


# FORM OF ORDER SHEET

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

Appeal No. 1731 /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 1731/2024

KHALID MEHMOOD KHAN  
V/S

Government of KP & others

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ADVOCATE  
M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No. 1731 /2024

Khalid Mehmood Khan son of Sultan Muhammad Khan, PSHT (BPS-15)

Mohallah Sultanabad, PO patina, kalopind, 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**

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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

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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.

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- 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.

*[Signature]*  
Deponent

Through

*[Signature]*  
Appellant

*[Signature]*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*[Signature]*  
Muhammad Adeel Butt  
Advocate High Court

*[Signature]*  
Bassam Ahsan 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

Khalid Mehmood 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:-

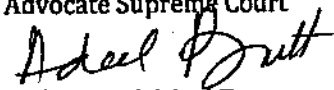
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification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

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

**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

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



**Personal Information of Mr KHALID MEHMOOD KHAN d/w/s of SULTAN MURHAMMAD KHAN**

Personnel Number: 00252876 CNIC: 1330204303169 NTN:  
 Date of Birth: 25.05.1971 Entry into Govt. Service: 12.10.1994 Length of Service: 29 Years 10 Months 021 Days

**Employment Category: Active Permanent**

Designation: PRIMARY SCHOOL HEAD TEACH 80002158-DISTRICT GOVERNMENT KHYBE  
 DDO Code: HR6109-DEPUTY DISTT. EDUCATION OFFICER(M/P) HARIPUR  
 Payroll Section: 002 GPF Section: 001 Cash Center: 23  
 GPF A/C No: EDUHR000435 GPF Interest applied GPF Balance: 1,211,378.00 (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	1004 House Rent Allowance-15%	3,524.00
1210 Convey Allowance 2015	2,856.00	1308 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2128 15% Adhoc Relief All-2013	815.00
2102 Adhoc Relief Allow @ 10%	569.00	2316 Teaching Allowance 2021	3,224.00
2341 Diarr. Red All 15% 2022 KP	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 Subsidization	-1,200.00	3501 Benevolent Fund	-1,200.00
3019 Income Tax	-5,147.00	3990 Emps 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: 82,349.25 Recovered till AUG-2024: 10,294.00 Exempted: 20587.15 Recoverable: 51,468.10

Gross Pay (Rs.): 129,083.00 Deductions (Rs.): -11,372.00 Net Pay (Rs.): 117,711.00

Payee Name: KHALID MEHMOOD KHAN  
 Account Number: CA 0000003230-4  
 Bank Details: NATIONAL BANK OF PAKISTAN, 230377 MAIN BRANCH HARIPUR MAIN BRANCH HARIPUR, HARIPUR

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: FIR  
 City: HARIPUR Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official  
 Temp. Address: City: Email: khalidmehmoodehs68@gmail.com

**ATTESTED**

System generated document in accordance with APPM 4.0.12.9(158678/23.08.2024/1.0)  
 \* All amounts are in Pak Rupees  
 \* Errors & omissions excepted (SERVICES@1.00.2024.09.06)



OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE) PRIMARY HARIPUR.

OFFICE ORDER NO. 63  
DATED HARIPUR 10.10.1994

APPOINTMENT

Appointment of the following trained PTC candidates are hereby ordered against the PTC post in EPS-7 (1480-81-2695) plus usual allowances as admissible under the rules in the interest of public service on the terms and conditions given at the end:-

S.No. Name/father's name & address

School: where appointed.

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- | S.No. | Name/father's name & address                                 | School: where appointed.                |
|-------|--|---|
| 1.    | Mohammad Ibrahim Shah s/o Suleman Shah Farid Akad. PF-39     | PS No.2 Banian newly created post.      |
| 2.    | Asif Shah s/o Amin Shah New Bakka.                           | Mosq: Kontar Abad vacant post.          |
| 3.    | Abdul Khaliq s/o Abdul Jalil vill: Chajjian.                 | PS Sarral vacant post.                  |
| 4.    | Mohammad Aksar s/o Mohammad Aslam Vill: Ghamawan             | PS Parwari vacant post.                 |
| 5.    | Intiaz Shah s/o Akbar Shah vill: Barkot.                     | PS Barkot vacant post.                  |
| 6.    | Raja Amar Sultan s/o R. Faramurz Khan Vill: Barkot.          | Mosq: PS Khanjakhak Naroti vacant post. |
| 7.    | Javed Akhtar s/o Mohammad Ali Ahmad Vill: Lehgan.            | PS Bhera (Khanpur) newly crtd: post.    |
| 8.    | Mohammad Shafique s/o Mohammad Akram Vill: Desra.            | PS Bees Ban vacant post.                |
| 9.    | Mohammad Hussain s/o Manzoor Elahi vill: Kot, Najibullah.    | PS Saradhana vacant post.               |
| 10.   | Abdul Yafeez s/o Abdul Aziz vill: Bardi Gulu.                | PS Sultanpur vacant post.               |
| 11.   | Ishtiaq Hussain s/o Arab Hussain vill: Darket.               | PS Chaskian vacant post.                |
| 12.   | Tahaid Ahmad s/o Abdul Saghir vill: Najifpur                 | Mosq: Sabra vacant post.                |
| 13.   | Intiaz Ahmad s/o Mushtaq Ahmad vill: Mang.                   | PS No.2 Khanpur newly crtd: post.       |
| 14.   | Khalid Mehmood Khan s/o Sultan Mohammad Khan vill: Kalupind. | PS Kotla vacant post.                   |
| 15.   | Masood Akhtar s/o Allah Mal vill: Kamalpur (Hattar).         | Mosq: Ranja vacant post.                |
| 16.   | Mohammad Ijaz s/o Mohammad Ismail vill: Ganjan               | PS Khido Pinjo vacant post.             |
| 17.   | Asif Shah s/o Dilawar Shah vill: Gadwalian.                  | PS No.2 Kangra newly crtd: post.        |
| 18.   | Zahid Abbass s/o Mohammad Sadiq vill: Mang                   | PS Chechian newly created post.         |
| 19.   | Zarshad Ahmad s/o Kala Khan vill: Gadwalian.                 | PS Pakki Ban vacant post.               |
| 20.   | Nasir Shah s/o Amin Sahawi vill: Gadwalian.                  | PS Thali Kot vacant post.               |
| 21.   | Shahzada Khan s/o Ghulam Rasul vill: Kahel.                  | PS Sethana No.2 vacant post.            |
| 22.   | Nasir Mehmood s/o Mohammad Younis vill: Serai Saleh.         | PS Maira Ali Khan newly created post.   |

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ATTESTED

- 23. Mohammad Ajaib s/o Mohammad Ayub Vill: Makhan Colony.
  - 24. Mohammad Aslam s/o Mehboob Elahi TBT Colony Haripur.
  - 25. Abdulwaheed s/o Abdul Qayyum Mohallah Khoo Haripur.
  - 26. ~~Mohammad Iqbal~~ Shafique ur Rehman s/o Fazalur Rehman ~~vill: Sikandarpur.~~
  - 27. Abid Saeed Khan s/o Mohammad Saeed Khan vill: Serai Saleh.
  - 28. Arshad Mehmood s/o Mohamed Sadiq vill: Sikandarpur.
  - 29. Mohammad Asif s/o Mohammad Yousuf vill: Manairra.
  - 30. Mohammad Ashiq s/o Mohammad Ashraf vill: Doyan Aji.
  - 31. Shahzada Khan s/o Abdul Qayyum vill: Malikyar.
  - 32. Umar Hayat s/o Shaukat Zaman Mohallah Khoo Haripur.
  - 33. Faiz Mohammad s/o Mohammad Mehfooz vill: Pharbala.
  - 34. Mohammad Saeed s/o Mohammad Nazir Serai Saleh.
  - 35. Mohammad Akhtar s/o Mohammad Farid vill: Mohri.
  - 36. Hashmat Hussain Niazi s/o Shafiqat Hussain Malik vill: Mirpur.
  - 37. Mohammad Zubair s/o Jehan Dad vill: Talokar.
  - 38. Zahid Iqbal s/o Rashid Ahmad Haripur (Asifabad)
  - 39. Shahid Mehmood s/o Ghulam Nabi Serai Saleh.
  - 40. Fida Mohammad s/o Roshan Din vill: Jatti Pind.
  - 41. Sultan Shah s/o S. Sabir Hussain Shah vill: Thipra.
  - 42. Jehangir Iqbal s/o Abdul Hamid vill: Pharbala.
  - 43. Rashad Nawaz s/o Ghulam Farid vill: Barthal.
  - 44. Mohammad Iqbal s/o Taj Mohammad vill: Malikyar.
  - 45. Arshad Mehmood s/o Mohammad Mehfooz Pharbala
- PF-41
- 46. Iftikhar Ahmad s/o Abdul Qayyum Sector No. 3 K.T. ship.
  - 47. Zahoor Khan s/o Daula Khan vill: Chhohar.
  - 48. Sahibzada Abid Nasem s/o S. Mohammad Rasul Shah vill: Khalabat Township.
  - 49. Mohammed Ibrahim s/o Haider Zaman Khalabat T. Ship Sector-4.
  - 50. Mohammad Arshad s/o Noorur Rehman Khalabat T. Ship Sector No. 1.
  - 51. Mohammad Fiaz s/o Mohammad Zaman Khalabat T. Ship Sector-1.
  - 52. Saeed Akhtar s/o Mohammad Siddique Khalabat Township Sector-1.

- PS Beda vacant post
- PS Dave vacant post
- PS Toro Dhoke newly created post.
- PS Thandari vacant post.
- Mosq: Kehrian Shadwal vacant post.
- PS Kehrian vacant post.
- Mosq: Banda Mansariah vacant post.
- Mosq: Gawari (Grazi) vacant post.
- PS Chhajaka vacant post.
- PS Dheri Sikandarpur: newly crtd post.
- PS Sawalmaira vacant post.
- PS Kaya vacant post.
- PS Akhoo Bandi vacant post.
- PS Noor Colony newly created post.
- PS Bclungi vacant post.
- PS Dab Dheri vacant post.
- PS Chhachmaira newly crtd post.
- PS Sawabimaira vacant post.
- PS Ghazi vacant post.
- PS Salam Khand vacant post.
- PS Barwasa vacant post.
- PS Jhamra vacant post.
- PS No. 1 Kalinjir
- Mosq: Lari Terli vacant post.
- PS Bajeeda newly created post.
- PS Qazipur vacant post.
- Mosq: Bohdara vacant post.
- PS Gambadia vacant post.
- PS Janjaka vacant post.
- Mosq: Cham Chhoi vacant post.

ATTESTED

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- |   |                                  |
|---|----------------------------------|
| 54. Mohammad Din s/o Mohamad Miskeen<br>vill: Dalri.                        | PS Dalri, vacant post.           |
| 55. Mohammad Gulzar s/o Mohammad Miskeen<br>Khalabat Township Moh: Darband. | Mosq: Phal vacant post.          |
| 56. Ziaur Rehman s/o Mohammadur Rehman<br>vill: Gandaf.                     | PS Kharokot vacant post.         |
| 57. Tanveer Shah s/o Miskeen Shah<br>Vill: Gallie (Sirikot).                | PE Dheri Naqarchian vacant post. |
| 58. Mohammad Samrez s/o Sajawal Shah<br>vill: Sirikot.                      | PS Umar Khana vacant post.       |
| 59. Nasir Shah s/o Muzamil Shah<br>vill: Ramdara (Sirikot).                 | PS Kaji Kundi vacant post.       |
| 60. Safdar Shah s/o Akbar Shah<br>vill: Gallie (Sirikot) Ex-Serviceman.     | PS Kothera vacant post.          |

TERMS AND CONDITIONS.

1. The newly appointed candidates are directed to produce their Age & Health certificate from DHQ Haripur within 7 days from the date of taking-over charge.
2. Their appointment is purely on temporary basis and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their original academic and professional certificates/documents.
4. Their original/professional certificate should be checked thoroughly before handing-over the charge and should not be handed-over charge if their original certificate are not found correct.
5. No one should be handed-over charge if he is below 18 years and above 25 years (in case of over age 2 years are relaxable).
6. ~~The candidate who received their professional training from the College/University other than Govt. Elementary College in NWFP will be appointed according to their merit order after the verification of their professional qualification from the concerned issuing agency.~~ The candidate who received their professional training from the College/University other than Govt. Elementary College in NWFP will be appointed according to their merit order after the verification of their professional qualification from the concerned issuing agency.
7. They will be governed under prescribed service rules framed by the Govt. of N.W.F.P.
8. Charge report should be submitted in duplicate to all concerned.
9. No TA/DA is allowed on 1st appointment.

*(Signature)*  
 (RAB NAWAZ KHAN)  
 DISTRICT EDUCATION OFFICER (M)  
 PRIMARY HARIPUR.

Post: No. 2172-2290/F.No. 234/DEO/GB/Apptt: Dated Haripur the 10/10/1955

- Copy forwarded to the:-
1. Director Primary Education N.W.F.P. Hayat Abad Peshawar.
  2. PS to Minister for Education (Primary) NWFP.
  3. PS to Secretary to Govt: NWFP Education Deptt.:
  4. Sub Divisional Education Officer (M) Haripur.
  5. The Head Teachers concerned.
  - 6-126. The candidate concerned.
  7. Superintendent Local Office.

*(Signature)*  
 (RAB NAWAZ KHAN)  
 DISTRICT EDUCATION OFFICER (M)  
 PRIMARY HARIPUR

**ATTACHED**

ATTESTED

ATTESTED



(WALIDAH LATIF)  
DEPUTY SECRETARY (POLICY)

*[Handwritten signature]*

- The Chief Secretary, Government of Khyber Pakhtunkhwa, Planning & Development Department.
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 Government, Khyber Pakhtunkhwa.
  5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
  6. The Principal 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 Public Service Commission, Peshawar.
  12. The Deputy Director (IT), EA Department.
  13. The Deputy Director (Admn), Administration Department with the request to arrange 20 Gazette copies.
  14. The Section Officer (Admn), Administration Department.

CHIEF SECRETARY  
GOVERNMENT OF THE KHAYBER PAKHTUNKHWA

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

AMENDMENT

in exercise of the powers conferred by section 29 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, the following amendments shall be made, namely:

NOTIFICATION

Dated Peshawar the 08/11/2020

GOVERNMENT OF  
KHAYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION-WING)

Annexure - B

- 11 -

**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**

~~SECRET~~

WPA447-2023 AZI21ALIAN VS GOVT OF PAK

21.06.2023

*[Handwritten signature]*

*[Handwritten signature]*  
Chief Officer (Policy)

- 1. To Special Secretary (Legal), Establishment Department.
- 2. To Additional Secretary (Legal), Establishment Department.
- 3. To Deputy Secretary (Policy), Establishment Department.

Copy forwarded to the  
Rtd. Lt. Gen. N. S. H. S.

ASSE  
21/6  
21/6

*[Handwritten signature]*  
Chief Officer (Policy)

2. The basic rationale behind the decision of the IAS rule is aimed at preventing a well-earned promotion for officers who are not eligible for promotion or to prevent those who tend to forge promotion to evade posting/transfer or allow lack of capacity to lead to higher responsibilities in case of promotion. Therefore, it is obligatory upon every officer to accept promotion in every condition.

Furthermore, those officers/officers 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 Service) (Efficiency & Discipline) Rules, 1989.

3. A prohibition dated 14.04.2023 in the subject noted above and to state that sub-rule (3) of Rule-7 of Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 04.08.2020; thus, no provision exists to delete or forge promotion.

I am directed to refer to your letter No. HO/Primary-(M)/2023-24 dated 14.04.2023 in the subject noted above and to state that sub-rule (3) of Rule-7 of Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 04.08.2020; thus, no provision exists to delete or forge promotion.

The Government of Khyber Pakhtunkhwa  
Ministry of Secondary Education

Subject -  
PROMOTION AND TRANSFER RULES, 1989  
KHYBER PAKHTUNKHWA CIVIL SERVICE (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989

Dear Sir,

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO/Policy/2023-24  
Dated: 21.06.2023



67

Annexure - C

-12-

-13-

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**  
**CIVIL SECRETARIAT PESHAWAR**  
(Phone No.091-9223507)

No. SO (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

**Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1988.**

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

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

Encl: AA

  
(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
26/6/23

~~TESTED~~

-14-

B/c

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

To  
The Director  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa, Peshawar  
  
Aziz Ujjah Khan President  
President  
All Primary Teacher's Association, KP

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~



15-

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

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

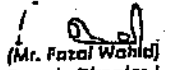
Annexure  
①


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

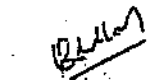
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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

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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

WP4442-2023 AZIZULLAH VS GOVT OF PK

**ATTESTED**

-16-

-B/C-

**MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH  
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA  
REGARDING DELETION OF RULE 715 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

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 briefed the forum regarding agenda item in detail.

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

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

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

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)

ATTENDED



ATTESTED

WP4443-2023 AZIZULAH VS GOVT OF PKAS

Richard Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

1. PP to Director Local Directorate  
2. Master Copy

Copy of the above to:

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

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

no provision to accept promotion under any condition.  
no provision to declare for promotion. It is obligatory upon every civil  
servant to accept promotion under any condition.  
That the government of KP-ED (Education Wing) vide letter No. SD (Policy)  
EQ/AD/1-2/2020 dated 6-06-2023 categorically stated that there exists

That your good office forwarded the same to quarters concerned  
vide letter No. SD (Promotion) EQ/SED/2-2/Appointment/2023 for necessary  
guidance.  
offer of promotion.  
That the government of KP-ED (Education Wing) vide letter No. SD (Policy)  
EQ/AD/1-2/2020 dated 6-06-2023 categorically stated that there exists

That the office sought guidance from your good office in the following  
vide notification No. No. SDP-VI (EQ/AD) 1-3/2020 dated 06-08-2020.  
dated rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rules 1973)  
That Government of KP Establishment department (Regulation Wing)  
present only history, about background of case as under.

Minutes of meeting 13/7/2023 dated 10-7-2023 on subject cited above and to  
I am directed to refer to letter No. SD (Promotion) EQ/SED/1-1/GWA/  
Dear Sir, I am directed to refer to letter No. SD (Promotion) EQ/SED/1-1/GWA/  
Subject: Minutes of Meeting  
KPK, Peshawar.  
Elementary & Secondary Education Department  
Section - Office (Punjab, Male)  
Peshawar  
(21-7-2023)

Directorate of Elementary & Secondary Education, KPK  
To:  
-B/c-  
-18-



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

No. 50(Primary-M)/E&SED/1-2/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. 50(Policy)/ E&AD/ 1-3/2020 dated 05<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

  
MUHAMMAD ISMAIL  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
28/8/23

Scanned with CamScanner

ATTESTED

**ATTENDED**

1. Copy forwarded to:  
1. Director E & SE Khyber Pakhtunkhwa  
2. PS to Secretary, E & SE Department of Education, Khyber Pakhtunkhwa

(Muhammad Ishaq)  
Section Officer (Primary)  
(Mobile)

the school of locally teacher in primary schools.  
in view of above, the said amendment may be reconsidered to  
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 majority stations with no residential/transport facilities  
face serious inconvenience while they have to perform duties  
teacher of primary level who avail such promotion have to  
In this connection it is submitted that in some cases lady  
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 1987) or has been intimated that  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
1-3/2020 dated 8th June 2020 and to state that after  
I am directed to refer to your letter No. S(Primary)  
(Policy) /E&AD

Dear Sir,  
SUBJECT: Guidance regarding deletion of Rule 7(S) in the  
Civil Servant (Appointment, Promotion & Transfer Rules  
1987)

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

To  
No. S (Primary-M) E&SE D / 8-8/2023  
Appointment - Rule / 2023  
Peshawar Dated 23rd August, 2023.

-8/c-

-20-

Annexure - F



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

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

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

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

WP442-2023 AZIZULLAH VS GOVT OF PK

-2-

- 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)

TESTED



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/1-3/2020, 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

  
KHALID MEHMOOD KHAN

SIO SULTAN MUHAMMAD KHAN  
PSHT

~~ATTESTED~~

WPK-02-2003 AZIZULHAQ VS GOVT OF PUNJ

8/17/03  
~~Signature~~  
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Anexure - H

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APTA House,  
Govt. Primary School Hall,  
Gulshan Park, Ferozpur City.



Khyber-Pakhtunkhwa

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07.05.2024



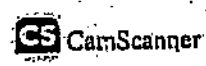
1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. 1st 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 (1st)

*[Signature]*  
Muhammad Akbar Khan  
Member (1st)

Date of Presentation of Application 10.5.24  
 Number of 1  
 Copies 1  
 Urgent 1  
 Total 1  
 Name of 13-6-24  
 Date of 17-6-24  
 Date of Delivery of Copy 17-6-24



~~APPEALED~~

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**KHALID MEMMOOD KHAN**

Appellant

Versus

Government of KP & others

Respondents

**I (the Appellant)**

do hereby appoint and retain

**MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC**

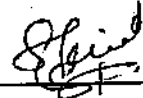
**BASSAM AHMAD SIDDIQUI AHC**

**&**

**ASSOCIATES OF MUAZZAM LAW FIRM**

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

I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

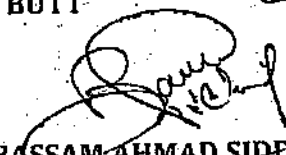


**APPELLANT**

**ACCEPTED**

  
**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court

  
**MUHAMMAD ADEEL BUTT**  
Advocate High Court

  
**BASSAM AHMAD SIDDIQUI**  
Advocate High Court