


# FORM OF ORDER SHEET

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

Appeal No. 1805 /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

GHOFRAN ULLAH  
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 1804 /2024

Chufraan Ullah son of Rahmat Gul, PSHT (BPS-15)

PO Khanjar, Khazana Dhari, Tehsil and District Mardan

.....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**

**P.RAYER:**

**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 forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition.  
Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action.  
Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.  
Copy of Impugned letter dated 07-09-2023 is attached as Annexure F

10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed.  
Copy of Representation against the said notification is annexed as Annexure G & H

11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

**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 set aside.

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

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

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

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

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

*[Signature]*  
 Deponent

*[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

Ghufran Ullah

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

**AFFIDAVIT**

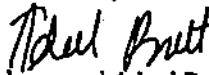
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.

  
Deponent

Through

  
Appellant

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

- 6 -  
Dist. Govt. KP-Provincial  
District Accounts Office Mardan  
Monthly Salary Statement (July-2024)



Personal Information of Mr GHUFRANULLAH d/w/o RAHIMAT GUL.

Personnel Number: 00130372 CNIC: 1610193190197 NTN: 0  
Date of Birth: 07.01.1971 Entry into Govt. Service: 18.03.1992 Length of Service: 32 Years 04 Months 015 Days

Employment Category: Vocational Permanent

Designation: PRIMARY SCHOOL HEAD TEACHER 80001432-DISTRICT GOVERNMENT KHYBER

DDO Code: MR6156-DY.DISTRICT EDUCATION OFFICER (M) M

Payroll Section: 003

GPP Section: 001

Cash Center: 22

GPP A/C No: EDUMIR008616

GPP Interest applied

GPP Balance:

378,760.00 (provident)

Vendor Number: -

Pay and Allowances:

Pay scale: NPS Par - 2022

Pay Scale Type: Civil DPS: 15

Pay Stage: 24

Wage type	Amount	Wage type	Amount
0001 Basic Pay	71,440.00	1001 House Rent Allowance 45%	3,524.00
1310 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2148 15% Adhoc Relief All-2013	950.00
2199 Adhoc Relief Allow @10%	637.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	6,807.00	2347 Adhoc Rel Al 15% 22(PS17)	6,807.00
2378 Adhoc Relief All 2023 35%	24,311.00	2393 Adhoc Relief All 2024 25%	17,860.00
5011 Adj Conveyance Allowance	9,100.00		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	-7,736.00	3990 Emp.Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp	-0.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 103,285.65 Recovered till JUL-2024: 7,736.00 Exempted: 25479.21 Recoverable: 70,070.44

Gross Pay (Rs.): 149,056.00 Deductions: (Rs.): -13,961.00 Net Pay: (Rs.): 135,095.00

Payee Name: GHUFRANULLAH

Account Number: PLS000000147532

Bank Details: NATIONAL BANK OF PAKISTAN, 230365 MARDAN MAIN BRCH MARDAN MAIN BRCH, MARDAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILL KHAZANDHERI PO MANGA DISTT MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: ghuffranullahpsh1@gmail.com

**ATTENDED**

System generated document in accordance with APPM 4.6.12.9(13069676.07.2024/v1.0)

All amounts are in Pak Rupees

Errors & omissions excepted (SERVICES) 03.2024/20-32-16



**APPOINTMENT.**

Ministry of Education, Government of Punjab, Lahore.

Reference is made to the following trained P.T.O. candidates selected for recruitment under the New Recruitment Policy for the year 1990-91 (No. 1059-2275) plus usual allowances on the interest of public service.

Recruitment of P.T.O. candidates under the New Recruitment Policy shall be strictly on the basis of merit and only P.T.O. trained candidates will be recruited for the posts within a Provincial Constituency from among candidates belonging to that constituency.

S.No.	Name/Father's Name Home address/constituency.	PTO marks	Rank	Remarks
<u>Pr- 10/1/1992</u>				
1.	Mr. Habibullah Khan s/o Abdullah Khan R/O ...	835	6th	...
2.	Mr. Lal Gulshan s/o ... R/O Mon; ...	783	6th	...
3.	Mr. Nisar Ahmad s/o ... R/O ...	774	6th	...
<u>Pr- 10/1/1992</u>				
4.	Mr. Waqar Ali s/o ... R/O ...	813	6th	...
5.	Mr. Muhammad ... R/O ...	771	6th	...
6.	Mr. Abdul ... R/O ...	759	6th	...
7-7	Mr. Muhammad Javed Khan s/o ... R/O ...	731	6th	...
8.	Mr. Hussain ... R/O ...	723	6th	...
9.	Mr. Muhammad Tariq s/o ... R/O ...	709	6th	...
10.	Mr. Murtaza ... R/O ...	698	6th	...
11.	Mr. Wilat ... R/O ...	697	6th	...
12.	Mr. Muhammad ... R/O ...	664	6th	...
13.	Mr. Jawad ... R/O ...	627	6th	...
14.	Muhammad ... R/O ...	571	6th	...
15.	Mr. ... R/O ...	552	6th	...
16.	Mr. Nisar ... R/O ...	521	6th	...
17.	Mr. Murtaza ... R/O ...	506	6th	...

**ATTESTED**

72. Khalid Shah S/O Mian Muhammad  
Shah R/O Dakeri Banda SSC
73. Ghufuranullah S/O Rehmat Gul R/O  
Khasana Dheri SSC.
74. Wajid Ahmed S/O Syed Ahmed  
R/O Ward No. 1 T. Bhai. SSC

- 665 GPS, Khanjar No 2, A.7. Sect.
- 639 GPS, Khura Banda. -do-
- 582 GMPS, Bangla  
G. Garhi. -do-

PARA II (COMBINED MERIT OF DISTRICT).

If no trained teachers are available with in the constituency for certain vacancies then trained P.T.O. Candidates from the rest of the said District will be accommodated.

75. Muhammad Sa'atar S/O Akhtar, Gul  
R/O Dagai Lund Khwar. SSC
76. Muhammad Younus S/O Taj Muhammad  
R/O Dhano T. Bhai BA
77. Abdul Qadus S/O Guli Sadbarg  
R/O Sher Garh SSC.
78. Zubair Shah S/O Fazli Rehman  
R/O Pakkar SSC
79. Shamsul Qamar S/O Taze Gul  
R/O Lund Khwar SSC
80. Ihsan Ullah S/O Sedullah R/O  
Mohalla Sultan Abad Mardan BA.
81. Noor Wali Khan S/O Imranud Din  
R/O Shahdand L. Khwar. BA
82. Shah Jehan S/O Anwar Khan  
R/O Mohammed Redi Gul Maricham  
Mardan D. Com;
83. Wisal Muhammad S/O Fida Muhammad  
R/O Zamin Abad Mardan. D/Com;
84. Mureed Ali Khan S/O Muhammad Akber  
R/O Nasa Kurona Mardan SSC
85. Bakht Munir S/O Umaraz Khan  
R/O Dhano Rathian T. Bhai. SSC
86. S. Rifaqat Ali Shah S/O S. Fazal Shah  
R/O Lund Khwar P. Sc.
87. Muhammad Shakeel S/O Muhammad Iqbal  
R/O Baghdoda Mardan BA.
88. Aseel Khan S/O Arifullah R/O Mian Khan  
SSC
89. Ayub Khan S/O Nawab Khan R/O  
Rusai T. Bhai. B.Sc
90. Muhammad Ayub Khan S/O Muhammad Baloom  
R/O Katlang P. Sc
91. Sardaraz Khan S/O Shorin R/O,  
Badraga Banda L. Khwar BA
92. Saifullah Shah S/O Yousef Shah  
R/O Qasmi Mardan. SSC
93. Kamalud Din S/O Usmanud Din R/O -  
Lund Khwar SSC
94. Muhammed Israr S/O Mula Dad R/O  
Banda T. Bhai. P. Sc
95. Amir Afzal Khan S/O Sher Afzal  
R/O Sham Gunj Mardan SSC.
96. Muhammad Faysal S/O Gul Faraz Khan  
R/O Dagai L. Khwar SSC
97. Bakhtwar Khan S/O Azceem Khan  
R/O Ato Karlan. BA
- 810 GMPS, Sadar Sahib  
Mayar. Against vacan.  
Post.
- 798 GPS, Khao Toru. -do-
- 791 GPS, Suktal Toru. -do-
- 786 GPS, Tordher  
T. Bhai. -do-
- 781 GPS, Akhmad Akhmad Toru. -do-
- 770 GPS, Suhbat Akhmad  
Toru. -do-
- 769 GPS, Khali Rokhan  
Toru -do-
- 765 GPS, Jabba Toru. -do-
- 763 GPS, Talab Killi  
Toru. -do-
- 763 GMPS, Ghulam Haidar Killi. -do-
- 758 GMPS, Dara Mayar. -do-
- 757 GPS, Garoo Mustam. -do-
- 749 GPS, Aslam, Munda. -do-
- 749 GPS, Sufaid Akhmad  
-do-
- 748 GPS, Shoh Toru. -do-
- 748 GMPS, Chopaloon  
Toru. -do-
- 747 GMPS, Khanmir Killi -do-
- 747 GMPS, Tatar Killi -do-
- 746 GPS, Mirzaki Rustom -do-
- 745 GPS, Mirzaki Rustom -do-
- 743 GMPS, Bazzin Kothey  
Mayar. -do-
- 742 GPS, Beroch Ruz -do-
- 742 GPS, Beroch (R)

**ATTESTED**

- 127. Muhammad Iqbal S/O Muhammad Khan  
2/0 Bahar Khan. 55.
- 128. Said Sultan S/O Yusuf Khan  
2/0 Bahar Khan. 55.
- 129. Muhammad Iqbal S/O Muhammad Khan  
2/0 Bahar Khan. 55.
- 130. Muhammad Iqbal S/O Muhammad Khan  
2/0 Bahar Khan. 55.
- 131. Said Sultan S/O Yusuf Khan  
2/0 Bahar Khan. 55.
- 132. Said Sultan S/O Yusuf Khan  
2/0 Bahar Khan. 55.
- 133. Muhammad Iqbal S/O Muhammad Khan  
2/0 Bahar Khan. 55.
- 134. Muhammad Iqbal S/O Muhammad Khan  
2/0 Bahar Khan. 55.
- 135. Muhammad Iqbal S/O Muhammad Khan  
2/0 Bahar Khan. 55.

- 705 GRS, Bahar Khan. 55.
- 701 GRS, Bahar Khan. 55.
- 699 GRS, Bahar Khan. 55.
- 698 GRS, Bahar Khan. 55.
- 697 GRS, Bahar Khan. 55.
- 696 GRS, Bahar Khan. 55.
- 695 GRS, Bahar Khan. 55.
- 694 GRS, Bahar Khan. 55.
- 693 GRS, Bahar Khan. 55.

NOTES:-

S.N. No. 127-135 of the above list are to be reported to the concerned authorities for the purpose of the investigation case to be conducted by the higher authority as the age exceeds of 11 year & hence - days.

COMMISSIONER OF INVESTIGATION

1. These cases are to be reported to the concerned authorities for the purpose of the investigation case to be conducted by the higher authority as the age exceeds of 11 year & hence - days.
2. In case of assignment they will have to submit the report to the office of the concerned authority for the purpose of the investigation case to be conducted by the higher authority as the age exceeds of 11 year & hence - days.
3. They should not be allowed to take any charge of their cases until they are 11 years and above.
4. They are requested to submit health and age certificates of the concerned persons to the concerned authorities for the purpose of the investigation case to be conducted by the higher authority as the age exceeds of 11 year & hence - days.
5. Charge report should be submitted to the concerned authorities for the purpose of the investigation case to be conducted by the higher authority as the age exceeds of 11 year & hence - days.
6. In case of any other charge of the concerned persons, the concerned authorities should be notified before handing over charge.

Signature of the Commissioner of Investigation

Date: 21/05/2023

- 1. Mr. J. K. Singh, IAS, Bahar Khan. 55.
- 2. Mr. J. K. Singh, IAS, Bahar Khan. 55.
- 3. Mr. J. K. Singh, IAS, Bahar Khan. 55.
- 4. Mr. J. K. Singh, IAS, Bahar Khan. 55.
- 5. Mr. J. K. Singh, IAS, Bahar Khan. 55.

ATTESTED

ATTESTED

ATTESTED



DEPUTY SECRETARY (POLICY)  
(WAZIRIYAH I'ALTIY)

*[Handwritten signature]*

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

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

AMENDMENT

in exercise of the powers conferred by section 26 of the Government of Khyber Pakhtunkhwa Act No. XVIII of 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 amendment shall be made, namely:

NOTIFICATION

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

Annexure - 1 - B

- 11 -

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

**NOTIFICATION**  
Dated Peshawar the, 06/08/2020

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

**AMENDMENT**

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

**CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF  
DEPUTY SECRETARY (POLICY))

**ATTESTED**

**ATTACHED**

WPAK43-2023 AZ21ALAH VS GOVT OF PGRS

Section Officer (Policy)

Issue of Policy (Policy)

Yours faithfully,

- 1. Copy forwarded to Mr. [Name]
- 2. Copy forwarded to Mr. [Name]
- 3. Copy forwarded to Mr. [Name]

Subject: [Name]

2011, please.

proceeded against under Khyber Pakhtunkhwa Civil Services (Recruitment & Discharge) Rules, of the competent authority or try to evade promotion through different means shall be permitted. Furthermore, those officers/employees who do not comply with promotion order will be liable to disciplinary action in every condition.

3. The basic rationale behind the deletion of the hold rule is aimed at preventing a well-earned promotion from being withheld for a long period of time or to prevent those who lead to large promotion in evade promotion, or show lack of especially to make higher responsibility in case of promotion. Therefore, it is obligatory upon every officer/employee to accept promotion in every condition.

4. The basic rationale behind the deletion of the hold rule is aimed at preventing a well-earned promotion from being withheld for a long period of time or to prevent those who lead to large promotion in evade promotion, or show lack of especially to make higher responsibility in case of promotion. Therefore, it is obligatory upon every officer/employee to accept promotion in every condition.

5. The basic rationale behind the deletion of the hold rule is aimed at preventing a well-earned promotion from being withheld for a long period of time or to prevent those who lead to large promotion in evade promotion, or show lack of especially to make higher responsibility in case of promotion. Therefore, it is obligatory upon every officer/employee to accept promotion in every condition.

6. The basic rationale behind the deletion of the hold rule is aimed at preventing a well-earned promotion from being withheld for a long period of time or to prevent those who lead to large promotion in evade promotion, or show lack of especially to make higher responsibility in case of promotion. Therefore, it is obligatory upon every officer/employee to accept promotion in every condition.

7. The basic rationale behind the deletion of the hold rule is aimed at preventing a well-earned promotion from being withheld for a long period of time or to prevent those who lead to large promotion in evade promotion, or show lack of especially to make higher responsibility in case of promotion. Therefore, it is obligatory upon every officer/employee to accept promotion in every condition.

8. The basic rationale behind the deletion of the hold rule is aimed at preventing a well-earned promotion from being withheld for a long period of time or to prevent those who lead to large promotion in evade promotion, or show lack of especially to make higher responsibility in case of promotion. Therefore, it is obligatory upon every officer/employee to accept promotion in every condition.

9. The basic rationale behind the deletion of the hold rule is aimed at preventing a well-earned promotion from being withheld for a long period of time or to prevent those who lead to large promotion in evade promotion, or show lack of especially to make higher responsibility in case of promotion. Therefore, it is obligatory upon every officer/employee to accept promotion in every condition.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ESTABLISHMENT DEPARTMENT  
 No. 5111 (Policy) / AD / 5/2020  
 Dated: [Date]



Annexure - C

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

No.50 (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 26<sup>th</sup> 2023

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

*[Handwritten Signature]*  
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(6) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1988.

I am directed to refer to the subject noted above and to enclose herewith a letter of Establishment Department letter No. 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 (E&SE) Department in his office.

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

Encl: AA

*[Handwritten Initials]*

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

Copy forwarded to the:

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

*[Handwritten Initials]*

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

~~ATTACHED~~

B/c

No SO (Primary-M)/E&SED/7-6/2023  
Dated Peshawar the June 25<sup>th</sup> 2023

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

Aziz Ullah (Chair, President  
President  
All Primary Teacher's Association, KP

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

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

WP4443-3321 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 DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).**

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

Annexure  
①

SR	NAME	DESIGNATION
1	Mr. Fozal 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 three hours 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. Fozal Wahid)  
Deputy Director  
E&SE Department

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

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

ATTESTED

- 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 1999).**

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**

17  
- B/c -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

Section Officer (Primary Male)

Elementary & Secondary Education Department  
KPK, Peshawar.

PESHAWAR  
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G.NBL/ Minutes of meeting/EST/2023 dated 20-7-2023 on subject cited above and to present brief history about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer etc 1971) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-08-2023
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quanta concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment-2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/2-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment of 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 affected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Attested Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTED



No. 8145

Minister, Panchayathirama, Ashwara  
R.N. Jyoti, Ashwara, Ashwara  
Phone: 911111  
E-mail: ashwara@panchayathirama.gov.in

The Assistant Officer (Primary-Ashwara),  
Department of Secondary Education,  
Kupar Panchayathirama,  
Subject: - MINUTES OF THE MEETING

I am directed to refer to the letter No.0207-4055502-11  
dated 10-07-2022 on the subject cited above and to  
present brief history about the background of the case as under:

The Government of Kupar Panchayathirama Establishment Department (Regulation (Wing) dated 1980) in the Civil Services (Appointment) provision as per rule 1980) No. 509-VI (54/10) dated 06-08-2020

That this officer sought guidance from your good office in the following words with letter No.0227 dated 05-02-2022.

(i) Now if the provision upon the civil service to accept promotion in every condition. If it is the prerogative of the civil service to either accept or turn down the offer of promotion.

That your good office forwarded the same to the quarter concerned with letter No.50 (Primary-4) 545502-2/14901000/2021 for necessary guidance.

The Government of Kupar Panchayathirama Establishment Department (Regulation (Wing) dated 1980) in the Civil Services (Appointment) provision as per rule 1980) No. 509-VI (54/10) dated 06-08-2020

That in the light of the minutes of meeting dated 6-07-2022, held under the Chairmanship of Hon. Additional Secretary Establishment at his office, the office has been directed for submission of consolidated case.

In view of the above, this office is of considered opinion that the decision of Rules 7(3) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers below 17.5-16 may be exempted of implications of the amendment in the rules laid provided they submit their written request prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Ex-17) 4012  
Department of Secondary Education,  
Kupar Panchayathirama

Encl: No. 1  
Copy of the above to:-  
1. PA to Director, Kupar Panchayathirama,  
2. Master Copy.

Assistant Director (Ex-17) 4012  
Department of Secondary Education,  
Kupar Panchayathirama

10463-2022 AZHULAN VS GOVT CP 9043

~~APPEAL~~



~~ATTACHED~~

(Muzummal Idara)  
Sector Officer (Admin)  
Note

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

Copy forwarded to:  
the staff of lady teacher in primary schools.  
In view of above, the said amendment may be reconsidered to  
Mother-in-law who need care in such cases there are negative  
Most of them are married with kids and elder father of  
In the remotest stations with no residential/transport facilities  
face serious inconvenience while they have to perform duties  
teacher of primary level who avail such promotion have to  
In this connection it is submitted that in some cases lady  
different means shall be proceed under Khyber Pakhtunkhwa  
of the competent authority or try to evade promotion through  
these officers/officials who don't comply with promotion order  
Promotion and Transfer Rules 1989) it has been intimated that  
deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment,  
11-3-2020 dated 8th June 2023 and to state that after  
I am directed to refer to your letter No. S(Admin)  
(P&AD) /E/AD

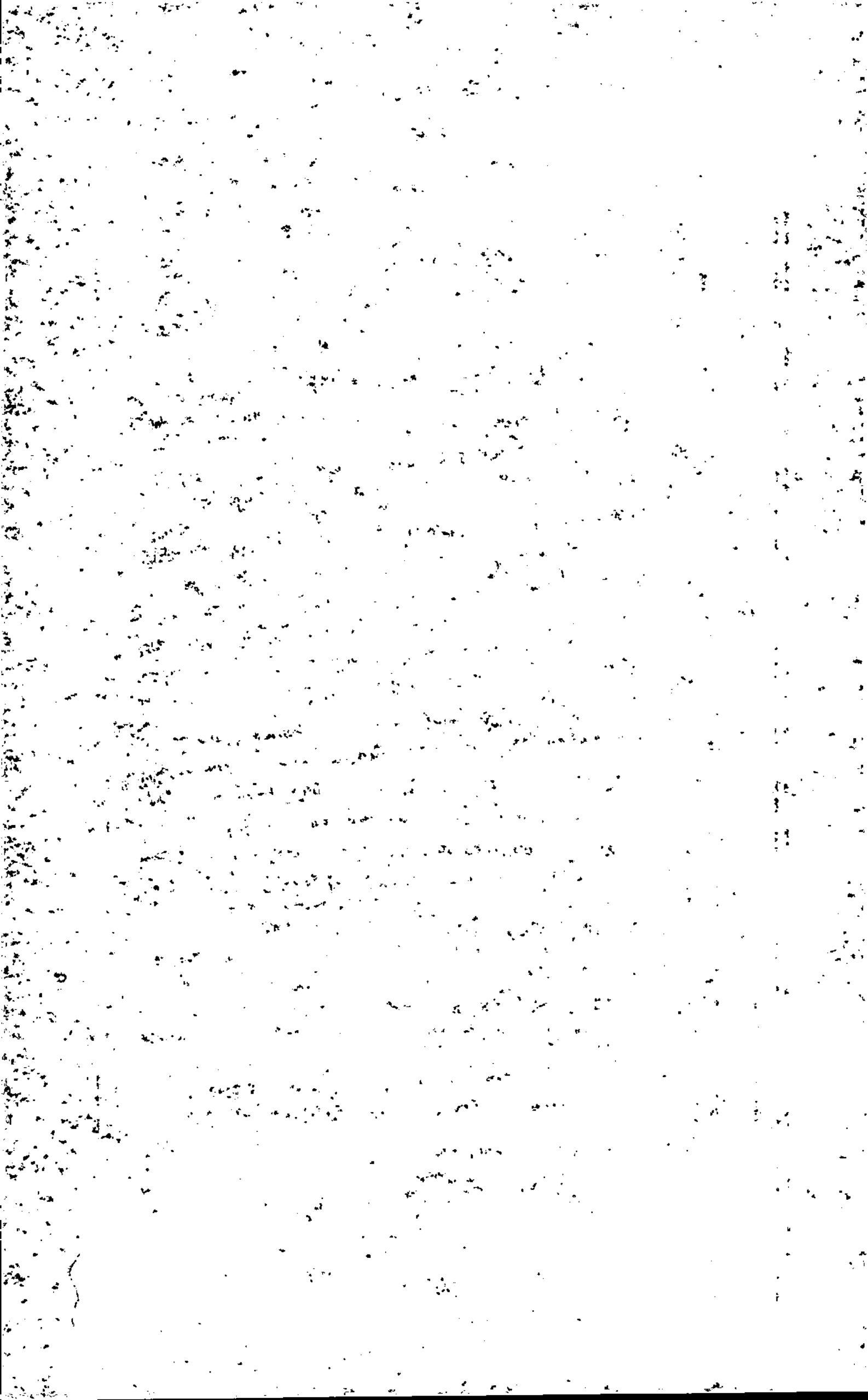
Dear Sir,  
Civil Servant (Appointment, Promotion & Transfer Rules  
1989)

SUBJECT: Guidance regarding deletion of Rule 7(5) in the

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

To  
No. S(Admin-M) E&SE/18-81  
Appointment - Rule/2023  
Peshawar Dated: 23rd August 2023

-B/c-



Annexure F



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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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-MVE&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)

Encls. Of even No & date

Copy forwarded to the:-

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

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT



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 03.08.2023 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)

End of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

**ATTESTED**

## Annexure - G

To,

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


**Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, 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 20/03/2024

  
GHUFRAN ULLAH  
SON OF  
RAHMAT GUL  
PSHT



~~ATTESTED~~

WP443-2023 AZZULAH VA GOVT CP P043

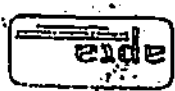
Handwritten signature and date: 08/11/23

Handwritten text in Arabic script, appearing to be a formal declaration or statement.

Handwritten signature and date: 08/11/23

Annexure - H

APTA Khairat  
Govt Primary School No.4  
Gulbarga Peshawar City



Khyber Pakhtunkhwa

President  
0333-041488  
www.apta.gov.pk

07.05.2024



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

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 12-5-24  
 Number of 1  
 Copies 1  
 Original 1  
 Total 1  
 Name of 13-5-24  
 Date of 12-5-24  
 Date of delivery of copy 12-5-24

**REGISTERED**

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**GHUFRAN ULLAH**  
Versus

Appellant

Government of KP & others

Respondents

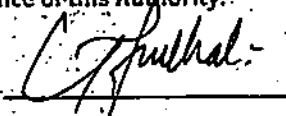
I (the Appellant)

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.

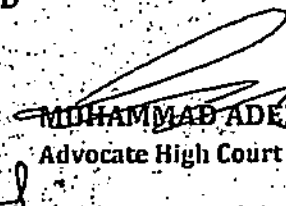


**APPELLANT**

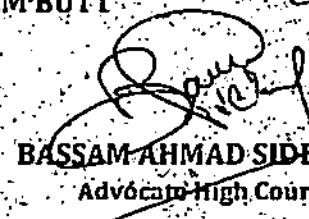
**ACCEPTED**



**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court



**MUHAMMAD ADEEL BUTT**  
Advocate High Court



**BASSAM AHMAD SIDDIQUI**  
Advocate High Court