


FORM OF ORDER SHEET

Court of _____

Appeal No. 1792 /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 ^{v/s} ARSHAD

Government of KP & others

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 1792 /2024

Muhammad Arshad son of Abdul Qadir, PSHT (BPS-15)

Eid gah road, House no. 2370-T Mardan

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

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

Copy of impugned letter dated 07-09-2023 is attached as Annexure F.

10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed.

Copy of Representation against the said notification is annexed as Annexure G & H.

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

GROUND:-

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

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

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

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

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

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

[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

C.M No _____-P of 2024

In Ref to

Service Appeal No _____ 2024

Muhammad Arshad

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

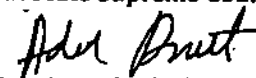
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification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

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


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

AFFIDAVIT

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


Deponent

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



Personal Information of **MR. MOHAMMAD ARSHAD** of **ABDUL QADER**

Personnel Number: 00116941

CNIC: 1610194891921

NTN: 0

Date of Birth: 20.04.1965

Entry into Govt. Service: 03.02.1986

Length of Service: 38 Years 05 Months 030 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH

80003432-DISTRICT GOVERNMENT KHYBE

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

Payroll Section: 003

GPF Section: 001

Cash Center: |

GPF A/C No: EDUMR003384

GPF Interest applied

GPF Balance:

167,906.00 (provisional)

Vendor Number:

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 25

Wage type	Amount	Wage type	Amount
0001 Basic Pay	73,820.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,816.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2148 15% Adhoc Relief All 2013	985.00
2199 Adhoc Relief Allow @10%	659.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	7,006.00	2347 Adhoc Rel A 15% 22(PS17)	7,006.00
2378 Adhoc Relief All 2023 35%	25,004.00	2393 Adhoc Relief All 2024 25%	18,355.00
5011 Adj Conveyance Allowance	8,568.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,250.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-8,063.00	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: 109,728.90 Recovered (all JUL-2024): 8,063.00 Exempted: 27110.76 Recoverable: 74,555.14

Gross Pay (Rs.): 152,147.00 Deductions (Rs.): -14,288.00 Net Pay (Rs.): 137,859.00

Payee Name: MOHAMMAD ARSHAD

Account Number: 2848-8

Bank Details: NATIONAL BANK OF PAKISTAN, 230363 MARDAN MAIN BRCH MARDAN MAIN BRCH, MARDAN

Leaves: Opening Balance: Aailed: Eamed: Balgned:

Permanent Address: EID GAH ROAD MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: arshadphst15@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(130696/16.07.2024/1.0)

All amounts are in Pak Rupees

Errors & omissions excepted (SERVICES01.DR.2024/10.02:14)

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OFFICE OF THE DEPUTY EDUCATION OFFICER, (H.A.S.) MARDAN.

ADJUSTMENTS/APPOINTMENTS.

OFFICER ORDER

The following appointments/Adjustments of P.T.O teachers /Candidates are hereby ordered in the interest of public service with immediate effect. The new appointments will get Rs. 560/- PM fixed & Infix pay plus usual allowances as applicable to them under the rules.

S. No.	Name of teacher.	From.	To	Remarks.
1.	Mr. Sabas Ali, P.T.O	GPS, Gharib Abad.	GPS, Labour Colony. A.V.	
2.	Mr. Jaseer Khan, P.T.O	GPS, No. 2. Swabi.	GPS, Koragh.	
3.	Mr. Anwar Khan, P.T.O	GPS, Rodawan.	GPS, Norman Khel. New School	
4.	Mr. Aman Shah, P.T.O	GPS, No. 2 Jhangira.	GPS, No. 3 Hathian.	do
5.	Mr. Basool Khan, P.T.O	GPS, G/H. S. K. Sarool.	GPS, Gharib Abad. Vice No. 1	
6.	Mr. Mohammad Hanif, P.T.O	GPS, Ibrahim Khan.	GPS, Miangano Cham. New school.	
7.	Mr. Abdul Ali, P.T.O	GPS, Toru Miran.	GPS, Sani Mar.	do
8.	Mr. Habibul Wahab, P.T.O	GPS, Subidar Killi.	GPS, No. 2 Swabi.	Vice No. 2
9.	Mr. Faqir Hussain, P.T.O	GPS, Guli Bagh.	GPS, Subidar Killi.	Vice No. 8
10.	Mr. Khair Gaid, P.T.O	GPS, Aalam Banda.	GPS, Railway station. New Sch.	
11.	Mr. Mohammad Inam, P.T.O	GPS, Koragh.	GPS, Dhaki.	do
12.	Mr. Faizullah, P.T.O	GPS, Gayan Abad.	GPS, Civil Colony.	do
13.	Mr. Lal Said, P.T.O	GPS, Sharnakhan.	GPS, Chak Taja.	do
14.	Mr. S. Sabir Jansal, P.T.O	GPS, Sakhtar Banda.	GPS, do	do
15.	Mr. Mohammad Ibrahim, P.T.O	GPS, Labour Colony.	GPS, Norman Khel.	do
16.	Mr. Younis Khan, P.T.O	GPS, Karimpota.	GPS, Ibrahim Khan.	Vice No. 6
17.	Mr. Abdul Haq, P.T.O	GPS, Shahnoor Killi.	GPS, Jamra.	New school.
18.	Mr. Paqli Haqid, P.T.O	GPS, Mohabat Abad.	GPS, Takht Bhai.	do
19.	Mr. Negin Saeedha s/o Haid Mohammad, of Jamal Garhi Mardan.	BA Candidate.	GPS, Aalam Banda.	Vice No. 10.
20.	Mr. Zahidullah, s/o Zara War Khan Soddar. Killi Mardan.	BA do	GPS, Sharnakhan.	Vice No. 15.
21.	Mr. Khodim Shah s/o Ghulam Ali of Chawa Takht Bhai. Mardan.	BA do	GPS, Takht Bhai.	New school.
22.	Mr. Hussain Ahmad s/o Bashir Ahmad of Pati Kalan. Mardan.	BA do	GPS, Shahnoor Killi.	do
23.	Mr. Fazli Sahadat s/o Haji Sahadat of Bhai Khan.	BA do	GPS, Sakhtar Banda.	Vice 8:14
24.	Mr. Sher Mohammad s/o Juma Khan of demargand Korjona Mardan.	BA do	GPS, Civil Colony.	New school.
25.	Mr. Fazli Hanan s/o Abdul Hanan Par. Gobi.	BA do	GPS, Guli Bagh.	Vice No. 9
26.	Mr. Ajmal Khan s/o Zarif Khan of Madny Baba.	BA do	GPS, Hathian No. 3	New school
27.	Mr. Parves Khan s/o Akbar Khan of Holki Sanda.	BA do	GPS, Mohabat Abad.	Vice No. 18
28.	Mr. Mushtaq Ahmad s/o Rahimullah of F. ar.	BA do	GPS, Sandimar.	New school.

ATTESTED

29. Mr. Gulzar Nizah s/o Mohiullah of Jamal Garhi. BA Candidate. GPS, No. 2 Mian Khan. New school.
30. Mr. Bahiullah s/o Bahiddat of Nasir Killa. BA Candidate. GPS, Dhaki Chamsang. New school.
31. Mr. Sahmatullah s/o Haroon of Hahnoor Pul Sakht Bhal Mardan. BA Candidate. GPS, Jamra. New school.
32. Mr. Saeedur Rahman s/o Salfur Rahman of Subapt. BA Candidate. GPS, Mian Khan No. 2. New school.
33. Mr. Farhanur Rashid s/o Ghulam Sarwar of M. Jil Garh Mardan. (TEACHER'S QUOTA) BA Candidate. GPS, Toru Malka. Vice No. 7.
34. Mr. Sahat Ali Shah s/o Sher Ali of Katti Garhi. PA Candidate. G/M/S Kohi Barool. Vice S. No. 5.
35. Mr. Mohammad Karshad s/o Abdul Qadir Mardan. PA Candidate. G/M/S. Qayum Abad. Vice S. No. 12.
36. Mr. Mohammad Idrees s/o Gulshahada of Jamal Garhi. SSC/577 GPS, Railway Station. New school.

- Notes:-
1. Charge reports should be submitted to all concerned.
 2. They appointments of the candidates have been made purely on temporary basis and liable to termination at any time, without any notice or assigning any reason. In case of resignation they will have to give one month prior notice to the Deptt. for furnished one's month's pay to in lieu thereof to the Govt.
 3. They are required to produce their health and age certificate from the Medical Officer D.H.Q. Hospital Mardan.
 4. Charge should be given to the candidate between 18-25 years of age.

(Signature)
 (Gul Shahn Khan)
 District Education Officer,
 (Male) Mardan.

Encls: No. 3915/Genl/B-II/PTC Dated Mardan the, 3/2 /1986

- Copy forwarded for information to the:
1. Director of Education (Schools) NWFP Peshawar.
 2. Director of Education (Schools) Peshawar Division Peshawar.
 3. H/Teacher & H/Master concerned.
 4. S.D.E.O. (Male) Mardan.
 5. Candidate concerned.

"HAYAT" Ch. M. S. D.

(Signature)
 District Education Officer,
 (Male) Mardan.

(Handwritten marks)

ATTESTED

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

Subject: E&AD/1-3/2020: In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

EXISTING NO & EVEN DATE

Copy 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.
- The Deputy Director (IT), E&A Department
All Section Officers in Establishment & Administration Department
The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
The Caretaker, Administration Department.



(WAJIAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED

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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~~

ATTESTED

WP-443-2023 AZIZULHAQ VS GOVT OF PAK

Handwritten notes and signatures at the top right of the page.

Secretary (Policy)

Secretary (Policy)

- 1. Copy forwarded to the...
- 2. To Additional Secretary (Legal), Establishment Department...
- 3. To Deputy Secretary (Policy), Establishment Department...

Handwritten signature and initials.

Handwritten initials: ASE, 2/16

Your Excellency,

2011, please.

Further, these 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 (Promotion & Discipline) Rules.

1. Furthermore, these officers/officials who do not comply with promotion order shall screen to accept promotion in every condition.

to seek higher responsibilities in case of promotion. Therefore, it is obligatory upon every person who lead to force promotion to evade promotion or abuse lack of capacity will screen from completion for which rule by acting in a single instance promotion or to The latter rationale behind the deletion of the said rule is aimed at preventing a provision which is obsolete or superfluous.

2. The Government of Khyber Pakhtunkhwa (Civil Servants (Promotion and Transfer) Rules, 1989 stands deleted with effect from 06.08.2023) and to state that Sub-Section 2 of Rule 7 of Khyber Pakhtunkhwa Civil Servants (Promotion and Transfer) Rules, 1989 stands deleted with effect from 06.08.2023.

I am directed to refer to your letter No. SO/12047-2023 dated 06.08.2023.

Subject: **QUANTIFICATION OF PENSION OF PENSIONERS IN THE KHYBER PAKHTUNKHWA CIVIL SERVICE (PROMOTION AND TRANSFER) RULES, 1989.**

The Government of Khyber Pakhtunkhwa
Secretary & Secretary (Education Department)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO/Policy/12047/2023
Dated: February 06, 2023



Annexure - C

12

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

Pn. SO (Primary-M)E&SED/2-3/2023
Lahor Peshawar (th. June 26th, 2023)

To

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

Aziz Ullah Khan
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, 1988.

I am directed to refer to the subject noted above and to enclose herewith a letter of Establishment Department letter No. SO (Policy)ESAD/1-3/2023 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

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

Copy forwarded to the:

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

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

WP#42-2023 AZIZULLAH VS GOVT OF PK

~~ATTESTED~~

13
B/c

No SO (Primary-M)/E&SB/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&SB 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 MAIL)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MAIL)

~~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(3) 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.	NAME	DESIGNATION
1	Mr. Fazal Waheed	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 CMO, Secretariat Khyber Pakhtunkhwa Peshawar

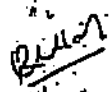
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


(Mr. Fazal Waheed)
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

15
- B/c -

**MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING DELETION OF RULE 7(B) 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

SU	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

- 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.
- 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

ATTACHED

WPK43-2023 AZZULIAN VA COVT OF PWD

Harold Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

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

consolidated case.
held under the Chairmanship of the meeting dated 6-07-2023
of his office. This office has been asked for submission of
Additional Secretary, Establish

That in light of the minutes of the meeting dated 6-07-2023
no provision to accept petition under any condition.
no provision to decline / stop promotion. It is obligatory upon every civil
servant to accept petition under any condition.

That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)
E3/AD/1-3/2020 dated 6-06-2023 correspondingly stated that there exists
guidance.
That your good office forwarded the case to a/units concerned
vide letter No. SO (Policy-1) E3/ED/1-2/11/2023 for necessary

offer of promotion.
(U)B-12 prescriptive of civil servant to either accept / surrender the
offer of promotion.
(U) Now it is obligatory upon civil servant to accept promotion.
vide letter No. 6983 dated 06-07-2023
That the office sought guidance from your good office in the following
vide notification No. No. SO-P-VI (E3/AD) 1-3/2020 dated 06-08-2020.
dated rule 7(S) in Civil Servant (Appointment, Promotion, Transfer & Retiree) Rules 1973

That Government of KP Establishment department (Regulation Wing)
present brief history, about background of case as under:
Minutes of meeting 13/1/2023 dated 10-7-2023 on subject cited above and to
I am directed to refer to letter No. (SO. Policy-1) E3/ED/1-3/2020/

Dear Sir, I am directed to refer to letter No. (SO. Policy-1) E3/ED/1-3/2020/
Minutes of meeting 13/1/2023 dated 10-7-2023 on subject cited above and to
present brief history, about background of case as under:
That Government of KP Establishment department (Regulation Wing)
dated rule 7(S) in Civil Servant (Appointment, Promotion, Transfer & Retiree) Rules 1973
vide notification No. No. SO-P-VI (E3/AD) 1-3/2020 dated 06-08-2020.
That the office sought guidance from your good office in the following
vide letter No. 6983 dated 06-07-2023
(U) Now it is obligatory upon civil servant to accept promotion.
(U)B-12 prescriptive of civil servant to either accept / surrender the
offer of promotion.
That your good office forwarded the case to a/units concerned
vide letter No. SO (Policy-1) E3/ED/1-2/11/2023 for necessary
guidance.
That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)
E3/AD/1-3/2020 dated 6-06-2023 correspondingly stated that there exists
no provision to decline / stop promotion. It is obligatory upon every civil
servant to accept petition under any condition.
That in light of the minutes of the meeting dated 6-07-2023
of his office. This office has been asked for submission of
Additional Secretary, Establish
consolidated case.
In view of the above, the office is of considered opinion
that the deletion of Rules 7(S) have effected negatively a huge
members of female teachers.
The case is submitted for perusal and necessary action
Please
Copy of the case to:
1. PA to Director Local Directorate
2. Master Copy

To:
Section Officer (Policy-Male)
Elementary & Secondary Education Department
KPK, Peshawar
Suggested Minutes of Meeting
Dear Sir, I am directed to refer to letter No. (SO. Policy-1) E3/ED/1-3/2020/
Minutes of meeting 13/1/2023 dated 10-7-2023 on subject cited above and to
present brief history, about background of case as under:
That Government of KP Establishment department (Regulation Wing)
dated rule 7(S) in Civil Servant (Appointment, Promotion, Transfer & Retiree) Rules 1973
vide notification No. No. SO-P-VI (E3/AD) 1-3/2020 dated 06-08-2020.
That the office sought guidance from your good office in the following
vide letter No. 6983 dated 06-07-2023
(U) Now it is obligatory upon civil servant to accept promotion.
(U)B-12 prescriptive of civil servant to either accept / surrender the
offer of promotion.
That your good office forwarded the case to a/units concerned
vide letter No. SO (Policy-1) E3/ED/1-2/11/2023 for necessary
guidance.
That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)
E3/AD/1-3/2020 dated 6-06-2023 correspondingly stated that there exists
no provision to decline / stop promotion. It is obligatory upon every civil
servant to accept petition under any condition.
That in light of the minutes of the meeting dated 6-07-2023
of his office. This office has been asked for submission of
Additional Secretary, Establish
consolidated case.
In view of the above, the office is of considered opinion
that the deletion of Rules 7(S) have effected negatively a huge
members of female teachers.
The case is submitted for perusal and necessary action
Please
Copy of the case to:
1. PA to Director Local Directorate
2. Master Copy

1/

ATTESTED

W-143-2023 ARIZONA VS GOVT CP F043

Arizona Director (Exhibit-1)
Elementary & Secondary Education
Kiyber Paktunlwan

Arizona Director (Exhibit-1)
Elementary & Secondary Education
Kiyber Paktunlwan

17/04/23

The case is submitted for perusal and necessary actions please.

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

Teachers have provided their written report for to conduct of the meeting of 7/5) have effected a large number of Female Teachers. Thus it is proposed that in view of the above, the office is of considered opinion that the collection of Rules being asked for revision of consolidated case.

Chairman of the State Education Department at his office this office has

That in the light of the order of meeting dated 6-07-2023, held under the (Primary-4) EASSED-2/1/prop/2023 dated 13-06-2023.

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

That there is no provision to decline or forgo promotion. It is obligatory upon every wing of the Government of Kiyber Paktunlwan Education Department (Regulation No.50 (Primary-4) EASSED-2/1/prop/2023 for necessary guidance.

That your office forwarded the same to the quarter concerned vide letter promotion.

(ii) It is the responsibility of the civil servant to either accept or turn down the offer of promotion.

(iii) How it is obligatory upon the civil servant to accept promotion in every condition. No.50 dated 14-07-2023.

That this office has in guidance from your good office in the following words vide letter dated 06-08-2020.

vide No.50 (Primary-4) EASSED-2/1/prop/2023 dated 13-06-2023.

That Government of Kiyber Paktunlwan Education Department (Regulation No.50) dated 14-07-2023, in the Civil Service (Promotion & Transfer Rules 1959)

That Government of Kiyber Paktunlwan Education Department (Regulation No.50) dated 14-07-2023, in the Civil Service (Promotion & Transfer Rules 1959)

I am directed to refer to the letter No.50 (Primary-4) EASSED-2/1/prop/2023 dated 13-06-2023 on the subject cited above and in present brief history given in the background of the case as under.

Subject - **MATTERS OF THE SERVICE**

The Director (Primary-4),
Elementary & Secondary Education Department,
Kiyber Paktunlwan

To

File No. 8145
Kiyber Paktunlwan, Peshawar
Email: education@pk.gov.pk





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

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

Annexure
E

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

SUBJECT: GUIDANCE REGARDING DELETION OF RULE 7(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 ~~avoid~~ 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 ISHAQ)
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)
23/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT OF PK43

ATTESTED

ATTESTED

1. Director E.G.S.E. Khyber Pakhtunkhwa
2. PS to Secretary, E.G.S.E. Department of Education, Khyber Pakhtunkhwa
(Muhammad Ishaq)
Section Officer (Admin)
(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 effect of lady teacher in primary schools.

9 am directed to refer to your letter No. SO/Primary (Policy) 124/AD dated 01/06/2022 and to state that after deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion through of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rules 2011.

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

To
The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department, Peshawar.
No. SO (Primary-M) E.G.S.E. 18-2/2022
Appointment - Rule 12/2022
Peshawar Dated: 13th August 2022.

-8/c-

Annexure - F



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

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

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

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

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

~~ATTESTED~~

WP-447-2023 AZIZULLAH VS GOVT OF PK-13

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,
Primary & Secondary Education Department

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

Dear Sir,

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-2/Appointment-
Rule/2023 dated 03.08.2023 on the subject noted above and to state that necessary
guidance has already been tendered to your good office vide this department letter of even
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Index Of even No & date

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

Section Officer (Policy)

ATTESTED

22

Annexure - G

To,

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

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

Sir/Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/05/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SO (Policy) /E&AD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

Dated 19/02/2024



MUHAMMAD ARSHAD

SON OF
ABDUL QADIR
PSHT



~~ARRESTED~~

WPA443-2023 AZZULIAMA VA GOVT OF ROMA

~~88/11/83~~
Handwritten signature and date, crossed out with a large 'X'.

Handwritten text in Arabic script, appearing to be a list of names or a document header. The text is somewhat faint and difficult to read due to the quality of the scan.

Handwritten text in Arabic script, possibly a signature or a note.

Annexure - H

APTA House,
Govt. Primary School, Noida,
Ghaziabad, Uttar Pradesh, India.



Khanber Pablikhkhwa

1212 Linnik Khim
Pablikhkhwa
02113, DILLI
011-26101111
011-26101111

24

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/commitments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/commitments as well as preliminary hearing on 10.06.2024 before S.J. 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 (B)

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-5-24
 Number of 1
 Copies 57
 Urgent 57
 Total 57
 Name 13-5-24
 Date of 12-5-24
 Date of delivery of copy 12-5-24



[Handwritten signature]
ATTESTED

25

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD ARSHAD
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&
ASSOCIATES OF MUAZZAM LAW FIRM

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

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


APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court