


FORM OF ORDER SHEET

Court of _____

Appeal No. 1739 /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 = 1737 / 2024

IQBAL HUSSAIN
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. 1737 /2024

Iqbal Hussain son of Ahtabar Dost, PSHT (BPS-15)

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

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

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 That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and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

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

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

GROUNDS:-

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

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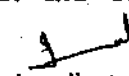
- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated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

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

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

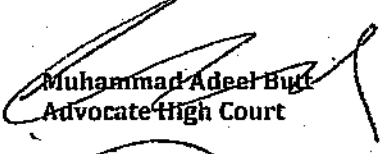
Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.

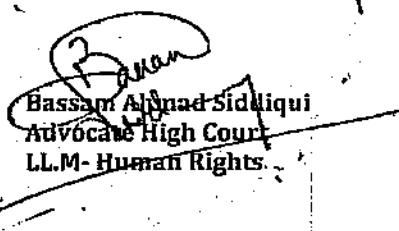
AFFIDAVIT:
 I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.
 Deponent


 Appellant

Through


 Muhammad Muazzam Butt
 Advocate Supreme Court


 Muhammad Adeel Butt
 Advocate High Court


 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

Iqbal Hussain

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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


AFFIDAVIT


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


Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

-6-
Dq/bal Haripur PS H-1
G.P.S. Kundi Teh Ghazi

ORDER OF THE SUB DIVISIONAL EDUCATION OFFICER HARIPUR SUB DIVN: HARIPUR

0307870335
 02058998556

As approved by the District Education Officer Abbottabad and Chairman District Development Advisory Committee Abbottabad the following appointment adjustments are hereby ordered with immediate effect in the interest of public services:-

S.No.	Name	From	To	Remarks
1.	Khizar Hayat s/o Banarus Khan Khalabat Township.	candidate	PS Jama.	
2.	Mohammad Akram s/o Noor Akram Khalabat Township.	candidate	PS Jaggal.	
3.	Muhammad Rehman s/o Abdul Rehman Mohra Mohra.	candidate	PS Mohra Mohra.	
4.	Mohammad Anwar s/o Ghulam Sarwar vill:Shara.	candidate	PS Chhoian	
5.	Mohammad Sulaiman PTC	PS Chhoian	PS Dhera	vacant post.
6.	Mohammad Ilyas s/o Khyber Zaman vill:Debandi.	candidate	PS Bandi Pir Dad.	
7.	Khalid Mohammad PTC	PS Bandi Pirdad	Mosq. Galia Majra.	
8.	Iqbal Ahmad s/o Abdullah vill: Guzian.	candidate	PS Jhamra	Vice No.56
9.	Ahmad Mahmood s/o Khan Mohammad vill:Serri	candidate	PS K. Lupind.	
10.	Raja Gul Taj s/r Mohammad Yusuf vill:Pharhari	candidate	PS Pharhari.	
11.	Heerat Zaman s/o Ghulam Rabbani Khalabat Township.	candidate	PS No.3 Khalabat T. ship.	
12.	Munawar Shah s/o Taj Mohammad new Serrian	candidate	PS Nrtian,	
13.	Muzsur Ahmad s/o Mohammad Isif General Jail Area Haripur	candidate	PS Dheri Naqarohian vice 14	
14.	Khalid Mohammad PTC	PS Dheri Naqarohian	Mosq: Mohra	vacant post
15.	Sughir Ahmad s/o Mohammad Sadiq vill:Dartian	candidate	PS Babotri	
16.	Mohammad Sulaiman s/o Mohammad Ashraf vill:Chaksumin.	candidate	PS Jab	vice No.17
17.	Aftab Ahmad s/r PTC	PS Jab	Mosq: Rajpur.	
18.	Raja Ihting Ahmad s/o Raja Ali Ghar vill:Barra	candidate	Mosq: Nain Sukh	vice No.19
19.	Mohammad Shabir PTC	Mosq: Nain Sukh	PS Kalitrar, Sharaq.	
20.	Tauveerul Haq s/o Haji Khushal Shah Champur.	candidate	PS Chasklan.	
21.	Muhammad Zaman s/o Mohammad Iqbal vill:Gahol	candidate	MS Gramthoen	
22.	Mohammad Bashrat s/o Mohammad Banafuz vill:Tarnawa.	candidate	PS Turkian	
23.	Mohammad Riazat PTC	PS Dhoke Gakhran	PS Shadi.	
24.	Ittikhar Hussain Shah s/o Syed Shah vill:hattar.	candidate	PS Dhoke Gakhran	vice No.23
25.	Jamal Akhtar s/o Haji Bakhtabekah Tlahi vill:Jaulian	candidate	PS Turkian.	
26.	Imdad Ahmad s/o Ghulam Mohammad vill:Chajjian	candidate	PS Ghamswan.	
27.	Sarwar Khan s/o Mohammad Manif Khan vill:Koka	candidate	Mosq:Thipper Raj Dhun	

S.No 50

ATTESTED
 Sub Div. Officer
 Primary Teh. Ghazi
 HARIPUR

28. Azam Khan PTC	Mosq:Thipper Rajitani	PS Chhapra	vacant post.
29. Aurangzeb s/o Sheer Dil Khan vill:Kallag	Candidate	MS Chatti Dhaka	
30. Ramat Khan s/o Attaullah Khan vill:Dheenda	Candidate	PS Mohai Kahu	
31. Mohammed Arif PTC	PS Trinakan	Mosq:Dakal	
32. Abdul Ghani s/o Mohammad Zaman vill:Katha Fir Kot	Candidate	PS Trinakan	vice No.31
33. Anjad Saeed s/o Abdul Husin s/o Attique-ur-Rohman Siddiqui Instt:Kle:College Haripur	Candidate	PS Haripur	
34. Khalid Mahmood s/o Mohammad Bashir vill:Kahal Bala	Candidate	PS Beesban	vice No.35
35. Mohammad Zahoor PTC	PS Beesban	Mosq:Kalawan	
36. Nawarish Ali Shah s/o Gul Badshah vill:Kahal Bala	Candidate	Mosq:Chak Shah Mohammad	
37. Sabir Zaman PTC	PS Kag	PS Kulka	
38. Mohammad Qasim PTC	PS Karachh	PS Kag	vice No.37
39. Mohammed Imran s/o Qasim Khan vill:Pandak	Candidate	PS Haripur	
40. Nisar Shah s/o Munawar Shah vill:Khorach	Candidate	PS Gufatian	
41. Mohammed Taj s/o Noor Ahmad vill:Bandi Kothera	candidate	MS Kothera	
42. Attaur Rehman s/o Abdul Haseem vill:Beotigrak	candidate	PS Pakki Ban	
43. Fehlan Shah s/o Sahib Shah vill:Baddah	candidate	PS Baddah	
44. Zaheer Rehman s/o Abdul Haseem vill:Gadwalian	candidate	MS Qazipur	
45. Asghar Khan s/o Ghulam Nabi Khan Headmaster GHS No.4 K. Township	candidate	PS No.2 Sector 2 KT ship	
46. Mohammad Sarwar s/o Asghar Khan vill:Badarung	Candidate	PS Kehnan	
47. Mohammad Ahsan s/o Navee Khan vill:Kothera	candidate	Mosq:Dhoke	
48. Haider Zaman s/o Murid Khan Padara	candidate	Mosq:Jebhar	vice No.49
49. Aurangzeb PTC	Mosq:Jabbar	Mosq:Dhagarian	
50. Mohammad Ishfaq s/o Mohammadur Rehman vill:Kundi	candidate	PS Jallo	
51. Iqbal Hussain s/o Ihtovar Deast Kundi	candidate	Mosq:Barian	
52. Mohammad Haqif s/o Abdul Noji vill:Gail	candidate	MS Gail	
53. Maswul Shah s/o Suba Shah vill:Gadwalian	candidate	Mosq:Devi	
54. Mohammad Saeed s/o Usar Khan vill:Kancor	candidate	PS Kancor	
55. Mohammad Fareed s/o Usar Khitab vill:Khadim Abad	candidate	PS Soru	
56. Mohammad Tayyab PTC	PS Jhamra	PS Soru	
57. Usar Khan Return from leave		Mosq:Farid Abad	
58. Mohammad Muhtaza s/o Ghulam Nabi vill:Billah	candidate	PS Ziarat Bela	
59. Huseenur Rashid s/o Haider Zaman vill:Kariplian	candidate	PS Kariplian	vice No.60

ATTESTED

Sub Div. Edu. Office
(M) Primary Teh. Ghazi
HARIPUR

- | | | |
|--|--------------|-------------------------|
| 60. Zakir Shah PTC | PS Kariplian | PS Kundi. |
| 61. Mohsin Shah PTC | PS Kundi. | PS Bokatar, vice No.62. |
| 62. Mohammad Adil PTC | PS Bokatar | PS Gallie |
| 63. Shahid Iqbal s/o Ghulam Jah Ghazi. | candidate | Mosq: Sokru. |
| 64. Tajamal Shah s/o Mohammad Shah vill: Sarikot | candidate | Mosq: Kpil Darra. |
| 65. Ahmad Zaman s/o Farman vill: Kauseri | candidate | PS Kauseri. |
| 66. Hazi Khan s/o Mohammad Zarsen vill: Tawi. | candidate | PS Nowalaira. |
| 67. Mohammad Zabair s/o Mohammad Salaman vill: Shall Jhamra. | candidate | Mosq: Rakkar Chechian. |
| 68. Haqsood Ahtar s/o Kula Khan vill: Beer | candidate | PS Soha. |
| 69. Jehanzeb Khan s/o Subz-arangzeb vill: Shingvi | candidate | PS Karuchh vice No.38 |
| 70. Arangzeb Khan s/o Sarbaland Khan vill: Chamhad. | candidate | Mosq: Dharam Pani. |

Charge report should be submitted to this office in duplicate. The newly appointed candidates are directed to produce their Age and Health Certificate from the Medical Superintendent DHO Abbottabad within 7 days from the date of taking over charge. The newly appointed candidate should not be handed over the charge if their age exceeds 25 years or below 16 years. The newly appointed candidate will get Rs. 750/- pm fixed plus usual allowances as admissible under the rules. The appointments are purely on temporary basis and liable to be termination at any time without assigning any notice or reasons. The newly appointed candidates are directed to takeover the charge within 15 days from the date of issue of this order. The appointment is made under the all terms and conditions laid down by the Government for the said post.

(Signature)
 (Malik Dost Mohammad)
 Sub Divisional Education Officer
 Haripur, Sub Division Haripur
 Dated Haripur the 9/1/1988.

Order: No. 141-312 IPTC

- Copy to:-
- District Education Officer (Male) Abbottabad.
 - Chairman District Development Advisory Committee Abbottabad.
 - Mrs. Raja Amanullah Khan Speaker N. U. F. P. Peshawar.
 - Mrs. Sultan Raja Earij Zaman Khan M.P.A. NWFP.
 - Mrs. Major Rtd. Habibullah Khan Tareen M.P.A. NWFP.
 - Mrs. Sahibzada Mohammad Sabir Shah M.P.A. NWFP.
 - Mrs. Mohammad Ayub Khan Tanoli M.P.A. NWFP.
 - The xxxxxxxx Headmasters/Head Teacher concerned school.
 - The candidate concerned.

ATTESTED

(Signature)
 (Malik Dost Mohammad)
 Sub Divisional Education Officer
 Haripur, Sub Division Haripur.

Sub Div: Edu: Officer
 (M) Primary Teh. Ghazi
 HARIPUR

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

Personal Information of Mr IQBAL HUSSAIN d/o/s of HITEBAR DOST

Personnel No: 00251801 CNIC: 1310113550027

Date of Birth: 01.01.1968

Entry into Govt. Service: 14.01.1988

MTS:

Length of Service: 16 Years 07 Months 019 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH

80645199-DISTRICT GOVERNMENT KHYBE

DDO Code: HR6448-District Haripur

Payroll Section: 002

GPF Section: 001

Cash Center: J1

GPF AC No: EDI/ATT-10/000 - Interest Applied: Yes

GPF Balance:

491,999.00

Vendor Number:

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil

BPS: 15

Pay Stage: 25

Wage type	Amount	Wage type	Amount
0001 Basic Pay	73,420.00	1001 House Rent Allowance 45%	3,528.00
1270 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1305 Convey Allowance	40.00	2148 15% Adhoc Relief All-2013	985.00
2109 Adhoc Relief Allow (10%)	659.00	2316 Teaching Allowance 2021	3,224.00
2341 Disp. Red All 15% 2022KP	7,007.00	2347 Adhoc Rel At 15% 2017PS17)	7,007.00
2378 Adhoc Relief All 2023 35%	35,000.00	2391 Adhoc Relief All 2021 35%	18,153.00

Deduction - General

Wage type	Amount	Wage type	Amount
2315 GPF Subscription	4,290.00	3501 Benevolent Fund	-1,200.00
3009 Income Tax	6,778.00	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: 108,415.65 Recovered till August-2024: 13,536.00 Exempted: 27111.15 Recoverable: 67,778.50

Gross Pay (Rs.): 143,581.00

Deductions (Rs.): 13,003.00

Net Pay: (Rs.): 130,578.00

Payee Name: IQBAL HUSSAIN

Account Number: CA 000000000001-0

Bank Details: NATIONAL BANK OF PAKISTAN, 230499 GHAZI GHAZI, HARIPUR

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address: HAR

City: HARIPUR

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Enrol:

Housing Status: No Official

ATTESTED

Talal Waheed
ASDEO (M)
Circle Ghazi Haripur

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

Subject: P.E. ADI-3/2020 In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVII 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

Copies forwarded to:-

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



ATTESTED

Wanda Latif
(WANDAH LATIF)
DEPUTY SECRETARY (POLICY)

A/K Redi
ATTESTED

- 11 -

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

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

**CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

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

ATTESTED

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. EO(Polcy)/K&A/13/3/2023
Dated Peshawar the 06, 2023

62

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

Subject: FUNDINGS 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(Polcy-M)/14/911/2-
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 Servants (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this Departmental notification dated 06.08.2023; thus, no
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from temptation for illicit gain by seeking to a single lucrative post/promotion 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, para 4.

Yours faithfully,

(Issa Dildar) (Chon)
Section Officer (Polcy)

ASE
7/6

Encls. Of avn 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 (Polcy), Establishment Department.

Set/...

21/8/23

Section Officer (Polcy)

ATTESTED

-13-

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

No. SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the, June 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, 1989.

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

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

Encl: AA

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

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

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

Encl AA

(MURAMMAD 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 CP PG43

~~ATTESTED~~

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH
 PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
 REGARDING ORDEFION OF RULE 7(B) IN THE CIVIL SERVANT APPOINTMENT, PROMOTION &
 TRANSFER RULES 1997.

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.

SR	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) EASE Department (Civil) Section Officer 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 irreconcilable 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. Aziz Ullah)
 Provincial President
 and Primary Teachers Association
 Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
 Deputy Director
 EASE Department

(Mr. Razaqat Ullah)
 General Secretary APTA
 Peshawar

(Muhammad Ishaq)
 Section Officer (Primary-Male)
 EASE Department

(Abdullah)
 Additional Secretary (Establishment)
 EASE Department

WP4442-2023 AZIZULLAH VS GOVT OF PAK

ATTESTED

Amir

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ATTESTED

ATTESTED

WP4442-2023 AZIZULAH VS GOVT CF PG43

Assistant Director (Ex-Officio)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Assistant Director (Ex-Officio A-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
17/01/2023

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

Copy of the above is for:

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee. provided they might their written refusal prior to conduction of the meeting of Teachers below 15-16 may be exempted if implications of the amendment in the rules held 7(5) have affected negatively a large number of Female Teachers. Thus it is prepared that in view of the above, this office is of considered opinion that the action of Rules been asked for submission of consolidated case.

Chairman/Member of Non-Official Secretary Establishment at his office this office has that in the light of the minutes of meeting dated 6-07-2023 held under the (Primary-4) E&S&ED/2-2/Appliment/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.507 civil servant to accept promotion under every condition.

That there exists no provision in decline or forgo promotion. It is obligatory upon every (Wing) vide letter No.507 (Policy) E&A/D/1-2/2020 dated 6-06-2023 categorically stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.507 (Primary-4) E&S&ED/2-2/Appliment/2023 for necessary guidelines.

That your good office forwarded the same in the quarter concerned vide letter (iii) if it is the negative of the civil servant to either accept or firm down the offer of promotion.

Now if promotion upon the civil servant to accept promotion in every condition. No.507 dated 06-02-2023.

That this office sought guidance from your good office in the following words vide letter vide notification No. SOR-VI (E&A/D/1-3/2020 dated 06-08-2020.

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing) dated Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) present brief history about the background of the case as under:

I am directed to refer to the letter No.507 Primary-4/E&S&ED/2-1/ C.A/24/2023 of the heading 17/2023 dated 10-07-2023 on the subject cited above and in

Subject - **APPLIANTS OF THE MEETING**

The Assistant Director (Primary-4/E),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa

To
 No. 8145
 Khyber Pakhtunkhwa, Peshawar
 Email: education@pkpml.com
 Phone: 091-2221144
 Date: 17/01/2023



17

ATTESTED

WP4447-2023 AZIZULAH VS GOVT OF PEGU

2. Master Copy
1. Ppt to Director Local Directorate
Copy of the above to:
Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

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

no provision to accept promotion under any condition.
Eg PD/1-2/2020 dated 6-06-2023 accordingly stated that there exists
that the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)
sent to clarify (para) promotion. It is obligatory upon every civil

offer of promotion.
That your good office forwarded the same to quorate concerned
vide letter No. SO (Promotion) Eg SED/2-2//Appointment-2023 for necessary
guidance -

That the office sought guidance from your good office in the following
vide notification No. No. SR-VI (Eg PD) 1-3/2020 dated 06-08-2020.
dated rule 7(S) in Civil Services (Appointment, Promotion, Transfer, etc) 1997
of KP Government of KP Establishment department (Regulation Wing)

present brief history, about background of case as under:
Minutes of meeting 13/7/2023 dated 30-7-2023 on subject cited above and to
I am directed to refer to letter No. (SO. Promog-M)/Eg SED/5-1/6/2023/

Subject: Minutes of Meeting
KPK, Peshawar.

Section-Officer (Promog-Male)
Elementary & Secondary Education Department
KPK, Peshawar.

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
PESHAWAR
(21-7-2023)

-B/C-
18-



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

No. SO(Policy-M)E&SE/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 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 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.

(MUMTAZ ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUMTAZ ISHAQ)
SECTION OFFICER (PRIMARY MALE)
23/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT CF PG43

ATTESTED

~~ATTACHED~~

Copy forwarded to:
1. Director E.G.S.E. Khyber Pakhtunkhwa
2. PS to Secretary, E.G.S.E. Department of Public Administration
(Muzammad Ishaq)
Section Officer (Primary)

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 remotest stations with no residential/transport facilities. Most of them are married with kids and elder father of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of lady teacher in primary schools the said amendment may be reconsidered to the extent of lady teacher in primary schools.

9 am directed to refer to your letter No. SO (Primary) (E.G.S.E.) /1-3/2020 dated 8th June 2020 and to state that after deletion of Rule 7(S) Khyber Pakhtunkhwa C.M.I. 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 C.M.I. Servant (Efficiency and Discipline) Rule 2012.

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

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

To
No. 53 (Primary-M) E.G.S.E.D / 8-8/2020
Appointments - Rule / 2020
Peshawar Dated: 12th August, 2020

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

Dear Sir,

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

~~ATTACHED~~

10/04/02-2023 AZELLAH VS GOVT OF PK

-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(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)

WP442-2023 AZIZULLAH VS GOVT OF PB43

~~ATTACHED~~

-23-

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



Iqbal
IQBAL HUSSAIN
SIO AKTAR DOST
PSHT

Khyber Pakhtunkhwa

Aziz Ullah Khan
 President
 0333-0212818
 azizullah1973@gmail.com
 01 nainwala



APTA House
 Govt. Primary School No.4,
 Gulshan-e-Pakistan, Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

عزیز اللہ خان صاحب کی سربراہی میں چیئرمین ٹیچرز ایسوسی ایشن
 خیبر پختونخوا
 جناب عالی

گزارش ہے کہ پرہیز خیز ادارے میں اس کے ساتھ ساتھ تمام کی خواہشوں میں سے پرہیز خیز ایک ادارہ کے ساتھ ساتھ جو تمام ایک انگریزی
 مدرسے کے ساتھ ساتھ ایک اور مدرسے میں تو وہ بھی ایک مدرسہ میں لے گئے تھے اس کے ساتھ ساتھ ایک مدرسے میں اور کسی اور مدرسے میں
 یہ اس ادارہ میں کسویں نہایت ہی اعلیٰ پایہ تکمیل تک پہنچ گیا کہ اگر ایک تمام مدرسے میں تو وہ دوسرے میں لے گیا ہے
 لیکن اب ایک دن پہلے ایک اور نویشن اور ہے
 اس کے ساتھ ساتھ اب ہر تمام مدرسے میں خیر نہیں ہے اگر نہیں ہے تو اس کے ساتھ ساتھ ایک ادارہ کے ساتھ ساتھ ایک ادارہ کے ساتھ ساتھ
 حاصل یہ آخری نویشن زیادتی اور انسانی حقوق کی کئی خلاف ورزی ہے جسے کہ وہ ادارہ اور پہلے اداروں میں خاص کر خواتین ادارہ کو انسانی حقوق کا
 سامنا کرنا پڑے گا
 جبکہ تمام حالات میں یہ بھی نویشن اور دوسرا بھی یہی ادارہ انسانی حقوق کی خلاف ورزی ہے کہ کہ ٹیچرز ایسوسی ایشن پر کسی سے ناراض نہیں
 کیا گیا ہے لیکن حالات میں یہ یا نویشن جو APTA کی کارپس لیکر کے ساتھ ساتھ ہونا چاہیے اور پہلے ادارہ انسانی حقوق کی خلاف ورزی
 ہم اس کے ساتھ ساتھ پہلے ادارہ میں ہونے کا حق بھی حاصل رکھتے ہیں
 لہذا ہم آپ سے ہمدردی اظہار کرتے ہیں کہ وہ نویشن کو واپس لیا جائے یا اس میں ترمیم کر کہ پرائمری ادارہ (National) چاہیے اور اس کا
 لہذا ہم آپ سے ہمدردی اظہار کرتے ہیں کہ وہ نویشن کو واپس لیا جائے یا اس میں ترمیم کر کہ پرائمری ادارہ (National) چاہیے اور اس کا
 اور پرہیز خیز ادارے کی صورت میں ہونا چاہیے اور پہلے ادارہ انسانی حقوق کی خلاف ورزی ہے کہ کہ ٹیچرز ایسوسی ایشن پر کسی سے ناراض نہیں
 اس لیے ہم آپ سے ہمدردی اظہار کرتے ہیں کہ وہ نویشن کو واپس لیا جائے یا اس میں ترمیم کر کہ پرائمری ادارہ (National) چاہیے اور اس کا
 اور پرہیز خیز ادارے کی صورت میں ہونا چاہیے اور پہلے ادارہ انسانی حقوق کی خلاف ورزی ہے کہ کہ ٹیچرز ایسوسی ایشن پر کسی سے ناراض نہیں
 اور پرہیز خیز ادارے کی صورت میں ہونا چاہیے اور پہلے ادارہ انسانی حقوق کی خلاف ورزی ہے کہ کہ ٹیچرز ایسوسی ایشن پر کسی سے ناراض نہیں
 اور پرہیز خیز ادارے کی صورت میں ہونا چاہیے اور پہلے ادارہ انسانی حقوق کی خلاف ورزی ہے کہ کہ ٹیچرز ایسوسی ایشن پر کسی سے ناراض نہیں
 اور پرہیز خیز ادارے کی صورت میں ہونا چاہیے اور پہلے ادارہ انسانی حقوق کی خلاف ورزی ہے کہ کہ ٹیچرز ایسوسی ایشن پر کسی سے ناراض نہیں

عزیز اللہ خان صاحب کی سربراہی میں
 آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

(Handwritten signature)

20/07/23

~~ATTACHED~~

-28-

07.05.2024



12. Learned counsel for the appellant present.

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

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

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

[Handwritten signature]
Muhammad Akbar Khan
Member (P)

Date of Presentation of Application 10-5-24
Number of 1
Copies 1
Urgent 1
Total 1
Name of 13-6-24
Date of 12-6-24
Date of Delivery of copy 12-6-24



ATTESTED
[Handwritten signature]

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

IQBAL HUSSAIN
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

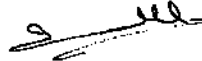
BASSAM AHMAD SIDDIQUI AHC

&

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.

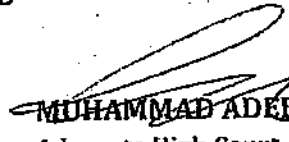


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court