


# FORM OF ORDER SHEET

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

**Appeal No.** 1884/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/10/2024	<p>The appeal of Mr. Zahid Khan 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 # 1884 / 2024

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

ZAHID KHAN  
V/S

Government of KP & others

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ADVOCATE

M. Muazzam Butt

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1884 /2024

Zahid Khan Son Munawar Khan, PSHT (BPS-15)

PO Gandhian, Hari mira, Tehsul and District Mansehra

.....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) /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(S) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

**GROUND:-**

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely 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-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

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

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

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

**AFFIDAVIT:**

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

*[Signature]*  
Deponent

Through

*[Signature]*  
Appellant

*[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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

In Ref to

Service Appeal No \_\_\_\_\_2024

Zahid Khan

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

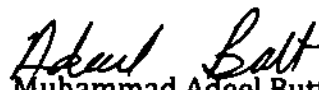
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification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

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

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

**AFFIDAVIT**

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

  
Deponent

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

Refused From  
CT Post



Personal Information of Mr ZAHID KHAN d/w/s of MUNAWAR KHAN

Personnel Number: 00223785 CNIC: 1350306569657 NTN:  
Date of Birth: 20.01.1972 Entry into Govt. Service: 23.10.1993 Length of Service: 30 Years 09 Months 010 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80003206-DISTRICT GOVERNMENT KHYBH.

DIDO Code: MA6145-Mansehra

Payroll Section: 001 GPF Section: 001 Cash Center: 2

GPF A/C No: EDUMA010133 GPF Interest applied GPF Balance: 1,197,228.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil HPS: 15 Pay Stage: 20

Wage type		Amount	Wage type		Amount
0001	Basic Pay	63,520.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	726.00
2190	Adhoc Relief Allow (a-10%)	569.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,009.00	2347	Adhoc Rel All 15% 22(PS17)	6,009.00
2378	Adhoc Relief All 2023 35%	21,539.00	2393	Adhoc Relief All 2024 25%	15,880.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-1,200.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-4,740.00	3900	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: 75,838.65 Recovered till JUL-2024: -4,740.00 Exempted: 18950.53 Recoverable: 52,139.12

Gross Pay (Rs.): 125,466.00 Deductions (Rs.): -10,965.00 Net Pay: (Rs.): 114,501.00

Payee Name: ZAHID KHAN

Account Number: PLS 1423-0

Bank Details: NATIONAL BANK OF PAKISTAN, 231423 BAFFA BAFFA, MANSEHRA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: zahidkhanpsht552@gmail.com

System generated document in accordance with APPAI 1.6.12.9(50399005/26.07.2024/v3.0)  
All amounts are in Pak Rupees  
Errors & omissions excepted (SERVICES/01.08.2024/20:35:13)

CS CamScanner

ATTES TED



OFFICE ORDER NO.127.  
DATED 19/10/1993.

**APPOINTMENT.**

Consequent upon their selection on merit, the following PTC Trained Candidates are hereby appointed in BPS No.(7) @ Rs.1095-60-1995 plus usual allowances as admissible under the Rules v.c.f. the date of their taking over charge against the Newly Created/Vacant Posts in the Schools given against their names in the interest of Public Service.

S.NO.	NAME & FATHER'S NAME	RESIDENCE	PLACE OF POSTING	REMARKS
1	ASHFAQ AHMAD S/O MUHAMMAD NAWAZ KHAN	JABORI	GPS DADAR	A. NEWLY PO:
2	ARSHAD HUSSAIN S/O SHEIKH ABUL QAYUM	JABRI KALISH	GPS PATLANG	A. NEWLY PO:
3	ABDUR RASHID S/O ALI GONAK KHAN	G.H.ULLAH	GPS DOKAR HANNOOR	A. NEWLY PO:
4	SIRAJULLAH S/O MR. ALAM QAD	KARDHARI	MCQ: GAT KHAWA(BG)	A. VAC: POS:
5	MASHAL KHAN S/O ANWAR GUL	KHADAL BALA	GPS CHANIYAL	A. VAC: POS:
6	MUHAMMAD KNIF S/O MUHAMMAD YOUSAF	BAFFA KHURO	GPS KOLIKA	A. NEWLY PO:
7	MIAZ MUHAMMAD S/O AURANG ZEB	GIARSACHA	GPS JALGALI	A. VAC: POS:
8	MUHAMMAD TARIQ S/O GUL ZAMAN	JOZAI	GPS TEMBAR KHOLA	A. NEWLY PO:
9	SARFARAZ S/O GHULAM JAWHAR	ANLQOO(B.GRAM)	MCQ: KASS PAZANG(BG)	A. VAC: POS:
10	INAYATULLAH S/O KANIF ULLAH	IMAKOTE	MCQ: MORI GANGMAL(BG)	A. VAC: POS:
11	JAVAD S/O ANWAR BEG	CHILAR(B.GRAM)	MCQ: BAR MATAI(BG)	A. VAC: POS:
12	MUKARRAM SHAH S/O GHULAM HAIDER SHAH	CHILAR(B.GRAM)	MCQ: JAM BAIK(BG)	A. VAC: POS:
13	MUHAMMAD ASIF S/O HAFIZ ULLAH	NARAL(G.H.ULLAH)	GPS BAI	A. VAC: POS:
14	MUHAMMAD SHAH S/O SABIR SHAH	QAWANDLA M.KHAIL	GPS BIKBAL	A. VAC: POS:
15	ALAM ZEB S/O AURANG ZEB	REHAR	GPS GARMALA	A. VAC: POS:
16	GHULAM MUSTAFA S/O GHULAM MUHAMMAD DIN	GHANALA	GPS BARTOONI	A. VAC: POS:
17	MUHAMMAD HAMAYUN S/O KHALIL UR REHMAN	BAI BALA	GPS SADU KHAN	A. VAC: POS:
18	MUHAMMAD BANARAS S/O MIR ZAMAN	KANSHIAN	GPS SERIAN	A. VAC: POS:
19	HASEEBUR REHMAN S/O NOOR REHMAN	ZEEERLERUKHI(KO)	MCQ: JABRI BAT(LA(BG)	A. VAC: POS:
20	MUHAMMAD SALEEM S/O MUHAMMAD NICKEL	CHANIYAL	GPS DOUR MERA	A. VAC: POS:
21	DALANAR KHAN S/O LAL KHAN	KHABAL	MCQ: TAL ABAD	A. VAC: POS:
22	MUHAMMAD IQBAL S/O MUHAMMAD HAROOF	KALWAL	MCQ: MERA KHURO	A. VAC: POS:
23	SAEED UR REHMAN S/O FAZAL-UR-REHMAN	KHAWARI	MCQ: PHOGARA	A. VAC: POS:
24	MUHAMMAD RAFIQUE S/O KHALIL-UR-REHMAN	BELA(SABIR SHAH)	GPS MALIMA QAD	A. VAC: POS:
25	ZULFIQAR KHAN S/O GUL REHMAN	LUNDI/DHOODIAL	GPS CHTRA KOTE	A. VAC: POS:
26	MUHAMMAD RASHID S/O FADEER MUHAMMAD	LASSAN, NAWAZ	GPS KALADS	A. VAC: POS:
27	SALEM-KHEEN S/O MUHAMMAD ZAMAN	SONEH (MARAN)	GPS KUMHAR SHARIF	A. VAC: POS:
28	ZAHID KHAN S/O MUHAMMAD KHAN	THATHI MERA	GPS DOUR PAEEN	A. VAC: POS:
29	SAIN MAHTAJ S/O KHALIFULLAH	NAKIAN JARED	GPS FAQEER ABAD	A. VAC: POS:
30	MUHAMMAD SADIQ S/O NOORANI	PATTA GHESHER	GPS KALISH	A. VAC: POS:
31	UMAR FAROOQ S/O AHMAD NAWAZ	KENTAL (DHOODIAL)	GPS CHAMS GILGAY	A. VAC: POS:
32	ABDUL RAUF SHAH S/O MARDAN SHAH	TANGRI/KANSHIAN	GPS ZEEZARI	A. VAC: POS:
33	TANVEER AHMAD S/O MUHAMMAD YOUSAF	JABI HIDER SHAH	MCQ: PRINGAL	A. VAC: POS:
34	MUHAMMAD RAFIQUE S/O GUL ZAMAN	KAMAL BAN	GPS SOONIA	A. VAC: POS:
35	MUHAMMAD ISLAM S/O MUHAMMAD YOUNIS	QATTAMORI	GPS REEN UARA(BG)	A. VAC: POS:
36	GHAZI KHAN S/O MUHAMMAD KHAN	KATHI MERA	GPS DOBAY	A. VAC: POS:
37	MUHAMMAD ASIF S/O GHULAM JALAN	JABRI	GPS BILYANI	A. VAC: POS:
38	MUHAMMAD FIAZ S/O FAZAL-UR-REHMAN	PAIRAN	GPS DARBANI	A. VAC: POS:
39	M.KHALID S/O GUL ZAMAN	JABA	GPS GARMH(M.KHAIL)	A. VAC: POS:
40	IMDAD MUSSAIN S/O FAZAL MULLAI	SUNJAWAL/NAWAL	GPS GULEMANI	A. VAC: POS:
41	MUHAMMAD ARSHED S/O SIHER ZAMAN	TOGI MERA	GPS SACHAA	A. VAC: POS:
42	EASHIR AHMAD S/O MUHAMMAD YOUSAF	GULI BAGA	GPS KAROR	A. VAC: POS:
43	ISHTIYAQ AHMAD S/O KAKIM KHAN	MASZA	GPS PAKHAN	A. VAC: POS:
44	MUHAMMAD SHARIF S/O MUHAMMAD IFFAN	BELA TRANGI	GPS MORI BALA	A. VAC: POS:

Recd. 19/10/93  
10/10/93  
10/10/93

Contd: - Principal,  
G.H.S.S Sher Pur  
Mansehra.

ATTESTED

NO.	NAME & FATHER'S NAME	RESIDENCE	PLACE OF POSTING	REMARKS
45	HANZDOR HUSSAIN S/O ABDUR REHMAN	GUL MERA	SPS SERI KANDOW	A.VAC: POST
46	AMJID ALI S/O MUHAMMAD AMJIDUREN	ATI ARBISHAH	SPS SERI BELA	A.VAC: POST
47	MUHAMMAD SHAFI S/O BAGIS	CHACHION	SPS LASHORA	A.VAC: POST
48	BACHIR MUHAMMAD S/O TAUKE KHAN	CHONGA	SPS KATY CHATAU	A.VAC: POST
49	AGOUR RASHID S/O HAFI MUHAMMAD	CHONGA	SPS KATY CHATAU	A.VAC: POST
50	OHULAN SARMA S/O HADIF	CHONGA	SPS KATY CHATAU	A.VAC: POST
51	MUHAMMAD ARIF S/O MUHAMMAD SHARIF	CHONGA	SPS KATY CHATAU	A.VAC: POST
52	IFTIKHAR AHMAD S/O AHMAD AHMAD	CHONGA	SPS KATY CHATAU	A.VAC: POST
53	SAJID HABIB S/O HAFI HAFI	CHONGA	SPS KATY CHATAU	A.VAC: POST
54	MUHAMMAD FARVAZ S/O GULAM MOHAMMAD	CHONGA	SPS KATY CHATAU	A.VAC: POST
55	AKHTAR AWAZ S/O MUHAMMAD AWAZ	CHONGA	SPS KATY CHATAU	A.VAC: POST

**TERMS & CONDITIONS**

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and professional Certificates/Documents.
4. Their original Academic and professional Certificates should be checked thoroughly before handing over the charge and should not be handed over; charge if their original certificates are not found correct.
5. No one should be handed over charge if he is below 18 Years and above 25 Years.
6. Their pay will not be drawn until they produced age and Health Certificate by the Medical Superintendent District Head quarter Hospital Manshehra.
7. The Candidates who received their Professional Training from the Colleges/Universities other than Government Elementary Colleges in N.W.F.P. will be appointed according to their merit order after the Verification of their Professional Qualification from the concerned issuing Agencies.
8. They will be Governed under prescribed Service Rules framed by the Government of N.W.F.P.

(KABIRAWAZ)  
 DISTRICT EDUCATION OFFICER  
 (MALE) PRIMARY MANSEHRA.

Endst. No. 4960-5020/GB/G-I/Vol-III/93, Dated Manshehra, the 19/10/93.

Copy forwarded to the :-

1. Director Primary Education N.W.F.P HAYATABA Peshawar.
2. District Accounts Officer Manshehra.
- 3-4. Sub-Divisional Education Officer (Male) Manshehra & Battagram.
- 5-59. All the Candidates concerned.
60. Superintendent local office.

(KABIRAWAZ)  
 DISTRICT EDUCATION OFFICER  
 (MALE) PRIMARY MANSEHRA.

Principal,  
 G.H.S.S Sher Pur  
 Manshehra.

ATTESTED

**ATTESTED**

DEPUTY SECRETARY POLICY  
(GVA) (DHA LATAI)

M.H. S. D.

**ATTESTED**



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
- 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 Public Service Commission, Peshawar.
- 12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Deputy Director (T. & A) Department.
- 14. All Section Officers in Establishment & Administration Department with the request to
- 15. The Section Officer (Admin), Administration Department.
- 16. The Section Officer (Admin), Administration Department.
- 17. The Section Officer (Admin), Administration Department.
- 18. The Section Officer (Admin), Administration Department.
- 19. The Section Officer (Admin), Administration Department.
- 20. The Section Officer (Admin), Administration Department.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

**AMENDMENT**

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

Further amendment shall be made, namely:

(a) The Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the

in exercise of the powers conferred by section 26 of the

Government of Khyber Pakhtunkhwa Act No. XVIII of 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973)

Official Gazette No. 66/8-2020

**NOTIFICATION**

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

Annexure-1-B

110

**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 Directors (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

WP4442-2023 AZIZULLAH VS GOVT OF PG43

21.6.23

Section Officer (Policy)

(132a Niaz Ahmad Khan)  
Section Officer (Policy)

Yours faithfully,

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

Copy forwarded to:

Under Cover No & Date

ASSE  
2/6

2011, please.

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.

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.

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

1. I am directed to refer to your letter No. SO/Primary-M/MS/2023-24 dated 18.04.2023 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 department notification dated 06.08.2020. Thus, no provision exists to decline or forgo promotion.

Subject: GUIDANCE REGARDING PROMOTION OF MR. (13) IN THE CIVIL SERVICE (GENERAL) CATEGORY, ESTABLISHMENT DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA.

The Government of Khyber Pakhtunkhwa, Islamabad



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO/Primary-M/MS/2023-24  
Dated Islamabad the June 06, 2023

6.2

Amrux

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

No. SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 26<sup>th</sup>, 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 7(5) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.

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

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

Copy forwarded to the:

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

*[Handwritten Signature]*

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

**ATTESTED**

13  
B/c  
No SO (Primary-M)/B&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(5) IN THE KHYBER  
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION  
AND TRANSFER) RULES, 1989.

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

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

A meeting regarding the subject matter was held on 04-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary, Establishment in his office. The following attended the meeting.

Annexure  
①

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. Razaqal 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 above 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  
E&SE Department

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

(Mr. Razaqal Ullah)  
General Secretary APTA  
Peshawar

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

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

ATTESTED



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

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

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**

WP4443-2023 AZIZULAH VS GOVT OF PK43

Assistant Director (Esabd-I)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Assistant Director (Esabd I-I)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa  
21/7/2023

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

Encl: No.

The spec is submitted for perusal and necessary actions please.

Departmental Promotion Committee.  
Teachers below DPE-16 may be exempted of implications of the amendment in the rules laid provided they submit their written request prior to conduction of the meeting of (75) have affected negatively a huge numbers 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 a reconsideration of consolidated case.  
Chairmanship of Hon. Additional Secretary Establishment at his office this office has that in the light of the minutes of meeting dated 6-07-2023 held under the (Primary-M) ESSED/2-2/Appointment/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 in decline or forgo promotion. It is obligatory upon every wing) vide letter No.50 (Policy) E&AD/1-1/2020 dated 6-06-2023 categorically stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-M) ESSED/2-2/Appointment/2023 for necessary guidance.  
That your good office forwarded the same to the quarter concerned vide letter promotion.  
(ii) If the prerogative of the civil servant to either accept or turn down the offer of (i) Now the obligation upon the civil servant to accept promotion in every condition. No.987 dated 04-02-2023.  
That this office sought guidance from your good office in the following words vide letter vide notification No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.  
dated Rule 7(c) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) That Government of Khyber Pakhtunkhwa Establishment 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-M) ESSED/2-1/1-1/G.Mike/Mingus of the Ministry/STY023 dated 10-07-2023 on the subject cited above and to

**MINUTES OF THE MEETING**

The Station Officer (Primary-Male),  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa Peshawar.

Subject:-  
Dear Sir,

Phone: 09-9223211  
Email: [education@kpk.gov.pk](mailto:education@kpk.gov.pk)



ATTENDED

WP4412-2023 AZIZULAH VS GOVT OF PERAK

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

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

Please.  
The case is submitted for perusal and necessary action.  
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.

consolidated case.  
held under the chairmanship of Hon. Additional Secretary Education at his office. This office has been asked for submission of minutes of the meeting dated 6-07-2023.  
That in light of the minutes of the meeting dated 6-07-2023 no provision to declare/forge promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQ/AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to declare/forge promotion. It is obligatory upon every civil servant to accept promotion. It is obligatory upon every civil servant to accept/promotion. That your good office forwarded the same to quarters concerned vide letter No. SO (Promotion) EQ/ED/2-2/Appointment/2023 for necessary guidance.  
That your good office forwarded the same to quarters concerned vide letter No. SO (Promotion) EQ/ED/2-2/Appointment/2023 for necessary guidance.

That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023.  
That notification No. No. SDR-VI (EQ/AD) 1-3/2020 dated 06-08-2020. That Government of KP Establishment department (Regulation Wing) decided rule 7(5) in Civil Servants (Appointment/Promotion) Transfer Rule 1999 present brief history, about background of case as under:  
Minutes of meeting PST/2023 dated 10-7-2023 on subject cited above and to

I am directed to refer to letter No. (SO. Promog-M) EQ/ED/5-1/GMR/1/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:  
Minutes of meeting PST/2023 dated 10-7-2023 on subject cited above and to

Dear Sir,  
Subject: Minutes of Meeting  
KPK, Peshawar  
Elementary & Secondary Education Department  
Section Officer (Primary Male)  
To: DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK.  
RESUME (21-7-2023)

-B/C-



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

No. SO(Primary-M)E&SED/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)/E&AD/ 1-3/2020 dated 06<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 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.

(MUHAMMAD ISEK) SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)  
23/8/23

Scanned with CamScanner

ATTESTED

~~TESTED~~

(Muzammad Ishaq)  
Section officer (Primary  
Male)

Department of Education  
Khyber Pakhtunkhwa

2. PS to Secretary, E & SE

1. Director E & SE Khyber Pakhtunkhwa

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.

different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011. of the competent authority or try to evade promotion through these officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 8th June 2023 and to state that after 9 am directed to refer to your letter No. SO (Primary) (Pozay) (E&AD)

Dear Sir,

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

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

To

No. 50 (Primary-M) E&SED / 8-21  
Appointment - Rule / 2023  
Peshawar Dated 23rd August, 2023.

- B/c -

Annexure - F



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

To

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

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

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

Yours faithfully,

Section Officer (Policy)

Endst. 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.

WP442-2023 AZIZULAH VS GOVT OF PG43

ATTESTED

20

- 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-III), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

Section Officer (Policy)

22  
Annexure - G

To,

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


**Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, 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. 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. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1- 3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and, therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

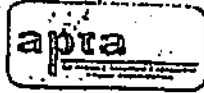
**It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution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

Dated 26/01/2024

  
ZAHID KHAN  
S/O. MUNAWAR KHAN  
PSHT.



Aziz Ullah Khan  
President  
0333-0414648  
azizullah1973@gmail.com  
anpknph



APTA House  
Govt. Primary School No.4  
Quibehar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - H

مہاب: میگزائی ٹیچرز ایسوسی ایشن خیبر پختونخوا  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
جناب مال

گزارش ہے کہ پروسٹوز ہر لکھنے میں ہوتے ہیں اور اگر سرکاری ملازم کی عوامی دہلی ہے پروسٹوز کا ایک سال تک ہونا اور اگر وہ کسی اور کسی جگہ کے تحت ایک دن پروسٹوز میں تو وہ پھر آٹھ ماہ سال تک پروسٹوز میں لے سکتے تھے مطلب ہر سال تک ہر ماہ کی پروسٹوز میں وہ سکتے تھے۔  
پھر اس قانون میں عوامی رعایت دی گئی ہے کہ اگر ایک سال پروسٹوز نہ لیں تو وہ دوسرے سال لے سکتے ہیں اب ایک ہفتے پہلے ایک اور نوٹیفکیشن آیا ہے جس کے مطابق اب ہر عام پروسٹوز شروع ہونے کے آگے نہیں لیں گے تو اس کے خلاف ایسے ایسے طریقے کارروائی کر کے لیا گیا ہے جو اصل یہ آفری نوٹیفکیشن بنیادی انسانی حقوق کی مکمل خلاف ورزی ہے جسے کی رو سے ہلاک اور پہلی طاقتوں میں خاص کر عوامی منافع کے انتہائی مشکلات کا سامنا کرنا پڑے گا۔  
جبکہ عام حالات میں بھی ذہنی پروسٹوز اور دوسرے بیماریاں بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ ٹیچرز پختونخوا میں برقی سے قانونی دشمنی کی ہوئی ہے جیسے حالت میں یہ یا نوٹیفکیشن جو E&SB کی کاپی اس لیے لبر کی جہاں سے لیا گیا ہے جو پختونخوا اور بنیادی انسانی حقوق کی خلاف ورزی ہے اس کے خلاف عدالتی چل رہی ہے جو اس کا حق بھی منظور رکھتے ہیں۔  
لہذا ہم آپ سے استدعا کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اسکول (Relaxation) دیا جائے اور اس کے ذریعہ پروسٹوز لینے کی جہاں سے لیا جائے اور پروسٹوز لینے کی صورت میں باقاعدہ ہونا لیا جائے لیکن یہ ذہنی پروسٹوز کی جائے اس لیے ہمیں آپ سے استدعا ہے کہ (DEOs) ای ای اور ایک شخص سے رابطہ جاری کیا جائے تاکہ اطلاع میں آپ سیکرٹری / ٹیچرز ایسوسی ایشن پرائمری اسکول کو دینا اور ہر جگہ سے بنایا جائے۔  
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اسکول کو اپنی طور پر ہر جگہ کے ساتھ شروع ہو چکا ہے لہذا ہم یہ درخواست کرتے ہیں کہ آپ صاحبان ذہنی اسکول میں ہر جگہ پرائمری اسکول کو اطلاع دیں تاکہ اس ذہنی اسکول سے ہاتھ دلائل کے

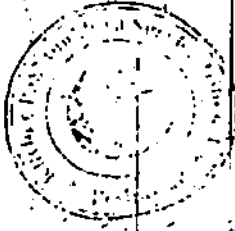
شکر ہے

28/11/23


عزیز خان صوبائی صدر  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

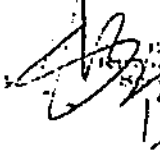
ATTESTED

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.B. 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 (F)

  
 13/5/24

Date of Presentation of Application 10-5-24  
 Number of 1  
 Copies 1  
 Urgent 1  
 Total 1  
 Name of ---  
 Date of 13-5-24  
 Date of Delivery of Copy 13-5-24



**ATTESTED**

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

ZAHID KHAN

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM


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

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



**APPELLANT**

**ACCEPTED**

  
**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court

  
**MUHAMMAD ADEEL BUTT**  
Advocate High Court

  
**BASSAM AHMAD SIDDIQUI**  
Advocate High Court