


FORM OF ORDER SHEET

Court of _____

Appeal No. 178/ 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

GHANI KHAN

V/S

Government of KP & others

S.A # 1782/2024

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1781 /2024

Ghani Khan Son of Shahnazar Khan, PSHT (BPS-15)
GPS Gardai, Tehsil Dargai & District Malakand

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

5. That as per notification No. SD (Policy) /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 SOI-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:-

GROUND:-

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

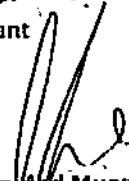
AFFIDAVIT:

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.



Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


Jassam Ahmad Siddiqui
Advocate High Court
LL.M- Human Rights

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M.No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

G HANE KHAN

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:-

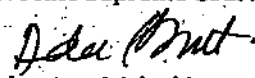
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification 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.


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

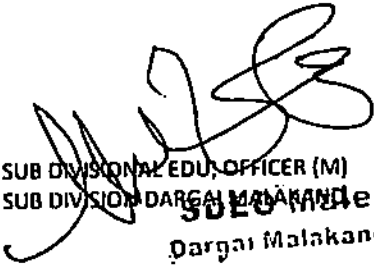
AFFIDAVIT

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

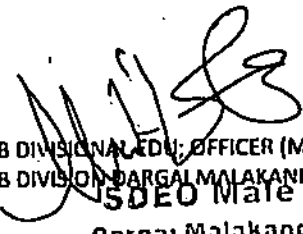
SERVICE CERTIFICATE.

Certified that Mr.Ghani Khan S/o Shah Nazar Khan has been serving in Education Department since 08.04.1992. At present He is serving as PSHT at GPS Shah Haider Banda Tehsil Dargai District Malakand.

For 
SUB DIVISIONAL EDU. OFFICER (M)
SUB DIVISION DARGAI MALAKAND
SDO Male
Dargai Malakand

SERVICE CERTIFICATE.

Certified that Mr.Ghani Khan S/o Shah Nazar Khan has been serving in Education Department since 08.04.1992. At present He is serving as PSHT at GPS Shah Haider Banda Tehsil Dargai District Malakand.

For 
SUB DIVISIONAL EDU. OFFICER (M)
SUB DIVISION DARGAI MALAKAND.
SDO Male
Dargai Malakand

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



Personal Information of Mr GHANI KHAN d/w/s of SHAH NAZAR KHAN

Personnel Number: 00243356 CNIC: 1540270372057 NTN:
Date of Birth: 25.09.1970 Entry into Govt. Service: 08.04.1992 Length of Service: 32 Years 03 Months 025 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80002421-DISTRICT GOVERNMENT KHYBE
DDO Code: MD6081-DY: D.O (M PRY) DARG
Payroll Section: 002 GPF Section: 001 Cash Center:
GPF A/C No: EDUMD003834 GPF Interest applied GPF Balance: 720,454.00 (provisional)
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 24

Wage type		Amount	Wage type		Amount
0001	Basic Pay	71,440.00	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	1911	Compen Allow 20% (1-15)	1,000.00
2148	15% Adhoc Relief All-2013	450.00	2199	Adhoc Relief Allow @10%	308.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Rel All 15% 2022KP	6,807.00
2347	Adhoc Rel All 15% 22(PS17)	6,807.00	2378	Adhoc Relief All 2023 35%	24,311.00
2393	Adhoc Relief All 2024 25%	17,860.00			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	-6,390.00	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
6305	GPF Loan Principal Instal	600,000.00	-20,000.00	480,000.00

Deductions - Income Tax

Payable: 102,238.45 Recovered till JUL-2024: 6,390.00 Exempted: 25556.37 Recoverable: 70,282.08

Gross Pay (Rs.): 140,127.00 Deductions: (Rs.): -32,615.00 Net Pay: (Rs.): 107,512.00

Payee Name: GHANI KHAN
Account Number: 0, 0000001637-3
Bank Details: NATIONAL BANK OF PAKISTAN, 230620 NBP DARGA IMALAKAND AGENCY NBP DARGA IMALAKAND AGENCY.

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: VILL AND P.O MAINA
City: MALAKAND Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address:
City: Email: ghanikhan.maina@gmail.com

System generated document in accordance with APPM 4.6.12.9(288590) 26.07.2024/v3.0
* All amounts are in Pak Rupees
* Errors & omissions excepted (SERVICES 01.08.2024/21-06-07)

ATTENDED

APPOINTMENT.

1st appointment order. - 8-

The following trained P.T.C. candidates are hereby appointed against the post of P.T.C. in the scale of R.P.S.No.7 Rs.1095-60-1995 plus usual allowances as admissible under the rules in the interest of public service from the date of their taking over charges purely on the basis of Merit/Marks obtained/Interviewed as reflected in the existing recruitment policy of the Government.

S.No.	Name/F.Name	School where residence.	Constituency appointed.	Constituency where appointed.	which belongs.
1.	Zahir Shah S/o Ghani Gul.	Agra.	GPS.Sar Khanori.	P.F.80	P.F.80
2.	Sahibur Rahman S/o Noor Rahman.	Kot.	GPS.Alogai.	P.F.80	P.F.80
3.	Hakim Khan S/o Miaraj Gul.	Maina Kot.	GMPS.Arawali.	P.F.80	P.F.80
4.	Ghulam Hussain S/o Aninullah.	Zoormandai.	GPS.Khog Dara.	P.F.80	P.F.80
5.	Mohammad Akram S/o Inat Khan.	Kot.	GPS.Jugharai.	P.F.80	P.F.80
6.	Ajeem Khan S/o Shabzullah Khan.	Matkani.	GMPS.Degar Sar.	P.F.80	P.F.80
7.	Shah Zamin S/o Hazrat Faqir.	Totai.	GPS.Mura Banda.	P.F.80	P.F.80
8.	Rahat Gul S/o Painda Gul.	Maina.	GPS.Banjo Degai.	P.F.80	P.F.80
9.	Ghani Khan S/o Shah Nazar S/o Maina.		GPS.Gardai B/Agency.	P.F.80	P.F.80

TERMS AND CONDITIONS.

- 1.No TA/DA is allowed being first appointment.
- 2.Charge reports should be submitted in duplicate to all concerned.
- 3.They are directed to produce their health and age certificate from the Agency Surgeon concerned before taking over charge. In case their age are below 18 years or above 28 and in case of TT 30 years should not be handed over charge.
- 4.They are directed to take over charge with in 15 days from the issue of this order, otherwise the appointment will automatically stand cancelled.
- 5.Their appointment are made purely on temporary basis and will be liable to termination at any time without any notice or assigning any reason. In case they wish to resign the post he will have to submit one months prior notice or forfeit one months pay in lieu there of.

(MOBARAK KHAN)
DISTT: PRIMARY EDU: OFFICER
(M.L.E) MALAKAND AT BATHHELA.

Endst: No. 783-97/P.No. A-1/Estt: Dated 8-4-1992.

Copy forwarded for information to:-

1. The Director Primary Education NWFP, Hayatabad Peshawar.
2. Mr. Nek Amal Khan, Chairman DDAO Malakand Agency.
3. Mr. Lal Mohammad Khan M.P.A. P.F.80 Swat Ranizai, Mkd. Agency.
- 4.5. The Sup Divil: Edu: Officers (M) Swat Ranizai at Malakand and Sam Ranizai at Dargai.
6. The Agency Accounts officer, Malakand.
- 7.16. The Candidates concerned.

ATTESTED
DISTT: PRIMARY EDU: OFFICER

APPOINTMENT.

9-

The following trained PTC candidates are hereby appointed against the post of PTC in the scale of BPS.No.7 Rs.1095-60-1995 plus usual allowances as admissible under the rules in the interest of public service from the date of their taking over charges purely on the basis of Merit/Marks obtained/Interviewed as reflected in the existing recruitment policy of the Government.

S.No.	Name/F.Name.	School where residence.	Constituency appointed.	Constituency where appointed.	Constituency which belongs.
1.	Zahir Shah Ghani Gul.	S/o Agra.	GPS.Sar Khanori.	P.F.80	P.F.80
2.	Sahibur Rahman Noor Rahman.	S/o Kot.	GPS.Alogai.	P.F.80	P.F.80
3.	Hakim Khan Miaraaj Gul.	S/o Maina Kot.	GMPS.Arawali.	P.F.80	P.F.80
4.	Ghulam Hussain Aminullah.	S/o Zoormandai.	GPS.Khog Dara.	P.F.80	P.F.80
5.	Mohammad Akram Isat Khan.	S/o Kot.	GPS.Jugharai.	P.F.80	P.F.80
6.	Ajeem Khan Shahzullah Khan.	S/o Matkani.	GMPS.Degar Sar.	P.F.80	P.F.80
7.	Shah Zamin Hazrat Faqir.	S/o Totai.	GPS.Mura Banda.	P.F.80	P.F.80
8.	Rahat Gul Painsa Gul.	S/o Maina.	GPS.Banjo Degai.	P.F.80	P.F.80
9.	Ghani Khan Shah Nazar.	S/o Maina.	GPS.Gardai B/Agency.	P.F.80	P.F.80

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(MOBARAK KHAN)

DISTT:PRIMARY EDU:OFFICER (MALE) MALAKAND AT BARKHELA.

Endst:No. 783-97/F.No.A-1/Estt; Dated 8-4-1992.

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3. Mr. Lal Mohammad Khan M.P.A.P.F.80 Swat Ranizai, Mkd:Agency.
- 4.5. The Sup Divil:Edu:Officers (M)Swat Ranizai at Malakand and Sam Ranizai at Dergai.
6. The Agency Accounts officer, Malakand.
- 7.16. The Candidates concerned.

DISTT:PRIMARY EDU:OFFICER

ATTACHED

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



Personal Information of Mr GHANI KHAN d/w/s of SHAH NAZAR KHAN

Personnel Number: 00243356 CNIC: 1540270372057 NTN:
Date of Birth: 25.09.1970 Entry into Govt. Service: 08.04.1992 Length of Service: 32 Years 03 Months 025 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80002421-DISTRICT GOVERNMENT KHYBE
DDO Code: MD6081-DY: D.O (M PRY) DARG
Payroll Section: 002 GPF Section: 001 Cash Center:
GPF A/C No: EDUMID003834 GPF Interest applied GPF Balance: 720,454.00 (provisional)
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 24

Wage type	Amount	Wage type	Amount
0011 Basic Pay	71,440.00	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	1911 Compen Allow 20% (1-15)	1,000.00
2148 15% Adhoc Relief All-2013	450.00	2199 Adhoc Relief Allow @ 10%	308.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	6,807.00
2347 Adhoc Rel All 15% 22(PS17)	6,807.00	2378 Adhoc Relief All 2023 35%	24,311.00
2393 Adhoc Relief All 2024 25%	17,860.00		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	-6,390.00	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	600,000.00	-20,000.00	480,000.00

Deductions - Income Tax

Payable: 102,228.45 Recovered till JUL-2024: 6,390.00 Exempted: 25556.37 Recoverable: 70,282.08

Gross Pay (Rs.): 140,127.00 Deductions: (Rs.): -32,615.00 Net Pay: (Rs.): 107,512.00

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Account Number: 0 0000001637-3
Bank Details: NATIONAL BANK OF PAKISTAN, 230630 NBP DARGA IMALAKAND AGENCY NBP DARGA IMALAKAND AGENCY.

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: VILL AND P.O MALNA
City: MALAKAND Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address: City: Email: ghanikhan.maina@gmail.com

System generated document in accordance with APPM 4.6.12.9(28850) (26.07.2024 v.3.0)
* All amounts are in Pak Rupees
* Errors & omissions excepted (SERVICES 01.08.2024/21.06.07)

ATTESTED

Annexure - B-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/8/2020

Subject: E&A/DI-3/2020: In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTE NO & 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.

(Signature)
(WAJIAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 26 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No 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~~

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/EAD/2020
Dated Peshawar the June 06, 2023

62

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(E) 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)/M/S/1132-
2/Appointment/2023 dated 10.04.2023 in the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no
provision exists to debar or forgo promotion.

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

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

Yours faithfully,

(Ijaz Hameed Khan)
Section Officer (Policy)

ASSE
7/6

7/6

Encl. Of even No & date

Copy forwarded to the:-

1. PS to Special Secretary (Reg), Establishment Department.
2. PA to Additional Secretary (Reg-10), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

38/11/23

21.6.23

ATTESTED

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

No. SO (Primary-MVE&SED/2-8/2023
Lahor Peshawar (no. June 26th 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 here with a letter of Establishment Department letter No. SO (Policy)EBAD/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

OC

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

OC

(SECTION OFFICER (PRIMARY MALE)
26/6/23

~~ATTESTED~~

B/c

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

To

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~

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 1949).

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

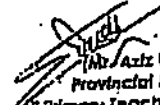
Sl	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

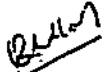
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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

~~ACCEPTED~~

- B/c -

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

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

~~ATTESTED~~

~~ATTACHED~~

W4443-2023 AZZULAH VS GOVT OF POK

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

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

That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Education at his office. This office has been asked for submission of consolidated case.

That the government of KP-ED (Regulation Wing) vide letter No. SD (Policy) EQAD/1-3/2020 dated 6-06-2023 accordingly stated that there exists no provision to declare foreign promotion as obligatory upon every civil servant to accept promotion under any condition.

That your good office forwarded the same to quarters concerned vide letter No. SD (Policy) EQAD/2-2/Appointment-2023 for necessary guidance.

That the office sought guidance from your good office in the following vide notification No. NA SOR-VI (EQAD) 1-3/2020 dated 06-08-2020 dated rule 7(S) in Civil Servants (Appointment-Promotions) Rules 1997. That Government of KP established department (Regulation Wing) present brief history, about background of case as under.

Minutes of meeting 18/7/2023 dated 10-7-2023 on subject cited above and to Dear Sir, I am directed to refer to letter No. SD (Policy) EQAD/1-3/2020/

Subject: Minutes of Meeting
KPK, Peshawar
Elementary & Secondary Education Department
Section Officer (Primary-Male)
Peshawar (21-7-2023)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
-B/C-

~~RESTRICTED~~

WSP442-2023 AZIZULAH VS GOVT OF POK

Assistant Director (Establishment)
Ministry of Secondary Education
Khyber Pakhtunkhwa

Assistant Director (Establishment)
Ministry of Secondary Education
Khyber Pakhtunkhwa

17/07/2023

Guide No. _____
Copy of the above is in:
1 PA to Director (Local Director)
1 Master Copy

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee provided they might their written request in consideration of the meeting of Teachers Union. It may be exempted of implications of the amendment in the rules bid 7(5) have effect a large number of female teachers. That it is prepared them

In view of the above, this office is of considered opinion that the deletion of rules been asked for abolition of consolidated case. Chairman of the Provincial Secretary Establishment at his office this office has

That, in the light of the minutes of meeting dated 6-07-2023 held under the (Primary-4) E&SE/D-1/Appln/2023 dated 12-06-2023. The same was received by this office from your good office with letter No.57

That the Government of Khyber Pakhtunkhwa Department (Regulation No.50 (Primary-4) E&SE/D-1/Appln/2023 for necessary guidelines. That your good office forwarded the same to the general concerned vide letter

(i) Now it is obligatory upon the civil servant to accept promotion in every condition (ii) If it is not acceptable of the civil servant to either accept or turn down the offer of promotion.

No.6087 dated 06-02-2023. That this office through guidance from your good office in the following words vide letter

dated Rule 7(5) in the Civil Service (Appointment, Promotion & Transfer Rules 1989) That Government of Khyber Pakhtunkhwa Department (Regulation No.50 (Primary-4) E&SE/D-1/Appln/2023 dated 18-07-2023 on the subject cited above and in

I am directed to refer to the letter No.50 (Primary-4) E&SE/D-1/Appln/2023 dated 18-07-2023 on the subject cited above and in present brief history about the background of the case as under.

Subject - **MINTHS OF THE MERTING**

The Section Officer (Primary-4) Khyber Pakhtunkhwa Education Department

To

No. 8145
Date 22/7/2023
Khyber Pakhtunkhwa, Peshawar
Ministry of Secondary Education
Khyber Pakhtunkhwa
Email: establishment@kpk.gov.pk





ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8221587)

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

Annexure
E

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

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

Dear Sir,

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

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

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


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner


ATTESTED

- B/c -

- 2 -

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

To

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

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

Dear Sir,

I am directed to refer to your letter No. SA (Policy) / E&AD
(Primary) / 1-3/2023 dated 6th June 2023 and to state that after
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,
Promotion and Transfer Rules 1989) it has been intimated that
those officers/officials who do not comply with promotion order
of the competent authority or try to evade promotion through
different means shall be proceed under Khyber Pakhtunkhwa
Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

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

(Muhammad Ishaq)
Section Officer (Primary
Male)

~~ATTACHED~~

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

ATTESTED

www.kpk.gov.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 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-II), Establishment Department
3. PS to Deputy Secretary (Policy), Establishment Department

Section Officer (Policy)

ATTESTED

Annexure - G

To.

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

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

Sir/ Madam:-

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

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

Dated 28/10/2024



Ghani Khan
S/O Shah Nazar Khan
DSHT.

~~ATTACHED~~

WP443-2023 AZZULIAN VS COURT OF PDJ3

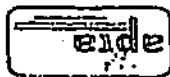
Handwritten signature and date: 08/17/23

Multiple lines of mirrored, upside-down text, likely bleed-through from the reverse side of the page.

Handwritten text at the bottom of the main section.

Annexure - H

APTA HOUSES
GOAL PRIMARY SCHOOL ROAD,
DUBBAI SOUTH PARTNER CITY



Arabian Property Research Agency

President
0333 01688
0333 01688
www.apra.ae

ATTESTED

CS CamScanner

Date of Presentation of Application: 13-08-23
 Name of: [Handwritten Name]
 Title: [Handwritten Title]
 Design: [Handwritten Design]
 Rank: [Handwritten Rank]
 Number of: [Handwritten Number]
 Date of Presentation of Application: 13-08-23

[Handwritten Signature]
 [Handwritten Name]
 [Handwritten Title]

Member (I):
 Deputed to the zone (Mujahid Akbar Khan)

1. Learned counsel for the appellant present.
 2. Let a pre-admission notice be issued to the respondents through T.S. for submission of reply/comments. Appellant is directed to deposit T.S. expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2023 before S.M. P. given to learned counsel for the appellant.
 3. 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.



07.05.2024

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

GHANI KHAN

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.



APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court