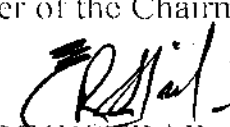


FORM OF ORDER SHEET

Court of _____

Appeal No. 1736/2024

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 1736/2024

AMJAD IQBAL

V/S

Government of KP & others

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6.	Copy of Minutes of Meeting dated 06-07-2023	D.	15 - 18
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8.	Copy of Impugned letter dated 07-09-2023	F.	21 - 22
9.	Copy of Representation against the said notification and representation made by APTA President	G & H.	23, 24 25
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ADVOCATE
M. Muazzam Butt

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1736 /2024

Amjad Iqbal son of Javed Iqbal, PSHT (BPS-15)

Mohallah Pervaiz abad, kot Najeeb ullah, Tehsil and District Haripur

.....Appellant

VERSUS

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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974. AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020. DATED 06/08/2020. COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

PRAYER:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL. THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-3/2020. DATED 06/08/2020. COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023. MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.
Copy of Appointment letter is annexed as **Annexure A**

- 2-
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 KP without following the rules position mentioned in Para 6 above promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Respondent No.2 vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. The impugned Notification is reproduced as under:-

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

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forego promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. Copy of Letter, dated 23-08-2023 is attached as Annexure E

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed. Copy of Representation against the said notification is annexed as Annexure G & H
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

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

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

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

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

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

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

-5-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No _____2024

Amjad Iqbal

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

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


AFFIDAVIT

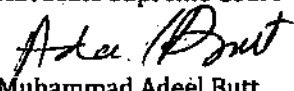
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.


Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

(11)
Dist. Govt. KP-Provincial
District Accounts Office Haripur
Monthly Salary Statement (August-2024)

-6-



Personal Information of Mr. AMJAD IQBAL d/w/s of JAVEED IQBAL

Personnel Number: 00252859

CNIC: 1330276298593

NTN:

Date of Birth: 10.09.1971

Entry into Govt. Service: 24.03.1992

Length of Service: 32 Years 05 Months 009 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH

80002138-DISTRICT GOVERNMENT KHYBE

DDO Code: HR6109-DEPUTY DIST. EDUCATION OFFICER(M/P) HARIPUR

Payroll Section: 002

GPF Section: 001

Cash Center: 22

GPF A/C No: EDUAD015926

GPF Interest applied

GPF Balance:

1,120,286.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 22

Wage type	Amount	Wage type	Amount
0001 Basic Pay	67,480.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2148 15% Adhoc Relief All-2013	880.00
2199 Adhoc Relief Allow @10%	591.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	6,408.00	2347 Adhoc Rel AI 15% 22(PS17)	6,408.00
2378 Adhoc Relief All 2023 35%	22,925.00	2393 Adhoc Relief All 2024 25%	16,870.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-5,555.00	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: 88,870.65 Recovered till AUG-2024: 11,110.00 Exempted: 22216.95 Recoverable: 55,543.70

Gross Pay (Rs.): 132,706.00 Deductions: (Rs.): -11,780.00 Net Pay: (Rs.): 120,926.00

Payee Name: AMJAD IQBAL

Account Number: CA 00000003099-2

Bank Details: NATIONAL BANK OF PAKISTAN, 230827 SHAHRA-E-HAZARA SHAHRA-E-HAZARA, ABBOTABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: HAR

City: HARIPUR

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: masteramjadiqbal@gmail.com

ATTESTED

الحمد لله رب العالمين 98

OFFICE OF THE DISTRICT EDUCATION
OFFICER(M), PRIMARY ABBOTTABAD.

OFFICE ORDER NO: _____

DATED ABBOTTABAD THE 21.03.1992

APPOINTMENT ORDER.

The appointments of the following trained P.T.O candidates hereby ordered against the vacant posts in BPS-7 @ Rs 1095-60-1995 of usual allowances as admissible under the rules, in the interest of public service, with effect from the date of taking over charge on the _____ terms and conditions given at the end.

S. No.	Name/Father's Name	Marks	Address	School Where appointed.
<u>PF-34</u>				
1.	Zardad Khan S/o Ghulam Hussain	756	Vill: P.A. Qalandarabad.	GPS Dheri Kayala.
2.	Mubarak Ali S/o Ghulam Haider.	751	Vill: & P.O. Nawanshehr.	GPS Thiwar Bodla.
3.	Anjid Mir S/o Gul Mir.	744	Musazai N. Shehr. Mesq: Kashka.	
4.	Abdul Wahid S/o Abdul Qadir.	743	Akhora Ternawai. GMS Supakarega.	
5.	Muhammad Sobir S/o Muhammad Farooq	742	Halmaira Q'Abad.	GPS Seri (Lora).
6.	Ayyub Shah S/o Muhammad Shah	735	Q.No: 4/6 MES Abbottabad.	GPS Patehabad.
<u>PF-35</u>				
7.	Muntaz Hussain Shah S/o Abbas Ali Shah.	790	Vill: Dhanri Bai. Rankote.	
8.	Atiqur Rehman S/o Azizur Rehman.	766	Vill: & P.O. Bakot. Masooma.	
9.	Muhammad Shafique S/o Muhammad Shaffi.	760	Mariot Dalola.	Mesq: Palurwai.
10.	Muhammad Sarfaraz S/o Saadat Khan.	756	Mulia.	GMS Aliabad.
11.	Muhammad Alyas S/o Ali Zamar.	746	Vill: Bandi Pahar.	Mesq: Jandran.
12.	Muhammad Alyas S/o Amir Abdullah	727	Vill: Darra Dalola " Darra.	
13.	Waheed Murad S/o Gulfaraz.	712	Dheri Kharala.	GPS Nakkhar Pikhoo.
14.	Mazhar Hussain S/o Muzamal Hussain	707	Vill: Bai.	Mesq: Garang.
15.	Razza Ahmed S/o Zahoerud Din.	695	Beerote.	GMS Basian.
16.	Jamil Ahmed Tariq S/o Muhammad Ismail.	688	Kalgran.	Mesq: Kalaban.
17.	Nisar Ahmed S/o Duriaman.	685	Bandi Dalola.	" Danna Khan Kalan.
18.	Mazhar Iqbal S/o Muhammad Manzur	684	Beerote.	GPS Lehoor.
19.	Muhammad Maqbool S/o Sumandar	676	Dalola.	GPS Arwar.
20.	Muhammad Naseem S/o Muhammad Siddique.	675	Badala Bakote.	GMS Seri Khan Kalan.
21.	Muhammad Asif S/o Noor Rahim.	675	Mulia.	GPS Nekar Khan.
22.	Nazeer Ahmed S/o Ali Mardan.	674	Pall Bai.	BPS Balikote.

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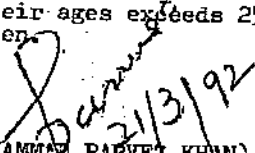
✓.....4.....
PF-39

97. Majeedur Rehman S/o Muzaffar Khan	709	Halli	GPS Baghdarra.
98. Anjid Iqbal S/o Javed Iqbal.	699	✓ E.W.Bullah.	GPS Kaya Dheri.
99. Saad Ahmed S/o Karam Dad.	682	Kalas.	Mosq: Chocora.
100. Masood S/o Masudur Rehman.	668	✓ K.N.Bullah.	" Padawa.
101. Saad Siddique S/o Mian Khan.	665	Pind Muneem	" Rouse.
102. Mehmood S/o Karam Dad. PF-40	646	✓ K.E.Bullah	GPS Chulhari.
103. Saboor S/o Abdul Ghafoor,	789	Nartopa.	GPS Rehana.
104. Muhammad Khan S/o Rasul Khan.	779	Chbohr Sharif.	PS Beetgali.
105. Saad Zaman S/o Khawaj Muhammad.	775	Pharhala.	GPS Mala Ketha.
106. Muhammed Shabbir S/o Muhammad Isheq.	752	Pharhala.	GPS Thalikote.
107. Muhammad Nazeer S/o Abdur Rashid.	740	Mirpur,	GPS Brag.
108. Shahid Mehmood S/o Muhammad Akram;	739	Rarra	Mosq: Oslan.
109. Nazakat Hussain S/o Azizur Rehman	734	Talokar.	Mosq: Pehal.
110. Muhammad Sbukat S/o Muhammad Yousaf.	729	Moh: Khoo Hpr:	GPS Bail/
111. Tariq Mehmood S/o Muhammad Din	701	Bandi Siran.	GPS Darra.
✓ 112. Sajjad Haider S/o Ghulam Hussain,	696	Galham	Mos: Gambadia.
113. Waris Khan S/o Banaras Khan.	696	Doyan Abi	Mosq: Cham Choi.
✓ 114. Saeedur Rehman S/o Dost Muhamad	693	Sikendarpur.	" Sheerol.
115. Hasrat Mehmood S/o Ghulam Rasul.	689	D. Taloker	" Nakkar.
116. Mehmood Ellshi S/o Fozal Ellahi,	673	Dureshkhel.	" Bho Darra.
✓ 117. Muhammad Iqbal S/o Muhammad Khan	665	Pathan Goly:	" Kehnian
	649		Shudwal.
118. Safer Khan S/o Muhammad Afzal Khan.	665x	Talokar.	GPS No: 2 Ghazi Hamlet.
119. Muhammad Ajeeb S/o Rehman Khan.	648	Bajwala	Mosq: Pharla Choi.
120. Abdul Wahid S/o Abdur Rezaque.	644	Rarra	GPS Haqab.
121. Muhammad Mursaleen S/o Saad Gul.	802	Dalri	GPS Darra Thala
122. Zieur Rehman S/o Abdul Wahab.	797	K.T.Ship	Mosq: Chhaprian.
123. Javed Khan S/o Mir Afzal	770	K.T.Ship	" Kotehra.
124. Sabib Shah S/o Muzamal Shah.	756	Galai S/Kote	Mosq: Triman.
125. Muhammad Jamshaid S/o Ghulam Mohiuddin	756 753	Sirikote	GPS Billah.
126. Muhammad Ali Shah S/o Fateh Ali Shah	747	K.T.Ship	GPS No: 2 Sathan
127. Khalidur Rehman S/o Saad Najeed.	735	Basu Maira.	Mosq: Bhai.
128. Tahir Farooq S/o Muhammad Ajeeb.	705	Sirikote	GPS Pipliala.
129. Nadeem Khan S/o Azam Khan	702	Dobandi,	New Mekhan.
130. Muhammad Akram S/o Muhammad Hanif.	699	Tarchati.	GPS Chhoyian
131. Naqinur Rehman S/o Hafeezur Rehman	691	K.T.Ship	GPS Sokra.
✓ 132. Shamsur Rehman S/o Muhammad Maskeen	657	Doragali	GPS Chhqi Kehari.
133. Niaz Muhammad S/o Abdul Ghani	600	Dalri.	GPS Kehnian
134. Abdul Quddus S/o Muhammad Rafique.	600	Chinarkote,	GPS Kotehra.
135. Liaqat S/o Muhammad Iqbal	600	Omar Khana	GPS Omar Khana.

ATTESTED

TERMS AND CONDITIONS. ✓

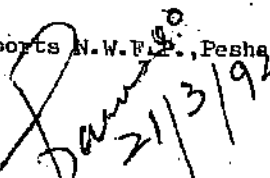
1. The appointments made under all services conditions laid down by the Government from time to time.
2. The appointments are purely on temporary basis and subject to the termination at any time without assigning any reason or prior notice.
3. In case any candidate wish to leave/resigned the post he will have to submit one month's prior notice or in lieu thereof one month's pay and allowance to the government.
4. No TA/DA etc is allowed being first appointment.
5. No joining time is allowed except what is absolutely necessary for transit.
6. Charge reports (in duplicate) should be submitted to all concerned.
7. Age and health certificate from the Medical Supdt:concerned must be produced within 7 days of reporting arrival for duty as required under the rules.
8. They should not be handedover charge if their ages exceeds 25 years or below 18 years, except ex-servicemen.


 (MUHAMMAD PARVEEZ KHAN)
 DISTRICT EDUCATION OFFICER(M)
 PRIMARY ABBOTTABAD & HARIPUR.

Endst:No: 9531-9769/AE-III/Apptt: Dated Abbottabad the 21.3.92

Copy of the above is forwarded for information to:-

1. The Director, Primary Education, N.W.F.P., Hayatabad, Peshawar.
2. The District Accounts Officer, Abbottabad.
- 4-4 The Sub Divisional Education Officer, (M), Abbottabad & Haripur, with the direction that the pay of newly appointed teachers may not be disbursed until their service books have been prepared, Moreover SDEO himself will check the original documents of every teacher before any entry is made in the service book.
5. PS to the Minister for Education & Sports N.W.F.P., Peshawar.
- 6-130. All candidates concerned.


 DISTRICT EDUCATION OFFICER(M)
 PRIMARY ABBOTTABAD & HARIPUR.

M. Shamrez/

ATTESTED

Annexure-I - B-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06 / 8 / 2020

Policy JE&AD/1-3/2020: 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

EXIST. NO & EVEN DATE

Copies forwarded to:

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



(Signature)

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

ATTESTED

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION
Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~

Annexure - C



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

62

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

Subject: CHANGES REGARDING IMPLICATION OF RULE 7(B) 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)11&AD/1-2/2/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

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

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

Yours faithfully,

(Ijaz Nadeem Khan)
Section Officer (Policy)

ASE
7/6

Encl. 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.

Set

RECEIVED
ESTD 2023
06.06.23

Section Officer (Policy)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.001-9223587)

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(S) 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&ADM-3/2020 dated
06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)
E&SE Department in his office.

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

Encl: AA

[Handwritten initials]

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

Copy forwarded to the:

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

[Handwritten initials]

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

~~APPROVED~~

14-
B/c

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

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(S) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1909.

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

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


Annexure
0


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-I
E&SE Department


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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


ATTESTED

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

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

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. Rafaqat Ullah	General Secretary APTA Peshawar
4.	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretarial Khyber Pakhtunkhwa Peshawar

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa.

(Mr. Rafaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

WP 443-2023 AZZULAH VS BOVT CP P43

Assistant Director (Establishment)
Ministry of Secondary Education
Khyber Pakhtunkhwa

Assistant Director (Establishment)
Ministry of Secondary Education
Khyber Pakhtunkhwa

17/01/23

1. PA to Director
2. Maxter Copy
Local Director

Copy of the above is in:

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

provided they submit their written request prior to conclusion of the meeting of

Teachers below 15-16 may be exempted of implications of the amendment in the rules held

7(5) have offered positively a huge number of Female Teachers. Thus it is proposed that

in view of the above, this office is of considered opinion that the deletion of rules

has been asked for submission of consolidated case.

Chairman/Member of the Departmental Promotion Committee at his office this office has

That, in the light of the minutes of meeting held 6-07-2023 held under the

(Temporary) No. 545207-1/Approval/2023 dated 12-06-2023.

The same was received by this office from your good office with letter No.50

civil servant to accept promotion under every condition.

that there exists no provision to decline or forgo promotion. It is obligatory upon every

Wing) vide letter No.50 (Policy) 544 D/1-1/2020 dated 6-06-2023 categorically stand

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation

No.50 (Temporary) No. 545207-1/Approval/2023 for necessary guidance.

That your good office forwarded the same to the quarter concerned vide letter

provision.

(ii) If the employee of the civil servant to accept promotion in every condition,

No. 0987 dated 06-07-2023.

That this office sought guidance from your good office in the following words vide letter

vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 08-08-2020.

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing)

dated Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1995)

I am directed to refer to the letter No. SOR-VI (E&AD)/1-3/2020 on the subject cited above and to

present brief history about the background of the case as under:

Dear Sir,

Subject: - **APPEALS OF THE MERIT**

The Section Officer (Temporary) Khyber Pakhtunkhwa
Ministry of Secondary Education, Department,
Khyber Pakhtunkhwa

To

Phone: 091-9722244
Email: establishment@pki.gov.pk

Date: 21/01/2023

17



ATTESTED

MP4443-0223 AZIZULAH VS GOVT OF PERU

Hatward Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

1. Pt to Director Local Directorate
2. Master Copy

Copy of the above to:

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have effected negatively a large members of female teachers. The case is submitted for perusal and necessary action 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 wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to claim/for promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Policy) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP Establishment department (Regulation wing) added rule 7(S) in Civil Servants (Appointment, Promotion, Transfer, etc) vide notification No. No. SDR-VI (E&AD)/1-3/2020 dated 06-08-2020. That the office sought guidance from your good office in the following words vide letter No. 983 dated 06-07-2023.
- (i) Now it is obligatory upon civil servant to accept promotion.
- (ii) It is prerogative of civil servant to either accept/reject the offer of promotion.

Dear Sir, I am directed to refer to letter No. (SO) Policy-M/E&SED/5-1/6/1984/Minister of meeting/18/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:

That government of KP Establishment department (Regulation wing) added rule 7(S) in Civil Servants (Appointment, Promotion, Transfer, etc) vide notification No. No. SDR-VI (E&AD)/1-3/2020 dated 06-08-2020.

Subject: Minutes of Meeting

KPK, Peshawar
Elementary & Secondary Education Department
Section-Office (Regulation Wing)

FEZULAH
121-7-2023

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

-B/C-

-18-



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

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

Annexure
E

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

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

Dear Sir,

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

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

WP4442-2023 AZIZULLAH VS GOVT CF PG43


ATTESTED

ATTESTED

(Muhammad Ishaq)
Section Officer (Primary)

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

Copy forwarded to:
In this connection it is submitted that in some cases lady teachers of primary level who avail such promotion have to face serious inconvenience while they have to perform duties in the respective 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. SO/Primary (Policy) /E&AD/1-3/2020 dated 8th June 2020 and to state that after deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that these officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2012.

Dear Sir,

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

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

No. 5 (Primary-M) E&SED/1-3/2020
Appointment - Rule/2020
Peshawar Dated 23rd August 2020.

-B/c-

Annexure - F



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

To

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

Subject:-

GUIDANCE REGARDING DELETION OF RULE 7(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-MYE&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)

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.

ATTESTED

09/04/2023 12:11:14 PM GOVT OF PK

-22-

- B/c -

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

To

The Secretary to Government of (Kyber 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)

~~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


AMJAD IQBAL
S/O JAVED IQBAL
PSAT.

FILED

WR4442-2023 AZIZULHAN VS GOVT OF PCAS

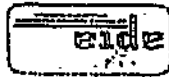
Handwritten signature and date: 08/11/23

Main body of handwritten text in Malayalam script, appearing to be a legal document or affidavit.

Handwritten signature and date: 08/11/23

Annexure - H

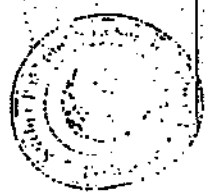
APTA House
Govt. Primary School No.4,
Gubbinor Panchayat, Govt.



Kanber Pahlunhwa

1st Floor
0333.041848
www.apta.org.in

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. 151 given to learned counsel for the appellant.
- 3. Alongwith the service appeal there is an application for suspension of Notification dated 05.06.2023 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)

[Signature]
13/5/24

Date of Presentation of Application 10-5-24
 Number of 1
 Copies 1
 Hqs. 1
 Total 1
 Name of 13-1-24
 Date of 12-6-24
 Date of delivery of copy 12-6-24

[Signature]
ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

AMJAD IQBAL
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC
BASSAM AHMAD SIDDIQUI AHC
&
ASSOCIATES OF MUAZZAM LAW FIRM


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

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



APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court