


# FORM OF ORDER SHEET

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

Appeal No. 1782 /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><br/>REGISTRAR</p> |

CA # 1782 / 2024

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

ZAFAR MEHMOOD

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 1782 /2024

Zafar Mehmood son of Muhammad Akbar Khan, PSHT (BPS-15)  
 PO Sarai Salah, Chungi Bandi, 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 KP without following the rules position mentioned in Para 6 above promulgated Notification No. SO, (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Respondent No.2 vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. The Impugned Notification is reproduced as under:-
 

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. SD (Policy) /EDAD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forego promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

**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.
- h. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

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

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

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

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

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

Through

*3rd*  
 Appellant

*[Signature]*  
 Muhammad Muazzam Butt  
 Advocate Supreme Court

*[Signature]*  
 Muhammad Adeel Butt  
 Advocate High Court

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

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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_ -P of 2024

In Ref to

Service Appeal No \_\_\_\_\_ 2024

Zafar Mehmood

**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 IIs. 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

**APPROVED**

- 1. The District Knowledge Officer Abbotabad for information please.
- 2. The Head Teacher CBS Phalegail/Dana Dhammar/Chakal for information.
- 3. The Office Order file.

Sub Divisional Education Officer  
Karipur Sub Division Karipur

Encl: no. 18011-13/1976  
Copy for -  
Dated Karipur the 30/8/87.

Sub Divisional Education Officer  
Karipur Sub Division Karipur

The other terms and conditions remain as usual.  
Zafar Iqbal Zafar instead of Muzaffar Iqbal at p. no. 53.

1. Muz Khan instead of Muzaffar Khan at p. no. 9  
Zafar Iqbal instead of Muzaffar Iqbal at p. no. 14  
Impartial consideration of this office order issued under Encl: no. 17050-17902/A.4 dated 27/8/87 please read as under:-

GOVERNMENT

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER KARIPUR SUB-DIVISION KARIPUR



OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M) HARIPUR SUB-DIVISION HARIPUR

Q R E R

8/3/87

S. No. 69

As approved by the District Education Officer (M) Abbottabad on 27.8.87, following appointments of PTC Teachers are hereby ordered w.e.f 1-9-1987 in the interest of public service:-

| S. No. | Name of Candidate   | From      | To                             | Remarks                       |
|--------|---|-----------|--------------------------------|-------------------------------|
| 1.     | Muhammed Mehrbun S/O Kala Khan-Vill: Kohala Bala            | Candidate | CPS Bairi                      | Agst. Vacant Post             |
| 2.     | Zameen Akhtar S/O Chan Hian, Vill: Kohala Bala              | -do-      | Kohala Bala                    | Newly Crtd Post               |
| 3.     | Moheon Akhtar S/O Chan Hian Vill: Kohala Bala               | -do-      | Poona                          | Agst. Vacant Post             |
| 4.     | Mushtaq Ahmad S/O Nur Din Haripur                           | -do-      | Khol Maira                     | -do-                          |
| 5.     | Tahir Muhammad Yarooq S/O Abdullah Vill: Malkiar            | -do-      | Chobra gum Bagla               | -do-                          |
| 6.     | Dilshad S/O Zamrud Khan Vill: Chor Khan                     | -do-      | Mosq Mairi (Chokk) (Cont'd)    | -do-                          |
| 7.     | Muhammad Zohoor S/O V. Nazir Vill: Chor Khan                | -do-      | Beesban                        | Newly Crtd Post               |
| 8.     | Muhammad Saifdar S/O Muhammad Ashraf Haripur                | -do-      | Barbarpot                      | Agst. vacant post             |
| 9.     | Muhammad Khan S/O Muhammad Akbar Vill: Bagra                | -do-      | Phulagali                      | Vice Liaquat Khan transferred |
| 10.    | Khalid Mahmood S/O Juna Khan Vill: Mohra Ali Khan           | -do-      | Dhari Nagrochian               | Agst. vacant post             |
| 11.    | Muhammad Ashraf S/O Dost Mudd: Pathan Colony Haripur        | -do-      | CPS Baradha                    | -do-                          |
| 12.    | Chulam Kibria S/O Zikrur Rahman Vill: Talokar               | -do-      | Mosq Kohal Bala                | Newly Crtd Post               |
| 13.    | Rustam Khan S/O Abdullah Khan Vill: Moonan                  | -do-      | Mosq Hal Abadi Mirpota         | -do-                          |
| 14.    | Muzaffat Khan S/O Mudd: Akbar Vill: Laban Bandi             | -do-      | CPS Dana Chunnwan              | Agst. vacant Post             |
| 15.    | Hazir Mahmood S/O Mudd: Anwar Vill: Sikandar Pur (Undorago) | -do-      | Kohmal Bala                    | -do-                          |
| 16.    | Muhammad Nursoolin S/O Mudd: Afzal                          | -do-      | Mosq Pind Jamal Khan           | Vice Khurshid Ahmad trfd      |
| 17.    | Arshad Mahmood S/O Hassan Din Vill: Haripur                 | -do-      | Mosq Dobandi Bala              | Agst. Newly crtd post         |
| 18.    | Muhammad Irshad S/O Rooshin Din Vill: Baldhar               | -do-      | CPS Burqa                      | Agst. vacant post             |
| 19.    | Misar Ahmad S/O Ghulam Rasool Vill: Sikandar Pur            | -do-      | Sikandarpur vice Saloga Akhtar | transferred                   |
| 20.    | Muhammad Fiaz S/O Dost Mudd: Pathan Colony Haripur          | -do-      | Mosq Darbandan                 | Newly crtd post               |
| 21.    | Muhammad Arshad S/O Asad Khan Vill: Kailag                  | -do-      | CPS Dana Ferozpur              | Agst. vacant post             |
| 22.    | Muhammad Salim S/O Mudd: Aslam Vill: Sikandar Pur           | -do-      | " Hartopa                      | Newly crtd post               |
| 23.    | Mafeez Khan S/O Salim Khan Vill: Pandik                     | -do-      | Mosq Mohi Darzian Darveni      | -do-                          |
| 24.    | Rab Nawaz S/O Karan Khan Vill: Durashkhal                   | -do-      | CPS Bhutri                     | vice Fazal Salah trfd         |
| 25.    | Muhammad Riss S/O Khaliq Dad Vill: Shah Meqsood             | -do-      | " Chopra                       | Agst. vacant Post             |
| 26.    | Muhammad Hanif S/O Yameen Vill: Railway road Haripur        | -do-      | " Kainthla                     | vice Abid Hussain transferred |

(CONTINUED ON PAGE (2))

ATTACHED

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|     |  |                             |                                     |
|-----|--|-----------------------------|-------------------------------------|
| 27. | Rafiqat Zaman S/O Muhammad Sadiq<br>Vill: Fird Gajran.         | CPS Kainthla                | Agst: vacant post                   |
| 28. | Muhammad Naseem S/O Muhammad Salim<br>Vill: Kot Hajibullah     | Mosq: S Rakarr,<br>Chochian | --do--                              |
| 29. | Abid Hussain Shah S/O Atta Hussain<br>Vill: Sirya              | CPS Hajifpur                | --do--                              |
| 30. | Tasaddiq Hussain S/O Inayat Hussain<br>Vill: Bandi Sirya       | " Hajifpur                  | Vice Safoor Ahme.<br>trfd:          |
| 31. | Muhammad Niasat S/O Muhammad Sadiq<br>Vill: Kot Hajibullah     | " Dhok<br>Gakhran           | Vice Haroonur Ra.<br>trfd:          |
| 32. | Muhammad Arif S/O Allah Dad<br>Vill: Mang                      | Mosq: S Lundi<br>Chhohi     | Agst: vacant post                   |
| 33. | Aftab Ahmad S/O Hushtaq Ahmad<br>Vill: Mang                    | CPS Jab                     | Newly crtd: Post.                   |
| 34. | Abdur Raahid S/O Muid: Salim<br>Vill: Kot Hajibullah           | Mosq: S Bharrary            | vice M. Ishraq tr:                  |
| 35. | Muhammad Javaid S/O Allah Bakhsh<br>Vill: Kot Hajibullah.      | " Jhanra                    | Agst: vacant Post.                  |
| 36. | Abdul Latif S/O Channan Din<br>Vill: Kot Hajibullah            | Mosq: S Haira               | --do--                              |
| 37. | Muhammad Salim S/O Khair Muhammad<br>Vill: Ghumawan.           | CMS Ghumawan                | vice Gul Zaman t:                   |
| 38. | Muhammad Akram S/O Sardar Khusro Khan<br>Vill: Kot Hajibullah. | CPS NO: 1 Kot<br>Hajibullah | Agst: vacant post                   |
| 39. | Abdur Raheem S/O Kala Khan<br>Vill: Mattar                     | " Babutri                   | --do--                              |
| 40. | Javaid Akhtar S/O Abdul Qayyum<br>Vill: Kot Hanibullah.        | " NO: 1 Kot,<br>Hajibullah  | Agst: newly crtd:<br>Post.          |
| 41. | Lurang Zeb S/O Mian Makhan<br>Vill: Dehdan                     | Mosq: S Jabbar              | vice M. Shifa salt<br>for training. |
| 42. | Muhammad Niaz Khan S/O M: Faziz Khan<br>Vill: Fannien.         | CPS Pakiban                 | Agst: vacant post.                  |
| 43. | Mustafab Shah S/O Mehrban Shah<br>Vill: Gudmilian              | Mosq: S Bahai               | vice Jamilur Rah.<br>trfd:          |
| 44. | Saeed-ur-Rehman S/O Abdul Hadi<br>Vill: Bejeedz.               | " Ban<br>Curam              | Newly crtd: Post.                   |
| 45. | Muhammad Shafi S/O Amir Shah<br>Vill: Gudmilian                | " Jabba                     | --do--                              |
| 46. | Tir Muhammad S/O Gul Zaman<br>Vill: Khalabat Town Ship         | CPS Kariplian               | Agst: vacant post.                  |
| 47. | Saeed Ahmad S/O Ghulam Hussain<br>Vill: Khalabat Town Ship     | " NO: 1, Sec: 4<br>Khalabat | --do--                              |
| 48. | Abdul Sykhor S/O Abdul Halim<br>Vill: Khalabat town ship       | " Saual Haira               | --do--                              |
| 49. | Muhammad Naseem S/O Muhammad Salim<br>Vill: Qazian             | " NO: 2 Sec: 1<br>K.T. ship | Vice Abid Hussa.<br>transferred.    |
| 50. | Sikandar Khan S/O Suba Khan<br>Vill: Chhohar Sharif.           | Mosq: S Lari                | Agst: vacant post                   |
| 51. | Zin-ud-Din S/O Dost Muhammad<br>Vill: Pharchala                | " Sathana<br>Phayen         | Vice Mir Ahmad<br>select: for trng: |
| 52. | Shabir Hussain Shah S/O Munawar Shah<br>Vill: Manikrai         | CPS Chapri                  | Agst: vacant post.                  |
| 53. | Musaffar Iqbal S/O Faridur Khan<br>Vill: Manikrai.             | " Mosq: S Chakai            | Newly crtd: Post                    |
| 54. | Muhammad Iqbal S/O Ghulam Sarwar<br>Khalabat Town Ship.        | CPS Jaloo                   | Agst: vacant post                   |
| 55. | Masood-ur-Rehman S/O Muid: Nisar<br>Vill: Kangra Colony.       | " Kanceerary                | --do--                              |
| 56. | Muid: Younis Khan S/O Sijawal Khan<br>Vill: Dingi              | " Sheikh<br>Chagr           | Vice Mubarik Ali<br>transferred.    |
| 57. | Saeed Hussain S/O Mir Shariq<br>Vill: Kac                      | Mosq: S Narsapur            | Newly Crtd: Post.                   |
| 58. | Khalid Mahmood S/O Muhammad Agst<br>Vill: Pharchala            | CPS Bandi,<br>Firdad.       | Vice M. Zubair trf                  |
| 59. | Muhammad Nisar S/O Mir Muhammad<br>Vill: Billah                | " NO: 1,<br>Kalinjer        | Agst: newly crtd:<br>post.          |
| 60. | Daud Shah S/O Mehrban Shah<br>Vill: Zinikot                    | Mosq: S Gwari               | Vice Tariq Zaman<br>transferred.    |

ATTACHED

(PAGE NO: (3))

|   | Candidate | Post   |
|---|-----------|--|
| Mr. Sat. Chand S/O. Gajdar Singh<br>VilliBachan Meira.      | ---do---  | BPS Sathana Agst: nely: crtd: Post.                |
| Mr. S. C. Maheswari Duffan<br>VilliBachan.                  | ---do---  | " B011, Vice Lakshmi Khan<br>Kalinjer transferred. |
| Mr. S. C. Maheswari S/O. S. Maheswari<br>VilliBachan Meira. | ---do---  | " Kariplon Agst: nely: crtd: Post.                 |
| Mr. S. C. Maheswari S/O. S. Maheswari<br>VilliBachan Meira. | ---do---  | " Chulhari Vice M. Tufail trfd:                    |
| Mr. S. C. Maheswari S/O. S. Maheswari<br>VilliBachan Meira. | ---do---  | " Nasqis Goraki, Newly crtd: Post.<br>Meira        |
| Mr. S. C. Maheswari S/O. S. Maheswari<br>VilliBachan Meira. | ---do---  | " Karran. Agst: vacant post.                       |

st. This report should be submitted to this office in duplicate.  
 trf. TA/DA is allowed to any one on first appointment.  
 st. Newly appointed candidates are directed to produce their Age & Health certificate  
 to the Medical Superintendent within 7 days from the date of taking over charge.  
 st. Their pay will be allowed from the date of submission of the said certificate.  
 st. Appointments are purely on temporary basis and liable to be terminated at any  
 time without any notice or reason.  
 st. Newly appointed candidate should not be handed over the charge if their age  
 is above 30 years or exceeds 25 years.  
 st. Newly appointed candidate will get Rs:750/- per month plus usual allowances as  
 admissible under the rules.  
 st. Newly appointed candidate are directed to take over the charge within 10 days  
 from the date of issue of this order failing which this order will automatically cancell-  
 ed.  
 st. Appointments are made under all terms and all conditions laid down by the  
 Government for the said post.  
 st. Failed candidates will get pay Rs:750/- fixed p.m till passing of said examination.

(MALIK MOYI MUHAMMAD)  
 SUB-DIVISIONAL EDUCATION OFFICER (M),  
 HARIPUR SUB-DIVISION HARIPUR.

Ex: 1017850-17902 / 2-4 Dated: Haripur the 23.8.87.

- Copy to:-
- 1. The District Education Officer (M) Abbottabad.
- 2-4. All concerned candidates.
- 3-10. All the Headmaster/Head Teacher of the schools.

(Signature)  
 SUB-DIVISIONAL EDUCATION OFFICER (M),  
 HARIPUR SUB-DIVISION HARIPUR.

**ATTESTED**

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



Personal Information of Mr ZAFAR MEHMOOD d/w/s of MUHAMMAD AKBAR KHAN

Personnel Number: 00252012    CNIC: 1330204027063    NTN: -  
 Date of Birth: 05.02.1967    Entry into Govt. Service: 01.09.1987    Length of Service: 36 Years 11 Months 001 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH    80002138-DISTRICT GOVERNMENT KHYBE  
 DDO Code: HR6109-DEPUTY DISTT:EDUCATION OFFICER(M/P) HARIPUR  
 Payroll Section: 002    GPF Section: 001    Cash Center: 02  
 GPF A/C No: EDUAD008996    GPF Interest applied    GPF Balance: 1,323,179.00 (provisional)  
 Vendor Number: -  
 Pay and Allowances:    Pay scale: BPS For - 2022    Pay Scale Type: Civil    BPS: 15    Pay Stage: 28

| Wage type                      | Amount    | Wage type                      | Amount    |
|--------------------------------|-----------|--------------------------------|-----------|
| 0001 Basic Pay                 | 79,360.00 | 1001 House Rent Allowance 45%  | 3,524.00  |
| 1210 Convey Allowance 2005     | 2,856.00  | 1300 Medical Allowance         | 1,500.00  |
| 1505 Charge Allowance          | 40.00     | 2148 15% Adhoc Relief All-2013 | 1,090.00  |
| 2199 Adhoc Relief Allow @10%   | 727.00    | 2316 Teaching Allowance 2021   | 3,224.00  |
| 2341 Dispr. Red All 15% 2022KP | 7,605.00  | 2347 Adhoc Rel AI 15% 22(PS17) | 7,605.00  |
| 2378 Adhoc Relief All 2023 35% | 27,083.00 | 2393 Adhoc Relief All 2024 25% | 19,840.00 |

**Deductions - General**

| Wage type                      | Amount    | Wage type               | Amount    |
|--------------------------------|-----------|-------------------------|-----------|
| 3015 GPF Subscription          | -4,290.00 | 3501 Benevolent Fund    | -1,200.00 |
| 3609 Income Tax                | -8,002.00 | 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    |
|------|---------------------------|------------------|------------|------------|
| 6505 | GPF Loan Principal Instal | 700,000.00       | -20,000.00 | 180,000.00 |

**Deductions - Income Tax**

Payable: 128,017.05    Recovered till JUL-2024: 8,002.00    Exempted: 32003.28    Recoverable: 88,011.77

Gross Pay (Rs.): 154,454.00    Deductions: (Rs.): -34,227.00    Net Pay: (Rs.): 120,227.00

Payee Name: ZAFAR MEHMOOD  
 Account Number: 2001587342  
 Bank Details: THE BANK OF KHYBER, 080019 G.T.ROAD HARIPUR G.T.ROAD HARIPUR, HARIPUR

Leaves:    Opening Balance:    Availed:    Earned:    Balance:

Permanent Address: HAR  
 City: HARIPUR    Domicile: NW - Khyber Pakhtunkhwa    Housing Status: No Official  
 Temp. Address:  
 City:    Email: zafarnehmoodk69@gmail.com

**ATTESTED**

~~ATTESTED~~

M.H. S. S. D.

DEPUTY SECRETARY POLICY  
(W/ADVAH LATTY)

*[Handwritten Signature]*

ATTESTED



- The Controller, Administration Department.  
The Section Officer, Administration Department.  
The Deputy Director (IT), E&A Department.  
The Director, Khyber Pakhtunkhwa Public Service Commission, Peshawar.  
The Registrar, Khyber Pakhtunkhwa High Court, Peshawar.  
All Deputy Commissioners in Khyber Pakhtunkhwa.  
All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.  
All Heads of Attached Departments in Khyber Pakhtunkhwa.  
The Principal Secretaries to Chief Minister, Khyber Pakhtunkhwa.  
The Principal Secretaries to Govt. of Khyber Pakhtunkhwa.  
All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.  
The Senior Member Board of Revenue, Khyber Pakhtunkhwa.  
Development Department, Khyber Pakhtunkhwa.  
Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning &

DATE: NO & EVEN DATE

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  
Khyber Pakhtunkhwa Act No. XXVIII of  
1973 (Khyber Pakhtunkhwa (Appointment, Training and Transfer) Rules, 1989, the  
Chief Minister of Khyber Pakhtunkhwa shall be made, namely:  
Khyber Pakhtunkhwa Civil Servants (Appointment, Training and Transfer) Rules, 1989, the  
Chief Minister of Khyber Pakhtunkhwa shall be made, namely:  
Khyber Pakhtunkhwa Civil Servants (Appointment, Training and Transfer) Rules, 1989, the

NOTIFICATION

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGISTRATION WING)

Annexure - 1 - B -

12

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 XVII) 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





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

No. 50 (Primary-M/E&SED/2-6/2023  
Lahor Peshawar lho. June 26, 2023

To

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

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

26/6/23

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

I am directed to refer to the subject noted above and to enclose herewith a letter of Establishment Department letter No. 50 (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)  
26/6/23

~~ATTESTED~~



15  
B/c  
No SO (Primary-M)/E&SED/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: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER  
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION  
AND TRANSFER) RULES, 1909.

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

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

A meeting regarding the subject matter was held on 04-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.

Annexure  
D

| 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 Societies 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  
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

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION, KHAYBER PAKHTUNKHWA REGARDING OF DELETION OF RULE 215) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES, 1989).

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

| Sl | NAME              | DESIGNATION   |
|----|-------------------|---|
| 1  | Mr. Fazal Wahid   | Deputy Director Establishment of Directorate of Elementary & Secondary Education Department |
| 2  | Mr. Aziz Ullah    | Provincial President All Primary Teachers Association, Khayber Pakhtunkhwa                  |
| 3  | Mr. Rafiqat Ullah | General Secretary APTA Peshawar   |
| 4  | Muhammad Ishaq    | Section Officer (Primary) ES&S Department Civil   |
|    |                   | Secretary Khayber 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. Fazal Wahid)  
Deputy Director-1  
ES&S Department

Provincial President  
All Primary Teachers Association  
Khayber Pakhtunkhwa

(Mr. Rafiqat Ullah)  
General Secretary APTA  
Peshawar

(Muhammad Ishaq)  
Section Officer (Primary-Male)  
ES&S Department

(Abdullah)  
Additional Secretary (Establishment)

ATTENDED

17  
-B/C-

**ATTESTED**

14-00000-2023 AZIZULAH VS GOVT OF POKS

National Director (Ex-101)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa

National Director (Ex-101)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa  
21/7/2023

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

Copy of the above is as follows:

The case is submitted for period and necessary actions please.

Department of Promotion Committee provided they will be written refusal letter to conduct of the meeting of Teachers below 375-16 may be exempted of implications of the committee in the rules 7(5) have affected negatively a huge number of female Teachers. Thus it is prepared that in view of the above, this office is of considered opinion that the decision of HOD been asked for submission of consolidated case.

Chairman/Member of the National Directorate Establishment on his office this office has Type in the light of the minutes of meeting dated 07-07-2023 held under the (Priority-4) 2023/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.50 civil service (to accept promotion under every condition.

that there are no provision to decline or forgo promotion. It is obligatory upon every (P) with last of No.50 (Policy) 01-01-2020 dated 06-06-2023 categorically stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Priority-4) 2023/2023) for necessary guidelines.

The same was forwarded to the quarter concerned vide letter (P) No.50 (Priority-4) 2023/2023 dated 06-06-2023.

(i) Now it is obligatory upon the civil service to either accept or turn down the offer of promotion.

No.1027 dated 09-07-2023.

The letter officer should guide you from your good office in the following words vide letter with notification No. 028-VI (5440)/1-1/2020 dated 06-08-2020.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation (P) dated Rule 7(5) in the Civil Service (Appointment, Promotion & Transfer Rules 1987) present brief history about the background of the case as under:

G.M. Amin of the (P) No.50 (Priority-4) 2023/2023 dated 19-07-2023 on the subject cited above and to I am directed to refer to the letter No.50 (Priority-4) 2023/2023 dated 12-06-2023.

The Director (Priority-4),  
Ministry of Secondary Education Department,  
Khyber Pakhtunkhwa

MINISTRY OF SECONDARY EDUCATION

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

Khyber Pakhtunkhwa



No. 8145

Francis Q. P. 1114

Ministry of Secondary Education

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

Khyber Pakhtunkhwa

Ministry of Secondary Education Department

-B/C-

## DIRECTORATE OF ELEMENTARY &amp; SECONDARY EDUCATION, KPK

PESHAWAR  
(21-7-2023)

To:

Section: Officer (Primary Male)  
Elementary & Secondary Education Department  
KPK, Peshawar.

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/5-1/60822/ Minutes of meeting/PT/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 Rule 1979) vide notification No. No. SOP-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 06-07-2023.
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/reject the offer of promotion.
- That your good office forwarded the same to quarters 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/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/reject 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 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 affected negatively a huge members of female teachers.

The case is submitted for perusal and necessary action please.

Copy of the above to:

1. PA to Director Local Directorate
2. Master Copy

Asst. Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

  
 ATTESTED

**ATTESTED**

WPA413-2023 AZIZULAH VS GOVT OF POK

Scanned with CamScanner

SECTION OFFICER (PRIMARY MALE)

*[Signature]*

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

Copy forwarded to the:

SECTION OFFICER (PRIMARY MALE)

*[Signature]*

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

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

1 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 decision 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.

**SUBJECT: ADVISANCE REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVAANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989)**

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

No. SO(Policy-M)/EBSED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> August, 2023

**Annexure E**

SECRETARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8223877)



~~ATTACHED~~

(Muzammad Ishaq)  
Sector officer (Range)  
Muzammad Ishaq

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

Copy forwarded to:  
In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.  
Effects on service: delivery. 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 majority stations with no residential/transport facilities.  
face serious inconvenience while they have to perform duties  
teachers 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  
(Civil Servant (Efficiency and Discipline) Rule 2012.  
of the competent authority or try to evade promotion through  
those officers/officials who do not comply with promotion order  
Promotion and Transfer Rules 1989) It has been intimated that  
detection of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
1-3/2020 dated 6th June 2023 and to state that after  
I am directed to refer to your letter No. SO (Primary)  
(Primary) (E, AD)

Dear Sir,

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

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

No. SO (Primary-M) EGSE/D/18-21/  
Appointment - Rule/2023  
Peshawar Dated: 23rd August 2023

-8/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-M)/E&SED/2-  
2/Appointment-Rule/2023 dated 23.08.2023 on the subject noted above and to state that  
necessary guidance has already been tendered to your good office vide this department letter of  
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encl. Of even No & date

Copy forwarded to the:-

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

RECEIVED

W04607-2023-23211144 VS GOVT OF PK

22



23

- B/c -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Enclst. Of even No & date

Copy forwarded to the:-

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

Section nicer (Policy)

~~ATTESTED~~

24

Annexure - G

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

Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

Your honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SO (Policy) /E&AD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and, therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

Dated 19/03/2024



Zafar

ZAFAR MEHMOOD  
S/O MUHAMMAD AKBAR  
KHAN  
PS HT

~~ATTESTED~~

W64443-2023 AZIZULHAKI VS GOVT OF PCOA

Handwritten signature and date: 08/11/2023

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

Handwritten signature and date at the bottom of the main text block.

Annexure - H

APRA Muziris  
Govt. Primary School, No. 4  
Gurukrupa, Periyar Nagar, Ernakulam



Thyagarajam, Palakkad

President  
0222-0414448  
apra.org.in

07.05.2024



1. Learned counsel for the appellant present.

2. Let a pre-admission notice be issued to the respondents through FCS for submission of reply comments. Appellant is directed to deposit FCS expenses within three days. To come up for reply comments as well as preliminary hearing on 10.06.2024 before S.J. 150 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 13.5.24  
Number of 1  
Copies 1  
Urgent 1  
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# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

ZAFAR MEHMOOD

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

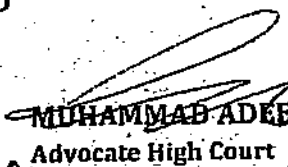
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

3rd

APPELLANT

ACCEPTED

  
MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court

  
MUHAMMAD ADEEL BUTT  
Advocate High Court

  
BASSAM AHMAD SIDDIQUI  
Advocate High Court