


FORM OF ORDER SHEET

Court of _____

Appeal No. 1715 /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

Muhammad Manzoor


v/s

Government of KP & others

SA # 1775/2024

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ADVOCATE

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1775 /2024

Muhammad Manzoor Son of Jamal Din Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Dana Doga

.....Appellant

V E R S U S

- 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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, 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/1-312020, 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 Monthly Salary account 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 SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUNDS:-

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

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

It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3, 1-2020 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 Muhammad Manzoor Son of Jamal Dln Resident of Tehsil & District Manshera that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

[Signature]
 Deponent

[Signature]
 Appellant

Through

[Signature]
 Muhammad Muazzam Butt
 Advocate Supreme Court

[Signature]
 Muhammad Adeel Butt
 Advocate High Court

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

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

CM No _____ -P of 2024

In Ref to

Service Appeal No _____/2024

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

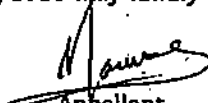
In view of the reasons, it is humbly requested that the notification bearing No. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.


AFFIDAVIT:


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


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEERA.

Office Order No. 9 / dated 24.3.92.

APPOINTMENT.

Consequent upon their selection on merit, the following PTO trained candidates are hereby appointed in BPS 7 Rs. 1095-60-1995 plus usual allowances as admissible under the rules with effect from the date of their taking over charge the against the newly created posts in the schools given against their names each in the interest of public service.

S.NO	NAME OF CANDIDATE, FATHER NAME AND RESIDENCE.	NAME OF SCHOOL WHERE APPOINTED	REMARKS.
1.	Fazalul Islam S/O Ahmad Khan R/O Kotly Paeen	GPS Bisala Dadrr	Against Newly created post.
2.	Israrul Haq S/O Hazrat Yousaf R/O Kotly Paeen	GPS Kulharay west	vice Mohd Ayub retired from service.
3.	Mohammad Fiaz S/O Fazalur Rehman R/O Kot Ballah	GPS Parawara(Oghi)	Against newly created post.
4.	Anwar Khan S/O Behram Ehan R/O Paraa	GPS Naran	--do--
5.	Mohammad Ijaz S/O Noor Mohammad R/O Channial(Mansehra)	Hsq: School Cera	--do--
6.	Azizur Rehman S/O Mohammad Arfan R/O Pairan	Hsq: School Hoh: Nehrazi Parani	--do--
7.	Mohammad Yousaf S/O Mahmood Khan R/O Karori Rala	GPS Rajla	Against newly created add; post.
8.	Mohammad Tariq S/O Abdur Rashid R/O Jabbi (B/kote)	GPS Makarya	vice Mohd Ijab Retired.
9.	Sajjad Ahmad S/O Mohammad Ayub R/O Batkarar (B/Kote)	GPS Ogh Village	Against newly created AD: post.
10.	Dost Mohammad S/O Malang Khan R/O Tikri. (Battagram)	GPS Gurati B/Gram	Against vacant post.
11.	Shahid K Jamil S/O Mohammad Younas R/O Kotkay	GPS Palo Dheri	Against Newly Addl: post.
12.	M.Ghuliam S/O Mohammad Yusuf Shohal Najaf Khan	Hsq: Street Pira	Against newly created post.
13.	Mohammad Rifaqat S/O Mohammed Zarin R/O Kot Ballah	GPS Masain Banda (Ogh)	newly created post.
14.	Mohammad Ishtiaq S/O Mohammad Younis R/O Haryala	Hsq: School Bela Mitraan.	--do--
15.	Raja Babu Jehangir S/O-Raja Babu Sultan R/O Bahali.	GPS Buraaj	--do--
16.	Haq Nawaz S/O Khalilur Rehman R/O Hari Nara	Hsq: School Khakoo. G/O Jor Nur.	--do--

Contd: Page 2.

ATTESTED

Azhar Hussain S/O Sikanur Khan R/O Jarced	Mosque School Nullah Jadar(Kaghan)	Against newly Created post.
108. Abdul Qayum S/O Mahmood R/O Shakoora.	GrS, Khababat.	-do-
109. Mohd Yousuf S/O Mohd Aman R/O Khairabad.	Mosque School Tilhari(Pabhinna)	-do-
110. Ibrar Hussain S/O Azizur Rahman R/O Reen (G.H.Ullah)	Mosque School, Tikia Miskeen Shah (Shergrah)	-do-
111. Khurshid Ahmad S/O Sher Ahmad R/O Kummi(Khangiri)	Mosque School, Suki Kanari.	-do-
112. Mohd Mushtaq S/O Mohd Nawaz R/O Jachha.	Mosque School Patian Fein(Khewai)	-do-
113. Mohd Salim S/O Mohd Islam R/O Dharyal.	GrS, Jadar(Gum)	-do-
114. Waqar Ahmad S/O Ghulam Nabi R/O Seri Khairabad.	Mosque School Farooq Abad(Trangri)	-do-
115. Mohd Afzal S/O Rustam Khan R/O Peshora(B.Gram)	Mosque School Chhāny	Vice Mr. Abdul Qadoos on Long leave.
116. S. Mohd Shah S/O S. Jaider Shah R/O Battangi Nakka.	GrS, Charrangeddah (Ughi).	Against newly crt; Add; post.
117. Gul Aman S/O Mohd Ayub R/O Khaith Serash.	Mosque School, Ratta Nullah(Paras)	-do-
118. Mohd Israr S/O Samundar Khan R/O Garlat.	GrS, Betangra(Hassa)	-do-
119. Rifaqat Hussain S/O Jhanzeb. R/O Labharkote.	Mosque School Near Commer; Joolle(Mansh)	-do-
120. Mohd Razziq Shah S/O Mahmood Shah R/O Nawansher(Battagram)	Mosque School, Dheri Kandow	Against vacant post.
121. Riaz Mohd S/O Mohd Islam R/O Phagal(Balakote)	Mosque School, Kalaban.	Against newly created P-C post.
122. Fazlur Rahman S/O Khani Aman R/O Khaith Serash;	GrS, Sokal	Vice Abdul Dayan ret; Ret; from service.
123. Shabeer Ahmad S/O Miamstual R/O Dogin Jarced	GrS, Bela Sawan(Kawga)	Against newly crt; P-C post.
124. S. Ziafat Hussain S/O Noor Hussain Shah R/O Mahmooda Paran)	Mosque School, Kohistan Colony (M-nah)	-do-
125. Mohd Manzoor S/O Jamalud Din R/O Seri Khairabad.	Mosque School, Pora Sokal("alikipur)	-do-
126. Mohd Ilyas S/O Mohd Ismail R/O Arghashro(Battagram)	Mosque School Kharghari.	Against vacant post.

APPROVED

- 8. Noorud Din S/O Alaf Din GPS Badwar(B/Kote) vice Shakil Ahmad on long leave.
Kalas Bhangian
- 149. Sirajuddin ~~XXXXXXXXXX~~ S/O Msq: School-Sundar against Newly created
Mohammad Sharif R/O Mera Amjad Ili PTC post.
Mera Amjad Ili
- 150. Mohammad Saeed S/O Mirza Mohammad ---do---
Arfan R/O Ghanool GPS Bagrian (Oghi)
- 151. Asfaq Ahmad S/O Mohammad Yousaf Msq: School Mandiar ---do---
R/O Mera Amjad Ili
- 152. Attaurehman S/O Saifullah GPS Sarwai Sh: Additional Post.
R/O @ Pore G.I.Ullah Mezullah
- 153. Mohammad Rehman S/O Attaurehman GPS Bateela Against vacant post.
R/O Rashang Alai
- 154. M Raja Mohammad Imtiaz S/O R. GPS Jiskote Oghi Against Additional p
Abdur Rashid R/O Trari post
- 155. Altaf Hussain S/O Safiullah GPS Miana Gali Against Newly created
R/O Pore G.I.Ullah post.
- 156. Mohammad Arif S/O Mohammad Rafique GPS Oghi Centre Additional post.
R/O Garlat
- 157. Ikhlaq Hussain Shah S/O Hoor Javed Bagan Sala vice Javed on study
Shah R/O Manda Jigan G.H.Ullah leave.
- 158. Said Nawab S/O Mohammad Khan Msq: School Para against newly created
R/O Mera Mada Khalil K.D Mada Khalil K.D post.
- 159. Mohammad Saleem S/O Mohammad GPS Zoonglay K.D against Newly created
Ibrahim R/O Jhajja G.H.Ullah post.
- 160. Abdus Sattar R/O Faiz Mohammad GPS Miana Gali ---do---
R/O Shinkleri
- 161. Inayatullah S/O Said Ahmad R/O GPS Para Paro vacant post.
Pashto

NOTE. The occupant of the post if any should vacate the post and take over charge in the school from where he has been posted/adjusted against any one of the above mentioned newly created posts.


TERMS AND CONDITIONS:-

1. They should submit their charge reports to all the concerned.
2. Their appointment is purely temporary and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their professional and academic certificates/documents.
4. Their pay will be drawn after the verification of their professional and academic certificates from the concerned issuing agency/organisation if found correct.

CONTD: PAGE 9.

ATTESTED

5. Their original professional and academic certificates should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
6. Their pay will not be drawn till they produce their age and health certificates issued by the Medical Superintendent DEQ Mansehra.
7. They will be Governed under prescribed services rules of Govt of N.V.P.P.


DISTRICT EDUCATION OFFICER(M),
PRIMARY MANSEHRA.


Endst:No. 1911-2074 /GB/Appett./PTC. Dated Mansehra the 24/3 /92.

Copy of the above forwarded to the:-

1.2. Sub-Divisional Education Officer(M) Mansehra & Battagram

3. All the candidates concerned.

64. O.O.File.


DISTRICT EDUCATION OFFICER(M),
PRIMARY MANSEHRA.

ATTESTED

Dist. Govt. NWFP-Provincial
District Accounts Office Mansehra
Monthly Salary Statement (July-2023)



Personal Information of Mr MUHAMMAD MANZOOR d/w/s of JAMAL DIN

Personnel Number: 00222198 CNIC: 1350113210481 NTN:
Date of Birth: 04.05.1969 Entry into Govt. Service: 28.03.1992 Length of Service: 31 Years 04 Months 005 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80627427-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6137-District Mansehra

Payroll Section: 001 GPF Section: 001 Cash Center: 08

GPF A/C No: EDUMA007737 Interest Applied: Yes GPF Balance: 954,101.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 21

Wage type		Amount	Wage type		Amount
0001	Basic Pay	65,500.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	880.00
2199	Adhoc Relief Allow @10%	591.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,408.00	2347	Adhoc Rel Al 15% 22(PS17)	6,408.00
2378	Adhoc Relief All 2023 35%	22,925.00			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	-2,237.00	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	540,000.00	-15,000.00	105,000.00

Deductions - Income Tax

Payable: 35,783.88 Recovered till July-2023: 2,237.00 Exempted: 8945.49 Recoverable: 24,601.39

Gross Pay (Rs.): 113,856.00 Deductions: (Rs.): -23,462.00 Net Pay: (Rs.): 90,394.00

Payee Name: MUHAMMAD MANZOOR

Account Number: PLS 2215-7

Bank Details: NATIONAL BANK OF PAKISTAN, 230665 GARHI HABIBULLAH GARHI HABIBULLAH, MANSEHRA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

ATTACHED

ATTESTED

ATTESTED



DEPUTY SECRETARY (POLICY)
(MAJLIS HAIKATI)

[Signature]

- 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 Chief Minister, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Government, 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, Khyber Pakhtunkhwa Public Service Commission, 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 Section Officer (Admn), Administration Department.
- 16. The Careraker, Administration Department.

COPIES NO & EVEN DATE

CHIEF SECRETARY
GOVERNMENT OF THE KHAYDER PAKHTUNKHWA

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

AMENDMENT

Further amendment shall be made, namely:

1. 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 amendments shall be made, namely:

Dated Peshawar the 06/18/2020

NOTIFICATION

GOVERNMENT OF
KHAYDER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

Annexure B

-12-

B/C

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 of B) 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)

ATTACHED

1-13-

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/KAD/1/2023
Dated Peshawar the 06, 2023

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Polcy-MY/AS/1071-
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(G) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted with effect from the date of the department notification dated 06.03.2023; thus, no
provision exists to debar or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from temptation for illicit 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 Services (Efficiency & Discipline) Rules,
2011, please.

Yours faithfully,

(Issa Bakhsh Khan)
Section Officer (Polcy)

ASE
7/6

7/6

Inst. Of even No & date

Copy forwarded to:-

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

88/11/1

21.6.23

Section Officer (Polcy)

ATTACHED



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

No. SO (Primary-MYE&SED/2-6/2023
Dated Peshawar/ ths. 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, 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 (E&SE) Department in his office.

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

Encl: AA

[Handwritten Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

ATTESTED
[Handwritten Signature]

-15-

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, 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)

~~ATTACHED~~

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


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


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

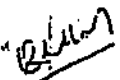
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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



-17-

-B/C-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING OF 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 .

SR	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



No. 8145
 Kyber Pakhtunkhwa, Peshawar
 J.P. No. 31557/W/General Cases
 Dated 21-7-2023
 Phone: 091-9272314
 Email: estab@pwt.gov.pk

The Section Officer (Primary-4/14),
 Elementary & Secondary Education Department,
 Kyber Pakhtunkhwa Peshawar.

Subject: MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No. SO/Primary-4/ESSED/11-17/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

The Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Raha 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules 1982) vide notification No. SO-R-VI (E&AD)/1-3/2020 dated 06-08-2020.

That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023.

(i) Now it is obligatory upon 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-4) ESSED/7-2/Appointment/2023 for necessary guidance.

That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 06-08-2020 categorically stated that there exists no provision to decline or forego 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-4) ESSED/7-2/Appointment/2023 dated 12-06-2023.

That in the light of the minutes of meeting dated 07-07-2023, held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of considered case.

In view of the above, this office is of considered opinion that the decision of Rules 7(2) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers being DRS-16 may be exempted of implications of the amendment in the rules bid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

19/7/2023
 Assistant Director (Etab-1)
 Elementary & Secondary Education
 Kyber Pakhtunkhwa

Encl: No. Copy of the above is to:-

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

Assistant Director (Etab-1)
 Elementary & Secondary Education
 Kyber Pakhtunkhwa

WP442-2023 AZZULMAN VS GOVT OF PWA3

~~ATTENDED~~

-18-

ATTACHED

WPM443-2023 AZIZULHAQ VS GOVT OF POKS

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

In view of the above, this office is of considered opinion that the decision of Rules 7(S) have affected 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. SO (Policy) E&SD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline foreign promotion. It is obligatory upon every civil servant to accept promotion under any condition.

That your good office forwarded the memo to quorate concerned offer of promotion. (ii) If it is obligatory upon civil servant to accept promotion. (iii) If it is permissive of civil servant to either accept/decline the offer of promotion.

That your good office forwarded the memo to quorate concerned vide letter No. SO (Policy) E&SD/1-2/11/2023 for necessary guidance.

That the government of KP-ED (Regulation wing) vide letter No. SO (Policy) E&SD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline foreign promotion. It is obligatory upon every civil servant to accept promotion under any condition.

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

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

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

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Policy-M) E&SD/1-3/2020 dated 06-08-2023 on subject cited above and to present brief history about background of cases under:

That government of KP Establishment department (Regulation wing) added rule 7(S) in Civil Servants (Promotion, Transfer, etc.) Rules 1997 vide notification No. Na. SO-R-VI (E&SD) 1-3/2020 dated 06-08-2020. That this office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023.

(i) Now it is obligatory upon civil servant to accept promotion.

(ii) If it is permissive of civil servant to either accept/decline the offer of promotion.

(iii) If it is permissive of civil servant to either accept/decline the offer of promotion.

FSHAWAR
(21-7-2023)

-B/C-



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

Annexure E

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

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 05th 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.

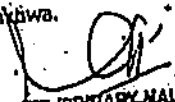
2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 ISMAIL)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

ATTACHED

~~ATTACHED~~

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

Copy forwarded to:
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.

Dear Sir,
I am directed to refer to your letter No. SO (Primary) (EGAD) /1-3/2020 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 2013.

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

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

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

- 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.

NO-442-2023 AZIZULLAH VS GOVT OF PK

ATTESTED

Annexure F

-22-

- 23 -

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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

-24- Annexure 9

To,

Dated: 28-01-2024

- 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

REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. 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.

Best Regards


Muhammad Manzoor Son of Jamal Din
Resident of Tehsil & District Manshera

ATTESTED

~~APR 2023~~

WP443-2023 AZIZILAH VS GOVT CP PG3

08/11/23
[Signature]

Handwritten text in Urdu script, appearing to be a list of items or a detailed note.

Handwritten signature or name in Urdu script.

Amnerure H

اپریل 2023 (اپریل) کے لئے

APTA House
Govt Primary School No. 4
Subdistr. Peshawar City



Khyber Pakhtunkhwa

President
0333-0112541
1773@apta.org.com

07.05.2024



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

[Handwritten signature]

Date of Presentation of Application 10-5-23
 Number of 1-1
 Copies 11
 Urgent SI
 Total SI
 Name of SI
 Date of 18-5-23
 Date of Delivery of Copy 17-5-23

ATTESTED

27-

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD MAHSOOR.

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 Sult 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