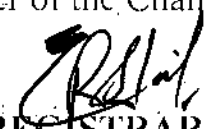


FORM OF ORDER SHEET

Court of _____

Appeal No. 1845 /2024

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A No = 1845/2024

Sardar Hussain

V/S

Government of KP & others

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4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	13 - 14
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ADVOCATE
M. Muazzam Butt

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 1845 /2024

Sardar Hussain Son of Sher Ghani, PSHT (BPS-15)
GPS Nari Obu, Tehsil Dargai & District Malakand

.....Appellant

VERSUS

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

.....Respondents

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

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**

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 setaside.

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

- 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.
- i. 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

=5-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

SARDAR HOSSAIN

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.

Sardar Hussain

Appellant

AFFIDAVIT:

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

Sardar Hussain
Deponent

Through

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

SERVICE CERTIFICATE

It is certified that Mr. SARDAR HUSSAIN S/O SHER GHANI is serving in E & SE Department as PSHT at GPS HERO SHAH KALAN from 24-04-1998 up to till date.

During this period he is very punctual and hardworking teacher.

Sub Divisional Education Officer (M)

Dargai Malakand
SDEO Malakand
Dargai Malakand

~~AMESTED~~



7

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

Connect with us
0932-410281
@COMMalakand
@DEOMalakan
www.malakan.gov.pk

NOTIFICATION.

Consequent upon the recommendation of the District Promotion Committee in its meeting held on 26.06.2019, the following Senior Primary School Teachers (SPSTs) BPS No 14 are hereby promoted to the post of Primary School Head Teachers (PSHTs) BPS No 15 Rs (16120-1330-56020) plus usual allowances as admissible under the rules on regular basis on the terms and conditions given below on the basis of seniority cum fitness in pursuance of the Govt. of Khyber Pakhtunkhwa, Elementary and Secondary Education Department Notification No SO(B&A)1-18/E&SE/2012 dated 11.07.2012 and in the light of subsequent Notification No SO(PE)4-5/SSRC/meeting/2012/Teaching Cadre dated 13.12.2012 from the date of taking over charge in the best public interest.

S. No.	Sen. No	Name	Designation	Present School	School where to be posted as PSHT	Remarks
1	364	Shahi Bakht	SPST	GPS No2 Makhband	GPS Gai Koto	AVP
2	449	Riaz Ahmad	SPST	GPS JANDO	GPS Bazdara Payeen	AVP
3	462	Sardar Hussain	SPST	GPS Hero Shah Katan	GPS Nari Obu	AVP
4	463	Muhammad Rahim	SPST	GPS No1 G/U Khel	GPS Katabol	AVP
5	464	Said Karim	SPST	GPS Jalal Kot	GPS Jalalkot	AVP
6	468	Nasim Khan	SPST	GPS Amandara	GPS Loya Banda	AVP
7	473	Zafar Ali	SPST	GPS Khanori	GPS Bazdara Bala	AVP
8	474	Seyar Ahmad	SPST	GPS Hero Shah	GPS Muhammad Paltay	AVP
9	476	Abdul Rauf Khan	SPST	GPS No.1 Khar	GPS Zangal Paltay	AVP
10	477	Bakhti Rawan	SPST	GPS Sharif abad	GPS Zahoor Abad	AVP
11	483	Ghausur Rehman	SPST	GPS Jaban Dargai	GPS Jaban Dargai	AVP
12	484	Gohar Ali	SPST	GPS Pir Mehmood Shah	GPS Aliy kelli	AVP
13	485	Mustafa Hassan	SPST	GPS Dohandai Banda	GPS Dohandai Banda	AVP

ATTESTED

TERMS AND CONDITIONS.

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

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

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

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

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

DISTRICT EDUCATION OFFICER (M)
MALAKAND AT BATKHELA

ATTESTED



1. They will be governed by such rules and regulations as may be prescribed by the Government from time to time for the category of the Govt. servants to which they belong.

RECEIVED
M. K. AND AGONY S. B. K. N. S. (M. K. AND AGONY S. B. K. N. S.)
1998

Copy forwarded for information to the:-
/B.No. 1/4-1/2000 Date: 23/4

1. They will be governed by such rules and regulations as may be prescribed by the Government from time to time for the category of the Govt. servants to which they belong.
2. Govt. servants will be liable to termination on one month notice from their date. In case of re-employment without notice one month pay will be allowed in lieu thereof.
3. They should join the post within one month of the date of this notification.
4. Their appointment/continuation will be deemed to be in accordance with the provisions of the Government of India Act, 1952, if they have not been appointed/continued in accordance with the provisions of the Government of India Act, 1952, before the date of this notification.
5. Their appointment/continuation will be deemed to be in accordance with the provisions of the Government of India Act, 1952, if they have not been appointed/continued in accordance with the provisions of the Government of India Act, 1952, before the date of this notification.
6. They shall be prohibited for a period of two years and will have to pass departmental examination. In case a candidate fails to qualify the departmental examination he will be given one more chance, if he fails again, then his appointment will be terminated. On expiry/validity of trained teachers the Govt. of Orissa should be checked and verified from the concerned Universities/Institutes/A.P.S. and Technical Institutes concerned before handing over charge.
7. Govt. servants of the teachers must be prepared complete in all respect on record.
8. They are required to produce health and age certificates from the medical authorities concerned before taking over charge.
9. Change should not be given to the over age candidates. His case for age relaxation for transfer before the completion of tenure will be treated as from the date of transfer.
10. No G.A./D.A. is allowed.
11. An undertaking shall be obtained from the holder of the post that they will collect the Department for at least five years. Under no circumstances shall be obtained from the holder of the post.
12. Govt. servants who are collected by the public service commission for any post, in the case of person appointed as an untrained teacher, he will have to pass the regular training examination within a period of four years starting from the date of his appointment.
13. Complete information of each category (Separately) in consolidated list on the prescribed forms (attached) along with charge reports to be sent by the holder of the post to the Director, Primary Education with a copy to the Director, Technical Education.

Page No. 03.
97-03-77
G.S. Nakar Date A.V.P.

9. PARTIAL BY BA PCC
S/O, HABIL SADA V. P. O.
Horo. Shab. P. 79

18	18-04-75	S/O, Huzar Khan V & PO
17	12-04-75	S/O, Huzar Khan V & PO
16	09-07-70	S/O, Huzar Khan V & PO
15	02-07-75	S/O, Huzar Khan V & PO
14	12-04-72	S/O, Huzar Khan V & PO
13	01-01-72	S/O, Huzar Khan V & PO
12	12-04-75	S/O, Huzar Khan V & PO
11	12-04-72	S/O, Huzar Khan V & PO
10	05-02-72	S/O, Huzar Khan V & PO
9	12-04-72	S/O, Huzar Khan V & PO
8	09-04-71	S/O, Huzar Khan V & PO
7	09-07-70	S/O, Huzar Khan V & PO
6	02-07-75	S/O, Huzar Khan V & PO
5	12-04-72	S/O, Huzar Khan V & PO
4	01-01-72	S/O, Huzar Khan V & PO
3	12-04-75	S/O, Huzar Khan V & PO
2	12-04-75	S/O, Huzar Khan V & PO
1	12-04-75	S/O, Huzar Khan V & PO
19	02-04-74	S/O, Huzar Khan V & PO
18	07-03-76	S/O, Huzar Khan V & PO
17	02-04-74	S/O, Huzar Khan V & PO
16	02-04-74	S/O, Huzar Khan V & PO
15	02-04-74	S/O, Huzar Khan V & PO
14	02-04-74	S/O, Huzar Khan V & PO
13	02-04-74	S/O, Huzar Khan V & PO
12	02-04-74	S/O, Huzar Khan V & PO
11	02-04-74	S/O, Huzar Khan V & PO
10	02-04-74	S/O, Huzar Khan V & PO
9	02-04-74	S/O, Huzar Khan V & PO
8	02-04-74	S/O, Huzar Khan V & PO
7	02-04-74	S/O, Huzar Khan V & PO
6	02-04-74	S/O, Huzar Khan V & PO
5	02-04-74	S/O, Huzar Khan V & PO
4	02-04-74	S/O, Huzar Khan V & PO
3	02-04-74	S/O, Huzar Khan V & PO
2	02-04-74	S/O, Huzar Khan V & PO
1	02-04-74	S/O, Huzar Khan V & PO

Page No. 02
 Info of A-1, No. of School, Thera, Huzar Khan
 Huzar Khan, Thera, Huzar Khan

ATTACHED

PT-137 100-11

Subsequent upon their selection by the Departmental Selection Committee, the following trained PTC candidates at the schools noted against their names in D/S-7 (No. 1433-01-2095) plus usual allowances as admissible under the rules with 1 month's effect subject to the existing terms and conditions.

S.No.	Name of Candidate	D/O Birth	No. of Merit	School where posted	Remarks
1.	Mirza Ahmad BA PTC S/O, Qudat, Subd: V & PO Agra PE-30	27-03-60	01	GPS Mura Banda	-do-
2.	Fazal Nabi BA PTC S/O, Said Hasan V & PO Muz. Allahabad PE-30	01-03-71	02	Ido	-do-
3.	Zakir Hussain BA PTC S/O, Hussain Gul V & PO Saharot PE-79	06-02-71	03	GPS Dava Khan Kalay	-do-
4.	Shahid BA PTC S/O, Said Mahmood V & PO Meerut PE-79	01-04-74	04	GPS Gul Chafar Banda	-do-
5.	Zahid Subhan BA PTC S/O, Pervez V & PO Muz. Allahabad PE-30	26-12-74	05	GPS Sher Khan	-do-
6.	Hussain Khan BA PTC S/O, Paqir Gul V & PO Naryan Kot PE-79	01-09-73	06	GPS Dehban-Ban	-do-
7.	Gayam Said BA PTC S/O, Zahid Said V & PO Muz. Allahabad PE-30	07-04-74	07	GPS Baidara Bala	-do-
8.	Shah Faizul BA PTC S/O, Hoorul Islam V & PO Muz. Allahabad PE-30	02-01-75	08	GPS Baidara Payal	-do-
9.	Faizul Haq BA PTC S/O, Asadul Haq V & PO Ghazipur PE-79	10-04-76	09	GPS Natanagar	-do-
10.	Imamuddin BA PTC S/O, Khadim Khan V & PO Muz. Allahabad PE-30	01-02-71	10	GPS Zafar Paray	-do-
11.	Noor Hussain BA PTC S/O, Said Hasan V & PO Agra PE-30	21-02-71	11	GPS Bani	-do-
12.	Hanifullah BA PTC S/O, Said Hasan V & PO Agra PE-30	12-03-71	12	GPS Baidara Bala	-do-
13.	Fazal Hussain BA PTC S/O, Said Hasan V & PO Agra PE-30	24-04-71	13	GPS Baidara Payal	-do-
14.	Faridul Sharif BA PTC S/O, Noor Sharif V & PO Muz. Allahabad PE-30	04-03-72	14	GPS Sherdil Bani	-do-
15.	Said Gul BA PTC S/O, Faizul Hussain V & PO Agra PE-30	05-05-72	15	GPS Meina Khonur	-do-
16.	Musib Khan BA PTC S/O, Asif Baidara V & PO Saharot PE-79	16-02-73	16	GPS Baidara Bala	-do-
17.	J. S. ...				

ATTACHED

-12-

Dist. Govt. (B)-Peshawar
District Accounts Office Malakand
Monthly Salary Statement (July-2024)



Personal Information of Mr SARDAR HUSSAIN (Date of Birth) GHANI

Personnel Number: 00243275 CNIC: 154019625596 NIN: _____
Date of Birth: 20.02.1970 Entry into Govt. Service: 25.10.1997 Length of Service: 34 Years 09 Months 008 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACHER 03002431-DISTRICT GOVERNMENT KHYBE

(HNO Code): AID6081-DY; D.O (M PRY); DARGA

Payroll Section: 002

GPF Section: 02

Cash Center: 05

GPF A/C No. (LDUN)004949

GPF Interest: 12%

GPF Balance: _____

798,955.00 (optional)

Vendor Number: _____

Pay and Allowances:

Pay Scale: BS-17/2023

Pay Scale Type: Civil BPS: 15

Pay Stage: 21

Code	Wage type	Amount	Code	Wage type	Amount
0001	Basic Pay	65,500.00	1001	House Rent Allowance 45%	29,524.00
1710	Dearness Allowance 250%	2,856.00	1004	Medical Allowance	1,500.00
1905	Change Allowance	40.00	1011	Compen Allow 20% (1-15)	1,000.00
2146	15% Adhoc Relief All 2013	792.00	2160	Adhoc Relief Allow 10%	555.00
2310	Teaching Allowance 2021	3,224.00	2341	Comp. Red All 15% 2022KP	9,209.00
2347	Adhoc Rel All 15% 23(PS17)	6,209.00	2376	Adhoc Relief All 2023 35%	22,353.50
2381	Adhoc Relief All 2024 25%	16,375.00			0.00

Deductions - General

Code	Wage type	Amount	Code	Wage type	Amount
3015	GPF Contribution	4,390.00	1501	Health/epidemi Fund	1,200.00
3069	Income Tax	5,251.00	1990	Group Edu. Fund NPK	135.00
4001	H. Benefits & Death Gratuity	0.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	470,000.00	-13,500.00	16,000.00

Deductions - Income Tax

Payable: 84,001.65 Recovered till JUL-2024: 5,251.00 Exempted: 20999.44 Recoverable: 57,751.21

Gross Pay (Rs.): 130,001.00 Deductions (Rs.): -24,976.00 Net Pays (Rs.): 105,025.00

Payee Name: SARDAR HUSSAIN

Account Number: PLS00000000701-7

Bank Details: NATIONAL BANK OF PAKISTAN, 250620 NBP DARGA MALAKAND AGENCY NBP DARGA MALAKAND AGENCY.

Leaves: Opening Balance: _____ Availed: _____ Earned: _____ Balance: _____

Permanent Address: HBERO SILAH MALAKAND AGENCY

City: MALAKAND

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: sardarhussain955@gmail.com

System generated this report in accordance with APPM 4.0 (2,9/2015) (REVISED 2024/07/01)
All amounts are in Pak Rupees
* Errors & omissions, excepted (SERVICEN) ON 2024/07/06 07:11

ATTENDED

CS CamScanner

Annexure - B-

GVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

Policy/PAAD/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 (3) shall be deleted.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTE NO & EVEN DATE

Copies 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.



Wardah Latif
(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

Attested
ATTESTED

14

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)


ATTESTED

ATTESTED

WP4442-2023 A212ULM4 VS GOVT OF POK

Secretary (Policy)

Secretary (Policy)

Yours faithfully,

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

Copy forwarded to the...

2011, please.

proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, of the competent authority or try to evade promotion through different means shall be further, those officers/officials who do not comply with promotion order civil servant to accept promotion in every condition.

1. The basic rationale behind the duration of the bid rule is aimed at preventing a civil servant from indulging in such activities as seeking a single lucrative post/position or to prevent those who tend to forego promotion in case of promotion. Therefore, it is obligatory upon every to tackle higher responsibilities in case of promotion.

2. The basic rationale behind the duration of the bid rule is aimed at preventing a civil servant from indulging in such activities as seeking a single lucrative post/position or to prevent those who tend to forego promotion in case of promotion. Therefore, it is obligatory upon every to tackle higher responsibilities in case of promotion.

3. Furthermore, those officers/officials who do not comply with promotion order civil servant to accept promotion in every condition.

I am directed to refer to your letter No. SOR/Policy-M/1825/2023 dated 18.04.2023 with 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 deplete or forego promotion.

The Government of the Khyber Pakhtunkhwa, Ministry & Secondary Education Department.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SOR/Policy/M/1825/2023
Dated Islamabad the date 06, 2023

67

Annexure - C

15

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9221507)

No. SO (Primary-M/E&SED/2-8/2023
Dated Peshawar the June 26th, 2023

To

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

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

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

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

No. SO (Primary-M)/E&SED/2-8/2023
Dated Peshawar the, June 26th, 2023

To

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

Aziz Ullah Khan
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)
26/6/23


ATTESTED

B/c

17

No 50 (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, 1909.

I am directed to refer to the subject noted above and to enclose here with a letter of
Establishment Department letter No. 50 (Policy)E&AD/1-3/2020 dated 06 June, 2023 and to state
that the subject meeting is to be held on 06 July, 2023 at 11:00 AM in this department under the
Chairmanship of Additional Secretary (Estab) E&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 71(1) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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

Annexure
0

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 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

ATTESTED

19
- B/C -

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING OF DELETION OF RULE 7(E) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION
& TRANSFER RULES 1982).

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ATTESTED

APPROVED

W-1442-2023 AZZULAH VS GOVT OF PAK

Assistant Director (Establish-1)
Ministry & Secondary Education
Hyderabad

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

Copy of the above to:

Assistant Director (Establish-1)
Ministry & Secondary Education
Hyderabad

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee provided they shall their written refusal prior to conduction of the meeting of teachers below. It may be explained of implications of the amendment in the rules bid (S) have affected adversely a huge number of female teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the deletion of Rules been asked for abolition of considered case.

Chairman, Additional Secretary Establishments at his office this office has that in the light of the minutes of meeting dated 6-07-2023 held under the (Primary-4) EASED/2-1/2023 dated 12-05-2023.

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

(Wing) vide letter No. SO (Policy) E&AD/1-2/2020 dated 6-06-2023 categorically stated that the Government of Hyderabad Establishments Department (Regulation No. SO (Primary-4) EASED/2-1/2023 for necessary guidance.

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

(ii) It is the prerogative of the civil servant to either accept or turn down the offer of (i) Now it is obligatory upon the civil servant to accept promotion in every condition.

No. 0987 dated 02-02-2023. That this office sought guidance from your good office in the following words vide letter vide notification No. SO-71 (E&AD/1-2/2020 dated 06-08-2020.

dated Rules 71 in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) That Government of Hyderabad Establishments Department (Regulation (Wing) dated 06-08-2020.

present brief history about the background of the case or under. I am directed to refer to the letter No. SO Primary-4/965ED/3-11 dated 10-07-2023 on the subject cited above and to

Subject: - **MINUTES OF THE MEETING**

The Section Officer (Primary-4), Ministry & Secondary Education Department, Hyderabad

Phone: 01-9722111
E-mail: establishments@pak.gov.pk

No. 8145
Hyderabad, Pakistan
Date: 21-7-2023



ATTACHED

MP1442-2023 AZIZULAH VS GOVT OF POKS

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

Please -
The case is submitted for perusal and necessary action
members of Female teachers.
In view of the above, this office is of considered opinion
that the decision of Rules 7(S) have affected negatively a huge
In view of the above, this office has been asked for submission of
consolidated case.

held under the Chairmanship of Hon. Additional Secretary Education
ment at his office. This office has been asked for submission of
That in light of the minutes of the meeting dated 6-07-2023
no provision to decline / forgo 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/1-2/2020 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 Education
ment at his office. This office has been asked for submission of
consolidated case.

Dear Sir, I am directed to refer to letter No. (SO) Pkmgmt-M/E&SD/5-1/G/141/
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)
dated rule 7(S) in Civil Servants (Appointment, Promotions, Transfer & etc 1997)
vide notification No. No. SOP-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 06-07-2023
(i) Now it is obligatory upon civil servant to accept promotion.
(ii) If a prerogative of civil servant to either accept / forego the
offer of promotion.
That your good office forwarded the same to quarters concerned
vide letter No. SO (Pkgmt-M) E&SD/2-2/Appointment-2023 for necessary
guidance.

Subject: Minutes of Meeting
KPK, Peshawar
Elementary & Secondary Education Department
Section Officer (Primary Male)
PESHAWAR
(21-7-2023)

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

-B/C-



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

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 08th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means, shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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


SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

ATTESTED

ATTESTED

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

(Muhammad Ishaq)
Section Officer (General)
(Male)

In this connection it is submitted that in some cases lady teachers 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 fathers of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of above, the said commandment may be reconsidered to the extent of lady teacher in primary schools.

Dear Sir,
I am directed to refer to your letter No. SO/General (P&T)/E&AD/1-3/2020 dated 8th June 2023 and to state that after deletion of Rule 7(5) 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.

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. S (P&T-M) E&SE/18-8/1
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

24

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)

Encl. Of even No & date.

Copy forwarded to the:-

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

~~ATTACHED~~

104412023 AZIZULLAH VS GOVT OF PK

25

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

Yours faithfully,

Section Officer (Policy)

End 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)

~~TESTED~~

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/13/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SO (Policy) E&AD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and, therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

Dated 16/03/2024



Sardar Hussain
SARDAR HOSSAIN
S/O SHER GHANI
PG HT

ATTESTED

WPA443-2023 AZIZULHAQ VS GOVT OF POKS

Handwritten signature and date 08/11/2023

Main body of handwritten text in Urdu script, appearing to be a legal statement or affidavit.

Handwritten text at the bottom of the main body, possibly a signature or name.

Annexure - H

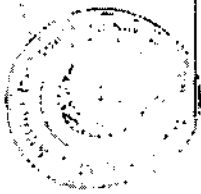
APTA Huzari
Dist. Primary School No. 1
Gulshan-e-Farhanah, Faisalabad



Khyber Pakhtunkhwa

APTA
0333-011028
0333-011028
0333-011028

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

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-5-24
 Number of 1
 Copying 1
 Urgent 1
 Total 1
 Name of S.P.
 Date of 13-6-24
 Date of delivery of copy 17-6-24

[Handwritten signature]
ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SARDAR HUSSAIN

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