


FORM OF ORDER SHEET

Court of _____

Appeal No. 1799 / 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  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

SAJID KHAN

V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No _____/2024

Sajid Khan Son of Malik Aman, PSHT (BPS-15)

Sector no.1, House no. 191, PO Kangara colony, Kangara Colony, Tehsil and District Haripur

.....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, 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

P R A Y E R:

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 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.

- c. 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.
- E. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

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

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

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

AFFIDAVIT:

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

[Signature]
Deponent

[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

Sajid Khan

V E R S U S

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.


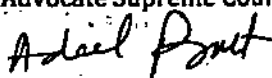
AFFIDAVIT

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 this Honorable Court.


Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) DETHARY HARIPUR
OFFICE ORDER NO. 1 /
DATERHARIPURTHE 02/04/1995.

APPOINTMENTS.

Appointments of the following trained PTC candidates are hereby ordered against the PTC Post in BPS-7 (1420-SI-2695) plus usual allowance are admissible under the rules in the interest of public service on the terms and conditions given at the under

<u>S.NO.</u>	<u>Name/Father's Name</u>	<u>School where appointed.</u>
1.	Asad Mehmood S/O Ghulam Mehmood Vill. Kot Najibullah	PS Kotla Vacant post.
2.	Maqar Ahmed S/O Mohammad Sadiq Vill. Kamala	PS Baghpur Dheri
3.	Naveed Iqbal S/O Hameed Elahi Vill. Kamala	PS Kotla
4.	Azhar Niaz S/O Niaz Ali Vill. Baodi Hunim	PS Bhera (Khanpur)
5.	Mohammad Asif S/O Abdur Rehman Vill. Abdullah Pur	PS Rajdhani
6.	Sajid Khan S/O Malik Amang Vill. Kangra Colony	Mosque Nartopa
7.	Sajid Hussain Shah S/O Eala Shah Vill. Barkot	Mosque Chitlan Gauran
8.	Mohammad Ayub S/O Mohammad Akram Vill. Kot Najibullah	PS Shah Eabal
9.	Mohammad Arshad S/O Pehlwan Khan Vill. Najifpur	PS Pakshahi
10.	Mohammad Shamraiz S/O Hassan Din Vill. Kalali	PS Ghumawan
11.	Fazlur Rehman S/O Mohammadur Behman Vill. Jabri	PS Haryala
12.	Imran Aslam S/O Mohammad Aslam Vill. Kot Najibullah	PS Kotla
13.	Sher Afzal S/O Khan Afsar Vill. Bhera	PS Sachroot
14.	Suhail Iqbal S/O Mohammad Iqbal Vill. Kot Najibullah	PS Gujar Nulla Newly Created Post
15.	Ahmad Hamayun S/O Mehmood Elahi Vill. Kot Najibullah	PS Rajpur
16.	S. Mohammad Ali Pasha S/O Dildar Hussian Shah Vill. Hattar	PS Khoi Hera Vacant Post
17.	Mohammad Shoukat S/O Ali Akbar Vill. Sarai Saleh	PS Ahal Dara
18.	Havazish Mehmood S/O Mehmood Elahi Haripur	PS Daljan Newly Created Post

Cont.....Next.

ATTESTED

19. Tahir Hussain S/O Ghulam Hussain Malikpura Haripur	PS Dalian Newly Created Post
20. Pawad Hussain S/O Fakhar Hussain Moh: Khoo Haripur	PS Gujar Nulla "
21. Mujeebur Rehman S/O Ghulam Sarwar Vill: Makhan Colony	PS Rahmri Vacant Post
22. Asif Mehraj S/O Mehraj Din Moh: Motian Haripur	PS Kotehra "
23. Azhar Abbas S/O Mohammad Akram Vill: Bandi Seeran	PS Bandi Seeran "
24. Imran Jeelani S/O Ghulam Jeelani Moh: Eid gah Haripur	PS Garl Haira "
25. Azhar Memood S/O Mohammad Sadiq Vill: Baldher	PS Amgah "
26. Zafar Iqbal S/O Iqbal Vill: Laban Bandi	Hosque Bheri Bandi "
27. Mohammad Akhtar S/O Mohammad Farid Vill: Mohri	PS Akhooq Bandi "
28. Iftikhar Ahmed S/O Abdur Rehman Vill: Pharhala	PS Kharkot "
29. Iftikhar Ahmed S/O Abdul Qayyum Vill: Gher Khan	PS Jhamra "
30. Mohammad Naeem S/O Mohammad Ashraf Vill: Pharhala	PS Pipliala "
31. Mohammad Fiaz S/O Kala Khan Vill: Kailag	PS Dhmu "
32. Amir Zia S/O Mohammad Shafiq Moh: Ramzani Haripur	PS Ding Haira "
33. Ishtiaq Ahmed S/O Mohammad Ibrar Vill: Gar Sari Saleh	PS Jama U/C Rehana H.C Post
34. Abdul Wahab S/O Bashir Ahmed Vill: Sari Saleh	PS Anora Vacant Post
35. Ahmed Zaman S/O Mohammad Suleman Vill: Sarai Saleh	PS Dheri Naqarchian "
36. Sajjad Ahmad S/O Abdul Karim Vill: Pharhala	PS Ghazi Hamlet No.1 "
37. Tilawat Khan S/O Abdul Hajeed Vill: Hoor Colony Haripur	PS Ghazi "
38. Arshad Nawaz S/O Haidar Zaman Vill: Pind Jamal Khan	PS Jama U/C Rehana n.c post
39. Mohammad Khaliq S/O Mohammad Iqbal Vill: Khalabat Town Ship Sec:2	PS Dhera Vacant post

ATTACHED

40. Amjad Khan S/O Khawaj Mohammad Vill: K.T.S Sec: 1	PS Lalo Gali vacant post
41. Tariq Hussain Shah S/O Mohabat Shah Vill: Sirikote	PS Kundi "
42. Mohammad Haroon S/O Farid Khan Vill: Dalri	PS Janjaka "
43. Mohammad Ramazan S/O Abdul Chand Vill: K.T.S Sec: 2	PS Garhan "
44. Mohammad Qasim S/O Abdul Jaleel Vill: Dalri	PS Dalri "
45. Khadam Hussain S/O Fazal Mehmood Vill: K.T.S Sec: 1	PS Dera U/C Lalo Gali
46. Saeedur Rehman S/O Fazal Elahi Vill: K.T.S Sec: 2	PS Said Pur Jam v. post
47. Akhtar Ali Shah S/O Farzand Shah Vill: Mian Dheri	PS Aldo Jabi "
48. Rustam Khan S/O Aziz Khan Vill: Chhohar Sharif	PS Swabi "
49. Mushtaq Ahmad S/O Khan Zaman Vill: Kalinjar	PS Swabi Haira "
50. Jehanzeb S/O Mohammad Younas Vill: Salam Khand	PS Barwasa "
51. Mohammad Rashid Salim S/O Mohammad Salim Vill: Sect: 4 K.T.S	PS Baji Darra n.c post
52. Mushtaq Ahmad S/O Mohammad Rafiq Vill: Dobandi	PS Sher Garh "
53. Piambar Raza S/O Munawar Shah Vill: Jama	PS Dhamu v. post
54. Mehboob Elahi S/O Ghulam Haider Vill: Qutba	PS Then N.C Post
55. Anwar Zaman S/O Attar Shah Vill: Brug	PS Brug V. Post
56. Shakeel Ahmad S/O Nazir Ahmad Vill: Darra Khanpur	Hosq: Phareela "
57. Abdul Waheed S/O Allah Dad Vill: Bajeeda	PS Devi N.C Post
58. Mohammad Pervez S/O Mohammad Ilyas K.T.S	PS Devi "
59. Mohammad Javed S/O Mohammad Ali Vill: Bajeeda	Hosq: Bhai V. Post
60. Saifur Rehman S/O Abdullah Jan Vill: Purba	PS Purba "

ATTESTED

- 61. Shakir Zaman S/O Mohammad Yaqoob Vill: Kalinjar PS Nawar Garau V. Post
- 62. Sajjad Hussain Shah S/O Noor Shah Vill: Gudwalian PS Niandi Kiari
- 63. Ghulam Sarwar S/O Faqir Mohammad Sec:4 K.T.S PS Baji Darra N.C Post

CONDITIONS.

- 1. These appointments are made purely on temporary basis and liable to termination at any time without assigning any reason or serving prior notice.
- 2. In case any candidate wishes to relinquish/resign from the service will have to submit one month prior notice or forfeit one month and allowance to the Government in lieu thereof.
- 3. Candidate who fails to take over charge within 15 days after 11-4-95 shall automatically lose his right of appointment against PTC Post.
- 4. Charge Report should be submitted to all concerned in duplicate.
- 5. No TA/DA is allowed on 1st appointment.
- 6. This Order will take effect from 11-4-95 the date of re-opening of schools after short spring vacations.
- 7. Age & Health from the Medical Supdt. D.H.Q Haripur must produced within 7 days from the date of taking over charge.
- 8. Candidate should not be handed over charge if their age exceeds 30 years & below 18 years except Ex-service man.
- 9. Their original/professional certificates/documents should be checked by the S.D.E.O thoroughly if their original certificate are not found correct they should not be handed over charge.

[Signature]
 (ALHAJ ABDUL QAYYUM AWAN)
 DISTRICT EDUCATION OFFICER
 (MALE) PRIMARY HARIPUR

Endst.No 502-642/E.NO.234/Estb. Dated Haripur The 2/4/95.

- Copy forwarded to:-
- 1. The Director Primary Education N.W.F.P Peshawar.
 - 2. PS to Minister for Education (Primary) N.W.F.P Peshawar.
 - 3. PS to Secretary to Govt. N.W.F.P Education Department.
 - 4. The S.D.E.O (Male) Haripur.
 - 5. The District Accounts Officer Haripur.
 - 6-140. The Headteachers/Candidates concerned.

[Signature]
 (ALHAJ ABDUL QAYYUM AWAN)
 DISTRICT EDUCATION OFFICER
 (MALE) PRIMARY HARIPUR

ATTESTED
[Signature]

10

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



Personal Information of Mr SAJID KHAN d/w/s of MALIK AMAN

Personnel Number: 00250886

CNIC: 1330203505547

NTN:

Date of Birth: 15.06.1976

Entry into Govt. Service: 11.04.1995

Length of Service: 29 Years 04 Months 022 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH

80082138-DISTRICT GOVERNMENT KHYBE

DDO Code: HR6108-DEPUTY DISTT.EDUCATION OFFICER(M/P) HARIPUR

Payroll Section: 002

GPF Section: 001

Cash Center: 22

GPF A/C No:

GPF Interest applied

GPF Balance:

999,565.00 (provisional)

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	857.00
2199	Adhoc Relief Allow @10%	569.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,209.00	2347	Adhoc Rel Al 15% 22(PS17)	6,209.00
2378	Adhoc Relief All 2023 35%	22,232.00	2393	Adhoc Relief All 2024 25%	16,375.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-5,149.00	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: 82,370.85 Recovered till AUG-2024: 10,298.60 Exempted: 20591.75 Recoverable: 51,481.10

Gross Pay (Rs.): 129,095.00 Deductions: (Rs.): -11,374.00 Net Pay: (Rs.): 117,721.00

Payee Name: SAJID KHAN

Account Number: PLS00000021107-3

Bank Details: NATIONAL BANK OF PAKISTAN, 230505 T.LP.BRANCH T.LP.BRANCH, HARIPUR

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: HR

City: HARIPUR

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: sajidkhan1976s@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(358678/23.08.2024/v3.0)
* All amounts are in Pak Rupees
* Errors & omissions excepted (SERVICES/01.09.2024/03.08:13)

ATTESTED

ATTESTED

DEPUTY SECRETARY POLICE
(WAZIRI KHAN)

[Handwritten Signature]



- The Caraker, Administration Department.
- The Secion Office, arrange 20 gazette copies.
- The Secion Office (Admn), Administration Department.
- The Deputy Director (IT), E&A Department.
- The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- All Heads of Attached Departments in Khyber Pakhtunkhwa.
- All Divisional Commissioners in Khyber Pakhtunkhwa.
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- The Secion Member Board of Revenue, Khyber Pakhtunkhwa.
- Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.

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CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

AMENDMENT
in rule 7, sub-rule (3) shall be deleted.

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:

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION-WING)

Annexure-1 - B-

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-rule (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

13

Annexure - C



GOVERNMENT OF PUNJAB
ESTABLISHMENT DEPARTMENT
No. 80(Polcy)/EAD/1/2020
Dated Patnawar the June 06, 2023

62

To: The Government of Punjab (Patnawar),
Elementary & Secondary Education Department.

Subject: GUIDANCE REGARDING PROTECTION OF RULE 7(A) IN THE
PUNJAB CIVIL SERVICES (APPOINTMENT, PROMOTION AND TRANSFER)
RULES, 1979

Dear Sir,
I am directed to refer to your letter No. 80(Polcy-M)/EAD/1/2020-21/ Appointment/2023 dated 12.04.2023 on the subject noted above and to state that Sub-Rule (3) of Rule-7 of Punjab Civil Services (Appointment, Promotion and Transfer) Rules, 1979 stands deleted vide this department notification dated 08.08.2020; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from temptation for (illeg) gain by seeking 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/fields who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Punjab Civil Services (Efficiency & Discipline) Rules, 1979, para 4.

Yours faithfully,

(Section Officer (Policy))

ASE
7/6

Encl: Of even No & date

Copy forwarded to:-

- 1. PS to Special Secretary (Reg) Establishment Department.
- 1. PA to Additional Secretary (Reg-4), Establishment Department.
- 2. PS to Deputy Secretary (Policy), Establishment Department.

06/06/23
21/6/23

Section Officer (Policy)

~~ATTACHED~~

14
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8223587)

No.60 (Primary-MYE&SED/2-6/2023
Lahor Peshawar Dtd: 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 here with
a letter of Establishment Department letter No. 60 (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

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

Copy forwarded to the:

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

[Signature]
SECTION OFFICER (PRIMARY MALE)
25/6/23

MP442-70 AZIZULLAH VS GOVT CP PGO

ATTESTED

ATTESTED

WFO443-2023 AZZILLAH VS GOVT CP PEO

SECTION OFFICER (PRIMARY MAIL)

1. PS to Secretary, B&S Department Kyber Pakhtunkhwa

Copy forwarded to the

SECTION OFFICER (PRIMARY MAIL)

(MUHAMMAD ISHAQ)

Encl AA

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

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&A/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 his department under the Chairmanship of Additional Secretary (Encl) B&S Department in his office.

Subject: GUIDANCE REGARDING DELATION OF RULE 7(C) IN THE KYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1909.

The Director
Elementary & Secondary Education Department
Kyber Pakhtunkhwa, Peshawar
Aziz Ullah (Acting President
President
All Primary Teacher's Association, KP

To

No SO (Primary-KP)/B&S/2-6/2023
Dated Peshawar the June 25th 2023

B/C

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

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


Amended
D


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

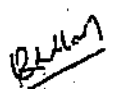
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After 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


(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

ATTENDED

-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 715 IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

(Muhammad Ishaq)
Section Officer (Primary-Male)
EBSE Department

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTENDED

WP 1442-2023 AZZULIAN VA DOUT CP P543

Assistant Director (Ex-1)
 Ministry & Secondary Education
 Kyber Pakhtunkhwa

Assistant Director (Ex-1)
 Ministry & Secondary Education
 Kyber Pakhtunkhwa

21/07/2023

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

The case is submitted for perusal and necessary actions please.
 In view of the above, this office is of considered opinion that the decision of Rules (13) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers below 15% may be exempted of implications of the amendment in the rules held provided they submit their written request prior to conduction of the meeting of Departmental Promotion Committee.
 In light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary, Establishment at his office, has been asked for submission of consolidated cases.
 The same were received by this office from your good office vide letter No.SD (Primary-I) B&SED/2-3/A/ppt/2023 dated 12-06-2023.
 That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-I) B&SED/2-3/A/ppt/2023 for necessary guidelines.
 That your good office forwarded the same to the quarter concerned vide letter No.507 dated 16-07-2023.
 That this office sought guidance from your good office in the following words vide letter vide identification No. No. SOR-11 (E&A/D)/1-3/2020 dated 06-08-2020.
 The Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) dated 19-07-2023 in the Civil Services (Appointment, Promotion & Transfer Rules 1929) present brief history about the background of the case as under:
 I am directed to refer to the letter No.SOP/primary-40&SE/25-11 dated 19-07-2023 on the subject cited above and in

The Eastern Officer (Primary-144),
 Ministry & Secondary Education Department,
 Kyber Pakhtunkhwa, Peshawar.
 Subject - MINUTES OF THE MEETING
 Dear Sir,



8145
 R.No. 2145/ST/PC/Secy/Edn/2023
 Kyber Pakhtunkhwa, Peshawar
 Email: esd@pkpht.com

ATTACHED

MP443-2023 AZJULIAN VS GOVT OF PUNJ

Harold Director
Elementary & Secondary Education
Punjab Education

2. Master Copy
1. PH to Director Local Directors
Copy of the above to:

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

That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Education at his office. This office has been asked for submission of consolidated case. In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have effected negatively a huge members of female teachers. The case is submitted for perusal and necessary action please.

To: DIRECTOR OF ELEMENTARY & SECONDARY EDUCATION, PUNJAB
Section - Office (Primary Male)
Elementary & Secondary Education Department
Punjab Education
Subject: Minutes of Meeting
I am directed to refer to letter No. (SO. Punjab - W) E & S-1/6781/107 dated 10-7-2023 on subject cited above and to present brief history about background of case as under:
That Government of Punjab (Punjab) has issued a notification No. (SO. Punjab - W) E & S-1/31020 dated 06-08-2020. That the office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023.
(1) How it is obligatory upon all schools to accept promotion. (2) If it is obligatory of all schools to accept promotion then the offer of promotion. That your good office forwarded the same to a quarter concerned vide letter No. SO (Punjab - W) E & S-1/11020 dated 06-07-2023 for necessary guidance.

That the Government of Punjab (Punjab) has issued a notification No. (SO. Punjab - W) E & S-1/31020 dated 06-08-2020. That the office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023.
(1) How it is obligatory upon all schools to accept promotion. (2) If it is obligatory of all schools to accept promotion then the offer of promotion. That your good office forwarded the same to a quarter concerned vide letter No. SO (Punjab - W) E & S-1/11020 dated 06-07-2023 for necessary guidance.

ATTESTED

WP442-2023 AZIZULAH VS GOVT OF PK43

Scanned with CamScanner

SECTION OFFICER (PRIMARY SALS)
(MUHAMMAD ISHAQ)

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

Copy forwarded to the:

SECTION OFFICER (PRIMARY SALS)
(MUHAMMAD ISHAQ)

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

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

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

1. I am directed to refer to your letter No. SO(Policy)/ESAD/1-3/2020 dated 06 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 (Bridging & Discipline) Rules, 2011.

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

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

Annexure E

No. SO/Primary-M/ESAD/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8222587)



20

-B/c-

No. 5 (Primary - M) E & SE D / 2-2 /
 Appointment - Rule / 2023
 Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. SA/Primary
 11-3/2020 dated 3rd June 2022 and to state that after
 deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,
 Promotion and Transfer Rules 1989) it has been intimated that
 those officers/officials who do not comply with promotion order
 of the competent authority, or try to evade promotion through
 different means shall be proceed under Khyber Pakhtunkhwa
 Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

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

(Muhammad Ishaq)
 Section Officer (Primary
 Male)


 ATTESTED

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)

Encl. 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.

~~DELETED~~

09/04/2023 12:28:13 PM

23

B/c

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)ES&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 PAIKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,

I am directed to refer to your letter No. SO(Primary-M)/ES&ED/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)

Encls. Of even No. & date

Copy forwarded to the:-

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

Section Officer (Policy)

~~ATTACHED~~

24

Annexure - G

To,

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

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

Sir/ Madam:-

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

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

Dated 19/03/2024



SAJID KHAN
SIO MALIK AMAN
PSHT

~~ATTESTED~~

WP442-2023 AZ211111111111 US GOVT CP PG43

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Handwritten signature in Arabic script

Main body of handwritten text in Arabic script, appearing to be a formal statement or certificate.

Handwritten signature in Arabic script

Annexure - H

Handwritten text in Arabic script

APTA House
Govt. Primary School Near
Suburban Post Office City



Handwritten text in Arabic script

Handwritten text in Arabic script

Handwritten mark or signature

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. 151 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]
13/5

Date of Presentation of Application 12-5-23
 Number of 1
 Copies 1
 Fees 5/-
 Name of 13-5-23
 Date of receipt of copy 12-5-23



ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SAJID KHAN

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court