


# FORM OF ORDER SHEET

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

**Appeal No.** 1730/2024

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</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A. No. 1730/24

NAEEM HAIDER

v/s

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6 - 16
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	17 - 18
5.	Copy of Impugned Letter dated June 06th, 2023	C.	19 - 21
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	22 - 25
7.	Copy of Letter dated 23-08-2023	E.	26 - 27
8.	Copy of Impugned letter dated 07-09-2023	F.	28 - 29
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	30, 31 32
10.	Wakalat Nama		33

ADVOCATE  
M. Muazzam Butt

-2-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No. 1730 /2024

Naeem Haider son of Ghulam Haider, PSHT (BPS-15)

Suraj Galli, 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 Primary School Head Teacher.  
Copy of Appointment letter is annexed as **Annexure A**

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

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

5. That as per notification No. SD (Policy) /EDAD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forego 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 effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

- 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 therefrom from this Honourable Court.

*Muazzam*  
Deponent

*Muazzam*  
Appellant

Through

*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

Naeem Haider

**VERSUS**

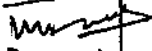
Secretary to Government of Khyber Pakhtunkhwa, & others


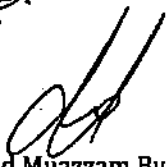
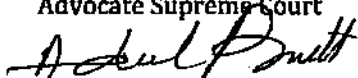
**APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, VIDE LETTER DATED 06/06/2023 TILL THE FINAL DISPOSAL OF CASE IN HAND.**

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.  
  
Deponent

  
Appellant  
Through  
  
Muhammad Muazzam Butt  
Advocate Supreme Court  
  
Muhammad Adeel Butt  
Advocate High Court

Naeem Haider. S. No. (61) - 6-

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY HARIPUR

APPOINTMENTS.

Consequent upon their selection by the Departmental Selection Committee, the District Education Officer (M) Frys Haripur has been pleased to appoint the following Trained PTC candidates at the schools noted against their names in BPS-7 (Rs. 1480-81-2695) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms and conditions:-

S.No	Name/Father's Name & Address	D/O Birth	No of Merit	School Where Posted	Remarks
1.	Niaz Ahmed s/o Faqir Gul Vill: PO/Mankarai H, Pur	20.5.71	89	GFS Torp. Dhok	Vice Muntaz Ahmed Svc: Trnd & not qualified in the interview.
2.	Ziafat Khan s/o Nisar Ahmed Khelo Haripur	1.6.75	76	* Khelo	Vice Khalid Ali Trnd & not qualified in the interview.
3.	Zahid Khalid s/o Khalil-ur Rehman Labanbandi H, Pur	12.3.77	73	* Magsood	Against the post already occupied by him.
4.	Rizwan Khan s/o Ghulam Habib KTS.	22.5.73	73	* No. 1 Sec: 4 KTS.	Vice Rifaqat Ali Trnd & not qualified in the interview.
5.	Abbas Ahmed s/o Atta Muhammad Moh: EldGah Haripur	22.12.71	72	* Karwala Bala	Vice Asad Iqbal Trnd & not qualified in the interview.
6.	Naeem Shahzad s/o Muhammad Ayoub H, Pur	1.4.74	72	Mosq: Chatoo.	Vice Akhtar Khan Trnd & not qualified in the interview.
7.	Ali Zarehaid s/o Yousef Khan Nara Majzai	15.6.74	71	PS Shergah	Vice Muhammad Nazir Trnd & not qualified in the interview.
8.	Muhammad Fazil s/o Nichboob ur Rehman, KTS Sec: 5	15.4.70	71	M. Fiazabhd.	Vice Wahed uz Zaman Trnd & not qualified in the interview.
9.	Wajid s/o Haider Zaman Vill: Chechlen H, Pur	9.4.74	71	PS Malpa Tobit.	Vice Ishtiaq Ahmed Trnd & not qualified in the interview.
10.	Muhammad Ismail s/o Muhammad Iqbal Pind Gujran	1.1.74	70.5	PS Khol Mairs	Vice Saeed Akhtar Trnd & not qualified in the interview.
11.	Abid Mehmud s/o Qazi Ahmed Khaalpur	1.7.75	70.5	PS [unclear]	Vice [unclear]

ATTESTED



- 12. Waqar Ahmad s/o  
Abdur-Rahman-Gherlan 1.1.75 71.5 PS South Ringl. Vice Maqar  
trud: & not  
in the in-
- 13. Javid Ibrahim s/o  
Muhammad Ibrahim Talakor. 15.2.74 70 "Kholia Bala Vice Muhammad  
Hanif trud: & not  
quid: in the  
interview.
- 14. Muhammad Ameer Khan s/o  
Latif Khan Sec:1 KTS 1.1.73 70 "Muradpur Vice Muhd Ijaz  
trud: & not quid  
in the interview
- 15. Shakeel Ahmad s/o  
Sanaris Khan Darwesh 4.9.75 70 "Kholiabala Vice Muhd Hanif  
trud: & not quid  
in the interview
- 16. Muhammad Iqbal s/o  
Muhammad Gulzar Kholbala 25.9.71 69 "Toro Dhok Vice Inran Khan  
trud: & not quid: in  
the interview.
- 17. Abdul Hamid s/o  
Phulail Khan Lubenbandi 10.9.70 69 "Khol Maira Vice Mirza Saeed  
Khtar trud: & not  
quid: in the inter-  
view.
- 18. Sajid Khan s/o Saeed Ahmad  
Khan Serai Saleh 10.1.73 69 "Bhera Vice Yasrib. & not  
& not quid: in the  
interview.
- 19. Saifer ur Rehman s/o  
Abdul Hajeed Bhatt 11.3.76 69 "Bhatt Against the post  
already occupied  
by him.
- 20. Nazarul Islam s/o  
Allad Dad Kales H, Pur 14.10.72 68 "Bano Garam Vice Muhammad Asif  
trud: who not quid  
interview.
- 21. Muhammad Jamil Khan  
s/o Chulam Sarwar  
Kot Najibullah 14.2.71 67.5 Chhabadara Vice Sajid Hussain  
Shah trud: who not  
quid: interview.
- 22. Asif Khan s/o Muhammad  
Afzal Khan Sec:1 KTS 15.5.70 67 "Gharan Vice Shujhat Ali  
trud: who not quid:  
interview.
- 23. Jhengir Ahmed s/o  
Taleem Sec:4 KTS 30.12.72 66 PS Kharbar Vice Ali Bhader trm  
who not quid;  
interview.
- 24. Shahzade Khan s/o  
Najif Khan Noonan 1.5.77 66 "Noonan Against the post  
already occupied by  
him.
- 25. Shahid Nawaz s/o  
Haq Nawaz Mong H, Pur 20.2.76 64.5 Khidpinj6 -do-
- 26. Waheed Iqbal s/o  
Muhammad Iqbal  
Kot Najibullah 26.2.71 64 EP, Dalian -do-
- 27. Sajjid Ahmed s/o  
Sher Zaman Dhenda 8.4.75 65.5 "Kamalpur (Hattar) Vice Faqir M  
Trud: who not quid;  
interview.
- 28. Sikandar Azam s/o  
Aziz ur Rehman L/Bandi 18.2.79 63 PS Basti Gar Vice Muhammad  
Khurshid trud: who n  
quid: interview.

Bb25/6/97

ATTESTED

PRY: BARTOUR

Muhammad Adiel s/o Muhammad Saleem H, Pur	25.10.76	63	PS No. 1 H, Pur	Vice Azmat Pervez Qulid the interview & agreed in his own Consent at ser. No. 10 PP. 38.
G. Suleman Sajid s/o Qazi Badar L/Bandi	20.3.79	63	PS Chach Maira	Vice Jamil Hussain Shah trnd: who not qulid: interview.
31. Ij haz Hussain s/o Shafiq Hussain Mirpur H, Pur	10.4.74	63	* Vijjien	Vice Mujtabat Hussain shah trnd: who not qulid: interview.
32. Shah Nawaz s/o Chom Muhammad Khan Chohrsharif	13.1.77	63	* S. Saleh	Vice Abdus saboor trnd: who not qulid: interview.
33. Sajjad Mahmud s/o Fasool Khan Chohrsharif	1.2.76	63	* Dera Boreela	Vice Ajob Khan Trnd who not qulid: interview.
34. Safer Ahmad s/o Faqir Ahmad Chohrsharif	3.1.78	63	* Vijjien	Vice Sajid Hussain shah trnd: who not qulid: interview.
35. Khurshid Ahmed s/o Muhammad Yaqub Sec: 3KTS	15.11.74	62.5	* Sathana No. 1	Vice Shoukat Hayat trnd: who not qulid: interview.
36. Fida Muhammad s/o Mir Fzal Hassanpai	3.12.70	62.5	* Nowan Garen	Vice Shahzob Khan trnd: who not qulid: interview.
37. Q. Ihtisham Ahmed s/o Wahed Ahmed Khal	15.5.77	62	PS Kamalpur.	Vice Dilwar Khan trnd: who not qulid: interview.
38. Asad Iqbal s/o Qazi Siddiqua L/Bandi	12.3.79	62	* Khale	Vice Shahzad Alam trnd: who not qulid: interview.
39. Munib ur Rehman s/o Muhammad Waris Sec: 3KTS	15.5.77	62	* Jaloo	Vice Asim Hussain trnd: who not qulid: interview.
40. Abdur Rab Nishtar s/o Chulom Sarwar Baboona	2.3.74	62	* Naq: Mujro	Vice Tamiz Khan trnd: who not qulid: interview.
41. Khurshid Ahmed s/o Abdul Khalig Sec: 1KTS	1.1.71	62	PS Dhamu 6	Vice Shafiqat Ali trnd: who not qulid: interview.
42. Nisar Khan s/o Binoris K Khan Sikandarpur	4.1.72	61.5	* Jhamra	Vice Liaqat Ali trnd: who not qulid: interview.
43. Ij haz Ahmed s/o Badar ul Salam Mshi Khoo Haripur	22.12.70	61.5	PS Chamari	Vice Q. Usman trnd: who not qulid: interview.
44. Sajid Mahmud s/o Muhammad Iqbal KTS	3.1.74	61	* Jaman	Vice Fiaz Muhammad trnd: who not qulid: interview.

25/6/97

ATTESTED

Zubair Ahmed/a/o Abdul Coyyuma Cher Khan J.P. Pur 13.1.78 61 PS Jammu Vice Rizwan Khan trad: who not qualid: interview.

Menzoor Hussain S/O Abdul Khalil Chapri Haira 1.1.71 61 Borwasa Vice Muhammad Urfaan trad: who not qualid: interview.

Shakeel Ahmed/a/o Muhammad Ashraf Bheeri Bandi 20.12.74 61 Dheri Vice Azhar Ali Shah Trad: Mawarchian who not qualid: interview.

Tariq Zafer/a/o Rashid Zafer B.T. Cal. H, Pur Shahzad Afzar/a/o Muhammad Afzar Banda Mughlan 23.3.71 61 Kohli Dera Vice Fahid Shah trad: who not qualid: interview.

Azra Khan a/c Jumna Khan Secrien 1.1.71 61 Kasbi/Kangra Aagh: Vice Iftikhar Ahmed trad: who not qualid: interview.

Hawazish Rashid S/O Abdur Rashid Cher Khan 3.3.76 61 PS Durskhil Vice Saqib Khan trad: who not qualid: interview.

Khalid Shah/a/o Mohsan Shah Gudwalian 13.12.74 61 Tangren Vice Rab Nawaz trad: who not qualid: interview.

Iftikhar a/o Mien Dad Hang 17.10.71 61 Kohli Dera Vice Afsar Khan trad: who not qualid: interview.

Mirza Shafique/a/o Muhammad Ashraf Bejeedd 15.3.76 61 Bhars (Khanpur) Vice Abdul Manan trad: who not qualid: interview.

Fazal Muhammad/a/o Feroz Khan Kachhi 1.6.74 61 Chera Vice Muhammad Javid trad: who not qualid: interview.

Riaz a/o Kala Khan Vill: Kilgaon 12.6.72 61 Brethi Vice Muhammad Hanif trad: who not qualid: interview.

Shahrez a/o Rehmat Din Vill: Sengian 31.5.74 61 Bessak Vice Shah Nawaz trad: who not qualid: the interview.

Zehid Akhtar a/o Muhammad Eastan Kat Hajibullah 2.1.70 61 Pambalo Vice Selim Akhtar trad: who not qualid: the interview.

Sohbat Hussain shah a/o Fezal shah (sh) 15.9.74 60.5 Masqin A. Hattar Vice Noor ul Haq trad: who not qualid: the interview.

60.5 PS Joulia Shq. Vice Muhammad Naeem ur Rehman trad: who not qualid: the interview.

PK 25/6

ATTESTED

- 60. Jamil Akhtar c/o  
Muhammad Akram  
Kamalpur Haripur 26.9.75 60.5 Hoag: Pind Soerim Vice: Muhammad Shakeel  
trads: who not qulfd:  
the interview.
- 61. Maceen Haider c/a  
Chalim Haider  
Surrejgall Haripur 26.4.78 60.5 FS Sorbroot Vice: Saifullah Jen  
trads: who not qulfd:  
the interview.
- 62. Sajid Farooq c/o  
Sahibz, do: M. Saheq  
Sec: 3 KTS 21.1.75 60.5 = Haalct. 2  
(Chazi) Vice: Akhtar Nawaz trad:  
who not qulfd: the  
interview.
- 63. Shekhat Muhammad  
c/o Muhammad Akhtar  
Khanpur 4.4.74 60.5 Hoag: Diband Vice: Abdus Seboor trad:  
who not qulfd: the  
interview.
- 64. Tariq Mahmud a/o  
Banaris Haripur: city 13.12.75 60.5 PS Sorbroot Vice: Abid Elahi trad:  
who not qulfd: the  
interview.
- 65. Abid Ayoub a/o  
Muhammad Ayoub. Kot Noj: 1.5.78 60 Hoag: Jekkor Vice: Bakhshesh Elahi  
trads: who not qulfd:  
the interview.
- 66. Muhammad Shohib a/o  
Hozir Muhammad  
Khal Haripur 9.9.75 60 FS Rarr Vice: Khalid Mahmud  
trads: who not qulfd:  
the interview.
- 67. Wasia Akhtar c/o  
Abdur Rahman  
Kot Najibullah 5.3.76 60 = Barim Vice: Irshad Hussain  
shah trad: who not qulfd:  
the interview.
- 68. Abdul Basit a/o  
Muhammad Abdullah Nagri 16.12.74 60 = Devi Vice: Zubair Tabusim  
trads: who not qulfd: the  
interview.
- 69. Pt-38
- 1. Muhammad Pervez c/o  
Hansif Khan Golra 21.8.73 60 = Karach Vice: Muhd. Ramzen trad:  
who not qulfd: interview.
- 2. Zulfiqer Ali a/o  
Khan Muhammad: S.H. Khan 1.3.77 54.5 = Gall: Kakatri Vice: Rashid Khan trad:  
who not qulfd: interview
- 3. Ibrar Shah a/o  
Hoar. Shah, B. Hien  
Firdad 15.4.78 53.7 = Balhar Vice: Nasir Mahmud trad  
who not qulfd: interview
- 4. Khalid Mahmud a/o  
Muhammad Ashraf  
Bheki 30.5.75 53.6 = Java Vice: Chon Zeb trad:  
who not qulfd: interview
- 70. Muhammad Asmat a/o  
Muhammad Alam  
Village: Naloki  
Teh: Likst  
Haripur 14.3.75 53 PS Naloki Vice: Akhtar Mahmud  
Trad: who not qulfd:  
the interview.

FF-38

- |  |               |                      |   |
|--|---------------|----------------------|---|
| 6. Habib ul Nahi s/o Ghulam Nabi Vill: S.N.Khan                              | 20.2.78 6/53  | Mosq: Dheri Cum Soha | Vice Muhd Idrar Trmd: not selecte                             |
| 7. Tebir Mahmud s/o Munisif Gul S.N.Khan                                     | 17.8.77 7/53  | PS Banda Mughla      | Vice Fazal Din Tr not select in interview                     |
| 8. Sher Afzal s/o Allah Dad Noorpur  | 15.8.75 8/53  | Mosq: Beer           | Vice Muqada Shah Termina not select                           |
| 9. Muhammad Zufran s/o Wali Hissala Naclor                                   | 31.12.72 9/53 | Mohra                | Vice Muhammad Aram Term not selected                          |
| 10. Azmat Pervez s/o Pervez Khan Vill: Maire: R. Andradoga Teh: Dist: H, Pur | 01.1.78 10/53 | PS Kakotri           | Vice Muhammad Zubair ter Service & not qualified in interview |

FF-39

- |  |                 |             |   |
|--|-----------------|-------------|---|
| 1. Taj Muhammad s/o Noor Muhammad Jeger H, Pur             | 1.1.72 18/60    | PS Sarrai   | Vice Muhd Shakee Terminat & n selected in interview   |
| 2. Azhar Hussain shah s/o Wafer shah Gudwalen H, Pur       | 1.1.72 19/60    | Mukhtial    | Vice Naam Gul & not selecte                           |
| 3. Muhammad Tariq s/o Hassan Din Kamalpara                 | 6-8-75 20/59.5  | Haryala     | Vice Azkar Hiss: shah Trmd not s in interview.        |
| 4. Att ul Mustaf s/o Sarwar shah Ganja H, Pr               | 14.1.74 21/59.5 | Bebutri     | Vice Muhammad Akh Trmd: not Select                    |
| 5. Muhammad Ilyas s/o Suba Khan Bhara                      | 8-2-71 22/59.5  | Bora Banda  | Vice Aurangzeb Ad in FF-47 in his own copyist ar: 11  |
| 6. Muhammad Naveed s/o Umar Faraq Kalas                    | 27.7.79 23/59   | Dhenda      | Vice Mdassar sha Trmd: not select                     |
| 7. Gohar Nazir s/o j Muhammad K Jala Bela                  | 15.10.72 24/58  | Kohals Bals | Vice Shakeel: trmd: and not selected.                 |
| 8. Saifuraz Shah s/o Sabir Shah New Baka Haripur           | 5.2.75 25/58    | Padni       | Vice Shaujat Ali Tr and not selected in interview.    |
| 9. Navid Ahmed s/o Haqsood Ahmed Vill: Barkote H, Pur      | 22.10.73 26/58  | Anargah     | Vice Wizatkat Haider Trmd: & Not select in interview. |
| 10. Ghulam Muhammad s/o Muhammad Nawaz Khan Kot Najibullah | 30.3.75 27/58   | Kala Khata  | Vice Muhammad Riasat Trmd: Not selected in interview  |
| 11. Muhammad Saleem s/o Mast Din Kalali                    | 13.8.72 28/58   | Shajaka     | Vice Muhammad Khan Bhader Trmd: and not selected.     |
| 12. Muhammad Rashid s/o Sultan Ali Jabri H, Pur            | 11.4.75 29/57.5 | Kali Kundi  | Vice Akbar Shah Terminat & not selot in interview.    |

ATTESTED

PAGE 7

Majid Zareen s/o Mhd Zarin Darwech Haripur	15.5.74	60	PS Shalona (Zerebn)	Vice Mhd Zarin trud: who not quid: the interview.
Safeer Ahmed s/o Mhd Nazir Pindik H. Fur	11.4.72	60	PS Balongi	Vice Chanzeb trud: not quid: the interview.
Alfat Nawaz s/o Mhd Iqbal Pharalo H. Fur	12.1.72	60	Phorala	trud: against the post already occupied by him.
Shoukat Muhammad s/o Karam Elahi Noor Colony	15.4.73	60	Tangren	Vice: Safeer Ahmed trud: who not quid: the interview.
Saifur Rahman s/o Mhd Imail Noordi	2.2.75	59	Masfhal	Vice: sher Ali trud: who not quid: the interview.
Labib Husain s/o Shahbanul Afzalobad	20.8.75	59	PS Shalona(2)	Vice Tahiro Inam trud: who not quid: interview.
Qadir Hussain s/o Mhd Beshir Healon	5.4.74	58	Balongi	Vice Mhd Riasat trud: who not quid: interview.
Muhammad Imid s/o Mhd Din Sikandarpur	1.10.74	50	Kangrauche	Vice Abdul Mateen trud: who not quid: interview.
Qasim Ali s/o Sadia Dolan Khwaja	15.1.75	58	Beeack	Vice Rohia Nawaz trud: who not quid: interview.
O. Babar Khan s/o Pervez Khan Healon H. Fur	15.8.76	56	Sorri	Vice: Maqar Ali shah trud: who not quid: interview.
1. Irshad Muhammad s/o Fozil Din Phorala	16.3.73	56	Zierat Baln	Vice: Mhd trud: who not quid: interview.
2. Waqar Elm Sed s/o Qazi Sahe Sprion	20.12.76	56	Chazi Hakt:	Vice: Nasser Mhd trud: who not quid: interview.
3. Koser Jabal s/o Muhammad Jamil Healon	30.4.76	55	Kie Dheri	Vice Il tch Hussein trud: who not quid: interview.
1. Jamal Hussain s/o Shah Resool BRUG	21.1.73	59	Kali Shera	Vice: Zafer Mhd trud: who not quid: interview.
2. Sakawat Hussain s/o Sabir Hussain KTS	26.12.72	50	Boll	Vice: Bokraif trud: who not quid: interview.
3. Farid s/o M. Akeem shah Sirikot	30.3.67	58.5	Hos: Phulwari	Vice: Aurangzeb trud: who not quid: interview.
4. Ahmed Sultan s/o Chen Mhd Chahr Sherif	11.1.76	58	PS Sadi, Hairo	Against the post: already occupied by him.
5. Ishaq s/o Tehar s/o Ghous Din KTS	25.7.71	50	Chakli	Vice Mhd Nawaz trud: who not quid: interview.

16/97

CONTD ON PAGE 8

ATTACHED

PF.41

PAGE, XXX, 13

- 5. Faheem Ahmed s/o  
Muhammad Anwar KTS 3.2.75 24/58 FS Sathana-2 Vice Muhammad  
Term & Not select
- 6. Zahoor Ullah s/o  
Taslim Khan KTS 1.7.78 25/58 "Bajidara Vice Sabir shah  
Term & Not select
- 7. Rahim Bakhsh s/o  
Muzamil Din Sec:1 KTS 2.2.78 26/58 Mosq: Nakka Vice Fakhar Zamar  
Term & Not select
- 8. Kala Khan s/o  
Sher Muhammad 5.4.72 27/58 PS Chak Mohri ~~Sec:13 KTS~~  
Against the post  
already occupied  
by him.
- 9. Masood ur Rehman  
s/o Hissain Ahmed  
Sec:13 KTS 9.11.74 28/56 "Kokar Coha Vice Gazi Zahid  
& Not selected in  
interview.
- 10. Aurangzeb s/o  
Wazir Shah  
Boza Banda 15.3.69 29/56 S-Kajoora Vice Atta ur Reh  
Term & Not select  
in interview.
- 11. Marib ur Rehman s/o  
Mumtaz Rehman  
Gandaf 19.3.78 30/56 Sawal Malra Vice Fakhar ul  
Term & Not select  
in interview.
- 12. Nilzakat s/o  
Mirza Khan  
Kilanger 20.3.70 31/56 Mosq: Gambadiy Vice Muhammad  
Jamshid term & not  
selected, in inte  
view.
- 13. Nazir Muhammad s/o  
Said Rauf  
Ghar Shah Muhs 15.5.74 32/56 FS Nara Sharqi Vice Bashrat Nawaz  
Term & Not select  
in interview.
- 14. Haq Nawaz s/o  
Fozal Qadir  
Sec:13 KTS 4.8.70 33/56 "New Kharkote Vice Muhammad Bag  
Term & Not select  
in interview.
- 15. Shahid Khan s/o  
Angiz Khan  
Kupla 2.1.73 34/56 " Shaldar Bala Vice Ulfat Zaman  
Term & Not select  
in interview.
- 16. Mehr Mubarak s/o  
Said Akbar  
Brig 2.6.74 35/56 " Doga Vice Shahzada Khan  
Term & Not select  
in interview.
- 17. Ferooz Ahmed s/o  
Abdul Hai 1.4.75 36/55.5 Mirdpur Vice Arif Ali shaf  
Term & Not selected
- 18. Jamrooz Khan s/o  
Kala Khan KTS 10.5.72 37/55.5 Ghazi Vice Sajid Ali  
Term & Not selected  
in interview.
- 19. Muhammad Ali s/o  
Mir Dad  
Ghari Shah Muhs 10.3.74 38/55 Kupri No.2. Vice Muhammad Fero  
Term & Not selected  
in interview.
- 20. Said Bacc s/o  
Abdul Majeed  
Ghari Shah Muhs 4.11.75 39/56 Mosq: Karau Vice Abdul Wali  
Term & Not select
- 21. Razeeb Khan s/o  
Muhammad Nawaz Khan  
Khabal 12.2.74 40/54.5 PS Khabal ~~Sec:13 KTS~~  
Against the post  
already occupied by

25/6/97

ATTESTED

Javid Iqbal s/p  
 Hanar Khan  
 Sonda Ganda 15.15.68 41/54.5 HS Chhoten, Tarchati Vice Muhammad  
 Daud Trud:  
 &not selected;

23. Muhammad Shahid  
 S/O Zahir Shah  
 Basso, Naira 1.4.78 42/54 Mosq:Gheng Vice Muhammad  
 Shafiqe Trud:  
 not selected.

24. Rab Nawaz Khan  
 S/O Khan Akbar  
 Dobandi, Pur 1.1.78 43/53.5 PS Chulhari Vice Nizakat (Shah)  
 Trud:&not selected.

25. Mutahir Shah s/o  
 Civil Shah  
 Kherouch 15.3.76 44/53 Jabbar Vice Muhammad  
 Idrees Trud:&not  
 selected.

26. Liaqat Ali s/o  
 Sher Bhagar  
 Jhasra 25.6.75 45/53 Mosq:Rag Vice Il taf Hussain  
 shah Trud:&not  
 selected.

27. Hussain Nawaz  
 s/o  
 Gulforaz Khan  
 Sharali 20.3.73 46/53 PS Dwabi Vice Taseer Hussain  
 Trud:&not selected.

28. Khurshid Ahmed  
 s/o  
 Koshad Din  
 Cohar Sharif 01.6.68 47/53 Pitt Bendi Services  
 Regularized

29. Jinas Khan s/o  
 Amir Sultan  
 Sec:3-KTS 08.11.76 48/54 PS Phanien, Sumbal Services regularized

30. Inayat ur Rehman  
 s/o Muqaddas Khan  
 Kupla Amazai 1.4.69 82/40.5 PS Thandari Vice Muhammad  
 Akrom Trud:&not  
 selected.

Anwar Shahid s/o  
 Shohzoda Khan  
 Kupla Amazai 5.5.74 88/39 Rahim Gori Vice Tikkh Khan  
 Trud:&not selected.

DISABLE 1% QUOTA

Muhammad Hanif s/p  
 Chulra, Jilani  
 VILL: Pharala 25.11.76 39 PS Qazipur Vice Shoukat Zaman  
 Trud:who not qualifi  
 in interview.

TERMS & CONDITIONS:

1. They will be governed by such rules & regulations in force and  
 as may be prescribed by the Govt: from time to time for the

**ATTESTED**



TERMS & CONDITIONS (CONTD)

- category of the Govt: Servant to which they belong.
- 2. Their services will be liable to termination on one month's notice from either side. In case of resignation without notice one month's pay will be forfeited in lieu thereof.
- 3. They should join the posts within one month of the issue of this Notification/Order.
- 4. Their inter-se-seniority will be determined in accordance with the merit of Departmental Selection Committee.
- 5. Charge reports should be submitted to all concerned.
- 6. They shall be on probation for a period of two years and will have to pass Departmental Examination. In case a candidate fails to qualify the Departmental Exam he will be given one more chance. If, he fails again, then his services will be terminated. On arrival /availability of trained teacher the services of un-trained teachers occupies the post will be terminated.
- 7. Their original Certificate/Degrees should be checked and verified from the concerned University/BISE/R.D.E and Islamic Madrasahs concerned before handing over charge and the pay will not be drawn until their certificates are verified.
- 8. Service Books of the teachers must be prepared complete in all respect before handing over charge.
- 9. The Declaration of Assets should be obtained from them immediately and placed on record.
- 10. They are required to produce Health & Age Certificates from Medical authorities concerned before taking over charge.
- 11. Charge should not be given to the over age candidate. His case for age relaxation be sent to the concerned quarters.
- 12. Efforts for transfer before the completion of tenure will disqualify him from the service.
- 13. No T./D.A is allowed.
- 14. An undertaking shall be obtained from Master & Degree holder, P.T.C. CI etc that they will service the Department for at least 5-years.
- 15. Trained P.T.C having FA 2nd Division will be placed in BPS-9 (Rs. 1609-97-3060).
- 16. In case of person appointed as an untrained teacher, he will have to pass the requisite training examination within a period of 4-years failing which his services will be terminated.

NOTES:-

Complete information of each category (Separately) in consolidated lists on the prescribed proforma (attached) along with charge reports be submitted by the lower office to the Director of Education Primary, P.E.Ds Primary with in a week positively.

*[Signature]*  
BISTRICT EDUCATION OFFICER  
(M) PRY: HARIPUR.

*[Signature]*  
Bndst No 2603-2745

Dated 25/6/97

- 1. Copy forwarded for information to the- Director of Education (Pry) NWFP Peshawar.
- 2. District Account Office Haripur.
- 3. Head Teacher Concerned.
- 4. P/S to Secretary to Govt of NWFP Edu: Dept: Pesh:
- 5. Official concerned.
- 6. Office Copy.

*[Signature]*  
BIB NAWAZ KHAN  
DISTRICT EDUCATION OFFICER  
(M) PRY: HARIPUR

**ATTACHED**

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

16



Personal Information of Mr NAEEM HAIDER d/w/s of GHULAM HAIDER

Personnel Number: 00250806 CNIC: 1330204869449 NTN:  
Date of Birth: 26.04.1976 Entry into Govt. Service: 01.07.1997 Length of Service: 27 Years 02 Months 001 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80832627-DISTRICT GOVERNMENT KHYBE  
DDO Code: HR6507-District Haripur  
Payroll Section: 002 GPF Section: 001 Cash Center: 29  
GPF A/C No: EDUHR001799 GPF Interest applied GPF Balance: 923,018.00 (provisional)  
Vendor Number: -  
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 21

Wage type		Amount	Wage type		Amount
0001	Basic Pay	65,500.00	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	796.00
2199	Adhoc Relief Allow @10%	535.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,209.00	2347	Adhoc Rel Al 15% 22(PS17)	6,209.00
2378	Adhoc Relief All 2023 35%	22,232.00	2393	Adhoc Relief All 2024 25%	16,375.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-5,138.00	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: 82,199.85 Recovered till AUG-2024: 10,276.00 Exempted: 20549.45 Recoverable: 51,374.40

Gross Pay (Rs.): 129,000.00 Deductions: (Rs.): -11,363.00 Net Pay: (Rs.): 117,637.00

Payee Name: NAEEM HAIDER  
Account Number: PLS00000006222-0  
Bank Details: NATIONAL BANK OF PAKISTAN, 230582 KHAN PUR BRANCH KHAN PUR BRANCH, HARIPUR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: HAR

City: HARIPUR

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: naeemh725@gmail.com

ATTACHED

**ATTESTED**  
DEPUTY SECRETARY (POLICY)  
(W/ADDAH LATTI)

**ATTESTED**



- The Registrar, Administration Department.
- The Section Officer (Admn), Administration Department.
- The Deputy Director (LT), E&A Department.
- The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- All Heads of Attached Departments in Khyber Pakhtunkhwa.
- All Divisional Commissioners in Khyber Pakhtunkhwa.
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- The Sector Member Board of Revenue, Khyber Pakhtunkhwa.
- Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

REGISTRATION NO & EVEN DATE

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

in exercise of the powers conferred by section 25 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 amendments shall be made, namely:

NOTIFICATION  
Dated Peshawar, the 06/11/2020

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
REGISTRATION-WING

Annexure-1-B

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

**ATTESTED**

MP 1457 2023 AZIZULHAQ VS GOVT OF PAK

Deputy Officer (Policy)

(Deputy Officer (Policy))

Yours faithfully,

Copy forwarded to the:  
1. Special Secretary (Legal) Establishment Department  
2. Additional Secretary (Legal) Establishment Department  
3. Deputy Secretary (Legal) Establishment Department

Encl. Of even No & file

1. The basic rationale behind the deletion of the bid rule is aimed at preventing a fallow servant from tampering for their right by seeking a single alternative position or to prevent those who tend to forge promotion to evade posting/transfer or show lack of capability to take higher responsibility in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.  
2. 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, 1989.

1. I am directed to refer to your letter No. SO/Primary-M/1457/2023 dated 18.04.2023 in the subject noted above and to state that Sub-Rule (2) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Efficiency, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 04.08.2020; thus, no provision exists in deletion or forgo promotion.

The Government of Khyber Pakhtunkhwa  
Efficiency & Secondary Education Department.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
Mr. Khyber Pakhtunkhwa  
Establishment Department  
Date: Islamabad, 06.06.2023

Annexure - C

101



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

No. SD (Primary-M/E&SED/2-6/2023  
Dated Peshawar the June 26<sup>th</sup> 2023.

To

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

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

*[Signature]*  
26/6/23

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. SD (Policy)E&AD/1-3/2020 dated 06 June, 2023 and to state that the subject meeting is to be held on 05 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]*

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

Copy forwarded to the:

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

*[Handwritten initials]*

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

*[Signature]*  
**ATTESTED**

21-  
B/c  
No SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 28<sup>th</sup> 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 (SHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT CP 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(3) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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

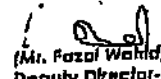
Annexure  
①


Sl#	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

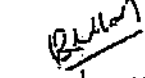
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education stated the forum regarding agenda item in detail.


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

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

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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

**ATTESTED**



-23-

-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 Secretariat Khyber Pakhtunkhwa Peshawar

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

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

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

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

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

**ATTESTED**

**ATTESTED**

W4442-2023 AZIZULAH VS GOVT CF PG43

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

Assistant Director (Ex-Sub-1)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa  
27/07/2023

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

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.  
provided they submit their written request prior to conclusion of the meeting of  
Teachers below BPF-16 may be exempted of implications of the amendment in the rules laid  
7(5) have affected a large number of female teachers. Thus it is proposed that  
in view of the above, the office is of considered opinion that the decision of rules  
has been asked for submission of consolidated case.  
Chairman of the Hon. Provincial Secretary Establishment at his office this office has  
Till, in the light of the minutes of meeting dated 6-07-2023, held under the  
No. 50 (Primary) & SED-7/1/2023 dated 13-06-2023.  
The same was received by this office from your good office vide letter No.50  
civil servant in receipt provision under every condition.  
that there shall be no provision in decline or forgo promotion. It is obligatory upon every  
Wing) vide letter No.50 (Policy) & AD/1-3/2020 dated 5-06-2023 categorically stated  
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation  
No.50 (Primary) & SED-7/1/2023 for necessary guidance.  
That your office forwarded the same to the quarter concerned vide letter  
No.50 (Primary) & SED-7/1/2023 for necessary guidance.  
Now it is the obligation of the civil servant to accept promotion in every condition,  
(ii) It is the obligation of the civil servant to accept or turn down the offer of  
promotion.  
No. 997 dated 06-02-2023.  
That the office should guide from your good office in the following words vide letter  
vide notification No. SOR-VI (S&AD)/1-3/2020 dated 06-08-2020.  
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing)  
dated and who 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1980)  
I am directed to refer to the letter No.50 (Primary) & SED-7/1/2023 on the subject cited above and in  
C.M. No. 1007 dated 10-07-2023 on the subject cited above and in  
present brief history about the background of the case as under:

The Station Officer (Primary-Sub),  
Ministry of Secondary Education,  
Khyber Pakhtunkhwa Province.

Subject - **APPLYING FOR THE PROMOTION**

Dear Sir,



No. 8145  
Khyber Pakhtunkhwa, Peshawar  
Date: 27/07/2023  
Phone: 091-9222344  
Email: ead@khyber.gov.pk

ATTESTED

WPK443-2023 AZIZULHAH VS GOVT OF PSA

2. Master Copy  
1. PA to Director Local Directorate  
Copy of the above for  
Richard Director  
Elementary & Secondary Education  
Kuala Lumpur

Please -  
The case is submitted for period and necessary actions  
members of female teachers.  
In view of the above, the office is of considered opinion  
that the deletion of Rules 7(S) have effected negatively a huge  
consolidated case.

That in light of the minutes of the meeting dated 6-07-2023  
held under the Chairmanship of Hon. Additional Secretary Education  
at his office. This office has been asked for submission of

That the government of KP-ED (Regulation Wily) vide letter No. SD (Policy)  
EGAD/1-3/2020 dated 6-06-2023 accordingly stated that there shall  
no provision to clear/forgo promotion. It is obligatory upon every civil  
servant to accept promotion under every condition.

That this office sought guidance from your good office in the following  
vide letter No. 6983 dated 06-07-2023  
(U) It is obligatory upon civil servant to accept promotion.  
(U) It is obligatory of civil servant to either accept/denied the  
offer of promotion.

That your good office forwarded the same to quarters concerned  
vide letter No. SD (Promo-1) EGAD/2-2/11/2020 dated 06-07-2023 for necessary  
guidance.  
That Government of KP Establishment department (Regulation Wily)  
dated rule 9(S) in Civil Servants (Appointment, Promotions, Transfer Rule 198)  
vide notification No. No. SD-R-VI (EGAD) 1-3/2020 dated 06-08-2020.

That this office sought guidance from your good office in the following  
vide letter No. 6983 dated 06-07-2023  
(U) It is obligatory upon civil servant to accept promotion.  
(U) It is obligatory of civil servant to either accept/denied the  
offer of promotion.

Section - Officer (Ruang Mula)  
Elementary & Secondary Education Department  
KPK, Pskawan

Subject: Minutes of Meeting  
Dear Sir, I am directed to refer to letter No. SD (Promo-1) EGAD/1-3/2020/GM/1/  
Minutes of meeting 15/7/2023 dated 10-7-2023 on subject cited above and to  
present brief history, also background of case as under.

- B/C -  
- 25 -



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

No. SO(Policy-M)E&SED/2-2/Appointment-Rule /2023  
Peshawar Dated 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)/ EBAD/ 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.

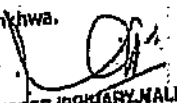
2. In this connection it is submitted that in some cases lady teacher of primary  
level who avail such promotions have to face serious inconvenience while they have to  
perform duties in the remotest station with no residential or transport facility. Most of  
them are married with kids and elder father 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 USAIID)  
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)  
23/8/23

Scanned with CamScanner

**ATTESTED**

ATTESSED

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

In this connection it is submitted that in some cases badly  
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 local teacher in primary schools.

I am directed to refer to your letter No. SO (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 2012.

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

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

No. 5 (Primary-M) E&SED /8-8/23  
Appointment - Rule /2023  
Reference Dated 22nd August 2023

-8/c-

Annexure - F



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

To

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

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

Dear Sir,

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

Yours faithfully,

  
Section Officer (Policy)

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

GOVT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
PESHAWAR

28-

-29-

-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)

Encl: 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)

~~ATTACHED~~

- 30 -

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

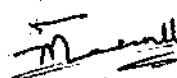
**Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER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

  
NAEEM HAIDER  
SID GHULAM HAIDER  
PSHT



~~ATTENDED~~

WFO443-2023 AZIZULHAQ VS GOVT OF PCAD

8/17/23  
~~Signature~~  
Date

Handwritten text in Urdu script, appearing to be a legal document or court order. The text is dense and covers several lines of the page.

Handwritten signature or name in Urdu script.

Annexure - H

Handwritten text in Urdu script, possibly a title or reference number.

APTA House  
Govt Primary School Near  
Quincher Ferozpur City



Khanber, Pothohar

1st Floor Room  
Provisional  
0333-0114848  
0333-0114848  
0333-0114848

32

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# 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 (B)

*[Handwritten signature]*  
13/5

Date of Presentation of Application 10-6-23  
 Number of 1  
 Copies 1  
 Region 1  
 Town 1  
 Name of 1  
 Date of 13-6-23  
 Date of Delivery of Copy 12-6-23

**ATTESTED**

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

NACEM HADEK

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