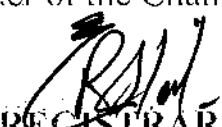


FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 1855 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 14.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

S.A # 1855/24

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

LAIQ ZAMAN

V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
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3.	Copy of Monthly Salary account	A.	6-10
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	11-12
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6.	Copy of Minutes of Meeting dated 06-07-2023	D.	17-20
7.	Copy of Letter dated 23-08-2023	E.	21-22
8.	Copy of Impugned letter dated 07-09-2023	F.	23-24
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	25, 26 27
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ADVOCATE  
M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 1855 /2024

Laiq Zaman Son of Abdul Rauf, SPST  
GPS Chandañ Payan, Tehsil & District Peshawar

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

- c. That non-ava~~il~~ing 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

-5-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_ -P of 2024

In Ref to

Service Appeal No \_\_\_\_\_/2024

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-


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

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


  
Appellant

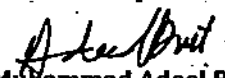
**AFFIDAVIT:**

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

  
Deponent

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

ATTESTED

Sl. No.	Name of Candidates with Father's Name and Address	D.O.Birth	M. No. & Loc.	Posted at	Remarks
1	808 Mohammed Abu Bakar S/O Motamad Yusuf do Aale Postman	28/12/78			
2	106 Khalid Khan Mohammed no Ragi Postman	03/02/1981			
3	813 Badu Khan Nobul Khan Postman				
4	1178 Rifaat Khan Mohammed Postman				
5	717 Jamil Khan Kunda Khan Postman				
6	002 Rikhal Khan Postman	03/11/78			
7	003 Nawaz Khan S/O Rifaat Khan Postman				
8	833 Sajid Khan S/O Rifaat Khan Postman				
9	587 Farhan Khan S/O Rifaat Khan Postman				
10	109 Sajid Khan S/O Rifaat Khan Postman				
11	433 Mohammed Haidi S/O Rifaat Khan Postman	16/12/78			
12	654 Sajid Khan S/O Rifaat Khan Postman	15/12/78			
13	009 Khan no Kagawala S/O Rifaat Khan Postman	15/12/78			
14	701 Ayub Khan S/O Rifaat Khan Postman	03/12/78			
	Zal Sarbandi Postman				
	GPS No.1 Masho Parky				

APPOINTMENT  
 Confirmed by the selection committee on the basis of the following list of candidates. The selection committee is taking over charge in the school  
 Trained (Male) candidates are being appointed on the basis of the following list of candidates. The selection committee is taking over charge in the school  
 vacancies as advertised in the following list of candidates. The selection committee is taking over charge in the school  
 noted against each subject to the following list of candidates. The selection committee is taking over charge in the school

*(Signature)*



-7-

**TERMS & CONDITIONS**

- 1 They will be governed by such rules and regulation as may prescribed by the Government from time to time for category of the Government servants to which they belong.
- 2 Their services will be liable to termination at any time without any notice. In case of resignation prior notice of month should be given by the official / teacher concerned, otherwise one month pay / allowances will be forfeited in lieu thereof in to the Govt. Treasury
- 3 They should take over charge of their posts within 15 days after issue of this Notification / order otherwise the offer of appointment stand cancelled automatically.
- 4 Their appointment are purely temporary and liable to termination / reverted at any stage without assigning any notice / reason.
- 5 Their service will be liable to termination at any stage if there certificates / Degrees / testimonials and domicile etc. found fake and they will be handed over to the Police.
- 6 Their original certificates / Degrees should be checked and verified from the concerned Boards / University etc. by the DDO (Male) Concerned before handing over charge being a DDO.
- 7 Their salary pay not be drawn till the complete verification of certificates / Degrees etc.
- 8 Their declaration of assets should be obtained and kept in safe custody by the D.D.O. Concerned.
- 9 They are required to produce Health and Age Certificate from the MS / Civil Surgeon concerned before their taking over charge.
- 10 Charge report should be submitted to all concerned.
- 11 No TA/DA is allowed being a first appointment.
- 12 The contract period will be renewed only of those who has good service performance.
- 13 They are required to produced an Undertaking on stamp paper of Rs.30/- as per annouce "A" before taking over charge.
- 14 They should not apply for transfer at any stage.
- 15 The above selection has been made on the following criteria :-

Obtained Marks Multiplied by allocated marks to certificates / Degrees and Divided by Total marks e.g.

$350 \times 30 / 850 = 19.41$

Allocation Marks:-

SSC	= 30
FA/F.Sc	= 20
B.A/B.Sc	= 10
MA/ M.Sc	= 05
Professional	= 30
Experience	= 05 ( One year 2 marks, 2 years 3 marks, 3 years and above = 05 marks.)

( TARIQ RAFIQ )  
 DISTRICT COORDINATION OFFICER,  
 ( CITY DISTRICT GOVT.) PESHAWAR

- Encl: No. 3218-3728 / Dated Peshawar the 12 / 11 / 2004
- Copy of the above is forwarded for information and necessary action to the :-
- 1 PS to Minister Education NWFP
  - 2 PS to Secretary Schools & Literacy Department Govt. of NWFP Peshawar.
  - 3 PA to Director Schools & Literacy NWFP Peshawar.
  - 4 District Accounts Office Peshawar with the request that the bills of the above named candidates may not be honour till the verification of their certificates / Degrees etc. from the concerned authorities duly authenticated by the D.D.O. Concerned.
  - 6 P.S.O to District Nazim City District Govt. Peshawar.

**ATTESTED**

Continue Page No.20

APPROVED

MEMORANDUM  
FOR THE RECORD  
DATE

1. On 1/10/62, the Board of Directors of the  
Company met in a regular meeting and  
considered the report of the  
audit committee. The committee  
reported that the audit of the  
accounts for the year ended 31/12/61  
had been completed and that  
the accounts were true and  
correct in all material  
respects. The committee also  
reported that the audit of the  
accounts for the year ended  
31/12/61 had been completed and  
that the accounts were true and  
correct in all material respects.

*[Handwritten signature]*

Page No. 3						
33	866	Ayaz Mohammad S/O Dost Mohammad r/o Khazana Payan Peshawar.	20/4/75	33	59.34	GPS No.1, Tuda .....do.....
34	375	Laiq Zaman S/O Abdul Rauf r/o Ghari Baghbanan Peshawar.	01/07/1975	34	59.43	GPS Chandan Payan .....do.....
35	280	Alam Zeb S/O Jehan Zeb r/o Gul Bala Peshawar.	04/04/1980	35	59.33	GPS No.1, Mewra .....do.....
36	729	Mohammad Amin S/O Mohammad Yasin r/o Toheed Colony # 2 Shaheen Muslim Town.	18/10/70	36	59.36	GPS No.1, Sheikh Mohammad .....do.....
37	841	Mohammad Shafi S/O Haji Mohammad Ishaq r/o Mamoo Khattu Peshawar.	24/4/77	37	59.20	GPS Khawaji Payan .....do.....
38	209	Mohammad Usman S/O Mir Akbar r/o Shahi Payan Shahi Bala Peshawar.	16/11/70	38	59.21	GPS Bachi Korona .....do.....
39	1049	Serfaraz Khan S/O Said Mohammad r/o Moh: Khan Jee Abad I. a. a. ma.	01/04/1981	39	59.12	GPS Larana .....do.....
40	348	Khadim Hussain S/O Abdul Hamid r/o Tambar Pura Peshawar.	12/03/1977	40	59.01	GPS Shaheed Ghari .....do.....
41	382	Mohammad Ilyas S/O Miran Jan r/o Toheed Col. Shaheen Muslim Town.	17/4/82	41	59.11	GPS Nisar Killa .....do.....
42	808	Lutfullah Jan S/O Attaullah Jan r/o Terai Payan Peshawar.	05/11/1977	42	59.34	GPS Laja Ghari .....do.....
43	1412	Hashim Ali S/O Kabir Gul Khan r/o Deh Bahadar Gulshan Renman Col. Peshawar.	03/07/1977	43	59.73	GPS No.1, Mashooq Nagar .....do.....
44	889	Mueen Khan S/O Zahir Khan r/o Hindu Keh.	01/01/1977	44	59.77	GPS Qilla Chandan .....do.....
45	808	Ashullah S/O Madad Khan r/o Darmangi Worsak Rd Peshawar.	01/01/1977	45	59.71	GPS Ghara Tajak .....do.....
46	1832	Khan Mohammad S/O Zirat Gul r/o Fatu Abdur Rahima Peshawar.	01/03/1978	46	59.66	GPS Gul Ahmad Killa .....do.....
47	1191	Gohar Bashir S/O Bashir Khan r/o H 2 Forest Bazar Peshawar.	18/4/76	47	59.57	GPS No.1, Aza Khel .....do.....
48	188	Shah Jee Gul S/O Tawas Khan r/o Moh: Bai Khel Village eufaid Sung Tahna Shagal Peshawar.	17/2/80	48	58.31	GPS Hiza Wari .....do.....

Continues Page No.4

**ATTESTED**

Dist. Govt. KP-Provincial  
District Accounts Office Peshawar Dist.  
Monthly Salary Statement (January-2024)



Personal Information of Mr LAIQ ZAMAN d/w/s of ABDUL RAUF

Personnel Number: 00156346 CNIC: 1730112945543  
Date of Birth: 07.01.1979 Entry into Govt. Service: 22.11.2004

NTN:  
Length of Service: 19 Years 02 Months 011 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA

80642235-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6568-District Peshawar

Payroll Section: 003

GPF Section: 001

Cash Center: 15

GPF A/C No: 156346

GPF Interest applied

GPF Balance:

592,373.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 14

Pay Stage: 15

Wage type		Amount	Wage type		Amount
0001	Basic Pay	48,630.00	1004	House Rent Allow 45% KP21	8,640.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	525.00	2199	Adhoc Relief Allow @10%	356.00
2316	Teaching Allowance 2021	3,036.00	2341	Dispr. Red All 15% 2022KP	4,558.00
2347	Adhoc Rel Al 15% 22(PS17)	4,558.00	2378	Adhoc Relief All 2023 35%	16,411.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-770.00	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: 12,103.48 Recovered till JAN-2024: 5,230.00 Exempted: 3025.43 Recoverable: 3,848.05

Gross Pay (Rs.): 91,070.00 Deductions: (Rs.): -6,605.00 Net Pay: (Rs.): 84,465.00

Payee Name: LAIQ ZAMAN

Account Number: 022379000004-01

Bank Details: HABIB BANK LIMITED, 220223 CITY BRANCH, PESHAWAR. CITY BRANCH, PESHAWAR., PESHAWAR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESHAWAR

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: qarilaiqzaman@gmail.com

**ATTESTED**

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

**NOTIFICATION**

Dated Peshawar, the 06/8/2020

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

**AMENDMENT**

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

ENCL: NO & 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 (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

1267  
04/08/2020

(WAJDAH LATIF)  
DEPUTY SECRETARY (POLICE)

ATTESTED

M.H. S. S. S.

ATTESTED

-12-

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

WP442-2023 AZIZULLAH VS GOVT CRP43

Secretary (Policy)

Secretary (Policy)

Yours faithfully,

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

Copy forwarded to him.

Recd. Of even No & Date

Handwritten initials/signature

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

The basic principle behind the bill rule is aimed at preventing a civil servant from promotion for which s/he is not eligible or showing lack of capacity to perform higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

The basic principle behind the bill rule is aimed at preventing a civil servant from promotion for which s/he is not eligible or showing lack of capacity to perform higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

The basic principle behind the bill rule is aimed at preventing a civil servant from promotion for which s/he is not eligible or showing lack of capacity to perform higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

The basic principle behind the bill rule is aimed at preventing a civil servant from promotion for which s/he is not eligible or showing lack of capacity to perform higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

The basic principle behind the bill rule is aimed at preventing a civil servant from promotion for which s/he is not eligible or showing lack of capacity to perform higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

The basic principle behind the bill rule is aimed at preventing a civil servant from promotion for which s/he is not eligible or showing lack of capacity to perform higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

62

GOVERNMENT OF KHYBER PAKHTUNKHWA

ESTABLISHMENT DEPARTMENT

No. SOP/Policy/KAD/1/2023

Dated: Islamabad the June 06, 2023



Annexure - C

-13-

-19-

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

To  
The 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/2023) dated 18.04.2023 on the subject noted above and to state that sub-Rule(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06-08-2020; thus, no provision exists to decline or forgo promotion.

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

3. Further 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,  
(Issa Muhammad Khan)  
Section Officer (Policy)

(Encls). of even No & date.

Copy is forwarded to :-

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

Section Officer  
(POLICY)

  
**ATTESTED**





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

No. SO (Primary-MVE&SED/2-8/2023  
Dated Peshawar the, June 26<sup>th</sup>, 2023

To

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

*[Signature]*  
26/6/23

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(6) 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 herewith  
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

*[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~~

B/c

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

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT OF PK43

~~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).

Annexure  
①

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

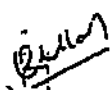
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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. Fozal Wahid)  
Deputy Director  
E&SE Department

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

  
(Mr. Rafiqat Ullah)  
General Secretary APTA  
Peshawar

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

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

~~ATTENDED~~

- B/C - 18 -

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

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

**ATTESTED**

WVA443-2023 APPELLANT VS GOVT OF POK

Assistant Director (Ex-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

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

Copy of the above is in:

Assistant Director (Ex-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

5/17/2023

The rule is submitted for perusal and necessary actions please.

The rule is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

Teachers below U.P.-16 may be exempted of implications of the amendment in the rule bid.

7(S) have effected negatively a huge 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 considered case.

Chairman of the Board of Secondary Education, Khyber Pakhtunkhwa.

That, in the light of the minutes of meeting dated 6-07-2023, held under the

(Primary-16) dated 12-06-2023.

The same was received by this office from your good office vide letter No.50

will accept promotion under every condition.

that have not no provision to decline or forgo promotion. It is obligatory upon every

(Wid) vide letter No.50 (Policy) dated 6-06-2023 categorically stated.

That the Government of Khyber Pakhtunkhwa Department (Regulation

No.50 (Primary-16) dated 12-06-2023 for necessary guidance.

The joint office forwarded the same to the quarter concerned vide letter

provision.

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

Now it is obligatory upon the civil servant to accept promotion in every condition

No.50 dated 12-06-2023.

That this office hereby guidance from your good office in the following words vide letter

vide notification No. 50-R-VI (READY)-1-2020 dated 06-08-2020.

dated Rule 7(C) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)

The Government of Khyber Pakhtunkhwa Department (Regulation (Wing)

present brief history of the subject in the background of the case as under:

I am directed to refer to the letter No.50 (Primary-16) dated 12-06-2023 on the subject cited above and to

Subject - **MINUTES OF THE MEETING**

The Section Officer (Primary-16),  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa.

To



No. 8145

PHASE OF...  
KHYBER PAKHTUNKHWA  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

ATTESTED



WPU12-2023 AZIZULHAQ VS GOVT OF PAK

2. Master Copy  
1. Pt to Director Local Directorate  
Copy of the above to:  
Asst. Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

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

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

That your good office forwarded the same to a/writer concerned vide letter No. SO (Promotion) (Eq.ED/1-2/2020 dated 6-06-2023 correspondingly stated that there exists no provision to during / term promotion. It is obligatory upon every civil servant to accept promotion under any condition.

That this office sought guidance from your good office in the following vide notification No. No. SR-VI (Eq.ED) 1-3/2020 dated 08-08-2020. (1) Now it is obligatory upon civil servant to accept promotion (2) If a civil servant is not willing to accept promotion, then the

That Government of KP Establishment department (Regulation Wng) dated rule 7(S) in Civil Servants (Appointment, Promotion, Transfer & etc) 1997 vide notification No. No. SR-VI (Eq.ED) 1-3/2020 dated 08-08-2020. That this office sought guidance from your good office in the following

Minister of meeting 18/7/2023 dated 10-7-2023 on subject cited above and to present brief history about background of case as under:  
I am directed to refer to letter No. (SO. Hoogy -M) Eq.ED/5-1/6784/

Suggested: Minutes of Meeting  
KPR, Peshawar  
Elementary & Secondary Education Department  
Section Officer (Primary Wng)  
KPR, Peshawar

To:  
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPR  
PESHAWAR  
(21-7-2023)  
-B/C-  
20-



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9221587)

No. SO/Primary-M/EBSED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> 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  
05<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil  
Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those  
officers/ officials who do not comply with promotion order of the competent authority or  
try to evade promotion through different means shall be proceed under Khyber  
Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)  
26/8/23

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WP442-2023 AZIZULLAH VS GOVT OF PK

ATTESTED

~~TESTED~~

1. Director E & SE Kyba Pashimbhwa.  
2. PS to Secretary, E & SE Department of Kyba Pashimbhwa.  
(Muzammad Ismail)  
Section Officer (Admin)  
Muzammad Ismail

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

Dear Sir,  
I am directed to refer to your letter No. S/primary (Policy) (E&AD) 1-3/2020 dated 4th June 2023 and to state that after deletion of Rule 7(5) Kyber Pashimbhwa (Civil Servant (Appointment, Promotion and Transfer Rules 1989)) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Kyber Pashimbhwa (Civil Servant (Efficiency and Discipline) Rule 2013).

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

The Secretary to Government of Kyba Pashimbhwa, Establishment and Administration Department, Peshawar.

To  
No. 50 (Primary-M) E&SE D/18-8/1  
Appointment - Rule 2023  
Peshawar Dated 23rd August, 2023

- b/c -  
- 22 -



Annexure - F

23-



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 tendered to your good office vide this department letter of  
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,  
  
Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

~~ATTENDED~~  
WP42-2023 AZIZULLAH VS GOVT OF PK

-24-

- B/c -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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~~

-25-

Annexure - G

To,

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

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


Sir/ Madam:-

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

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&AD/1-3-1-2020 DATED 06/08/2020, communicated to vide letter dated 06.06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

Dated \_\_\_/0\_/2024

~~ATTESTED~~

  
LAIQ ZAMAN S/O  
ABDUL RAUF, SPST

~~ATTESTED~~

WV9442-2023 AZZULAH VS GOVT OF POA

Handwritten signature and date

08/11/23  
Handwritten signature

Main body of handwritten text, likely a legal document or affidavit.

Handwritten signature and date

Annexure - H

Handwritten text at the bottom of the main section

APTA House  
Govt Primary School No. 4  
Dudhgarh Peshawar City



Dudhgarh Peshawar

APTA House  
Govt Primary School No. 4  
Dudhgarh Peshawar City

07.05.2024



- 27+
1. Learned counsel for the appellant present.
  2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comment. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comment as well as preliminary hearing on 10.06.2024 before S.D. P.P given to learned counsel for the appellant.
  03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

↓

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

*(Signature)*  
13/5/24

Date of Presentation of Application 12-6-24  
 Number of 1  
 Copies 1  
 Urgent 57  
 Total 57  
 Name of 13-6-24  
 Date of 12-6-24  
 Date of Delivery of copy 12-6-24

CS CamScanner

~~ATTESTED~~

-28-

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

LAIQ ZAMAN  
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