


# FORM OF ORDER SHEET

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

Appeal No. 180/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2024	<p>The appeal presented today by Mr. Muhammad Mauzzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 11.10.2024. 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

NAVEED ASGHAR  
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 1801 /2024

Naveed Asghar son of Ali Asghar, PSHT (BPS-15)

Mohallah Darzia wala, PO Haripur, Derwaish, Tehsil and District Haripur

.....Appellant

**VERSUS**

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

.....Respondents

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

**PRAYER:**

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

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

**RESPECTFULLY SHEWETH:**

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

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

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

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

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

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

**GROUNDS:-**

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

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as alling 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

Naveed Asghar

**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

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



**Personal Information of Mr NAVEED ASGHAR d/w/s of ALI ASGHAR**

Personnel Number: 00484214    CNIC: 1330281972309    NTN:    Length of Service: 15 Years 00 Months 001 Days  
 Date of Birth: 25.03.1984    Entry into Govt. Service: 01.09.2009

**Employment Category: Active Temporary**

Designation: PRIMARY SCHOOL HEAD TEACH    80832627-DISTRICT GOVERNMENT KHYBE  
 DDO Code: HR6507-District Haripur  
 Payroll Section: 002    GPF Section: 001    Cash Center:  
 GPF A/C No: EDUHR4335    GPF Interest applied    GPF Balance:    594,455.00 (provisional)  
 Vendor Number: -  
**Pay and Allowances:**    Pay scale: BPS For - 2022    Pay Scale Type: Civil - BPS: 15    Pay Stage: 11

Wage type		Amount	Wage type		Amount
0001	Basic Pay	45,700.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	425.00	2199	Adhoc Relief Allow @10%	291.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	3,857.00
2347	Adhoc Rel At 15% 22(PS17)	3,857.00	2378	Adhoc Relief All 2023 35%	15,302.00
2393	Adhoc Relief All 2024 25%	11,425.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-1,574.00	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: 25,176.55    Recovered till AUG-2024: 3,148.00    Exempted: 6293.55    Recoverable: 15,735.00

Gross Pay (Rs.): 91,961.00    Deductions: (Rs.): -7,799.00    Net Pay: (Rs.): 84,162.00

Payee Name: NAVEED ASGHAR  
 Account Number: PLS 1001606  
 Bank Details: MCB BANK LIMITED, 240587 MAIN BRANCH HARIPUR MAIN, HARIPUR

Leaves:    Opening Balance:    Availed:    Earned:    Balance:

**Permanent Address:**

City: HARIPUR    Domicile: -    Housing Status: No Official  
 Temp. Address:    Email: naveed07asghar@gmail.com  
 City:

**ATTESTED**



Noticed Asghar #17

7

Office of the Executive District Officer  
Elementary & Secondary Education Haripur

Order

Consequent upon the approval of District Selection Committee in its meeting held on 20-06-2009, the following selected candidates are hereby appointed on District Open Merit quota @ 60%, as PST in BPS-09 against the vacant posts of Primary Schools mentioned against each w.e.f 01-09-2009 / date of taking over charge not before 01-09-2009 on regular basis on the terms and conditions given below in the interest of public service:-

S.No.	Name/ Father Name of Candidates with address	Score	Place of Posting	Union Council	Remarks
1-	Gahar Usman S/O Syed Usman r/o village Sirikote /Jah Assistant GISS Kotajilullah.	64.21	GPS Nandi Kiari	Sirikote	Against Post Vacant
2-	Khurram Shahzad S/O Muhammad Amin r/o Village Pambok Haripur	63.95	GPS Sarbroad	Muslim Abad	Against Post Vacant
3-	Abdul Wahab S/O Misri Khan r/o village Najafpur Haripur	60.57	GPS Durra Dartion	Najafpur	Against Post Vacant
4-	Ahmad Hanif S/O Muhammad Hanif r/o Village Sikandarpur Haripur	60.12	GPS Karrach	S.N.Khan	Against Post Vacant
5-	Sawal ur Rehman S/O Muhammad Aslam r/o Village Kailay Haripur	59.89	GPS Keekat	Barkote	Against Post Vacant
6-	Waqas Mubarak S/O Said Akbar r/o Village Brug P.O. Amzai Haripur	59.77	GPS Sathana No.2	Bait Gali	Against Post Vacant
7-	Safdar Zaman S/O Aurangzeb village Brug Tehsil Ghazi Haripur	59.01	GPS Sheldur Zareen	Bait Gali	Against Post Vacant
8-	Rizwan Siddique S/O Muhammad Siddique r/o Village Khanpur Haripur	58.98	GPS Khanpur No.1 Haripur	Khanpur	Against Post Vacant
9-	Niaz Muhammad Khan S/O Ziarat Khan r/o village Gelli P.O Ghazi Haripur	58.73	GPS Chaintry	Lader Mang	Against Post Vacant
10-	Ammar Zaib SO Mir Afzal Khan r/o Village Darra Mahat Sirikote Haripur	58.55	GPS Chhoi Kiari	Sirikote	Against Post Vacant
11-	Assad ur Rehman S/O Said Akbar Shah r/o Village New Bakko Haripur/ TF GHS Hattar	58.02	GPS Kuthera	Kotchra	Against Post Vacant
12-	Falgr Mahmood S/O Zardad Khan r/o Village Dalian Bhutri Haripur	58.00	GPS Hill Jandi	Barkote	Against Post Vacant
13-	Muhammad Arshad S/O Muhammad Ranzan r/o Village Kot Jandon Haripur	57.83	GPS Kadithalo	Muslim Abad	Against post Vacant
14-	Amir Khan S/O Nazir Ahmad r/o Village Khanpur Haripur	57.74	GPS Najafpur	Najafpur	Against post Vacant

*(Signature)*  
**ATTESTED**

Name/ Father Name of Candidates with address	Score	Place of Posting	Union Council	Remarks
Muhammad Imran S/O Qari Muhammad Saeed r/o Village Galli P.O Ghazi Haripur	57.02	GPS Qazipur	Qazipur	Against Post Vacant
Naveed Asghar S/O. Ali Asghar r/o Village Darwesh Haripur	56.87	GPS Jandi	Barkot	Against Post Vacant
Muhammad Ejaz S/O Noor Shah r/o Village Gudwalian Haripur	56.51	GPS Aldo Jabbi	Qazipur	Against Post Vacant
Tariq Khan S/O Huzir Khan r/o Village Gandian Haripur	56.17	GPS Kahmal Payeen	Barkote	Against Post Vacant
Muhammad Iqbal S/O Goher Rehman r/o Village Kholian Bala Haripur	56.05	GPS Magri	P.H.Khan	Against Post Vacant
Shahzad S/O Gohar Rehman r/o Village Suijpur Kuriptian Haripur	55.90	GPS Lalo Gali	Lader Mang	Against Post Vacant
Dilshad Ahmad S/O Khan Zaman r/o Village & P.O Kalinjar Haripur	55.51	GPS Kalinjar-2	Kalinjar	Against Post Vacant
Dil Nawaz Khan S/O Firdous Khan r/o Village Darra Mohat Ghazi Haripur	55.32	GPS Chulahari	Kundi	Against Post Vacant
Wajid Ali Shah S/O Dilawar Shah r/o Village Brng P.O KTS Haripur	55.22	GPS Kali Trar	Sirya	Against Post Vacant
Abdul Malik S/O Muhammad Shari r/o Village Kholian Bala P.O Sarai Saleh Haripur	55.01	GPS Thalikote	Kotehra	Against Post Vacant
Muhammad Ismail S/O Rahim Dad r/o Village Paki Ban P.O Qazipur Haripur	53.81	GPS Dheri Naqarchian	Qazipur	Against Post Vacant
Ejaz Ahmad S/O Mian Dad r/o Village Naardi Haripur	54.44	GPS Kainthala	Muslim Abad	Against Post Vacant
Shad Muhammad Khan S/O Yousaf Shah r/o Village Galli Haripur	54.43	GMPS Phurri	Lader Mang	Against Post Vacant
Mukhtar Hussain S/O Miraffur Gul r/o Village unner Khana Haripur	54.25	GPS Chamicari	Khairbura	Against Post Vacant
Jan Bahadar S/O Zareen Khan r/o Village Toti Garhi Nara Amazai Haripur	54.08	GPS Kalilar	Nara Amazai	Against Post Vacant
Matiullah Khan S/O Shamraiz Khan Village Chohar Sharif Haripur	53.89	GPS Kurram	Beer	Against Post Vacant
Muhammad Amjad S/O Sabir Zaman r/o House # 1510, Sector No.1 KTS Haripur	53.72	GPS Banda Mughlan	Beer	Against Post Vacant
Faisal Ali Shah S/O Mehboob Ali Shah r/o Village Changi Bandi Haripur	53.72	GPS Swabi	Kalinjar	Against Post Vacant

ATTACHED

*(Signature)*

	Name/ Father Name of Candidates with address	Score	Place Posting	Union Council	Remarks
33-	Amir Ali Shah S/O Faqir Shah r/o Moh: Gul Masjid Village Guhwalian Haripur	53.40	GPS Khoi Darra	Kotehra	Against Post
34-	Wazir Muhammad S/O Rashah Din r/o Village Jatti Pind Haripur	53.31	GPS Sumbha Negar	Jatti Pind	Against Post
35-	Rjaz Ahmad S/O Abdul Aziz r/o Village Charuani Haripur	53.25	GPS Chukli	Naru Amazai	Under age limit already vide Notification No. 308/ PHE/SA/01/2018 dated 01.03.2018
36-	Khalid Khan S/O Mian Zareen r/o Village Charuani Haripur	53.22	GPS Paki Ban	Kotehra	Against Post
37-	Khalid Nawaz S/O Mian Khan r/o Village Negar P.O. Makhan Dohandi Haripur	52.91	GPS Saur Mairu	Kalinjar	Against Post
38-	Shahzad Rehman S/O Sher Rehman r/o Village Khala Tehsil Ghazi Haripur	52.67	GPS Dheri Naqarshian Haripur	Qazipur	Against Post
39-	Shahzad Aslam S/O Muhammad Aslam r/o Moh: New Abadi near Railway Station Haripur	52.63	GPS Dhake	Kotehra	Against Post
40-	Yazir Zada S/O Shah Zada r/o Village Nara Amazai Haripur	52.56	GPS Kotehra	Kotehra	Against Post
41-	Taimour Khan S/O Junuma Khan r/o Village Chungi Handi Haripur	52.55	GPS Sairi	Barkote	Against Post
42-	Zahid Farooq S/O Shams Farooq r/o Village Brug Haripur	52.53	GPS Pit Handi	Bait Gali	Against Post
43-	Akhtar Khan S/O Gul Khan r/o Village Galli Najipur Bait Gali Haripur	52.51	GPS Dhanrahi	Kotehra	Against Post
44-	Rjaz Rehman S/O Abdur Rehman r/o Village Hassan Bai P.O. Badhora Haripur	52.50	GPS Dalri	Lader Mang	Against Post
45-	Siddiqur Rehman S/O Furqan Mahmood r/o Village Brug Haripur	52.36	GPS Narota	Muslim Abad	Against Post
46-	Khan Muhammad S/O Sher Bahadar r/o Village Ziarat Bela Haripur	52.35	GPS Pakshai	Muslim Abad	Against Post
47-	Muhammad Asif S/O Abdur Rashid r/o New Khewa KIS No. 3 Haripur	52.38	GPS Talhad	S.N. Khan	Against Post
Earth Quake Effectees Area Quota					
1-	Jun Wali S/O Muhammad Amin r/o Village Aulgram P.O. Aloch Poran District Shangra.	49.70	GMPS Sukh	Nain Kundi	Against Post
Disable Quota @ 2%					
1-2	Shafiqur Rehman S/O Ghulam Farid r/o Village Kailan Haripur	50.56	GMPS Dhija	Kholian Bala	Against Post
2-	Muhammad Parvash S/O Gul Parvash r/o Village Kupri Amazai Haripur	45.26	GMPS Sheryah	Naru Amazai	Against Post

*(Signature)*

**ATTESTED**

Annexure - B

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

**NOTIFICATION**

Dated Peshawar, the 06/8/2020

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

**AMENDMENT**

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

LIST NO & EVEN DATE

Copy 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, (LT), 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.

18/8/20  
24/8/20

*(Signature)*  
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

~~ARRESTED~~

REPUBLIC OF THE PHILIPPINES VS GOVT OF INDIA

Special Officer (Policy)

Special Officer (Policy)

Your fidelity

Copy forwarded to the  
Public Affairs Office  
by the Special Secretary (Legal Administration Department)  
to the Additional Secretary (Legal Administration Department)  
and to the Deputy Secretary (Legal Administration Department)

*[Handwritten signature]*

ASE  
2/6

1. Further, these officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be considered as ineligible for promotion. Therefore, it is obligatory upon every official to accept promotion in every condition.

2. The State intends to decide the order of the list to be placed at providing a promotion order to those who are eligible for promotion. It is obligatory upon every official to accept promotion in every condition.

3. The State intends to decide the order of the list to be placed at providing a promotion order to those who are eligible for promotion. It is obligatory upon every official to accept promotion in every condition.

Subject: **ORDER REGARDING PROMOTION OF MR. JIM IN THE CIVIL SERVICE (Administrative, Promotional and Transfer) of Rule 7 of Revised Civil Service (Administrative, Promotional and Transfer) Rules, 1989**

To: **The Department of Public Administration, Secretary & Secretary (Personnel)**

GOVERNMENT OF KERALA  
ESTABLISHMENT DEPARTMENT  
No. 100 (Establishment) / 2020  
Dated: 04.08.2020



Annexure - C

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8223507)

No.50 (Primary-MYE&SED-6/2023)  
Dated Peshawar the June 26<sup>th</sup> 2023

To

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

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

*[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 herewith  
a letter of Establishment Department letter No. 60 (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&SD/2-6/2023  
Dated Peshawar the June 25<sup>th</sup> 2023

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~



15

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

Annexure  
D


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

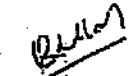
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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. Razaqal Ullah)  
General Secretary APTA  
Peshawar

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

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

WP4442-2023 AZIZULLAH VS GOVT CP PG-3

~~ATTACHED~~

- B/c -

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

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

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

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

3. After 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**



To  
The Section Officer (Primary-6/6),  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa Peshawar.

Subject - **MINUTES OF THE MEETING**

Dear Sir,  
I am directed to refer to the letter No.SD(Priamary-4)R&S2013-1/  
G.Afile/Mhmpas of the Meeting/ST72023 dated 10-07-2023 on the subject cited above and to  
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation 17) vide  
dated Rule 7(5) in the Civil Service (Appointment, promotion & Transfer Rules 1982)  
vide notification No. No. EOR-VI (E.A.D)/1-3/2020 dated 08-08-2020.
- That this office sought guidance from your good office in the following words vide letter  
No. 1987 dated 14-02-2023.  
(i) How is it obligatory upon the civil servant to accept promotion in every condition,  
(ii) It is the prerogative of the civil servant to either accept or turn down the offer of  
promotion.
- That your good office forwarded the same to the quarter concerned vide letter  
No.SD (Primary-4) E&S2013-1/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation  
17) vide letter No.SD (Policy) E&A D/1-3/2020 dated 6-08-2023 categorically stated  
that there exists no provision to decline or forgo promotion. It is obligatory upon every  
civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SD  
(Primary-4) E&S2013-1/Appointment/2023 dated 12-06-2023.
- That in the light of the minutes of meeting dated 6-07-2023 held under the  
Chairmanship of Hon. Additional Secretary Establishment at his office this office, has  
been asked for submission of consolidated case.
- In view of the above, this office is of considered opinion that the decision of Rules  
7(5) have affected negatively a huge number of Female Teachers. Thus it is proposed that  
Teachers below 15-16 may be exempted of implications of the amendment in the rules held  
provided they submit their written refusal prior to conclusion of the meeting of  
Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

*[Signature]*  
Assistant Director (E&S II-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Encl: No. \_\_\_\_\_  
Copy of the above is to:-  
1. PA to Director, Local Directorate.  
2. Master Copy.

Assistant Director (E&S II-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

**ATTESTED**

ATTESTED

WFO447-2023 AZZUJLVAH VA GOVT CP P040

Additional Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

2. Master Copy  
1. PA to Director Local Directorate

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

Section - Officer (Primary Male)  
Elementary & Secondary Education Department  
KPK, Peshawar  
Suggested Minutes of Meeting  
Dear Sir, I am directed to refer to letter No. (SO. Hkwy-M) E&SD/5-1/6484/ Minutes of meeting dated 10-7-2023 on subject cited above and to present brief history, also background of case as under.

PSHAWAR  
(21-7-2023)

-B/C-



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 23<sup>rd</sup> August, 2023

Annexure  
E

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

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

Dear Sir,

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

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

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

(MUHAMMAD ISLAM)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

1. Director EBSE Khyber Pakhtunkhwa.
2. PS to Secretary, EBSE Department Khyber Pakhtunkhwa.

(MUHAMMAD ISLAM)  
SECTION OFFICER (PRIMARY MALE)  
28/8/23

Scanned with CamScanner

ATTESTED

~~ATTACHED~~

1. Division E & SE Khyber Pakhtunkhwa.  
2. PS to Secretary, E & SE Department, Khyber Pakhtunkhwa.  
Copy forwarded to:  
(Municipal Taxes)  
Section Officers (Army)  
(Muz)

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

9 am directed to refer to your letter No. Sd/Army (Policy) /E&AD /1-3/2020 dated 23rd 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 those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2012.

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

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

No. S (Army-M) /E&AD /1-3/2020  
Appointments - Rule /2020  
Peshawar Dated 23rd August, 2020.

Annexure - F



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

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

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

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

Yours faithfully,  
  
Section Officer (Policy)

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

W04102-2023 AZIZULLAH VS GOVT OF PK G

21

22

B/c-

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

To

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

Subject -

GUIDANCE REGARDING DELETION OF RULE 7(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 over  
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Under Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

VP4442-2023 AZIZULLAH VS GOVT OF POK

ATTESTED



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 SO-R-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 16/09/2024



NAHEED ASGHAR  
S/O ALI ASGHAR  
PSHT

~~ATTACHED~~

WORLDWIDE AZIZULHAQ GOVT OF PAK

میں نے اس پر غور کیا ہے اور اسے منظور کیا ہے۔  
میں نے اس پر غور کیا ہے اور اسے منظور کیا ہے۔

28/11/08  
~~Signature~~

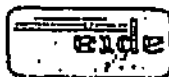
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔  
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔  
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔  
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔  
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔  
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔  
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔  
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔  
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔  
دو تہائی اکثریت سے منظور کیا گیا ہے اور اسے منظور کیا گیا ہے۔

میں نے اس پر غور کیا ہے اور اسے منظور کیا ہے۔  
میں نے اس پر غور کیا ہے اور اسے منظور کیا ہے۔

Annexure - H

میں نے اس پر غور کیا ہے اور اسے منظور کیا ہے۔  
میں نے اس پر غور کیا ہے اور اسے منظور کیا ہے۔

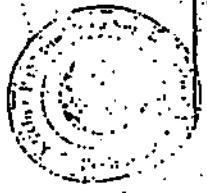
APTA House  
Govt. Primary School No. 4  
Dhokar Painsawan City



Number: Pajhambhwa

President  
0333-61444  
0333-61444  
0333-61444

07.05.2024



1. Learned counsel for the appellant present.

2. I.e; 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.D. P.O given to learned counsel for the appellant.

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

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

*[Handwritten signature]*  
13/5

Date of Presentation of Application 13-5-24  
 Number of 1  
 Copies 1  
 Urgent 1  
 Total 1  
 Name of 13-5-24  
 Date of 13-5-24  
 Date of delivery of copy 13-5-24

**ATTESTED**

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**NAVEED ASGHAR**  
Versus

Appellant

Government of KP & others

Respondents

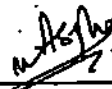
I (the Appellant)

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.

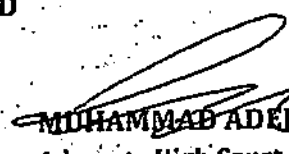


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court



MUHAMMAD ADEEL BUTT  
Advocate High Court



BASSAM AHMAD SIDDIQUI  
Advocate High Court