


FORM OF ORDER SHEET

Court of _____

Appeal No. 1814 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2024	<p>The appeal presented today by Mr. Muhammad Mauzzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 11.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

S.A = 1814/24

GOHAR ALI
V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA.

In Ref to

Service Appeal No. 1814 /2024

Gohar Ali Son of Ajar Khan, PSHT (BPS-15)
GPS Ailly Kali, Tehsil Sakhakot & District Malakand

.....Appellant

VERSUS

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

.....Respondents

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

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) /E&AD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of 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 agencies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be set aside.

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

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

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

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

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

[Signature]
 Appellant

Through

[Signature]
 Muhammad Muazzam Butt
 Advocate Supreme Court

[Signature]
 Muhammad Adeel Butt
 Advocate High Court

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

-5-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No _____ 2024

**GOHAR ALI
VERSUS**


Secretary to Government of Khyber Pakhtunkhwa, & others


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

Respectfully Submitted:-

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

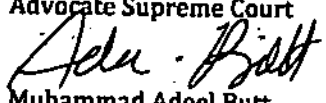
In view of the reasons, it is humbly requested that the notification bearing No. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.


Appellant



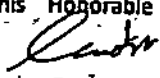
Through

Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

AFFIDAVIT

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


Deponent



6
OFFICE OF THE SDEO (MALE) DARGAI MKD

SERVICE CERTIFICATE

Certified that Mr. Gauhar Ali PSHT BPS-15 GPS Alafi Kalli Tehsil Dargai District MALAKAND is a regular employee in Education Department since 21.04.1999 till now.

SUB-DIVISIONAL EDUCATION OFFICER
(MALE) DARGAI DISTRICT MALAKAND

SDEO Male
Dargai Malakand

ATTESTED

OFFICE OF THE DISTT. EDU. OFFICER (MALE) PRY. HALAKAND AT BAT KHELA

A P P O I N T M E N T

Consequent upon their selection by the Departmental Selection Committee, the Distt. Edu. Officer (Male) Pry. HALAKAND at Bat Khela has been pleased to appoint the following trained PTC candidates on Union Council Wise and Batch Wise Merit Basis at the schools noted against each in BPS 7 (No: 190-31-2095) plus usual allowances as admissible under the rules with immediate effect subject to the existing Terms & Conditions according to the recruitment policy of the Govt. of NWFP.

75 % UNION COUNCIL WISE/BATCH WISE MERIT

Sr.No. Name/Father's Name R/No Merit Score School where Remarks
with address No Post

MUNICIPAL COMMITTEE, BAT KHELA

1. Muhammad Niaz S/O 02 01 35.22 CPS:Khachki H.C.P
Baqir Muhammad, Bat Khela Mohallah

U/S: THANA BANDAJAT

2. Muhammad Ishaq S/O 75 01 48.70 CPS:Rakhta Vacant
Muhammad Ishaq, Bat Khela Post

U/S: KHAR

3. Akbar Bait S/O 31 01 50.22 CPS:No.2 Khar H.C.P
Muhammad Gul, Khar

U/S: TOTAKAN

4. Islam Wadood S/O 227 01 52.53 CPS:Faizal do
Mian Sherin, Hingar Baha Khad

U/S: A. G. R. A

5. Saeed Hassan S/O 23 01 51.20 CPS:Marajji- Vacant-
Khanpur Khan, Jagan Bhatta Post

U/S: BELAI

6. Noor Muhammad S/O 12 01 45.31 CPS:Bandara -do-
Habib Ur-Rahman, Soormandi Payan
7. Inayat Khan S/O 12 02 40.45 CPS: -do- do-
Bashir Khan, Sher Khana
8. Imadud Din S/O 11 02 51.27 " Bandara -do-
Qiamud Din, Sher Khana Sala
9. Ghazan Ali S/O 24 01 40.77 " Bandara -do-
Khan Saib, Sher Khana Payan
10. Janat Gul, S/O 100 05 31.06 CPS: Hura Banda -do-
Wali Muhammad, Loya Banda
11. Siraj Ud Din S/O 11 06 22.70 CPS: Sangal Patti do

(Continued on P. 2.)

ATTESTED

<u>U/C: K O T</u>						
12. Abdul Kabir S/O Abdul Halim, Kot	98	01	50.49	GPS: Koragh (Khanori)	-do-	
13. Abdul Habood, S/O Fazli Habood, Kot	255	02	47.63	GMPS: Show Toop (Khanori)	-do-	
14. Hoidar Ali, S/O Muhammad Ali, Kot	37	03	44.90	GMPS: Patta (Khanori)	-do-	
<u>U/C: DARGAI</u>						
15. Fazli Amin, S/O Muhammad Hir, Dargai	81	01	49.23	GPS: Diwan Shah- Banda	-do-	
<u>U/C: WARTAIR</u>						
16. Bakht Rawan, S/O Farid, Dobandi	150	01	48.74	GPS: Landai Shah N.C.P		
17. Lal Zaman, S/O Shah Madar, Dobandi	188	02	45.22	GPS: -do-	-do-	
18. Mustafa Hassan, S/O Sher Afzal, Dobandi	147	03	36.55	GPS: Dobandi- Banda	Vacant- post	
19. Said Akbar, S/O Ali Asghar, Wartai	50	04	43.20	GPS: Palandara	-do-	
<u>U/C: GHARI-USMANI KHEL</u>						
20. Khalil Ahmad, S/O Saleh Muhammad, Hakhawala	313	01	46.46	GPS: Salgero- Banda (G.U.K)	-do-	
<u>U/C: HERO SHAH/H.KOT</u>						
21. Sayyar Ahmad, S/O Lal Karim, Palonow	166	01	53.66	GPS: Chamyari Shah N.C.P		
<u>U/C: KHARKI</u>						
22. Muhammad Imran, S/O Hisal Khan, Qaidara	07	01	42.37	GPS: Qaidara	Vacant- post.	
23. Ghaus-Ur-Rahman, S/O Sher Zaman, Dargai	103	02	39.59	GPS: -do-	-do-	
<u>U/C: KOPER</u>						
24. Khadim Hussain, S/O Juma Gul, Ghani, Dheri	214	01	51.51	GPS: Nasimullah- Kalli	N.C.P	
<u>U/C: SAKHAKOT BANDA JAT</u>						
25. Gohar Ali, S/O Ajar Khan, Bama Kanda	56	01	37.48	GPS: Pir Muhmood- Shah Kalli	-do-	

(Continued On P . . . 3)

~~ATTESTED~~

TERMS AND CONDITIONS.

- They would be governed by such rules and regulation as may be issued from time to time by the Govt:
2. Their service can be terminated at any time, in case their performance is found unsatisfactory during probationary period in case of misconduct. They shall be proceeded against under the rules framed from time to time.
 3. Charge Report should be submitted to all concerned.
 4. Their inter se seniority on the lower post will remain Intake.
 5. No TA DA is allowed for joining their duty.
 6. An undertaking to the effect that any over payment if made to them as a result of their incorrect promotion to the post of PSHT BPS No 15, the same will be made good by recovery from their pay / pension/ gratuity should be obtained from them in their service books.
 7. Necessary entry to this effect shall be made in their service books.
 8. In case of refusal they shall not be considered for promotion to the post of PSHT for the next 04 years as per Gbvt of Khyber Pakhtunkhwa Establishment Department Notification No. SOR-VI(E&AD)1-3/2009/ Vol-VIII Dated;22-10-2011

(SIRAJ MUHAMMAD)
DISTRICT EDUCATION OFFICER (M)
MALAKAND AT BATKHELA

Endst: No 6990-7000 /F.No Promotion of SPSTs TO PSHTs/DEO(M)Malakand. Dated 27 /07/2019

Copy of the above is forwarded for information and necessary action to:-

1. The Director Elementary and secondary Education Khyber Pakhtunkhwa, Peshawar.
2. District Nazim Malakand.
3. Deputy Commissioner Malakand.
4. DMO IMU Malakand.
5. The Sub Divisional Education officers (Male) Swat Ranizai at Batkhela.
6. The Sub Divisional Education officers (Male) Sama Ranizai at Dargal.
7. The District Accounts officer (Male) Malakand.
8. The Assistant Programmer, DEMIS Cell local office.
9. The Head teachers concerned.
10. The teachers concerned.


DISTRICT EDUCATION OFFICER (M)
MALAKAND AT BATKHELA

ATTESTED



Office of the
District Education Officer (M)
Malakand at Batkhela

0972 410281
0972 410282
0972 410283
0972 410284
0972 410285

NOTIFICATION

Consistent upon the recommendation of the District Promotion Committee in its meeting held on 26.06.2019, the following Senior Primary School Teachers (SPSTs)-BPS No 14, are hereby promoted to the post of Primary School Head Teachers (PSHTs)-BPS No 15. The terms and conditions given below on the basis of seniority cum fitness in pursuance of the Govt. of Khyber Pakhtunkhwa, Elementary and Secondary Education Department Notification No SO(8&A)-1-18/E&SE/2012 dated 11.07.2012 and in the light of subsequent Notification No SO(PE)-4-5/SSRC/meeting/2012/Teaching Cadre dated 13.12.2012 from the date of taking over charge in the best public interest.

S. No.	Serial No.	Name	Designation	Present School	School where to be posted as PSHT
1	364	Shahi Bakht	SPST	GPS No2 Makhband	GPS Gai Kaid
2	449	Riaz Ahmad	SPST	GPS JANDO	GPS Bardara Bayegwa
3	462	Sardar Hussain	SPST	GPS Hero Shah karan	GPS Nari Dhu
4	463	Muhammad Rahim	SPST	GPS NO1 G/U kncl	GPS Kalabol
5	464	Said Karim	SPST	GPS Rajal Kai	GPS Lalbol
6	468	Nasim Khan	SPST	GPS Amandara	GPS Gova Danda
7	473	Zafar Ali	SPST	GPS Khanoni	GPS Bardara Bata
8	474	Seyar Ahmad	SPST	GPS Hero Shah	GPS Muhammad Paray
9	476	Abdul Raul Khan	SPST	GPS No 1 Kila	GPS Zangal Paray
10	477	Bakht Rawan	SPST	GPS Sharif abad	GPS Zahoor abad
11	483	Muhsin Rehman	SPST	GPS Jaban Dargai	GPS Jaban Dargai
12	484	Gohar Ali	SPST	GPS Pir Mahinud Shahi	GPS Quya Kaili

ATTENDED

ATTACHED

- 1- ...
- 2- ...
- 3- ...
- 4- ...
- 5- ...

Head Master
 GPS Pirmahmood Shah Banda
 Sakhsat (M.K.D)

23/04/2014

23/04/2014 تاریخ ...
 1458-75 ...
 ...

23/04/2014 (تاریخ) ...

TERMS AND CONDITIONS.

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulation as may be issued from time to time by the Govt.
3. Their services can be terminated at any time. In case their performance is found unsatisfactory during probationary period in case of misconduct, they shall be proceeded against under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their inter se seniority on the lower post will remain intact.
6. No TA/DA is allowed for joining their duty.
7. An undertaking to the effect that any overpayment if made to them as a result of their incorrect promotion to the posts of PSHT BPS No.15, the same will be made good by recovery from their pay/pension/gratuity should be obtained from them in their service books.
8. Necessary entry to this effect shall be made in their service books.

(FAZAL AHAD KHAN)
DISTRICT EDUCATION OFFICER (MALE)
MALAKAND AT BATKHELA.

Endst: No. 1458-75 / F.No. Promotion of PSTs/DEO(M) Malakand Dated 23-4- 2014.

Copy of the above is forwarded for information and necessary action to:-

11. The Director E&SE, Khyber Pakhtunkhwa, Peshawar.
12. The Sub Divisional Education officer (M) Swat Ranizai at Batkhela.
13. The Sub Divisional Education officer (M) Sama Ranizai at Dargal.
14. The District Accounts officer, Malakand.
15. The Assistant Programmer, DEMIS, Cell local office.
- 6-18. The teachers concerned.


DISTRICT EDUCATION OFFICER (MALE)
MALAKAND AT BATKHELA.


ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MALAKAND AT BATKHELANOTIFICATION

In continuation of this office Notification issued under endst:No. 1167-1446 dated 09-02-2014, endst: No.3851-85 dated 01-08-2013 and Notification issued under endst: No.3921-3941 dated 01-08-2013 and consequent upon the recommendation of the District Promotion committee in its meeting held on 10-03-2014, the following Primary school teachers BPS No.12 are hereby promoted to the post of Senior Primary school teachers BPS No.14 (Rs.8000-610-26300) plus usual allowances as admissible under the rules on regular basis on the terms and condition given below on the basis of Seniority cum fitness in pursuance of the Govt. of Khyber Pakhtunkhwa, Elementary and Secondary Education, Department Notification No.SO(B&A)1-18/E&SE/2012 dated 11-07-2012 and in the light of its subsequent Notification. No.SO(PE)4-5/SSRC/Meeting /2012/Teaching cadre dated 13-12-2012 with immediate effect.

S.No	Sl.No.	Name	Father's Name.	Present School.	Date of birth.
1.	801	Gauhar All	Alam Zeb	GPS, Sher khana	01-01-1975
2	802	Inayat Khan	Bacha Khan	GPS, No.01 Pala	17-04-1973
3	803	Ghausuer Rahman	Sher Zaman	GPS, Qaldara	02-01-1972
4	804	Gauhar All	Ajar Khan	GPS, Pt Mahmood Shah Banda	03-06-1970
5	805	Muhammad Rizaz	Faqir Muhammad	GPS, No.02 Batkhela	06-04-1972
6	806	Sirajud Din	Munta Din	GPS, Palal Banda	02-02-1975
7	808	Abdul Kabir	Abdul Haleem	GPS, No.01 Kot	15-04-1974
8	809	Bakhti Rawan	Farid	GPS, Mayar	10-03-1978
9	810	Abdul Mabood	Fazli Mabood	GPS, No.01 Kot	12-11-1974
10	811	Khalil Ahmad	Saleh Muhammad	GPS, No.,01 Makhnawala	07-06-1977
11	812	Lal Zaman	Shah Madar	GPS, Soorbat	01-03-1975

Contd: Page No.02


Distt: Edu: Officer (M)
Malakand at Batkhela

ATTESTED

TERMS AND CONDITIONS

1. They will be governed by such rules and Regulations as may be prescribed by the Govt. from time to time for the Category of the Govt. Servants to which belongs.
2. Their Services will be liable to termination on one month notice from either side. In case of resignation without notice one month Pay will be forfeited, in lieu thereof.
3. They should join the post within one month of the issue of this order.
4. Their internal/seniority will be determined in accordance with the Merit of Departmental Selection Committee.
5. Charge Reports should be submitted to all concerned.
6. They shall be probationer for a period of two years.
7. Their original certificate/degrees should be checked and verified from the concerned institutions before handing over charge by the concerned SDEOs.
8. Service Books of the Teachers must be prepared complete in all respect before handing over charge.
9. The declaration of assets should be obtained from them immediately and placed on the record.
10. They are required to produce health & age certificates from the Medical Authorities concerned before taking over charges.
11. Charge should not be given to the over age candidates. His case for age relaxation be sent to the quarter concerned.
12. Efforts for transfer before the completion of tenure will disqualify him/them from the services.
13. No TA/DA is allowed.
14. An undertaking shall be obtained from the Master & Degree holders/PTC Teachers that they will serve the Deptt. for at least five years unless he/they are selected by the Departmental Selection Committee for any post.
15. Complete informations in consolidated lists on the prescribed proforma be submitted by the lower offices to the Director Prg. Edu./DEO (Male) Prg. Hkd. at Bat Khela within a week positively.
16. They will not apply for transfer to an other Union Council, before 7 (Seven) years.

(SYED NOMAN BACHA)
 DISTT. EDUCATION OFFICER (MALE) -
 PRIMARY, HALAKAND AT BAT KHELA

Enst Nos: 971 -1028 /F.No.1/A-1/Estt: Dated: 20-04-1999

Copy for information to:

1. The Director of Prg. Edu., NWFP, Dabgari Garden Peshawar.
- 2-3 The SDEO (H) Swat & Sama, Ranizai, Hkd. & Dargai
4. The Agency Accounts Officer, Halakand
- 5-20 The Head Teachers concerned.
- 21-50 Candidates concerned.
57. P.S to Secretary of Edu., Govt. of NWFP, Peshawar
58. Merit-File.

Mukhtar/* (Merit)

~~DISTT. EDUCATION OFFICER (MALE),~~
~~PRIMARY, HALAKAND AT BAT KHELA~~

27/4/99
 ATTESTED

13
Dist. Govt. KP-Provincial
District Accounts Office Malakand
Monthly Salary Statement (July-2024)



Personal Information of Mr GUHAR ALI d/w/s of AJAR KHAN

Personnel Number: 00242897 CNIC: 1540175659771 NTN:
Date of Birth: 03.06.1970 Entry into Govt. Service: 22.04.1999 Length of Service: 25 Years 03 Months 01 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80002421-DISTRICT GOVERNMENT KHYBE

DDO Code: MD6081-DY: D.O (M PRY) DARG

Payroll Section: 002 GPF Section: 001 Cash Center: 04

GPF A/C No: EDUMKD 5103 GPF Interest applied GPF Balance: 835,785.00 (provisional)

Vendor Number: 30571380 - GOHAR ALI PSHT

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 19

Wage type		Amount	Wage type		Amount
0001	Basic Pay	61,540.00	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	1911	Compen Allow 20% (1-15)	1,000.00
2148	15% Adhoc Relief All-2013	735.00	2199	Adhoc Relief Allow @10%	496.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	5,810.00
2347	Adhoc Rel AI 15% 22(PS17)	5,810.00	2378	Adhoc Relief All 2023 35%	20,846.00
2393	Adhoc Relief All 2024 25%	15,385.00			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	-4,437.00	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: 70,978.65 Recovered till JUL-2024: 4,437.00 Exempted: 17743.78 Recoverable: 48,797.87

Gross Pay (Rs.): 122,766.00 Deductions: (Rs.): -10,662.00 Net Pay: (Rs.): 112,104.00

Payee Name: GUHAR ALI

Account Number: 1018-5

Bank Details: NATIONAL BANK OF PAKISTAN, 230593 N.B.P SAKHAKOT MKD AGENCY N.B.P SAKHAKOT MKD AGENCY.

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MKD

City: MALAKAND

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: gali92807@gmail.com

Housing Status: No Official

ANNEXED

System generated document in accordance with APPM 4.6.12.9(288590/26.07.2024v.1.0)

* All amounts are in Pak Rupees

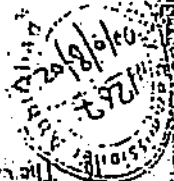
* Errors & omissions excepted (SERVICES/01.08.2024/21-05:58)

ATTESTED

ATTESTED

(WALIDAH LATIF)
DEPUTY SECRETARY (POLICY)

[Signature]



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
- 2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 6. The Principal Secretary to Government, Khyber Pakhtunkhwa.
- 7. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 8. All Heads of Attached Departments 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 Registrar, Administration Department.
- 16. The Director, Government Printing & Stationery, Peshawar.

CHIEF SECRETARY
GOVERNMENT OF THE UPPER PAKHTUNKHWA

AMOUNT NO & EVEN DATE

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

AMENDMENT

...shall be made, namely:
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:
In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa 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

Dated Peshawar, the 06/8/2010

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

Annexure - B-

17

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~~

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/2/AD/1/2020
Dated Peshawar the June 06, 2021

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Polcy-M)/12/AD/1/2021-2/Appointment/2021 dated 18.04.2021 on the subject noted above and to state that Sub-Rule (3) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this Departmental notification dated 06.06.2020; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the ibid rule is aimed at preventing a civil servant from temptation for ill-gain by seeking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade post/positions or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

Yours faithfully,
(Ismail Ahmad Khan)
Section Officer (Policy)

ASE
7/6

7/6

- 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.

8/1/21

Section Officer (Policy)

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No. 091-0223587)

No. 50 (Primary-MYE&SED/2-8/2023)
Dated Peshawar the, June 25th, 2023

To

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

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

[Handwritten Signature]
26/6/23

Subject: **GUIDANCE REGARDING DELETION OF RULE 715 IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.**

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

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

Encl: AA

[Handwritten mark]

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

Copy forwarded to the:

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

[Handwritten mark]

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

ATTESTED
[Handwritten Signature]

20
B/c

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

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(S) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1969.

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALD)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALD)

V.P4442-2023 AZIZULLAH VS GOVT CP PG43

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 1969).

Annexure
D

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. Razaqul Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

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

3. After the broader 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. Razaqul Ullah)
General Secretary APTA
Peshawar

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

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

ATTESTED

22
- 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(1) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION
& TRANSFER RULES 1999).

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

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

- The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.
- After thorough discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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

(Mr. Fazal Wahid)
Deputy Director-1
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~~

ATTACHED

WP442-2023 AZIZULAH VS GOVT CP POKS

Assistant Director (Establish-I)
Ministry of Secondary Education
Karachi

11 PA to Director
2 Master Copy
Local Director

Copy of the above is to:

Assistant Director (Establish A-I)
Ministry of Secondary Education
Karachi

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.
provided they submit their written refusal prior to conclusion of the meeting of
Teachers Union (T.U.) may be required of implications of the committee in the rules held

(15) have offered negatively a large number of Female Teachers. Thus it is proposed that
In view of the above, this office is of considered opinion that the decision of Rules
been asked for submission of consolidated case.

Chairman of the Board of Secondary Education Karachi at his office this office has
That, in the light of the minutes of meeting held 6-07-2023 held under the
(Primary-I) EASED/2-1/19/2023 dated 12-06-2023

The same was received by this office from your good office vide letter No.50
civil servant to accept promotion under every condition.

that there exists no provision to decline or surge promotion, it is obligatory upon every
Wing) vide letter No.50 (Policy) E.A.D/1-1/2023 dated 8-06-2023 categorically stated
That the Government of Karachi Public Health Department (Regulation
No.50 (Primary-I) EASED/2-1/19/2023 for necessary guidance.

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

(1) Now it is obligatory upon the civil servant to accept promotion in every condition.
(2) If the civil servant of the civil servant to either accept or turn down the offer of
promotion.

No.4987 dated 16-02-2023.
That this office sought guidance from your good office in the following words vide letter

vide notification No. SOR-VI (E.A.D/1-1/2020 dated 06-08-2020
dated with Rule 7(2) in the Civil Service (Appointment, Promotion & Transfer Rules 1985)

The Government of Karachi Public Health Department (Regulation (Wing)
present brief history about the background of the case as under:

Circulars of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and in
I am directed to refer to the letter No.50 (Primary-I) EASED/2-1/19/2023

Subject: - MINUTES OF THE MEETING

Dear Sir,

The Senior Officer (Primary-I),
Ministry of Secondary Education Department,
Karachi

Phone: 021-9722144
Fax: 021-9722144
Email: estab@karachi.gov.pk

Dated: 21-7-2023

Khyber Pakhtunkhwa, Peshawar

No. 8145

23

ATTENDED

WP4413-2023 AZZULMAN VS GOVT OF PCAS

2. Master Copy
1. Pt to Director Local Directorate
Rahmad Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

consolidated case.
In view of the above, this office has been asked for submission of
-ment at his office. This office has been asked for submission of
held under the Chairmanship of Hon. Additional Secretary Education
That in light of the minutes of the meeting dated 6-07-2023
servant to accept petition under any condition.
no provision to during foreign promotion. It is obligatory upon every civil
E3AD/1-3/2020 dated 6-06-2023 accordingly stated that there exists
That the government of KP-ED (Regulation wing) vide letter No. SO (Policy)

E3AD/1-3/2020 dated 6-06-2023 accordingly stated that there exists
That the government of KP-ED (Regulation wing) vide letter No. SO (Policy)
guidance -
• That your good office forwarded the same to quarters concerned
vide letter No. SO (Primary-1) E3AD/2-2/Appointment-2023 for necessary
• That in light of the minutes of the meeting dated 6-07-2023
held under the Chairmanship of Hon. Additional Secretary Education
-ment 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(5) have effected negatively a huge
members of female teachers.
The case is submitted for perusal and necessary action

Dear Sir, I am directed to refer to letter No. (SO. Primary-M) E3AD/5-1/64841/
Minutes of meeting 18/7/2023 dated 10-7-2023 on subject cited above and to
present brief history, about background of case as under:-
• That Government of KP Education department (Regulation wing)
added rule 7(5) in Civil Servants (Appointment, promotion, Transfer Rule 198)
vide notification No. No. SOR-VI (E3AD) 1-3/2020 dated 06-08-2020.
That this office sought guidance from your good office in the following
words, vide letter No. 6987 dated 06-07-2023
(ii) How it is obligatory upon civil servant to accept promotion.
(iii) Precedent of civil servant to either accept/demand the
offer of promotion.

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

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

-B/C-
24



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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy) EBAD/ 1-3/2020 dated 08th 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 of 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.

(MUSAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUSAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

ATTESTED

ATTESTED

1. Director EG SE Kybo Paktunkhwa
2. PS to Secretary, EG SE Department Kybo Paktunkhwa
(Muhammad Ishaq)
Section Officer (General)
(Muhammad Ishaq)

Copy forwarded to:
In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.
Mother-in-law who need care. In such cases there are negative effects on service delivery.
Most of them are married with kids and older fathers of in the remotest stations with no residential/transport facilities face serious inconvenience while they have to perform duties teachers of primary level who avail such promotion have to In this connection it is submitted that in some cases lady different means shall be proceed under Kyber Pakhtunkhwa of the competent authority or try to evade promotion through those officers/officials who do not comply with promotion order Promotion and Transfer Rules 1989) it has been intimated that deletion of Rule 7(5) Kyber Pakhtunkhwa (Civil Servants) (Appointments, 1-3/2020 dated 6th June 2020 and to state that after 9 am directed to refer to your letter No. 50 (General) (Policy) /EGAD Dear Sir,

SUBJECT: Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointments, Promotion & Transfer Rules 1989)

The Secretary to Government of Kybo Paktunkhwa, Establishment and Administration Department, Peshawar.

To
No. 50 (Policy-M) /EGAD /a-4/
Appointments - Rule /2020
Peshawar Dated: 23rd August, 2023.

-2-
-b/c-
28

Annexure - F



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

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

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

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

RECEIVED
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
NO. SO(POLICY)E&AD/1-3/2020
DATED PESHAWAR THE SEPTEMBER 07, 2023

28

B/C-

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

To

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

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

Dear Sir,

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

~~ATTESTED~~

29

Annexure - G

To.

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

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

Sir/ Madam:-

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

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

Date: 19/02/2024



GOHAR ALI
SON OF
AJAR KHAN
PSHT

~~ANNEXED~~

WORLDWIDE AZIZULLAH VS GOVT OF PAK

8/17/83
~~ANNEXED~~
Handwritten signature and date

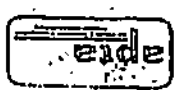
Handwritten text in Urdu script, appearing to be a list or set of instructions.

Handwritten signature and date at the bottom of the main text block.

Annexure - H

Handwritten Urdu text: (پاکستان کے لیے)

APTA House
Govt. Primary School Road,
Gulshar, Faisalabad, Pak.



Prof. Dr. Azizullah

Prof. Dr. Azizullah
0333-011648
0333-011648
0333-011648

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

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-5-24
 Number of 1
 Copies 1
 Original 1
 Title 1
 Name of 13-5-24
 Date of 13-5-24
 Date of 14-5-24

CS CamScanner

ATTESTED

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VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

GOHAR ALI
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