


FORM OF ORDER SHEET

Court of _____

Appeal No. 1733/2024

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 = 1733 / 2024

ABDUL HAFIZ

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 1733/2024

Abdul Hafeez son of Abdul Aziz, PSHT (BPS-15)

PO Kot Najeeb ullah , Bandi gilo, 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.50(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: 50 (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

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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.

- 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 appellants 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.
 Deponent

[Signature]
 Appellant

Through

[Signature]
 Muhammad Muazzam Butt
 Advocate Supreme Court

[Signature]
 Muhammad Adeel Butt
 Advocate High Court

[Signature]
 Bassam Ahmad Siddiqui
 Advocate High Court
 LL.M- Human Rights

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Abdul Hafeez

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

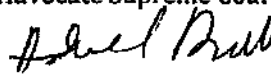
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

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



Personal Information of Mr ABDUL HAFEEZ d/w/s of ABDUL AZIZ

Personnel Number: 00254017 CNIC: 1330211556107 NTN:
Date of Birth: 05.07.1973 Entry into Govt. Service: 11.10.1994 Length of Service: 29 Years 09 Months 022 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80002138-DISTRICT GOVERNMENT KHYBE
DDO Code: HR6109-DEPUTY DISTT:EDUCATION OFFICER(M/P) HARIPUR
Payroll Section: 002 GPF Section: 001 Cash Center: 22
GPF A/C No: GPF Interest applied GPF Balance: 482,213.00 (provisional)
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 23

Wage type		Amount	Wage type		Amount
0001	Basic Pay	69,460.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	888.00	2199	Adhoc Relief Allow @10%	614.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	6,608.00
2347	Adhoc Rel Al 15% 22(PS17)	6,608.00	2378	Adhoc Relief All 2023 35%	23,618.00
2393	Adhoc Relief All 2024 25%	17,365.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-5,955.00	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: 95,276.85 Recovered till JUL-2024: 5,955.00 Exempted: 23818.94 Recoverable: 65,502.91

Gross Pay (Rs.): 136,265.00 Deductions: (Rs.): -12,180.00 Net Pay: (Rs.): 124,085.00

Payee Name: ABDUL HAFEEZ
Account Number: PLS00000000045-5
Bank Details: NATIONAL BANK OF PAKISTAN, 231335 DUBAIR BAZAR KOHISTAN DUBAIR BAZAR KOHISTAN,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: HAR
City: HARIPUR Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address:
City: Email: hafeczmughal37@gmail.com

ATTESTED

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

OFFICE ORDER NO. 53

DATED HARIPUR 10/10/1994

APPOINTMENT

Appointment of the following trained P.T.C. candidates are hereby ordered against the P.T.C. post in BPS-7(1480-81-2695) plus usual allowances and benefits under the rules in the interest of public service on the terms and conditions given at the end.

Name of Candidate's name & address School where appointed

- 1. Mohammed Ibrahim Shah s/o Sultan Shah Farid Akad. PS No. 2 Ranian newly created post.
- 2. Asif Shah s/o Amin Shah New Bakka. Mosq Kotlar Abad vacant post.
- 3. Abdul Khalid s/o Abdul Jalil vill: Chajjiah. PS Sarfai vacant post.
- 4. Mohammed Akbar s/o Mohammad Aslam vill: Chamawah. PS Farwari vacant post.
- 5. Imtiaz Shah s/o Akbar Shah vill: Birkot. PS Birkot vacant post.
- 6. Raja Amar Sultan s/o R. Faramuz Khan vill: Birkot. Mosq: Birkot Naroti vacant post.
- 7. Aved Akhtar s/o Muhammad Ali Ahmad vill: Lohdar. PS Bhera (Khanpur) newly crtd post.
- 8. Mohammad Sharique s/o Mohammad Akram vill: Deeran. PS Bees Ban vacant post.
- 9. Mohammad Hussain s/o Manzoor Elahi vill: Kal Najibullah. PS Safadhana vacant post.
- 10. Abdul Hafeez s/o Abdul Aziz vill: Bada Gulu. PS Sultanpur vacant post.
- 11. Ishaq Hussain s/o Arab Hussain vill: Dalkot. PS Chaskian vacant post.
- 12. Khalid Ahmad s/o Abdul Baghar vill: Najlipur. Mosq: Sabra vacant post.
- 13. Imtiaz 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: Gadhah. PS Khido Pinjo vacant post.
- 17. Asif Shah s/o Dilawar Shah vill: Gadwaliah. PS No. 2 Kangra newly crtd post.
- 18. Zahid Abbasa s/o Mohammad Sadiq vill: Mang. PS Chechian newly created post.
- 19. Zarehad Ahmad s/o Kala Khan vill: Gadwaliah. PS Pakki Ban vacant post.
- 20. Nasir Shah s/o Amin Sahabi vill: Gadwaliah. PS Thal Kot vacant post.
- 21. Shahzad Khan s/o Ghulam Rasul vill: Kahal. PS Sathana No. 2 vacant post.
- 22. Nasir Mehmood s/o Mohammad Younis vill: Gernai Balah. PS Maira Ali Khan newly created post.

ATTESTED

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| 23. Mohammad Ajaib s/o Mohammad Ayub Vill; Makhan Colony, | PS Bega vacant post |
| 24. Mohammad Aslam s/o Mehboob Elahi T&T Colony Haripur, | PS Dave vacant post |
| 25. Abdulwaheed s/o Abdul Gayyum Mohallah Khoo Haripur, | PS Toro Dhoke newly created post. |
| 26. Mohammad Ibrahim Shafique ur Rehman s/o Fazalur Rehman vill Haripur, | PS Thandari vacan post. |
| 27. Abid Saeed Khan s/o Mohamad Saeed Khan vill; Seraf Saleh. | Mosq; Kehnian Shadwal vacant post. |
| 28. Arshad Mehtod s/o Mohammad Sadiq vill; Sikar Haripur. | PS Kehnian vacant post. |
| 29. Mohammad Akif s/o Mohammad Yousuf vill; Mandarhala. | Mosq; Banda Mansarian vacant post. |
| 30. Mohammad Ashiq s/o Mohammad Ashraf vill; Doyan Adi, | Mosq; Gawari (Ghezi) vacant post. |
| 31. Shahzada Khan s/o Abdul Gayyum vill; Malikyar, | PS Chhajaka vacant post. |
| 32. Umar Hayat s/o Shaukat Zaman Mohallah Khoo Haripur, | PS Dheri Sikandarpur newly crtd post. |
| 33. Faiz Mohammad s/o Mohammad Mehfooz vill; Pharhala, | PS Sawalaira vacant post. |
| 34. Mohammad Saeed s/o Mohammad Nazir Seraf Saleh, | PS Kaya vacant post. |
| 35. Mohamad Akhtar s/o Mohammad Farid vill; Mohri, | PS Akhnoo Bandi vacant post. |
| 36. Hashmat Hussain Niazi s/o Shafiqat Hussain Malik vill; Mirpur, | PS Noon Colony newly created post. |
| Mohamad Zubair s/o Jehan Dad vill; Talokar, | PS Balungi vacant post. |
| 37. Zahid Iqbal s/o Rashid Ahmad Haripur (Asifabad) | PS Dab Dheri vacant post. |
| 38. Shahid Mahmood s/o Ghulam Nabi Seraf Saleh, | PS Ohhachmaira newly crtd post. |
| 39. Fida Mohamed s/o Roshan Din vill; Jatti Bhd, | PS Sawabmaira vacant post. |
| 40. Sultan Shah s/o S. Sabir Hussain Shah vill; Thipra, | PS Ghazi vacant post. |
| 41. Jehangir Noal s/o Abdul Hamid vill; Pharhala | PS Salam Khan vacant post. |
| 42. Rashad Nawaz s/o Ghulam Farid vill; Barthal | PS Barwasa vacant post. |
| 43. Mohamad Iqbal s/o Taj Mohammad vill; Malikyar | PS Jhamra vacant post. |
| 44. Arshad Mahmood s/o Mohammad Mehfooz Pharhala | PS No. 1 Kalinger |
| 45. Iftikhar Ahmad s/o Abdul Gayyum Sector No. 3 K.T. ship, | Mosq; Dheri vacant post. |
| 46. Zahoor Khan s/o Daula Khan vill; Chhohar, | PS Bajeeeda newly crtd post. |
| 47. Sahibzada Abid Naeem s/o S. Mohammad Rasul Shah vill; Khalabat Township, | PS Qazipur vacant post. |
| 48. Mohammad Ibrahim s/o Haider Zaman Khalabat T. Ship Sector 4 | Mosq; Bghdara vacant post. |
| 49. Mohammad Arshad s/o Noorur Rahman Khalabat T. Ship Sector No. 1 | PS Gempadla vacant post. |
| 50. Mohammad Arshad s/o Mohammad Zaman Khalabat T. Ship Sector 1 | PS Jangakal vacant post. |
| 51. Saeed Akhtar s/o Mohammad Siddique Khalabat T. Ship Sector 1 | Mosq; Chua Chhoi vacant post. |

ATTESTED

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|---|----------------------------------|
| 54. Mohammad Din s/o Bqha mad Miskeen
vill: Dalri. | PS Dalri, vacant post. |
| 55. Mohammad Gulzar s/o Mohammad Miskeen
Khalabat Township Moh: Darband. | Mosq: Phal vacant post. |
| 56. Ziur Rehman s/o Mohammadur Rehman
vill: Gandaf. | PS Kharkot vacant post. |
| 57. Tanveer Shah s/o Miskeen Shah
Vill: Gallie (Sirikot). | PS Dheri Naqarchian vacant post. |
| 58. Mohammad Samrez s/o Sajawal Shah
vill: Sirikot. | PS Umar Khana vacant post. |
| 59. Nasir Shah s/o Muzamil Shah
vill: Ramdara (Sirikot). | PS Kali Kundi vacant post. |
| 60. Safdar Shah s/o Akbar Shah
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 DHO 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 releasable).
6. ~~Their appointment should be made on merit.~~ 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.

Rab Nawaz Khan
 (RAB NAWAZ KHAN)
 DISTRICT EDUCATION OFFICER (M)
 PRIMARY HARIPUR.

st: No. 2172-2300/F. No. 234/DEO/GB/ Apptt: Dated Haripur the 10/10/1955

Copy forwarded to the:-
 Director Primary Education N.W.F.P. Hayat Abad Peshawar.
 PS to Minister for Education (Primary) NWFP.
 PS to Secretary to Govt: NWFP Education Deptt:.
 Sub Divisional Education Officer (M) Haripur.

- 55. The Head Teachers concerned.
- 56-126. The candidate concerned.
- 57. Superintendent Local Office.

Rab Nawaz Khan
 (RAB NAWAZ KHAN)
 DISTRICT EDUCATION OFFICER (M)
 PRIMARY HARIPUR

ATTESTED

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

In exercise of the powers conferred by section 26 of the
Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of
1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber
Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the
following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

LIST: NO & EVEN DATE

Copy is forwarded to:-

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



(Signature)
(WAJIAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

ATTESTED

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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)**

NOTIFICATION
Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 26 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII) the chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989, the following further amendment shall be made, namely:

AMENDMENT

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

**CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

**(WARDAH LATIF
DEPUTY SECRETARY (POLICY)**

ATTESTED

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)M&AD/1-3/2020
Dated Islamabad the June 06, 2023

62

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

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

Dear Sir,
I was directed to refer to your letter No. SO(Policy-M)M&AD/21-
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 06.08.2020, thus, no
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to
prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity
to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every
civil servant to accept promotion in every condition.

3. Furthermore, those officers/officials who do not comply with promotion order
of the competent authority or try to evade promotion through different means shall be
proceeded against under Khyber Pakhtunkhwa Civil Services (Efficiency & Discipline) Rules,
1989, in case.

Yours faithfully,
(Issa Fakhry Ahmad Khan)
Section Officer (Policy)

ASSE
7/6

Encls. Of even No & date
Copy forwarded to:-

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

Signature

06/06/23

Section Officer (Policy)

ALLEGED



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

No. SO (Primary-M)/E&SED/2-6/2023
 Dated Peshawar the June 26th, 2023

To

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

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

[Handwritten Signature]
 26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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 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 (E&SE) Department in his office.

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

Encl: AA

[Handwritten Signature]

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

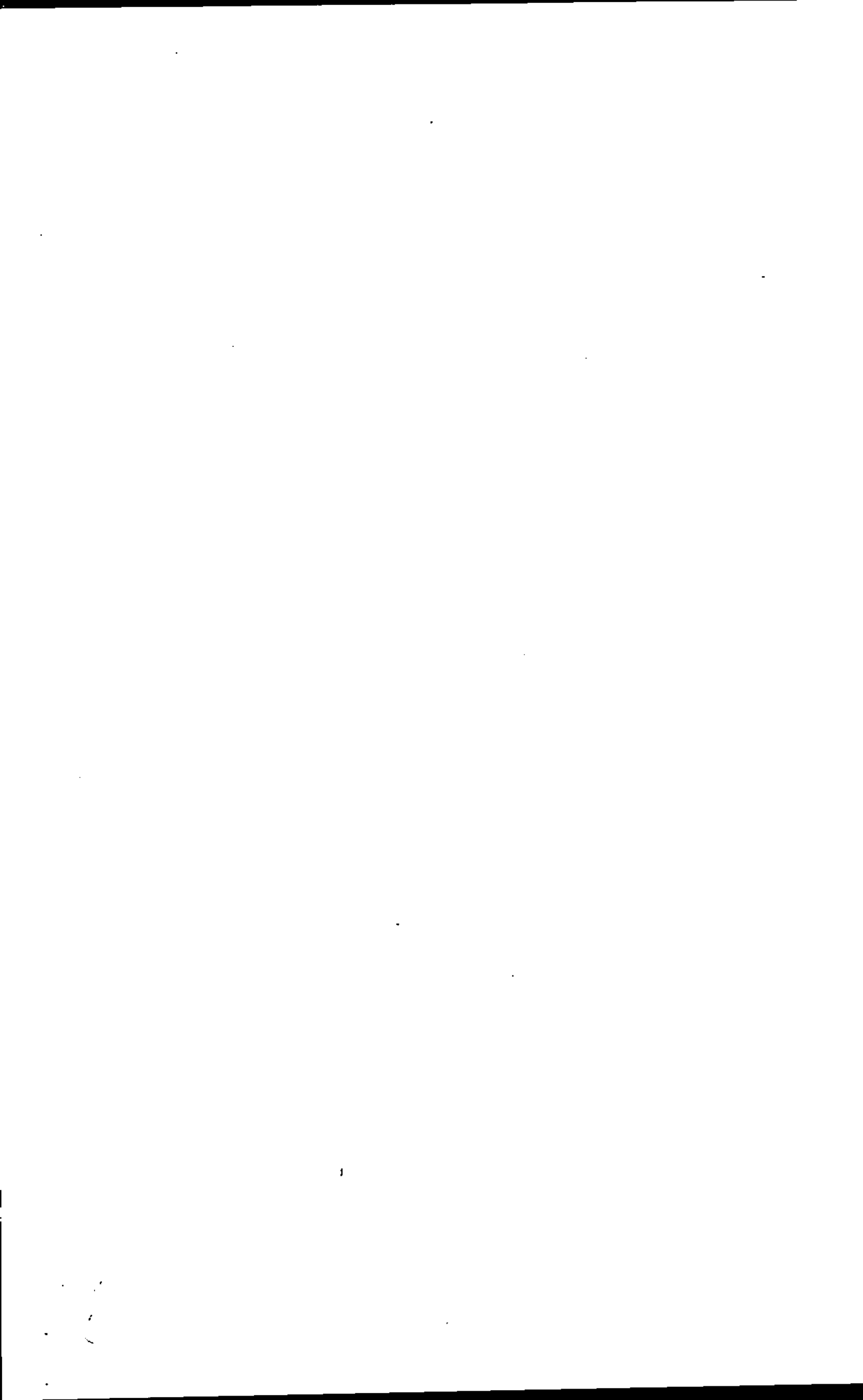
Copy forwarded to the:

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

[Handwritten Signature]

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

ATTESTED



14-
B/c

No SO (Primary-M)/B&SE/2-6/2023
Dated Peshawar the June 26th 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(S) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1989.

I am directed to refer to the subject noted above and to enclose 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)

WP4442-2023 AZIZULLAH VS GOVT OF PG 43

~~ATTESTED~~

~~ATTACHED~~

WP1442-2023 AZIZULLAH VS GOVT OF POK

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

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

(Mr. Razaqat Ullah)
General Secretary APTA
Feshawar

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

(Mr. Fozal Wajid)
Deputy Director
E&SE Department

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

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

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

Sl	NAME	DESIGNATION
1	Mr. Fozal Wajid	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 Feshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Feshawar

A meeting regarding the subject matter was held on 05-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.

~~MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING PROMOTION OF RULE 7151 IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1997).~~

Annexure

15-

-16-
-B/c-

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

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

S#	NAME	DESIGNATION
1.	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2.	Mr. Aziz Ullah	Provincial President All Primary Teachers Association: Khyber Pakhtunkhwa
3.	Mr. Rifaqat 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. Rifaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ATTESTED



No. 8145

Ministry of Education, Government of Punjab, Pakistan
Punjab, Pakistan
Phone: 99-9933344
Email: education@punjab.gov.pk

To
The Section Officer (Primary-Sub),
Ministry of Education, Government of Punjab,
Punjab, Pakistan

Subject - MINUTES OF THE MEETING

I am pleased to refer to the letter No. SO/Primary-40&SED/17 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

- The Government of Punjab, Ministry of Education, Government of Punjab (Wing) dated 7th July 2023 in the Civil Service (Appointment, Promotion & Transfer Rules 1980) vide notification No. SO-41 (E&AD)/1-2023 dated 06-08-2023.
- The office sought guidance from your good office in the following words vide letter No. 4027 dated 06-02-2023.
- (i) Now it is obligatory upon the civil servant to accept promotion in every condition.
- (ii) If it is the prerogative of the civil servant to either accept or turn down the offer of promotion.

The office forwarded the same to the quarter concerned vide letter No. SO (Primary-4) E&SED/2-1/Appointment/2023 for necessary guidance. That the Government of Punjab, Ministry of Education, Government of Punjab (Wing) vide letter No. SO (Policy) E&AD/1-1/2023 dated 06-06-2023 categorically stated that there shall be no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition. The same was received by this office from your good office vide letter No. SO (Primary-4) E&SED/2-1/Appointment/2023 dated 13-06-2023. The in the light of the minutes of meeting dated 07-07-2023 held under the Chairmanship of Hon. Additional Secretary, Establishment at his office, it has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the decision of Rules 7(5) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers below grade 16 may be exempted of implications of the amendment in the rules (bid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (E&AD-1)
Ministry of Education, Government of Punjab,
Punjab, Pakistan
Date: 11/7/2023

Encl: No. Copy of the above to:-

- 1. PA to Director, Local Directorate.
- 2. Major Copy.

Assistant Director (E&AD-1)
Ministry of Education, Government of Punjab,
Punjab, Pakistan

WP-1442-2023 ADZULAH VS GOVT OF PUNJ

~~APPEALED~~

ATTACHED

WP1447-2023 AZIZULLAH VS GOVT OF PAK

Auslaid Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

2. Master Copy
1. PA to Director Local Directorate
Copy of the case to:

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

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 consolidated case.

That the government of KP-ED (Regulation Wg) vide letter No. SD (Policy) EQAD/1-3/2020 dated 6-06-2023 categorically stated that there shall no provision to declare foreign promotion as obligatory upon every civil servant to accept promotion under any condition.

That your good office forwarded the same to quarters concerned vide letter No. SD (Policy) EQAD/2-2/Appointment-2023 for necessary guidance.

That the office sought guidance from your good office in the following vide notification No. No. SOR-VI (EQAD) 1-3/2020 dated 06-08-2020. (U) It is obligatory upon civil servant to accept promotion. (U) It is prerogative of civil servant to either accept/reject the offer of promotion.

That Government of KP Establishment department (Regulation Wg) dated rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 198) present brief history, about background of case as under.

I am directed to refer to letter No. (SO. Homey-M) EQAD/5-1/GWB/Minuties of meeting 15/7/2023 dated 20-7-2023 on subject cited above and to

Subject: Minutes of Meeting
KPK, Peshawar.
Elementary & Secondary Education Department
Section-Officer (Homey-Male)
Peshawar
12-1-7-2023

-B/C-
-18-



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

No. SO(Policy-M)E&SED/7-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter (No. SO(Policy)) EBAD/ 1-3/2020 dated 06th 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 ISHAC)
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))
28/8/23

Scanned with CamScanner

WP4442-2623 AZIZULLAH VS GOVT OF PK43

ATTESTED

APPROVED

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

Copy forwarded to:
(Muhammad Ishaq)
Section Officer (Army)
(Male)

In this connection it is submitted that in some cases lady teacher of primary level who avail such promotion have to face serious inconvenience while they have to perform duties in the warrent stations with no residential/transport facilities. Most of them are married with kids and elder father of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

I am directed to refer to your letter No. S(Fin) (Policy) /E&AD/1-3/2020 dated 8th June 2023 and to state that after deletion of Rule 7(5) 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) Rules 2011.

Dear Sir,
SUBJECT: Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)

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

To
No. S (Policy - M) E&SE/PA-8/1/2023
Appointment - Rule/2023
Reference Dated 23rd August, 2023.

-B/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(5) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

REQUESTED

WP-42-2023 AZTELLAH VS GOVT OF PK-4

-21-

-22-

-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(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/Z-2/Appointment-
Rule/2023 dated 23.08.2023 on the subject noted above and to state that necessary
guidance has already been tendered to your good office vide this department letter of even
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

Annexure - G

To,

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

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

ABDOL HAFEEZ

S/O ABDUL AZIZ

PSHT

~~ATTACHED~~

WAF442-2023 AZIZULHAK VE GOV'T OF POKS

8/17/23
~~Handwritten signature and date~~

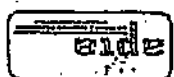
Handwritten text in Urdu script, appearing to be a letter or official communication. The text is dense and covers several lines of the page.

Handwritten signature or name at the bottom of the main text block.

Annexure - H

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

APTA House
Govt. Primary School Near
Dudhwar Poshwar City

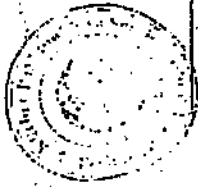


Handwritten text in Urdu script, likely a name or title.

1st Floor Room
President
0333-0112111
www.punjab.gov.pk

25

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. 15P given to learned counsel for the appellant.

03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

Certified to be true copy (Muhammad Akbar Khan)
Member (I)

[Handwritten signature]
Secretary
National Commission for Human Rights
Islamabad

Date of Presentation of Application 10.5.24
 Number of 1
 Copies 1
 Urgent SI
 Total SI
 Name of SI
 Date of 13.5.23
 Date of delivery of copy 17.5.23

CS CamScanner

~~ATTESTED~~

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ABDUL HAFIZ

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

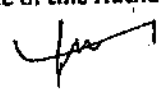
BASSAM AHMAD SIDDIQUI AHC

&

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.

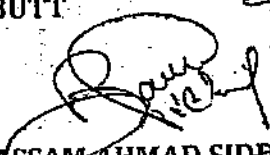


APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court