


FORM OF ORDER SHEET

Court of _____

Appeal No. 1785 /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>

S.A # 1785/2024

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

MUHAMMAD AYAZ

V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 1785 /2024

Muhammad Ayaz Son of Muhammad Tahir, SPST (BPS-14)
GPS Mayar, Tehsil Sakhakot & 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 Senior Primary School 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. SO (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. SO (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B.
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C.
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D.
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUNDS:-

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

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

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

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

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

AFFIDAVIT:

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

[Signature]
Deponent

Through

[Signature]
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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

MUHAMMAD AYAZ

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 lls. And if the notification bearing No. So (Policy) E&D/1-3/2020 Dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 is not suspended the appellant would suffer irreparable loss.
4. That valuable rights of the appellant is involved in the case.

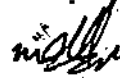
In view of the reasons, it is humbly requested that the notification bearing No. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.

AFFIDAVIT

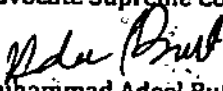
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

SERVICE CERTIFICATE

It is certified that Mr. *Muhammad Ayaz* S/O *Muhammad Tahir* is a government servant. He has been working as *PST* in *E&SE* department *KPK* since *06/11/2004*. He is working presently as *SPST* at *GPS Pir Mahmood Shah Banda U/C Sakhakot Jadeed*.

Azashid

Head Teacher

Head Master

G.P.S Pir Mahmood Shah
Banda Bama Deral MKD

-7-

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



Personal Information of Mr MUHAMMAD AYAZ d/w/s of MUHAMMAD TAHIR
 Personnel Number: 00241586 CNIC: 1540107053717 NTN:
 Date of Birth: 11.03.1981 Entry into Govt. Service: 10.11.2004 Length of Service: 19 Years 07 Months 022 Days.

Employment Category: Active Temporary
 Designation: SENIOR PRIMARY SCHOOL TEA 80002421-DISTRICT GOVERNMENT KHYBE
 DDO Code: MD6081-DY: D.O (M PRY) DARG
 Payroll Section: 002 GPF Section: 001 Cash Center: 05
 GPF A/C No: 241586 GPF Interest applied: GPF Balance: 638,319.00 (provisional)
 Vendor Number: -
 Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 15

Wage type	Amount	Wage type	Amount
0001 Basic Pay	48,630.00	1001 House Rent Allowance 45%	3,321.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1911 Compen Allow 20% (1-15)	1,000.00	2148 15% Adhoc Relief All-2013	550.00
2199 Adhoc Relief Allow @10%	373.00	2316 Teaching Allowance 2021	3,036.00
2341 Dispr. Red All 15% 2022KP	4,559.00	2347 Adhoc Rel Al 15% 22(PS17)	4,559.00
2378 Adhoc Relief All 2023 35%	16,411.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-3,900.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-689.00	3990 Emp.Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp:	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 10,820.98 Recovered till JUN-2024: 8,116.00 Exempted: 2704.98 Recoverable: 0.00

Gross Pay (Rs.): 86,795.00 Deductions: (Rs.): -6,524.00 Net Pay: (Rs.): 80,271.00

Payee Name: MUHAMMAD AYAZ
 Account Number: 3058-3
 Bank Details: NATIONAL BANK OF PAKISTAN, 230593 N.B.P SAKHAKOT MKD AGENCY N.B.P SAKHAKOT MKD AGENCY,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: S/KOT
 City: MALAKAND Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address:
 City: Email: muhammadoyaz381@gmail.com

System generated document in accordance with APPA 4.6.12.9(288590/25.06.2024/v3.0)
 * All amounts are in Pak Rupees
 * Errors & omissions excepted (SERVICES/02.07.2024/19:11:10)

ATTESTED

OFFICE OF THE DISTRICT COORDINATION OFFICER MALAKAND.

APPOINTMENT ORDER.

Consequent upon the recommendations of the District Selection Board, Malakand in its meeting held on 05.11.2004, the competent authority is pleased to approve and appoint the following candidates (Male) District Malakand on three years contract basis in: EFS- No: 7 (Rs. 2220-12-5820) @ Rs. 2220/- PM plus usual allowances as admissible to them under the rules against the existing vacant EFT posts at the Schools noted against each with effect from the date of their charge in the interest of public service subject to the following terms & conditions:-

A. 25 % OPEN MERIT.

S.No.	Name of Candidate/ Father's name.	Address.	U/Council.	Score.	Place of Posting.
1.	Riaz Gul S/O Habibur Rahman.	Agra.	Agra.	67.22	GPS, Misa: Mina.
2.	Atteullah Khan S/O Nasrullah Khan.	Dheri.	Dheri.	66.24	GPS, Khar Tunnel.
3.	Sardar Ali S/O Mahtab Gul.	Kot.	Kot.	65.97	GPS, Mangai.
4.	Mirad Ali S/O Mohammad Yousef.	Haroshah.	Haroshah.	65.70	" Mir Akbar Khan Banda.
5.	Eyedul Abrar S/O Mdul Akram.	Kot	Kot.	65.70	GPS, Mina.
6.	Ziaur Rehman S/O, Zarewar Khan.	G.N.Khel.	G.O.R.	65.42	" Anar Tangi.
7.	Hajrat Khan S/O, Gul Chafoor.	Badraga.	Badraga.	65.32	" Bajawro Kili.
8.	Mohammad Islam, S/O, Wali Mohammed.	Haroshah.	Haroshah.	65.09	" Janatabad.
9.	Ishfaq Hussain S/O Chulow Usman Bacha.	Dheri.	Dheri.	64.95	" Khog-Dara.
10.	Noorul Amin S/O Mohammad Amin.	Haroshah.	Haroshah.	64.70	" Brah Chakhey.
11.	Sirojud Din S/O, Nek Mohammad.	Dheri.	Dheri.	64.51	GPS, Nari Tangi.
12.	Akram Shah S/O, Syed Ahmad Shah.	Haroshah.	Haroshah.	64.03	GPS, Haryam Kot.
13.	Sajjad Hussain S/O, Muslim Gul.	Thana.	Thana Khos.	63.60	" No-2 Jelala.
14.	Babbar Kamal S/O, Nek Mohammed.	Alladand.	Alladand.	63.14	" Batan Banda.
15.	Noor Rehman S/O, Hassan Khan.	Haroshah.	Haroshah.	62.44	" Mir Azam Banda.
16.	Akhter Hussain S/O Sher Afzal.	Dheri.	Dheri.	62.24	" Khog Dara.
17.	Tufail Mohammad S/O, Abdur Rehman.	Totokan.	Totokan.	62.18	" No-2 Makhband.
18.	Mohammad Ilyas S/O, Faisal Mohammad.	Kot.	Kot.	61.37	" Dheri Kandow.
19.	Mohammad S/O, Sher Zaman.	Badraga.	Badraga.	60.95	" Badraga.
20.	Mohammad, Arif S/O, Faisal Chafoor.	Agra.	Agra.	60.93	" Qaldara.
21.	Gulab Shah S/O, Mutsaber Shah.	Koper. Ganderoshah.	Koper.	60.77	" Ghani Dheri.
22.	Mohammad Imran S/O, Mohammad Zaman.	Haroshah.	Haroshah.	60.39	" Ghunda Pale.

ATTESTED

25.	Sajid Hayat S/O, Khusal Hayat.	Pir Khal.	Pirkhal.	60.31.	G.B.P.S, Qila.
26.	Maulia Khan S/O, Muzaffer Khan.	Totakan.	Totakan.	60.19.	GFB, Sallai Patti.
75 % UNION COUNCIL WISE. /					
1.	Noor Rehman S/O, Ghulam Noor.	Sindano.	Badraga.	56.38.	" Badraga.
2.	Azis Mohammad S/O, Gul Shabsada.	Noori selai.	Badraga.	56.47.	" Badraga.
3.	Azulul Haq S/O, Yaqoob Khan.	Badraga.	Badraga.	55.16.	" Khusal Garh.
4.	Fazil Reuf S/O, Jasabid Khan.	Kulalan.	Badraga.	54.94.	G.P.S, Khusal Garh.
5.	Haleem Khan S/O, Mir-Akbar.	Qadar Kili.	Badraga.	54.07.	GFB, Ghwar Kili.
6.	Anwar Said S/O, Mohammad Said.	Mizara.	Batkhele.	38.07.	" Gulshahabad.
7.	Mohammad Jehangir S/O, Fatehullah Khan.	Batkhele.	Batkhele.	54.36.	" No-1 Batkhela.
8.	Rafiq-Din S/O, Mohammad Arif Khan.	Batkhele.	Batkhele.	49.03.	GFB, Kalito.
9.	Sabir Ahmad S/O, Mohammad Wali.	Dargai.	Dargai.	58.63.	" Khatako Shah.
10.	Fervez Khan S/O, Fazal Mohammad.	Dargai.	Dargai.	46.27.	" No-2 Dargai.
11.	Mohammad Sherif S/O, Noor Sharif.	Dargai.	Dargai.	48.43.	" Jaban Dargai.
12.	Khatmat Khan S/O, Amrullah Khan.	Julegram.	D/Julegram.	55.90.	" Trai Serai.
13.	Dilaver Shah S/O, Sabir Shah.	G.U.Khel.	G.U.Khel.	58.86.	" No-1 G.U.Khel.
14.	Mohammad Iqbal S/O, Nasir Gul.	G.U.Khel.	G.U.Khel.	57.74.	" Ghangin-Abad.
15.	Rehman Gul S/O, Abdul Manan.	G.U.Khel.	G.U.Khel.	57.29.	" Shah Haider Banda.
16.	Enamul Wahab S/O, Mohammad.	G.U.Khel.	G.U.Khel.	56.64.	" Ghangin Abad.
17.	Sultan Rabiw S/O, Fazal Karim.	G.U.Khel.	G.U.Khel.	54.04.	" Mira Korona.
18.	Sultan Zamin S/O, Mohammad.	G.U.Khel.	G.U.Khel.	52.11.	" Khusal Korona.
19.	Said Akbar S/O, Mohammad Zaman.	Nashro Kandaw.	Heroshah.	58.20.	" Mir-Azem Banda.
20.	Mohammad Hayat S/O, Zorizwan Khan.	H/Sheh Kalam.	Keroshah.	57.28.	" Jennat-Abad.
21.	Fazal Rauf S/O, Mohammad Gul.	Khar.	Khar.	54.42.	" No-1 Khar.
22.	Ual Badshah S/O, Usman Din.	Khar.	Khar.	30.25.	" Sabil Banda.
23.	Fatima Ali, S/O, Nasir Wali.	Kharki.	Kharki.	56.30.	" Kharki.
24.	Yousaf Khan S/O, Mir-Gaw Khan.	Kharki.	Kharki.	56.04.	" Zarghun Gul Banda.
25.	Mohammad Nabi S/O, Fazal Rahim.	Unarsharif Banda.	Kharki.	55.61.	" Zarghun Gul Banda.
26.	Khatmat Gul S/O, Zarat Gul.	Kurkumeh- Banda.	Kharki.	48.71.	" Zangal Banda.
27.	Omer Khan S/O, Shahkhal.	Koper.	Koper.	51.67.	" Jennat Abad.

ATTESTED

	Abdul Haq S/O	Malakand.	Malakand.	49.11	Page-3	
	Syed Abdur Rasid.				G.P.S. Kandak.	
29.	Riwayat Khan S/O,	Mehardi.	Mehardi.	56.78	GPS, Musa Mina.	
	Imroz Khan.					
30.	Azmat Shah S/O,	Mehardi.	Mehardi.	54.97	" Wazirabad.	
	Rehmat Shah.					
31.	Mohammad Khalid S/O,	Mehardi.	Mehardi.	53.25	" Salgaro Banda.	
	Faqir Mohammed.					
32.	Zaboor Ahmad S/O,	Mehardi.	Mehardi.	49.84	" Salgaro Banda.	
	Khan Nazir.					
33.	Noor Rehman S/O,	Mehardi.	Mehardi.	48.56	" Salgaro Banda.	
	Wali Rehman.					
34.	Mohammad Salim S/O,	Makhsawala.	Mehardi.	47.22	" Musa Mina.	
	Mohammad Iqsa.					
35.	Bekht Jmal S/O,	Wazirabad.	Mehardi.	45.93	" Wazirabad.	
	Ghulsa Sarwar.					
36.	Riaz Mohammed S/O,	Sher Khana.	Palai.	53.70	" Musa Banda.	
	Faqir Bacha.		Palai.	49.45	" Zangal Poti.	
37.	Zakirullah S/O,	Palai.	Palai.			
	Fazlullah.					
38.	Fatih Mahmood S/O,	Qulangi.	Firkhal.	57.73	" Rika(Firkhal.)	
	Azar Gul.					
39.	Hayat Khan S/O,	Ghunto: S/Kot	Bandajot.	50.25	" Jarai.	
	Mazulla: Khan.					
40.	Mohammad Ibrahim S/O,	Sattiqin-	-do.	52.34	" Arab Danda.	
	Mohammad Badshah.	Kili.				
41.	Nisar Bacha S/O,	Pirano Kili.	-do-	50.93	" Arab Danda.	
	Kashkol Bacha.					
42.	Xirayettullah S/O,	Akramabad.	S/Kot	58.94	" Latify Kili.	
	Rehmanullah.					
43.	Herif Khan S/O,	Mayar.	-do-	58.47	" Mayar.	
	Ghulsa Akbar.					
44.	Ali Rehman S/O,	Frangi.	-do-	55.28	" Pir Mahmood Shah.	
	Saifur Rehman.					
45.	Attaur Rehman S/O,	Alify Kili.	-do-	53.12	" Latify Kili.	
	Lajber Khan.					
46.	Mohammad Ales S/O,	Frangi	Fayara.	-do-	51.89	" Munawar Shah
	Abdul Akbar.				Kili.	
47.	Latifur Rehman S/O,	Pirabad.	-do-	47.74	" Barkatsbah-	
	Khalilur Rehman.				Horona.	
48.	Faqir Mohammed S/O,	Khatoo.	-do-	47.63	" Akran-Abad.	
	Amir Mohammed.					
49.	Mohammad Ayes S/O,	Sakhkot.	-do-	43.13	" Mayar.	
	Mohammad Fahir.					
50.	Zubair Ahmad S/O,	Kalo Tal.	-do-	40.08	" Latify Kili.	
	Ajab Khan.					
51.	Mohammad Iqbal S/O,	Khan Gari.	S/Kot	56.43	" No-1 Sakhkot.	
	Giraj Mohammed.					
52.	Zahid Khan S/O,	Old S.Kot.	-do-	51.63	" No-1 Sakhkot.	
	Jam Mohammed.					
53.	Abdur Rashid S/O,	Khan Gari.	-do-	51.16	" No-1 Gulo Shah.	
	Amir Gul.					
54.	Ghekirullah S/O,	Khan Gari.	-do-	44.25	" Ziaratgi Shah.	
	M.Mohammad Sherin.					
55.	Salimul Din S/O,	Total.	Sallai Pati.	58.73	" Patta Khanori.	
	Aasal Din.					
56.	Mohammad Muzar S/O,	Total.	-do-	58.60	" Maina Khanori.	
	Sher Zaid.					
57.	Israil Mohammed S/O,	Total.	-do-	57.48	" G.B.P.S Shawtop.	

ATTESTED

58.	Sultan Room S/O, Mukaram Shah.	Qadamkhela.	Wartir.	47.52	Page-4 GPS, Sorona.
59.	Subhanullah S/O, Rehmat Khan.	Dobandi.	Wartir.	46.57	GPS, Plan Dara.
60.	Javid Khan S/O, Umar Gul.	Qadam Khela.	Wartir.	45.55	GPS, Qadamkhela.
61.	Liaq Shah S/O, Mozeen Shah.	Wartir.	Wartir.	44.11	GPS, Naker-Dara.
62.	Mohammad Ali S/O, Bukam Shah.	Dobandi.	Wartir.	42.64	GPS, Dobandi Bada.
63.	Farsani Gul S/O, Rehmi Gul.	Dobandi.	Wartir.	31.29	GPS, Garang-Dara.
64.	Mohammad Abdur Raziq S/O, Sadiq Mohammad.	Wartir.	Wartir.	28.82	GPS, Nakerdara.
65.	Said Mohammad Khan S/O, Bakht Zaid.	Wartir.	Wartir.	21.67	GPS, Matta Wartir.
66.	Mohammad Nahi S/O, Usman Ghani.	Asa Khan Dheri	S/Kot Bandaajat.	47.26	GPS, Sorona Wartir.
67.	Mohammad Yuran S/O, Abdul Malik.	Sadhqin Kili.	-do-	45.01	GPS, Landi Shah (")
68.	M. Khalilullah Shah S/O, M. Inayatullah Shah.	Jarai.	-do-	44.11	" Garang-Dara (")
69.	Saifullah Khan S/O, Musa Khan.	Khali- Rokhan.	-do-	41.12	" Plan Dara (")
70.	Gul Khan S/O, Paali Bekir.	H/Rehman Kili.	-do-	40.83	" GPS, Matta (")

TERMS & CONDITIONS.

1. Their appointment is post & Schools specific and not transferable.
2. The appointments are made purely temporary and is liable to termination at any time with out giving any reason.
3. They are required to produce health and age Certificate from the Medical Superintendent Civil Hospital Baskhela (M.D.).
4. They should not hand-over charge if their age crossed 35 years or less than 18 years.
5. Their original testimonial should be checked and verify from the concerned Board/University after taking-over charge & before payment of salary.
6. Charge report should be submitted to all concerned in duplicate.
7. In case they failed to resume duty within 15 days of issue of order the order should be stand automatically cancelled.
8. They are required to sign an agreement form with the Deptt./Govt before taking-over charge.
9. The recruitment of S.No:66 to 70 made as a stop-gap arrangement at U/council Wartir provided that their contract shall not be extended after a qualified candidates in the U/council concerned become available.

DISTT. COORDINATION OFFICER,
MALAKAND.

Endst: No: 8368-9049 / P.No/Estab: Recruit/PST(M)/EDO(B&L)Mkd. Dt: 6.11.02

Copy forwarded for information & n/s to:-

1. P.S to Minister for Edu: N.W.F.P, Peshawar.
2. The Director B&L, N.W.F.P, Peshawar. (3) Distt: Nazim Malakand.
4. The Distt: Coordination officer Malakand. (5) A.A.O, Malakand.
5. D.O. B&L, Malakand (6) - (7) D.O (M) Baskhela & Dargal. S-81.H. Teacher concerned. 82-175. All candidates concerned.

ATTESTED

Executed Duty Officer B&L,
School & Literacy Malakand
at U.

ATTESTED

ATTESTED

DEPUTY SECRETARY POLICE
(WAZIRIAH LATIF)
[Signature]

227
18/10/2020

- Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
1. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
 2. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
 3. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
 4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
 5. The Provincial Secretaries in Khyber Pakhtunkhwa.
 6. All Divisions of Attached Departments 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 Public Service Commission, 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 with the request to the Section Officer (Admn), Administration Department.
 15. The Director, Gazette, copies.
 16. The Director, Administration Department.

CHIEF SECRETARY
GOVERNMENT OF THE IGADDER PAKHTUNKHWA

AMENDMENT

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa (Civil Servants) (Appointment, Promotion and Transfer) Rules, 1989, the following amendments shall be made, namely:

Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Peshawar, dated 06/10/2020

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION WING)

Annexure - B -

-11-

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

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

**CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

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

ATTESTED

ARRESTED

REPUBLIC OF INDIA VS GOVT OF PAK

Section Officer (Policy)

Section Officer (Person)

Yours faithfully,

Copy forwarded to:-
1. Dy. Secy (Legal), Establishment Department
2. Dy. Secy (Security Policy), Establishment Department
3. Dy. Secy (Security Policy), Establishment Department

Index, Of file No & date

1. The State Emblem of India is not to be used in any manner which may bring it into disrepute or which may be considered derogatory to the dignity of the Government of India. The Government of India has issued a notification dated 04.01.2010, thus, no provision exists to decline or forgo promotion.

2. The State Emblem of India is not to be used in any manner which may bring it into disrepute or which may be considered derogatory to the dignity of the Government of India. The Government of India has issued a notification dated 11.04.2011 on the subject cited above and to state that Sub-Rule (2) of Rule 7 of Mysore Public Service (Appointment, Promotion and Transfer) Rules, 1959 stands deleted with effect from the date of issue of the notification.

3. Furthermore, those officials who do not comply with promotion order of the competent authority or by to evade promotion through different means shall be proceeded against under Mysore Public Service (Discipline & Discharge) Rules, 1959, please.

Subject: **EMBLEM OF INDIA - USE OF THE EMBLEM OF INDIA IN THE EMERALD, JAWAHAR NAGAR, DELHI**

The Government of India has issued a notification dated 04.01.2010, thus, no provision exists to decline or forgo promotion.

Annexure - C

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223587)

No. SO (Primary-M/E&SED/2-6/2023)
Dated Peshawar (tho. June 26th 2023

To:

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

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

[Handwritten Signature]
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE (KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1988.

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

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

Encl: AA

[Handwritten mark]

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

Copy forwarded to the:

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

[Handwritten mark]

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

[Handwritten Signature]
ATTESTED

-14-

B/c

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

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

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

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALI)

~~ATTESTED~~

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

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

Annexure
①


Sl No	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. Razaqul Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

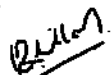
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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


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


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


(Mr. Razaqul 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 KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 715 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

SJ	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

1. 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.

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ATTESTED

~~APPROVED~~

WPK443-2023 AZIZILAH VA GOVT CP P043

Copy of the cover to:
1. PA to Director Local Directorate
2. Master Copy

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 cover 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 of this office has been asked for submission of consolidated case.

That the government of KP-ED (Education Wing) vide letter No. SO (Policy) EQAD/1-2/2020 dated 6-06-2023 accordingly stated that there exists no provision to direct for promotion under any condition. It is obligatory upon every civil servant to accept promotion under any condition.

That your good office forwarded the same to quanta concerned vide letter No. SO (Promotion) EQSED/2-2/Appointment/2023 for necessary guidance.

That the office sought guidance from your good office in the following vide notification No. No. SOP-VI (EQAD)-1-3/2020 dated 06-08-2020. The Government of KP Establishment department (Education Wing) decided rule 9(S) in Civil Servants (Appointment-Promotions) Rules 1997.

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
I am directed to refer to letter No. (SO. Prom. -M) EQSED/5-1/6/2023
Dear Sir,

Suggested: Minutes of Meeting
KPK, Peshawar
* Elementary & Secondary Education Department
Section 3 Office (Firmly-Male)
FESBURA (21-7-2023)

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
-B/C-
-17-



No. 8145 / P. No. 345577/Gehara/Case Date: 21/7/2023
Phoner 091-9773344 Email: estab@khyber.gov.pk

Khyber Pakhtunkhwa, Peshawar

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

Subject: MINUTES OF THE MEETING
Dear Sir,

I am directed to refer to the letter No. SO (Primary-M) E&SED/3-1/
Q. Misc/Minutes of the Meeting/157/2023 dated 10-07-2023 on the subject cited above and to
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOB-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 16-02-2023.
 - (i) How it is obligatory upon the civil servant to accept Promotion in every condition.
 - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
 - That your good office forwarded the same to the quarter concerned vide letter No. SO (Primary-M) E&SED/3-1/Appointment/2023 for necessary guidance.
 - That the Government of Khyber Pakhtunkhwa Establishment Department (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 or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
 - The same was received by this office from your good office vide letter No. SO (Primary-M) E&SED/3-1/Appointment/2023 dated 13-06-2023.
 - That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.
- In view of the above, this office is of considered opinion that the deletion of Rules 7(3) have affected negatively a large numbers of Female Teachers. Thus it is proposed that Teachers below 17.5-16 may be exempted of implications of the amendment in the rules if provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

21/7/2023
Assistant Director (Estab & E-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Encls: No. Copy of the above is as:-
1. PA to Director, Local Directorate.
2. Master Copy.

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

ATTESTED



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

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

Annexure

E

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

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

Dear Sir,

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

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

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

(MUHAMMAD TARIQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(M. Tariq)
SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

ATTESTED

~~RESTRICTED~~

1. Director E & SE Kyba Rikthunkhu
2. PS & Secretary, E & SE Department of Kyba Rikthunkhu

(Municipal Level)
Section Officer (Primary)
(Male)

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

9 am directed to refer to your letter No. SA (Primary) (Peshawar) / E&AD / 1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(S) Kyba Rikthunkhu - 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 Kyba Rikthunkhu Civil Servant (Efficiency and Discipline) Rule 2012.

DEAR SIR,
SUBJECT: Guidance regarding deletion of Rule 7(S) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)
Peshawar.
The Secretary to Government of Kyba Rikthunkhu,
Establishment and Administration Department,
Peshawar.

To
No. SA (Primary - M) / E&SE / 1-3/2023
Appointment - Rule / 2023
Peshawar Dated 23rd August, 2023

- B/C -

- 2 -

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)

Endst. Of even No & date

Copy forwarded to the:-

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

TESTED
SEP 12 2023 AZIZULLAH US GOVT OF PK

-21-

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)

Endst. Of even No. & date

Copy forwarded to the:-

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

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

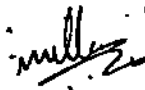
Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER 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 28/01/2024


MUHAMMAD AYAZ
S/O MUHAMMAD TAHR
SPST

~~SECRET~~

NSA/CSS (S) - 2012-2013 ANNUAL REPORT

2012/03/03
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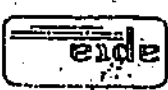
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Annexure - H

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APTA House
1001 PONDY ROAD
SINGAPORE 060114



APTA House

APTA House
1001 PONDY ROAD
SINGAPORE 060114

07.05.2024

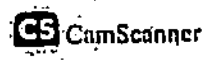


1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through ECS for submission of reply/corrections. Appellant is directed to deposit ECS expenses within three days. To come up for reply/corrections as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 13-5-24
 Number of 1
 Copies 1
 Page(s) 1
 Total 1
 Name of 13-5-24
 Date of 13-5-24
 Date of Receipt of Copy 13-5-24



ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD AYAZ

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

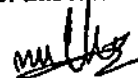
BASSAM AHMAD SIDDIQUI AHC

&

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.

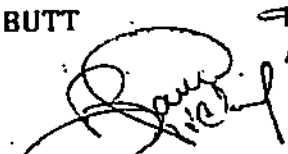


APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court