


FORM OF ORDER SHEET.

Court of _____

Appeal No. 1815 /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 style="text-align: right;">By order of the Chairman  REGISTRAR</p>

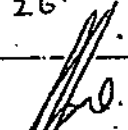
BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

A. NO. 185/24
MUHAMMAD SIYAB
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 1815 /2024

Muhammad Siyab son of Abdul Wadood, SPST (BPS-15)

Sher Khana, Palai, Tehsil Batkhela District 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 Senior Primary School Teacher.
Copy of Appointment letter is annexed as Annexure A

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. 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:-

GROUNDS:-

a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.

b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.

c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.

d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be set-aside.

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

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

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

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

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

[Signature]
 Deponent

[Signature]
 Appellant

Through

[Signature]
 Muhammad Muazzam Butt
 Advocate Supreme Court

[Signature]
 Muhammad Adeel Butt
 Advocate High Court

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

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

CM No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Muhammad Siyab

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

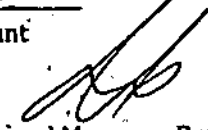
AFFIDAVIT

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


Deponent

Through


Appellant


Muhamimad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MALAKAND AT BARKHELA

APPOINTMENT:

Consequent upon the recommendation of Departmental Selection Committee in its meeting held on 14/10/2008, the Executive District Officer Elementary and Secondary Education Malakand is pleased to approve and appoint the following PST Male Candidates District Malakand against the vacant PST Posts in PBS-7 (RS. 3530-190-9230) and BPS-06 (RS. 3430-175-8680) plus usual allowances as admissible under the rules on regular basis, but with out pension and gratuity in term of section 19 of the NWFP Civil Servant act 1973 as amended vide Govt. of NWFP Civil Servants (Amendment act 2005) from the date of their taking over charge under the provision Establishment and Administration Department Circular bearing No. SOR-VI (E&AD) 1-13/2005 dated 10/08/2005 in the interest of public service subject to the following terms and conditions.

2% Disable Quota (Male)

S.#	Name	Father Name	U/Council	BPS	Score	Place of Posting
1	Muhammad Ayaz	Khan Wadan	Disable	B-07	55.57	GPS Gulshan Abad Btk
2	Sabir Hussain	Zarman Gul	Disable	B-07	52.05	GPS Manan Korona

25% Open Merit (Male)

S.#	Name	Father Name	U/Council	BPS	Score	Place of Posting
1	Abdul Khaliq	Haradar Khan	Open Merit	B-07	60.58	GPS Bato
2	Sayedul Akbar	Abdul Akram	Open Merit	B-07	59.71	GPS No.1 Kot
3	Abid Hussain	Muambar Khan	Open Merit	B-07	59.70	GPS Shagai Ananadara
4	Muhammad Rashid	Muhammad Hassan	Open Merit	B-07	59.65	GPS Chamyari Shah
5	Said Zaman	Mir Hassan	Open Merit	B-07	59.07	GPS Dheri Kot
6	Fazal Haqqani	Fazal Rabani	Open Merit	B-07	58.21	GMPS Qala Pirkhel
7	Shahid Hussain	Sauha Gar	Open Merit	B-07	58.14	GPS Khushal Korona G.U.Khel
8	Sikandar Zaman	Fazli Ghuffan	Open Merit	B-07	57.73	GPS Mayar
9	Riaz Khan	Ghafoor Khan	Open Merit	B-07	57.24	GPS Jabban Dargai
10	Rehmanullah	Rehmatullah	Open Merit	B-07	57.22	GPS Shah Kot
11	Zewar Shah	Mutaber Shah	Open Merit	B-07	57.08	GPS Dewan Shah Banda
12	Shafiqullah	Qalandar Khan	Open Merit	B-07	56.95	GPS Akhtar Ghosudi
13	Sir Zaman	Habib Ur Rehman	Open Merit	B-07	56.95	GPS Sangina Barkhela
14	Khalid Khan	Muhammad Yousaf Khan	Open Merit	B-07	56.83	GPS No.2 Dargai
15	Sajad	Shah Haidar	Open Merit	B-07	56.48	GPS Khar
16	Muhammad Iqbal	Siraj Muhammad	Open Merit	B-07	56.22	GPS Qadam Khela
17	Fazal Wahid	Khan Faraz	Open Merit	B-07	56.19	GPS Kungl Khanori
18	Muhammad Shafiq	Abdul Malik Khan	Open Merit	B-07	56.00	GPS Gandaro Shirf
19	Anjad Hussain	Aminullah	Open Merit	B-07	55.99	GPS Shah Kot

75% Union Council Merit (Male)

S.#	Name	Father Name	U/Council	BPS	Score	Place of Posting
U/COUNCIL, ALLAHDAND						
1	Inayat Hussain	Amir Nawaz	Allahdand	B-07	55.89	GPS No.3 Allahdand
2	Salar Ahmad	Fazli Akbar	Allahdand	B-07	55.23	GPS Penjan
U/COUNCIL, BADRAGGA						
3	Saeed Jan	Halim Jan	Badragga	B-07	53.65	GPS Shingrai
U/COUNCIL, BARKHELA MIDDLE						
4	Saleh Muhammad	Akbar Muhammad	Barkhela Middle	B-07	51.52	GPS Upper Barkhela
U/COUNCIL, BARKHELA UPPER						
5	Haidar Ali	Khurshid Khan	U/ Barkhela	B-07	49.16	GPS Gharib Abad
6	Anam Gul	Inzar Gul	U/ Barkhela	B-07	48.26	GPS Khaikai
U/COUNCIL, DARGAI						
7	Muhammad Raziq	Ali Rehman	Dargai	B-07	50.89	GPS Jabban Power House
8	Aleem Dad	Muhammad Roshan	Dargai	B-07	50.48	GPS Gul Munam
9	Saifullah	Muhammad Mir	Dargai	B-07	49.51	GPS Khatako Shah
10	Jehan Zeb	Bakhtiar	Dargai	B-07	41.83	GPS Khatako Shah
11	Rehmanullah	Ali Rehman	Dargai	B-06	38.05	GPS Shah Kot
12	Baz Muhammad (BPS-06 Untrained)	Muhammad Roshan	Dargai	B-06	39.74	GPS Shah Kot
U/COUNCIL, DHERI JULAGRAM						
13	Muhammad Nazir	Muhammad Raziq	D/Julagram	B-07	52.88	GPS Julagram

APPROVED

14	Muhammad Abid	Muhammad Ishaq	D/Julagram	B-07	49.20	GPS Kasinat
U/COUNCIL, G.U KHEL						
15	Muhammad Yasin	Sher Zamin Khan	G.U Khel	B-07	52.99	GPS No.2 G.U Khel
16	Ubaidur Rehman	Zarawar Khan	G.U.Khel	B-07	51.80	GPS Hassan Koroon
U/COUNCIL, HERO SHAH						
17	Fakhri Alam	Nasib Khan	Hero Shah	B-07	51.16	GPS Haryan Kot
18	Aminul Haq	Muhammad Amin	Hero Shah	B-07	50.96	GPS Brah Ghakhai
19	Ajmal Khan	Gul Muhammad	Hero Shah	B-07	50.26	GPS Nem Ohu
U/COUNCIL, KHAR						
20	Fermanullah (BPS-06)	Bakht Biland	Khar	B-06	33.10	GPS Khar No.1
21	Munir Khan (BPS-06)	Sultan Bahadar	Khar	B-06	33.06	GPS Momin Koroon
U/COUNCIL, KHARKAI						
22	Rehmat Hussain	Said Hatam	Kharkai	B-07	52.17	GPS Kharkai
U/COUNCIL, KOT						
23	Muhammad Alam	Abdur Rehman	Kot	B-07	52.84	GPS Parzhalai
24	Arif Gul	Farid Gul	Kot	B-07	52.59	GPS Dara Maina
25	Muhammad Dawood	Bashir Muhammad	Kot	B-07	51.65	GPS Brah
26	Ihsan Muhammad	Wali Muhammad	Kot	B-07	50.79	GPS Maina
27	Janas Khan	Khalid Khan	Kot	B-07	50.52	GPS Brah
28	Mushtaq Ahmad	Gul Muhammad	Kot	B-07	47.78	GPS Brah
29	Muhammad Said	Aman Said	Kot	B-07	47.48	GPS Mongui
U/COUNCIL, KOPPER						
30	Muhammad Nabi	Said Akbar	Kopper	B-07	55.41	GPS Show Kalli
31	Jamshid Ali	Hakim Khan	Kopper	B-07	54.60	GPS Muhammad Patti
U/COUNCIL, MALAKAND						
32	Saleemullah	Muhammad Saeed	Malakand	B-07	49.92	GPS Jalal Kot
U/COUNCIL, MEHERDI						
33	Fazal Wahid	Khan Faraz	Meherdi	B-07	56.19	GPS Wazir Abad
34	Ali Khan	Anir Khan	Meherdi	B-07	54.38	GPS Wazir Abad
U/COUNCIL, PALAI						
35	Sobhan Khan	Wahced Gul	Palai	B-07	52.64	GPS Sher Khana
36	Ali Rahman	Fazal Rahman	Palai	B-07	49.78	GPS Bazdar Bala
37	Muhammad Syab	Abdul Wadood	Palai	B-07	48.28	GPS Bazdar Payan
38	Muhammad Tariq	Abdul Wadood	Palai	B-07	45.42	GPS Shah Kot
39	Gohar Rahman	Muhammad Anwar	Palai	B-07	44.46	GPS Khog Dar
40	Bakhtiar	Faqir Muhammad	Palai	B-06	35.16	GPS Khog Dar
U/COUNCIL, PIRKHEL						
41	Islam Shah	Abdul Malik	Pirkhel	B-07	54.35	GPS Showlwai
42	Abdul Hameed	Azced Gul	Pirkhel	B-07	53.44	GPS Showlwai
43	Muhammad Yousaf Shah	Muhammad Saeed	Pirkhel	B-07	51.61	GPS Baika
44	Shah Jee	Ghulam Said	Pirkhel	B-07	50.82	GPS Mekhband No.1
U/COUNCIL, SAKHAKOT BANDA JAT						
45	Abdul Aziz	Khan Zada	SKot Banda JAT	B-07	52.26	GPS Ghuondo Payan
U/COUNCIL, SAKHAKOT JADEED						
46	Maskeen Muhammad	Qamar Zaman	SKot Jadeed	B-07	54.64	GPS Akram Abad
47	Ashraf Hussain	Muhammad Sharif	SKot Jadeed	B-07	50.42	GPS Akram Abad
U/COUNCIL, SAKHAKOT KHASS						
48	Muslim Khan	Wazir Shah	SKot Khass	B-07	55.55	GPS No.2 Sakhakot
U/COUNCIL, SILAI PATTI						
49	Perviz Khan	Lehaz Noor	Silai Patti	B-07	55.96	GMPS Pata Khanori
50	Abdur Roziq	Muhammad Rafiq	Silai Patti	B-07	55.48	GMPS Arwoli
51	Shahmin Khan	Ahmad Shah	Silai Patti	B-07	54.42	GPS Miana Khanori
52	Muhammad Islam	Haidar Khan	Silai Patti	B-07	54.19	GPS Jughrai Khanori
53	Ajcebur Rahman	Hawas Khan	Silai Patti	B-07	52.77	GPS Khanori
U/COUNCIL, THANA KHASS						
54	Shahid Ahmad Jan	Ghulam Farooq Jan	Thana Khass	B-07	50.93	GPS No.1 Doyarcham
U/COUNCIL, TOTAKAN						
55	Ziaullah Khan	Azizullah Khan	Totakan	B-07	55.55	GPS Darawal
U/COUNCIL, WARTAIR						
56	Muhammad Ayaz	Muhabat Shah	Wartair	B-07	54.12	GPS Dobandai Darda
56	Raz Dardshah	Qasim Gul	Wartair	B-07	49.88	GPS Dobandai Darda
58	Hayat Khan	Muammar Khan	Wartair	B-07	47.08	GPS Landhi Shafa

TESTED

TERMS AND CONDITIONS:

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1. These appointments are purely temporary and liable to termination without assigning any reason and with out prior notice. In case of resignation with out notice, his one month's pay / allowances shall be forfeited to Government.
2. Their service will be considered regular, but with out pension and gratuity in term of section 19 of Civil servant act 1973 amended vide NWFP Civil servants (amendment) act 2005. They will however be entitled to contributory provident fund in such a manner and at such rate prescribed by the Government.
3. They will have to produce Health and Age certificate from the Medical Superintendent DHQ Hospital Batkhela.
4. In case of fresh candidates they should not be handed over charge if their age is below 18 or above 35 years.
5. They must take over charge of the post within 15 days of the issue of this order failing which the appointment will stand automatically cancelled.
6. Verification of documents e.g. academic / professional certificates degrees will be made Departmentally on their own expenses before drawl of their salary from the concerned board, institutions, university, and if any discrepancy is found at any stage the case will be initiated under the rules against the candidate at fault and legal action will be taken accordingly.
7. After completion of verification process and subject to the provision of clearance certificate a proper order will be issued by this office for release of their salary against the post occupied by them.
8. In case any one of the above appointees deprives of receiving charge due non availability of vacant post (in the school indicated against his name) any where in the above mentioned schools the services of junior most on merit in the relevant category will automatically be stood as dispensed with from service.
9. You will be replaced, if the senior most PST Teacher of the same union Council applied for transfer as per Government directives.
10. They will be governed by such rules and regulation as may be issued from time to time by the Government.
11. The service of the in service candidates will be considered regular on the conformation of their service from their respective department and in case their previous service in the respective department declared contract /fixed they will be considered and placed as fresh PST candidate from the date of taking over charge in term of section 19 on the NWFP Civil Servant act 1973 amended by the NWFP Civil servant act 2005.
12. Charge report should be submitted to all concerned.
13. No TA DA is allowed being initial recruitment.

(MUSTAQ AHMAD)
EXECUTIVE DISTRICT OFFICER
(E&SE) MALAKAND AT BATKHELA

Endst: No10628-10783

Dated: 17/10/2008

Copy of the above is forwarded for information to

1. The Secretary to Govt; of NWFP Elementary and Secondary Education Department Peshawar.
2. The Director of Elementary and Secondary Education NEFP Peshawar.
3. The District Nazim Malakand.
4. The District Coordination Officer Malakand.
5. The Dy: District Officer (M) Batkhela.
6. The Dy: District Officer (M) Darga.
7. The Agency Account Officer Malakand.
8. The Budget and Account Officer Local Office.
- 9-77. The Head Teachers GPSs Concerned.
- 77-156. The Candidates concerned.

~~ATTESTED~~
EXECUTIVE DISTRICT OFFICER
(E&SE) MALAKAND AT BATKHELA

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



Personal Information of Mr MUHAMMAD SEYAB d/w/a of ABDUL WADOOD

Personnel Number: 00488591 CNIC: 1340214452231 NTN:
Date of Birth: 15.05.1972 Entry into Govt. Service: 18.10.2008 Length of Service: 15 Years 08 Months 014 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 60002420-DISTRICT GOVERNMENT KHYBE

DDO Code: MD6080-DY: D.D (M PRY) BATKHELA

Payroll Section: 002

GPF Section: 001

Cash Center: 02

GPF A/C No: 488591

Interest Applied: Yes

GPF Balance:

476,342.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 11

Wage type	Amount	Wage type	Amount
0001 Basic Pay	45,700.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1911 Compen Allow 20% (1-15)	1,000.00	2148 15% Adhoc Relief All-2013	450.00
2199 Adhoc Relief Allow @10%	308.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	3,857.00	2347 Adhoc Rel Al 15% 22(PS17)	3,857.00
2378 Adhoc Relief All 2023 35%	15,302.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-592.00	3990 Emp. Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	190,000.00	-6,000.00	28,000.00

Deductions - Income Tax

Payable: 9,225.88 Recovered till June-2024: 6,920.00 Exempted: 2305.88 Recoverable: 0.00

Gross Pay (Rs.): 81,578.00 Deductions: (Rs.): -12,817.00 Net Pay: (Rs.): 68,761.00

Payee Name: MUHAMMAD SEYAB

Account Number: 597-5

Bank Details: HABIB BANK LIMITED, 221959 PALAI DARRA PALAI DARRA,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: BADRAGA PAYAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

(288590/26.06.2024/13:53:41) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

ATTENDED

ATTESTED

ATTESTED

(MAJIDAH LATIF)
DEPUTY SECRETARY POLICE

[Handwritten signature]



1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Principal Secretary to Govt. of Khyber Pakhtunkhwa.
6. The 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 Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration Department with the request to the Section Officer (Admn), Administration Department.
15. The Section Officer (Admn), Administration Department.
16. Average 20 gazetted copies.
17. The Caraker, Administration Department.

CHIEF SECRETARY
GOVERNMENT OF THE KHAYBER PAKHTUNKHWA

DATE: NO & EVEN DATE

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

AMENDMENT

Further amendments shall be made, namely:

(i) The Chief Minister of Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, the

(ii) the Chief Minister of Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, the

(iii) the Chief Minister of Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, the

in exercise of the powers conferred by section 26 of the

Draft Resolution No. 06/872020

NO OBJECTION

GOVERNMENT OF
KHAYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION-WING)

Annexure-1-B-

-11-

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

NOTIFICATION
Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

**CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY))

ATTESTED

ATTESTED
ATTESTED
OFFICE OF THE CLERK OF COURT

Secretary (Policy)
Secretary (Policy)
Your Ministry

Copy forwarded to the
1. To Special Security (NSA) Intelligence Department
2. To Additional Security (NSA) Intelligence Department
3. To Deputy Security (NSA) Intelligence Department

21.6.2020

ASSE
2/6

1011, please.
Furthermore, these 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, 2011, please.
The basic rationale behind the order of the 1011 rule is to ensure a fair and equitable promotion system for all employees of the Government of Khyber Pakhtunkhwa. The order is issued to ensure that the promotion process is fair and equitable and that the best qualified candidates are promoted to higher posts. The order also provides for the promotion of employees who have been promoted to higher posts through special provisions.

Subject: QUARTER REGARDING PROMOTION OF MR. J. IN THE CIVIL SERVICE (GENERAL) CATEGORY, 1973.
The Government of Khyber Pakhtunkhwa, Ministry of Revenue & Secondary Education Department.

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO (Estt) / 1011 / 2020
Dated: February 04, 2023



Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.001-8223507)

No.60 (Primary-M/E&SEC/2-8/2023)
Lahor Peshawar lho. June 26th 2023

To

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

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

[Signature]
26/6/23

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. 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

[Handwritten mark]

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

Copy forwarded to the:

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

[Handwritten mark]

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

ATTACHED

14
B/c

No 50 (Primary-M)/E&SD/2-6/2023
Dated Peshawar the June 25th 2023

To: The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1909.

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. 50 (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 MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP447-2023 AZIZULLAH VS GOVT OF PK

ATTESTED

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

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

Annexure
①

Sl. No.	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. 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 three hours discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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

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

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

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

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

ATTESTED

-16-

-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(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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

APPROVED

MP4447-2023 AZIZULHAKI VS GOVT OF POK

Ruhana Director
Elementary & Secondary Education
Physical Education

1. PH to Director Local Director
2. Master Copy

The case is submitted for period and necessary action please.
In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have effected negatively a huge members of female teachers.

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

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

That your good office forwarded the same to quarters concerned vide letter No. SO (Policy) E&ED/2-2/Implementation-2023 for necessary guidance.

That the office sought guidance from your good office in the following vide notification No. No. SO-R-VI (E&ED) 1-3/2020 dated 06-08-2020. The Government of KP Establishment department (Regulation Wing) dated rule 9(5) in Civil Servants (Appointment, Promotion, Transfer, etc. 1997) present brief history about background of rule as under:

I am directed to refer to letter No. (SO Policy-M) E&ED/5-1/6/2021/Ministry of Meeting dated 10-7-2023 on subject cited above and to

Subject: Minutes of Meeting
KPK, Peshawar
Elementary & Secondary Education Department
Section Officer (Policy-Male)

To: DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
FESHAWAR
(21-7-2023)

-B/C-
-17-

~~ATTACHED~~

VF-1442-2022 AZZILUAM VS GOVT CP P040

Acting Director (Exhibit-1)
Ministry & Secondary Education
Khyber Pakhtunkhwa

1. PA to Director
2. Master Copy
Local Directorate

Copy of the above is as:
Encl: No.

Acting Director (Exhibit A-1)
Ministry & Secondary Education
Khyber Pakhtunkhwa

21/01/2023

The file is submitted for perusal and necessary actions please.

Departmental Committee
provided they submit their written report for to conduct of the meeting of
Teachers Union. It may be exempted of implications of the committee in the meeting of
7(2) have affected adversely a large number of female teachers. Thus it is prepared that
in view of the above, the office is of considered opinion that the inclusion of rules
being asked for in the above, the office is of considered case.

Chairman of the Provincial Government Establishment at his office this office has
That in the light of the minutes of meeting dated 6-07-2022 held under the
(Priority-4) 68582/2-1/19010 dated 13-05-2022.
The same was received by this office from your good office vide letter No.50
civil servant to accept promotion under every condition.

That you are requested to issue the order of promotion in every condition
No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
that there shall be no provision in decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.

That you are requested to issue the order of promotion in every condition
No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
that there shall be no provision in decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.

That you are requested to issue the order of promotion in every condition
No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
that there shall be no provision in decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.

That you are requested to issue the order of promotion in every condition
No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
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civil servant to accept promotion under every condition.

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That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
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civil servant to accept promotion under every condition.

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No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
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When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
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civil servant to accept promotion under every condition.

That you are requested to issue the order of promotion in every condition
No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
that there shall be no provision in decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.

That you are requested to issue the order of promotion in every condition
No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
that there shall be no provision in decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.

That you are requested to issue the order of promotion in every condition
No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
that there shall be no provision in decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.

That you are requested to issue the order of promotion in every condition
No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Priority-4) 68582/2-1/19010 dated 13-05-2022 accordingly issued
that there shall be no provision in decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.



No. 8145
Khyber Pakhtunkhwa
Ministry & Secondary Education
Khyber Pakhtunkhwa

Phone: 011-2311111
Email: info@kpk.gov.pk

18-



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

No. SO(Policy-M)EASED/2-1/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Dear Sir,

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

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

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

(MUMTAZ) (BEAD)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUMTAZ) (BEAD)
SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT CP PG43

ATTESTED

ATTESTED

1. Director E-6 SE Kybo Pabuthum
2. PS to Secretary E-6 SE Department of Education
Copy forwarded to:
Section Officer (Primary) (Muz) (Muz)

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

Dear Sir,
I am directed to refer to your letter No. SA (Primary) (Muz) (Muz) / E-6 AD / 1-3/2020 dated 6th June 2020 and to state that after deletion of Rule 7(S) Kybo Pabuthum Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that these 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 Kybo Pabuthum Civil Servant (Efficiency and Discipline) Rule 2011.

SUBJECT: Guidance regarding deletion of Rule 7(S) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989).
The Secretary to Government of Kybo Pabuthum, Establishment and Administration Department.
Pabuthum
To
The Secretary to Government of Kybo Pabuthum, Establishment and Administration Department.
Pabuthum Dated: 23rd August 2023.
No. S (Primary - M) E-6 SE / 1-3 / 2020
Appointment - Rule / 2023
-8/c-
-20-

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.

ATTESTED
M0412-2023 AZIZULLAH VS GOVT/PA/2023

-21-

-22-

-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 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)

Ends 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~~

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 06/05/23 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 SIYAB
SON OF
ABDUL WADOOD
SPST

~~TESTED~~

APR 14 1978

15/11/78

Handwritten text in Urdu script, appearing to be a list or set of instructions. The text is somewhat faint and difficult to read due to the quality of the scan.

Handwritten signature or name in Urdu script.

Annexure - H

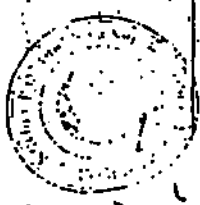
APTA House
Govt. Primary School Road
Chandigarh, Punjab, India



Khyber Pakhtunkhwa

President
121-11111
0222-01111
0222-01111

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/commitments as well as preliminary hearing on 10.06.2024 before S.B. P.O given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]

Date of Presentation of Application 12-5-23
 Number of 57
 Copies 57
 Uprant 57
 Total 57
 Name of 18-6-23
 Date of 17-6-23
 Date of attachment of copy 17-6-23

TESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD SIYAB
Versus

Appellant

Government of KP & others

Respondents

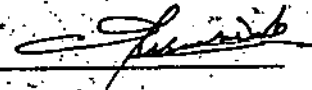
I (the Appellant)

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