
Email: education@kpk.gov.pk

The Section Officer (Primary-High),  
Ministry of Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - MINUTES OF THE MEETING

Door Sir,

I am directed to refer to the later No.SOP/Primary-High/56525-D/11  
G.M/Ministry of the Meeting/157/2023 dated 10-07-2023 on the subject cited above and to  
present brief history about the background of the case as under:

- The Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.80 (Policy) B&A/D/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No.4987 dated 09-07-2023.
- Now it is obligatory upon the civil servant to accept or turn down the offer of promotion.
- 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 in the quarter concerned.
- No.50 (Primary-High) Establishment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.80 (Policy) B&A/D/1-3/2020 dated 06-08-2023 categorically stated that there shall be 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 the office from your good office vide letter No.50 (Primary-High) Establishment/2023 dated 12-04-2023.

That, in the light of the minutes of meeting dated 07-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office the office has been asked for submission of consolidated case.

In view of the above, the office is of considered opinion that the deletion of Rules 7(2) have affected negatively a large numbers of Female Teachers. Thus it is proposed that Teachers below BPS-16 may be exempted of implications of the amendment in the rules bid provided they submit their written request prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Grade A-1)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa  
Date: 21/07/2023

Copy of the above is in:-  
1. PA to Director Local Directorate.  
2. Master Copy.

Assistant Director (Establish-1)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa

WP-142-2023 AZIZULLAH VS GOVT OF PK43

**ATTESTED**

-B/c-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

Section-Office (Primary File)

REHABUJE  
121-7-12733

Elementary & Secondary Education Department  
KPK, Peshawar.

Subject: Minutes of Meeting

Dear Sir,  
I am directed to refer to Letter No. (So. Peshawar-M)/E&SED/15-1/G/Min/ Minutes of meeting 18/7/2023 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 W/Reg) dated vide G/S) in Civil Servants (Promotion-Promotion, Transfer & Post) vide notification No. Nn. SDR-VI(E&AD)1-3/1200 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6783 dated 06-08-2021

(i) How it is obligatory upon civil servant to accept promotion.  
(ii) If it is obligatory of civil servant to either accept/transfer the offer of promotion.

• That your good office forwarded the same to quarters concerned vide letter No. SO (Peshawar)/E&SED/2-2/Appointment-12023 for necessary guidance.

• That the government of KP-ED (Regulation W/Reg) vide letter No. SO (Peshawar) E&AD/1-3/1200 dated 6-06-2023 retroactively stated that there exists no provision to decline foreign 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 effected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary action please.

Copy of the above to;

Additional Director

1. P/P to Director Local Directorate
2. Master Copy

Elementary & Secondary Education  
Khyber Pakhtunkhwa.

~~APPROVED~~



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8223587)

No. SO(Policy-M)EBSED/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 06<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

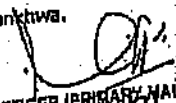
2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 EBSE Khyber Pakhtunkhwa,
2. PS to Secretary, EBSE Department Khyber Pakhtunkhwa.

  
SECTION OFFICER (PRIMARY MALE)  
20/8/23

Scanned with CamScanner

ATTESTED

**ATTENDED**

1. Director E.G.S.E. Khyber Pakhtunkhwa.  
2. PS to Secretary, E.G.S.E. Department of Khyber Pakhtunkhwa.

(Muzammil Ishtiaq)  
Section Officer (Primary Mode)

Copy forwarded to:  
In view of above, the said amendment may be reconsidered to the extent of local teacher in primary schools.  
Effects on service delivery. Mother-in-law who need care. In such cases there are negative Most of them are married with kids and elder father of In the remotest stations with no residential/transport facilities face serious inconvenience while they have to perform duties teacher of primary level who avoid such promotion have to In this connection it is submitted that in some cases locally different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011. of the competent authority or try to evade promotion through those officers/officials who do not comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 8th June 2023 and to state that after I am directed to refer to your letter No. S/Primary (Policy)/E.G.A.D. Dear Sir,

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. S (Primary-M) E.G.S.E.D / 18-8/1-19-2023  
Establishment - Rule / 2023  
Peshawar Dated 29th August, 2023.

- 2 -  
- B/c -  
- 19 -

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 rendered 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.

RECEIVED

08-09-2023 12:21:14 PM GOVT OF PK

-20-

-21-

- B/c -

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)E&AD/1-3/2023  
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 rendered 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)

~~ATTESTED~~

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&D/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 19/03/2024

Faziq

FALAL RAZIQ KHAN  
S/O ABDUL KHALIQ  
SPST



~~ATTENDED~~

W4443-2012 AZZULMAN VS GOVT OF PCAT

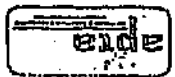
Handwritten signature and text in Arabic script, including the name 'Azzulman'.

Main body of handwritten text in Arabic script, consisting of several paragraphs.

Annexure - H

Handwritten text in Arabic script, likely a title or reference.

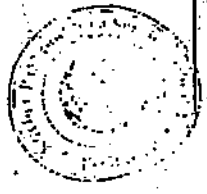
APTA House  
Govt. Primary School New,  
Gulbarga, Karnataka City.



Kulbarga, Karnataka

President  
0233-0141444  
0233-0141444@gmail.com  
0233-0141444

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 10.06.2023 before S.D. (S) 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 (S)

*[Handwritten signature]*

OFFICE OF THE  
JUDGE (S)  
COURT OF SESSIONS  
MIRANSHAPUR

Date of Presentation of Application 10-5-24  
Number of 1  
Copies 1  
Hrgon 1  
Total 1  
Name of ---  
Date of 13-5-24  
Date of delivery of copy 17-5-24

**ATTACHED**

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**FAZAL RAZIQ KHAN**  
Versus

Appellant

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.

*Frazin*

**APPELLANT**

**ACCEPTED**

*[Signature]*  
**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court

*[Signature]*  
**MUHAMMAD ADEEL BUTT**  
Advocate High Court

*[Signature]*  
**BASSAM AHMAD SIDDIQUI**  
Advocate High Court