


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1885/2024


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. Muhammad Nasir resubmitted 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>

The appeal of Mr. Muhammad Nasir received today i.e on 27.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copy of departmental appeal in respect of appellant is not attached with the appeal be placed on it.

No. 844 /Inst./2024/KPST,

Dt. 27/9 /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. Muazzam Butt Adv.
High Court at Peshawar.

Note:- Resubmitted after removal of the
10/10/24 objection.


10/10/24.

S.A # 1885 / 2024

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

MUHAMMAD NABIR

V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

- 1 -

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1885 /2024

Muhammad Nasir Son of Sar Meer Khan, PSHT
GPS Khazina, Tehsil & District Hangu

.....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 Primary School Head Teacher.
Copy of Appointment letter is annexed as **Annexure A**

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

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

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. Copy of letter dated 23-08-2023 is attached as Annexure E.

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed. Copy of Representation against the said notification is annexed as Annexure G & H
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

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.

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

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

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

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

AFFIDAVIT:

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

m Nisar
Deponent

Through

m Nisar
Appellant

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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

MUHAMMAD NASIR.

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

AFFIDAVIT:

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

M Nasir
Deponent

Through

M Nasir
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY, DISTRICT HANGU.

OFFICE ORDER

Consequent upon the recommendation of recruitment committee of Schools & Literacy Department Hangu and further approved by the DCO Hangu, the following Male PST candidates are hereby appointed on contract basis in BPS-7 @ (2220-120-5820) with usual allowances as admissible under the rules with immediate effect & further posted in the Schools noted against their names subject to the terms and conditions as detail given below.

S.No.	Name	Father Name	Address	Mertt.	Place of Posting	Remarks
1	Sahib Noor	Sultan Asghar	Turki Banda	59.80	GPS Shinali Kahi.	A.V.P.
2	Fazal Azim	Atia Mohd.	Karbogha	57.48	GPS No.1 Karbogha.	A.V.P.
3	Saifullah	Awal Khan	Toghsara.	56.51	GPS Tavizi Banda	A.V.P.
4	Mohd:ijaz	Amanat Khan	Sarozai.	55.72	GPS No.1 Sarozai.	A.V.P.
5	Abdul Jalil	Sultan Mohd:	Mishil Banda Bagatoo.	55.06	GPS Bagatoo.	A.V.P.
6	Mohd:Shahid	Eid Akbar	Tamboli Banda.	54.73	GPS Tambli Banda.	A.V.P.
7	Mohd:Zahid	Mir Ayyaz	Khazina Banda	54.59	GPS Khazina	A.V.P.
8	Fazal Wahid	Khajista Gul	Sarozai.	53.98	GPS No.2 Sarozai.	A.V.P.
9	Farid Jan.	Sher Jang.	Darshi.	53.92	GPS Darshi.	A.V.P.
10	Mohd:Zaman	Najik Bad Shah	Karbogha	53.30	Already in Govt:Service	Qari at OHS Torawari.
11	S.Jamil Hussain	S.Zainul Abadin	Pass Kaly	53.	GPS Bahadar Gari.	A.V.P.
12	Bakhtiar Mohd:	Fiaz Mohd:	Karbogha	52.89	GPS Sharki Karbogha	A.V.P.
13	Saifullah	Fazal Gul	Gandri	52.83	GPS Khan Kot	A.V.P.
14	Khalil Rehman	Momin Khan	Dallan	52.56	GPS No.1 Dallan	A.V.P.
15	Mohd:Bitai	Mohd:Quraish	Toghsara.	51.81	GPS No.1 Toghsara.	A.V.P.
16	Noorud Din	Ghous Din	Karbogha	51.69	GPS Shamal Din	A.V.P.
17	Masul Haq	Shamsul Haq	Karbogha	51.67	GPS Sharki Karbogha.	A.V.P.
18	Masood Akbar	Noor Akbar	Azimi Banda	51.56	GPS Azimi Banda	A.V.P.
19	Shahabud Din	Nazar Ali	Dallan	51.35	GPS No.3 Dallan	A.V.P.
20	Shahidin	Shamsud Din	Sarozai.	51.31	GPS No.2 Sarozai.	A.V.P.
21	Shamsul Huda	Abdul Hakim	Karbogha	51.05	GPS No.1 Karbogha	A.V.P.
22	Roshan Ayaz	Mira Khan	Kahi	50.96	GPS No.1 Kahi.	A.V.P.
23	S.Mohd:Irshad	Bahadar Zaman	Karbogha	50.92	GPS No.2 Karbogha.	A.V.P.
24	M.Nisar Khan	Ghazi Mohd:	Chapri Waziran.	50.85	GPS Dapsa Thali	A.V.P.
25	Noor Zarin	Mir Wazir	Darari Banda	50.76	GPS Darari Banda	A.V.P.
26	Ahsar Hussain	Jafar Ghulam	Ganjan Kaly	50.57	GPS No.4 Hangu.	A.V.P.
27	Pto Hanif	Sheraz Gul	Sarozai	50.29	GPS Doaba.	A.V.P.
28	Surgj Khan	Hakim Zar	Chapri Waziran	49.83	GPS Dapsa Thali	A.V.P.
29	Miqdadullah	Zahoorullah	Bagatoo.	49.55	GPS Bagatoo.	A.V.P.
30	S.Mohd:Irshad	Mohd:Kamal	Darari Banda	49.33	GPS Darari Banda	A.V.P.
31	Wali Khai	Abdur Rehman	Dallan	49.26	GPS No.3 Dallan	A.V.P.
32	Saifullah Khan	Mushari	Adam khel(Kach)	48.93	GMPS Sorck Dana	A.V.P.
33	Mohd:Rahim	Mohd:Saifm	Mianji Khel	48.90	GPS Mata Kola	A.V.P.
34	Rahimud Din	Miraj Ud Din	Dallan	48.81	GPS No.4 Dallan	A.V.P.
35	Shakirullah	Khial Bar Khan	Naryab	48.47	GPS Shanawari Naryab	A.V.P.
36	Abdul Samad	Abdul Majid	Mianji Khel	48.20	GPS Shelkh Wali Korona	A.V.P.
37	Jahanzeb	Fazal Mansar	Azimi Banda	48.14	GPS Azimi Banda	A.V.P.
38	Mohd:Sher	Islam Gul	Sarozai.	48	GPS Doaba.	A.V.P.
39	Mohd:Hayat	Mehraban	Sarozai.	47.74	GPS Doaba.	A.V.P.
40	Mohd:Jan	Hakim Khan	Dallan	47.73	GPS Shinki Banda	A.V.P.
41	Hazrat Hussain	Zar Mohd:	Doaba	47.68	GPS Doaba.	A.V.P.
42	Shaukat Ali	Shah Sawaar Ali	Lodi Khel	47.50	GPS Lodi Khel	A.V.P.
43	Attar Rehman	Mehmood Khan	Dallan	47.39	GPS No.1 Dallan	A.V.P.
44	Muhammad Khan	Saifoor Khan	Moh: Sajdan	47.36	GPS No.1 Hangu	AVP

45.	Muhamamd Shah Keel	Muhamamad Nabeel	Gandari waziran	47.21	Mehboob banda	AVP
UNION COUNCIL WISE						
RAISAN						
46.	Sajid Ali	Ibrahim Khan	Lodhi Khel	45.89	GPS Lodhi Khel	A.V.P.
47.	Hameed Hussain	Mohd:Ali	Lodikhel	41.59.	GPS No.3 Ibrahimzai.	A.V.P.
48.	Anwar Shah	Syed:Wazir	Shehu Wam	41.29	GPS Shahuwam.	A.V.P.
49.	UAC Khan Bari.	Qharib Shah	Bahadar Gari	44.71	GPS Gulbagh	A.V.P.
50.	Azmatullah	Naqibullah	Bahadar Gari	44.70.	GPS Bahadar Gari.	A.V.P.
51.	Mohd:Imran	Gulzar Mohd	Khan Bari	42.83	GPS No 1 Hangu..	A.V.P.
DARBAND						
52.	Mohd:Khalid.	Hunar Badshah	Derband	35.46.	GPS Bado Talab	A.V.P.
DOABA.						
53.	Luqman Mohd:	Abdul Mohd:	Sarozai	46.23.	GMPS Qasim Abad Doaba.	A.V.P.
54.	Rafiqullah	Noora Jan	Sarozai.	46.16.	GPS Doaba.	A.V.P.
55.	Jamshid Khan	Jumak Badshah	Doaba	44.97	GPS Doaba.	A.V.P.
56.	Shah Room	Kamin Gul	Doaba	44.35	GPS Doaba.	A.V.P.
NARYAB						
57.	Hibibul Rehman	Fazal Manan	Sawan Banda	47.14.	GPS Shanawari Naryab.	A.V.P.
58.	Mohd:Ilaf	Janat Khan	Naryab	46.51	GPS Shanawari Naryab	A.V.P.
59.	Amir Mohd:	Ahmad Shah	Sawan Banda	43.73	GPS Sawan Banda	A.V.P.
60.	Kasib Rehman	Fazal Rehman	Sawan Banda	42.02	GPS No.2 Zargiri	A.V.P.
61.	Hassan Akbar	Mutabar Khan	Marofi Banda	41.98	GPS Marofi Banda	A.V.P.
62.	Mohd:Jasim	Mova Gul	Marofi Banda	37.19.	GPS No.2 Sarazamka.	A.V.P.
63.	Azizur Rehman	Fazal Rehman	Sawan Banda	33.56.	GPS No.1 Zargiri	A.V.P.
64.	Atiqur-Rehman	Hibib Rehman	Marofi banda	33.20.	GPS Zargiri No.2	A.V.P.
65.	Gul Nawaz	Qadir.Khan	Chapri Naryab	29.07	GPS No.2 Chapri Naryab	A.V.P.
DALLAN						
66.	Umar Khan	Jabajgir Khan	Gandiri	45.56	GPS Mehboob Banda	A.V.P.
67.	Wall Men Shah	Zali Shah	Gandiri	45.68.	GPS Adam Banda	A.V.P.
68.	Akhtar Gul	Gul Nazir	Mianji Khel	45.33	GPS Adam Banda	A.V.P.
TOGHSARAI						
69.	Agal Badshah	Lal Din Shah	Turki Banda	44.88.	GPS Mughal Abad	A.V.P.
70.	Qasim Gul	Kamin Gul	Alwara Mela	38.63	GPS Alwara Mela	A.V.P.
71.	Iran Badshah	Saifoor Badshah	Asgharo Banda	36.69	GPS Tavizi Banda	A.V.P.
72.	Nasib Halim	Mohdi Karim	Katgarh	35.21	GPS Katgarh	A.V.P.
73.	Saifullah Khan	Gul Rehman	Turki Banda	32.29.	GPS No.1 Tangi Miangan	A.V.P.
74.	Samfullah	Mohd:Umar	Biyamina	30.58.	GPS Balyamina	A.V.P.
DARSAMAND						
75.	Mehmood Khan	Mohd:Yousaf	Jawaro Ghundi	38.01	GPS Jawaro Ghundi	A.V.P.
76.	Mohd:Walid	Adam Khan	Jandi Darsamand	36.71	GPS No.2 Darsamand	A.V.P.
77.	Adil Shah	Ahmad Shah	Regi	32.42	GPS Regi Madi khel	A.V.P.
78.	Shajad-Din	Khair Din	Jandi Darsamand	29.68.	GPS No.2 Darsamand	A.V.P.
MOHD:KHAWAJA						
79.	Walli Rehman	Noorab Khan	Mohd:Khawaja	36.87	GPS No.1 Mohd:Khawaja	A.V.P.
KACH						
80.	Gul Shah	Adil Shah	Umar Abad	46.93	GPS Babu Tang.	A.V.P.
KARBOGHA						
		Said Umar	Karbogha	46.57	GPS Sharki Karbogha	A.V.P.

82	Mohd:Salim	Abdul Yasin	Karbhogha	45.76	GPS Marki Karbhogha	A.V.P.
83	Mustafaul Haq	Ahsaul Haq	Karbhogha	41.66	GPS No.1 Karbhogha	A.V.P.
84	Yasir Rahim	Abdul Ghafour	Karbhogha	41.81	GPS No.1 Karbhogha	A.V.P.
85	Khalid Rehman	Noor Ahmad Khan	Karbhogha	37.89	GPS No.1 Karbhogha	A.V.P.
86	Hazim Gul	Ithar Gul	Karbhogha	36.13	GPS No.1 Karbhogha	A.V.P.
87	Jalalud Din	Mir Safa Khan	Karbhogha	31.09	GPS No.1 Karbhogha	A.V.P.
88	Kaifur Rehman	Mir Safa Khan	Karbhogha	29.07	GPS Marki Karbhogha	A.V.P.
THALL URBAN						
89	Mohd:Sadi	Mohd:Ibrahim	Thall	38.78	GPS No.1 Thall	A.V.P.
90	Nasimud Din	Hikman ud Din	Thall	32.35	GPS No.3 Thall	A.V.P.
91	Mohd:Iqbal KOTKI	Spin Khan	Thall	32.32	GPS No.3 Thall	A.V.P.
92	Dikar Mohd:	Sardar Mohd:	Hogatao	43.35	GPS Charbala	A.V.P.
93	Mohd:Rais	Fazal Khan	Bagatoo	43.12	GPS No.1 Koki Payan	A.V.P.
94	Razullah	Habib Ghulam	Lakhti Banda	42.47	GPS Haji Khel	A.V.P.
95	Zahidan Badshah	Furhad Badshah	Chamba Gul	42.38	GPS No.1 Sarki Pila	A.V.P.
96	Arshad Iqbal	Hafizullah	Charbala	41.24	GPS Chapri Hangu	A.V.P.
KAHL						
97	Munir Akbar	Aji Akbar	Azimi Banda	46.51	GPS Azimi Banda	A.V.P.
98	Fazal Ghafar	Abdul Jabbar	Bakroo	44.76	GPS Bakroo Kahl	A.V.P.
99	Mohd:Yousaf	Aman Khan	Kahl	43.31	GPS No.2 Kahl	A.V.P.
100	Arsala Khan	Hamid Khan	Kahl	43.05	GPS Pira Gul	A.V.P.
101	Rahim Khan	Zarwar Khan	Turki	42.05	GPS Turki Kahl	A.V.P.
102	Mohd:Nasir	Sarmar Khan	Khazina	37.81	GPS Khazina	A.V.P.
103	Saeed Rehman	Gul Mardan	Kahl	36.54	GPS Tamboli	A.V.P.
104	Azmatullah	Mohd:Khal	Kahl	36.42	GPS No.1 Kahl	A.V.P.
105	Wahid Gul	Rehman Gul	Khazina	35.52	GPS Cham Kahl	A.V.P.
106	Bismillah Khan	Hayat Khan	Kahl	33.16	GPS No.2 Kahl	A.V.P.
107	Lal Das Khan	Hayat Khan	Kahl	32.56	GPS No.1 Kahl	A.V.P.
GANIANO KALY						
108	Rashid Gul	Abdullah Jan	Sangirh	45.37	GPS No.3 Hangu	A.V.P.
109	Haji Mohd:	Shafi Mohd:	Sangirh Hangu	42.61	GPS No.3 Hangu	A.V.P.
THALL RURAL						
110	Zainullah	Rahim Khan	Chapri Waziran	46.72	GPS No.2 Thall	A.V.P.
111	Mohd:Ayaz Khan	Arsala Khan	Chapri Waziran	43.99	GPS No.2 Thall	A.V.P.
112	Qudrat Khan	Musali Khan	Khanan Banda	41.07	GPS Abasi Banda	A.V.P.
113	Kamil Khan	Mohd:Rahim	Chapri Waziran	37.77	GPS Abasi Banda	A.V.P.
114	Bahadar Nawaz	Hakim Zar Khan	Chapri Waziran	37.08	GPS Toon Kach	A.V.P.
115	Mohd:Sahib Khan	Gul Shah Ahmad	Chapri Waziran	31.93	GPS Toon Kach	A.V.P.
REMAINING 10 VACANT POSTS The following candidates are selected on Merit from Open Merit List Dist:Wise						
116	Saifur Rehman	Atiqullah	Mirhak	46	GPS Khairi Banda	A.V.P.
117	Khal Wazir	Badshah wazir	Dallan	45.27	GPS No.1 Chapri Naryah	A.V.P.
118	Jamshid Khan	Khan Wazir	Hangu	44.97	GPS Aziz Abad	A.V.P.
119	Arshad Khan	Qimat Khan	Shinko Banda	44.57	GPS Sur Chapri	A.V.P.
120	Lal Khan	Faizul Khan	Mianji Khel	44.19	GPS No.1 Chapri Naryah	A.V.P.
121	Inayatullah	Sher Jan	Dallan	43.97	GPS Chapri Naryah	A.V.P.
122	Ghazi Rehman	Mir Mat Khan	Dallan	43.17	GPS Koto Mainz	A.V.P.
123	Halidar Gul	Sharif Gul	Dallan	43.11	GPS Koto Mainz	A.V.P.
124	Taswar Hussain	Iqbal Hussain	Pawa Kaly	42.82	GPS Saho Talab	A.V.P.
125	Sharifullah	Shad Sharif	Duaba	42.54	GPS	A.V.P.

	2% COTA DISABLE					
126.	Mohsinullah	Bahadar Jang	Sarki Prata	29.67	GPS Sarki Prata No.1	A.V.P.

TERMS & CONDITIONS

1. Their appointment is made on contract basis in BPS-7 for three years which will be expected to continue on showing good performance/result and punctuality in attendance.
2. They will also execute an agreement bond on prescribed form provided by the Govt of NWFP for three years.
3. If any candidate is failed to resume his duty within stipulated period of fifteen days of the issue of this order of appointment, will be considered as cancelled.
4. If the age of any candidate is less then 18 years or above then 38 years their appointment will also be considered as cancelled.
5. Charge report should be submitted to all concerned in duplicate.
6. No.TA/DA is allowed.
7. Their services are liable to termination at any time without reasons being assigned.
8. This appointment does not confer on them any right to claim seniority over their counter part or those who have higher marks & have not been appointed so far for one or other reasons.
9. Their appointment is subject to further conditions that they are domiciled of Hangu District.
10. They will be governed by such rules & regulations as may be prescribed by the Govt; from time to time for the category of the Govt:servants which they belong to.
11. Their pay will not be drawn by the concerned DDO till the processes of verification of their documents is completed.
12. The DDO is responsible for verification of their documents before handing/taking over charge & in case any of their documents proved fake, their appointment will be considered as cancelled without any right or privilege.
13. **UNDERTAKING**
PST:GPS _____ hereby give an undertaking to the effect that if any over sight/mistake/amendments in recruitment policy by the Govt; is made, I will have no objection on my termination & also will not submit any petition in the court.
14. Health & age certificate must be obtained from Medical supdt;concerned.
15. They should be on probation period of three years & will neither apply for long leave or seek admission in any college/university.

(HAZRAT KHAN)
DISTRICT COORDINATION OFFICER
DISTRICT HANGU.

Encl:No. 285-1117 /PST. Dated Hangu 7/4/04.

Copy forwarded for information & necessary action to the:-

1. Secretary Govt; NWFP Schools & Lit; Dept: NWFP, Peshawar.
 2. Director of Schools & Literacy NWFP Peshawar.
 3. District Coordination Officer Hangu.
 4. District Nazim Hangu.
 5. District Accounts Officer Hangu.
 6. District officer (M) Edu: Local Office.
 7. ADO Est/Ts (M/F) Local Office.
- 8-134. Candidates concerned.
135-250. School Concerned.

M.R. B...
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY HANGU.

M. Shari Bano
Dated: 7-4-04

-10-

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



Personal Information of Mr MUHAMMAD NASIR d/w/s of SAR MEER-KHAN

Personnel Number: 00211614 CNIC: 1410116217101 NTN:
 Date of Birth: 11.04.1978 Entry into Govt. Service: 08.04.2004 Length of Service: 19 Years 09 Months 025 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80002017-DISTRICT GOVERNMENT KHYBE

DDO Code: HG6048-

Payroll Section: 001 GPF Section: 001 Cash Center: 03

GPF A/C No: V.CP.4.P. 191 GPF Interest applied GPF Balance: 594,342.00 (provisional)

Vendor Number: -

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

Wage type	Amount	Wage type	Amount
0001 Basic Pay	53,620.00	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	635.00
2199 Adhoc Relief Allow @10%	433.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	5,011.00	2347 Adhoc Rel Al 15% 22(PS17)	5,012.00
2378 Adhoc Relief All 2023 35%	18,074.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-824.00	3990 Emp. Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	210,000.00	-10,000.00	100,000.00

Deductions - Income Tax

Payable: 12,931.18 Recovered till JAN-2024: 5,583.00 Exempted: 3232.03 Recoverable: 4,116.15

Gross Pay (Rs.): 93,929.00 Deductions (Rs.): -17,049.00 Net Pay (Rs.): 76,880.00

Payee Name: MUHAMMAD NASIR

Account Number: 7640-7

Bank Details: NATIONAL BANK OF PAKISTAN, 230420 HANGU HANGU Kohat, HANGU

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: HANGU

City: HANGU

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: mn1978psht@gmail.com

System generated document in accordance with APPM 4.6.12.9(210536/26.01.2024/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES02.02.2024/19:38:52)

Annexure - B -

GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

Policy) 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. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

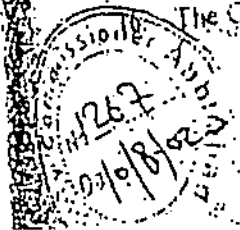
EXIST. NO & EVEN DATE:

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.

(WALDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED



Handwritten signature and initials at the bottom of the page.

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)



Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/E&AD/1-3/2020
Dated Peshawar the June 06, 2023

62

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(Polcy)-MYP&HDD/1-2/Appointment/2023 dated 18.04.2023 in 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.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from tampering 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 tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

Yours faithfully,

(Issa Muhammad Khan)
Section Officer (Polcy)

ASE
7/6

Encl: Of even No & date

Copy forwarded to the:-

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

Section Officer (Polcy)

-14-

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)

(Encl). 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)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223507)

No.SO (Primary-M/E&SED/2-6/2023
Dated Peshawar lhc. June 26, 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, 1988.**

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

[Handwritten Signature]

[Handwritten Signature]
(MUHAMMAD SHAQ)
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

[Handwritten Signature]

- 16 -
B/c
No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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:

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

SECTION OFFICER (PRIMARY MALE)

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
0


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

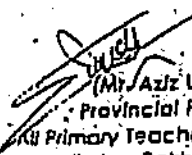
Sl#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association, Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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


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


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

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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



-18-

-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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)





No. 8145

Phone: 091-92233344

Email: eibhishahiminhale@gmail.com

Khyber Pakhtunkhwa, Peshawar

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

MINUTES OF THE MEETING

Subject: -

I am directed to refer to the latter No.50(Primary-49&50D)-11
G.Mix/Minutes of the Meeting/ST72023 dated 10-07-2023 on the subject cited above and in
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) vide notification No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-02-2023.
- (i) It is the prerogative of the civil servant to accept promotion in every condition.
- That your good office forwarded the same to the quarter concerned vide letter No.50 (Primary-M) E&SED/2-1/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.50 (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there shall be no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.50 (Primary-M) E&SED/2-1/Appointment/2023 dated 13-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office, it has been asked for submission of consolidated case.
- In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers below 75-16 may be exempted of implications of the amendment in the rules bid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Ex-17) 2023
Elementary & Secondary Education
Khyber Pakhtunkhwa

Encls: No. Copy of the above is to:

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

Assistant Director (Ex-17) 2023
Elementary & Secondary Education
Khyber Pakhtunkhwa

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR.
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G/M/24/ Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rules 1989) vide notification No. No. SOR-VI(E&AD)1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-08-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under ^{every} condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have affected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary actions please.

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

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.





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

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

Annexure
E

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

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

Dear Sir,

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

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(Signature)
SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

(Signature)

- B/c -

No. 50 (Primary - M) E & SE D / 8-2 /
Appointment - Rule / 2023

Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. 50 (Policy) / E & AD
/ 1-3 / 2020 dated 3rd June 2023 and to state that after
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,
Promotion and Transfer Rules 1989) it has been intimated that
those officers/officials who do not comply with promotion order
of the competent authority or try to evade promotion through
different means shall be proceed under Khyber Pakhtunkhwa
Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

1. Director E & SE Khyber Pakhtunkhwa.

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

(Muhammad Ishaq)
Section Officer (Primary
Male)

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

Yours faithfully,

Section Officer (Policy)

Enclst. 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.

WP4442-2023 REZULLAH VS GOVT OF PG93

-23-

-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)

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.

Section Officer (Policy)

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/1-312020, 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.

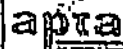
It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution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

Dated 16/03/2024

ATTESTED

[Signature]
Muhammad Nasir
S/o Sar Mees Khan
PS#1

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



APTA House
Govt. Primary School No.4,
Gulbahar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (ایٹا) خیبر پختونخوا

Annexure - A

مہربان: میگزینری ڈیپارٹمنٹ، ایٹا، خیبر پختونخوا
مہربان: آل پرائمری ٹیچرز ایسوسی ایشن، خیبر پختونخوا
جناب عالی

گزارش ہے کہ پروسسنگ ہر ادارے میں ہوتے ہیں اور کہ سرکاری ملازم کی خواہش ہوتی ہے پروسسنگ کا ایک سالوں اور کرنا کہ ہر ملازم ایک اگر کسی
مہینہ تک ایک دفعہ پروسسنگ میں تو وہ ہر آٹھ ماہ سال تک پروسسنگ میں لے سکتے ہیں مطلب ہر سال تک ہر اس کی پروسسنگ میں اور اس میں
ہر اس سالوں میں سرکاری رعایت دی گئی پانچ سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروسسنگ نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتے پہلے ایک اور نوٹیفکیشن آیا ہے

جن کے مطابق اب ہر ملازم پروسسنگ ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی او کی مدد سے ملازم کارروائی کر سکتا ہے
دراصل یہ آئی ٹی نوٹیفکیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے سب سے کہ وہ راز اور پبلیسی ملازمتوں میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا

کیونکہ عام حالات میں کسی ذمہ داری پروسسنگ اور دوسرا بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ ٹیچرز پختونخوا میں پروسسنگ سے کارروائی رہ نہیں
سکتی ہوتی ہے ایسے حالات میں یہ پانچ نوٹیفکیشن جو EASSB کی کا پیس لیکر کی جواب میں کیا گیا ہے جو پبلیسی اور بنیادی انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف کارروائی جاری کرنا چاہتے ہیں

لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
رہروا پروسسنگ لینے کی ہمت لیا جائے ان کو سرکاری سے لینے دیا جائے
اور پروسسنگ لینے کی سہولت ملے اور ان کو دیا جائے لیکن یہ رہروا لینے کی جائے

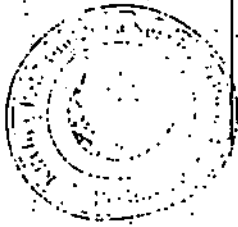
اس سلسلے میں آپ سید احمد امجد نام (DEO) ای سی او کو ایک خط لکھ کر ارسال کرنا چاہئے تاکہ اساتذہ میں سب کی / فیملی پرائمری اساتذہ کو ذہنی
الیت اور ہر طرح سے ہلایا جائے

کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ایسی طور پر ہر طرح سے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کوئی ایکشن پلان سب سے پرائمری اساتذہ خصوصاً فیملی پرائمری اساتذہ کو اس ضمن میں الیت سے بہت دلائل کے

شکریہ

منیر اللہ خان سرہانی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
08/7/83

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. Along with the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 12-5-24
 Number of 1
 Copying 5/-
 Urgent 5/-
 Total 5/-
 Name of 13-6-23
 Date of 12-6-23
 Date of Release of Copy 12-6-23

[Handwritten signature]

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD NISAR

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