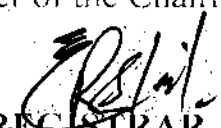


FORM OF ORDER SHEET

Court of _____

Appeal No. 1844/2024

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A No = 1844 / 2024

AMIR NAWAS
V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

-1-

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 1844 /2024

Amir Nawas Khan Son of Salar Zai, SPST (BPS-14)
GPS Saeed Abad, Tehsil & District Mardan

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL. THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-3/2020. DATED 06/08/2020. COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023. MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Senior Primary School Teacher.
Copy of Appointment letter is annexed as **Annexure A**

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. SD (Policy) /E&AD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUNDS:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear 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.

- 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.

C. A. Iqbal
Deponent

C. A. Iqbal
Appellant

Through

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate/Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

Bassam Ahmad Siddiqui
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

AMIR NAWAS
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

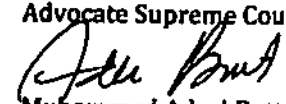
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.


Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

Dist. Govt. KP-Provincial
District Accounts Office Mardan
Monthly Salary Statement (August-2024)



Personal Information of Mr AMIR NAWAS KHAN d/w/s of SALAR ZAI
Personnel Number: 00117808 CNIC: 1610112714163
Date of Birth: 07.04.1970 Entry into Govt. Service: 24.06.1997

NTN: 0
Length of Service: 27 Years 02 Months 009 Days

Employment Category: Vocational Permanent
Designation: SENIOR PRIMARY SCHOOL TEA

80003432-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6156-DY. DISTRICT EDUCATION OFFICER (M) M

Cash Center: 4

Payroll Section: 003

GPF Section: 001

GPF Balance: 322,033.00 (provisional)

GPF A/C No: EDUMR011578

GPF Interest applied

Vendor Number: -

Pay scale: BPS For - 2022

Pay Scale Type: Civil DPS: 14

Pay Stage: 22

Pay and Allowances:

Wage type	Amount	Wage type	Amount
0001 Basic Pay	60,810.00	1001 House Rent Allowance 45%	3,321.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All-2013	796.00	2199 Adhoc Relief Allow @10%	535.00
2316 Teaching Allowance 2021	3,036.00	2341 Dispr. Red All 15% 2022KP	5,787.00
2347 Adhoc Rel Al 15% 22(PS17)	5,787.00	2378 Adhoc Relief All 2023 35%	20,674.00
2393 Adhoc Relief All 2024 25%	15,202.00	5011 Adj Conveyance Allowance	3,700.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-3,900.00	3501 Benevolent Fund	1,200.00
3609 Income Tax	-4,703.00	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.	190,000.00	5,600.00	66,800.00

Deductions - Income Tax

Payable: 67,612.80 Recovered till AUG-2024: 9,373.00 Exempted: 16,764.10 Recoverable: 41,475.70

Gross Pay (Rs.): 124,004.00 Deductions: (Rs.): -16,138.00 Net Pay: (Rs.): 107,866.00

Payee Name: AMIR NAWAS KHAN

Account Number: PLS000000023296

Bank Details: NATIONAL BANK OF PAKISTAN, 230365 MARDAN MAIN BRCH MARDAN MAIN BRCH, MARDAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: BAGH COLONY MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: amirawask@gmail.com

AMIR NAWAS KHAN

OFFICE OF THE DISTRICT MIGRATION OFFICER (MALE) PRIMARY MARDAN.

NOTIFICATION.

Consequent upon their allocation by the Deptt. selection committee, the District Education officer, (M) P. Mardan has been pleased to appoint the following trained P.T.O. Candidates at the school noted against their names in D.P.C. 7 (R/1480-81-2695) plus usual allowances as admissible to them under the rules with immediate effect subject to the existing terms and conditions:-

S.No.	Name, Father's Name/Address	No. & Merit list.	School where Posted.	Remarks.
1	2	3	4	5
<u>OPEN MERIT.</u>				
1.	Mohd: Khalique S/O Mohd: Iqbal R/O Dargai Hoti.	1/18	GPS, No. 1. Kass Kuroona.	Vice Nazir Khan Term:
2.	Sajid Ali S/O Mirzad Gul R/O Tariq Colony Mardan.	2/18	.. Sharqi Hoti.	Vice Salim Shah.
3.	Obaidullah S/O Mohd: Arif R/O Haw Baghuda.	3/18	GPS, Sharqi Hoti.	Vice Abid Shah Ter:
4.	Abdul Akbar S/O Eherca R/O Marichan Mardan.	4/18	.. Hoti.	Vice Zubair Ali Ter:
5.	Dilaver Khan S/O Ghulam Qadir R/O Shahi Bagh Hoti.	5/18	.. Karwan Road.	Vice Sajid Jamal Ter:
6.	Mushtaq Ahmed S/O Gul Zarin R/O Duran Abad.	6/18	.. Shah Dandh No. 1.	Post already occupied.
7.	Sardar Hussain S/O Imran ullah R/O Babu M. Najib Mardan.	7/18	.. Railway Station	already occupied.
8.	Asif Shehzad S/O Faqir Hussain Moh: Mujib abid Mardan.	8/18	.. Surkh Dheri Mardan.	-do-
9.	Ahmed Ali S/O Ghulam Jilani R/O Ahakser Mansil.	9/18	.. Marichan.	Vice Hazrat Ali Ter:
10.	Mohd: Ullah S/O Lajbar R/O Hoti Gerdan.	10/18	.. Kashmir Abad.	.. Nazir Khan.
11.	Mohd: Jawad S/O Sher Mohd: R/O Falo Shab Mardan.	11/18	.. No. 1, Mardan.	.. Anais-Khan.
12.	Sher Wali Khan S/O Sher Jang R/O Jazona Ground.	12/18	GMPS, Fazal Shah Farsh.	Already occupied.
13.	Yahya Khan S/O Amir Mohd: R/O Seddi Shel G. Kampoora.	13/19	.. Safaid Khan.	Vice Khair Mohd: Term:
14.	Wasiullah S/O Usda Gul R/O Gharib Abad.	14/19	.. Uzair Kandar.	Vice Nawab Ali Term:
15.	S. Anwar Hussain S/O S/O S. Ahmad Hussain R/O G. Kampoora.	15/19	.. Spin Jumat.	Vice Badar Khan Term:
16.	Inayatullah S/O Mohd: Ismael R/O Shahbaz Garhi.	16/19	.. Khatako Korogh.	Already occupied.
17.	Abdul Ghafor S/O Annober Khan R/O Mayar.	17/19	GPS, Mayar No. 2.	Vice M. Haya Hayat Ter:
18.	Nazirullah S/O Takbir ullah R/O G. Kampoora Mardan.	18/19	GMPS, Anar Baig.	.. Mohd: Sharif Term:
19.	Ali Agha S/O Mir Akbar, R/O Garhi Kampoora.	19/19	GPS, Sadudin	Vice Maroud Khan Term:
20.	Faizullah S/O Amir Hosh R/O Kandar.	20/19	GPS, Gumbat.	Already occupied.
21.	Safaid Khan S/O Ghulam Rahman R/O D.G. Zai.	21/19	GPS, Qari Abad.	.. Safaid Khan Term:
22.	Amid Ali S/O Khan Said R/O Mohd: Zai.	22/19	GMPS, Muqbara Jumat.	Already occupied.

TESTED

190 R/O Lund...
 191 Abdul Wali S/O Awal Khan
 192 ...ubali Khan S/O Kabal Khan
 193 J. Sardar Ali S/O Inzar Gul
 194 ...Khan Dad S/O Gul Dad
 195 M. Matiar Rahman S/O Mond: Isma 1
 196 Munir Khan /O Aziz Ur Rahman
 197 Jan Mohd: S/O Fazal Mohd:
 198 Mohd: Ibrab S/O Abdul Latif
 199 Zakir Ullah S/O Fazal Karim
 200 Zafer Ali S/O Alca Gul
 201 G. Farooq Ali Bto Sikandar Khan
 202 Riaz Hussain S/O Yazli Ghani.
 203 Attaulah S/O Murtaza Khan
 204 Salic Khan S/O Muzafar Khan

75-23 GRS, Guibat. 1. V: Diaz Ahmad Teru:
 58/23 G.S, Daki V: Hayoon Khan Teru:
 59/23 G. S, Kanda 1 V: Shahmawaz Teru:
 60/23 GRS, Hospital K: V: Visal Mohd: Teru:
 61/23 GRS, Tikodoy Kili V: Asad Ali Teru:
 62/23 GRS, Bahadar Khan S: V: Saifur Rahman Teru:
 63/23 GRS, Mayar 1. V: Amir Bahadar Teru:
 64/23 GMS, Sirej (B/V) V: Falak Naz Teru:
 65/23 GMS, Saddud Din V: Ijaz Ali Shah Teru:
 66/23 GRS, No. 1 Bandoi V: Bakht Shar Teru:
 67/23 GRS, Rohis Shah Ali V: Mohd: Iqbal Teru:
 68/23 GRS, Nol. Bandoi V: Amir Shah Teru:
 69/23 GRS, No. 2 G.D. Zai V: Rafiq Ali Teru:
 70/23 GMS, Tatar Ali V: M: Entiaz Teru:
 71/23 GRS, No. 22 ando Dheri V: Jonab Ali Teru:

CONSPIRACY WISE MERIT.

205 Babz Ali S/O Shams R/O Gul Bahar
 206 Tajud Din S/O Inshanu Din R/O Gul Bagh.
 207 Khalid Usman S/O Subhanullah R/O Kasa Korona.
 208 Gohar Ali S/O Ghazul Din R/O Norman Khel.
 209 M. Muhtaq Ali S/O Mir Jafar R/O Lsninkay.
 210 Riaz Ali S/O Amir Nawaz R/O Hoti.
 211 Irfan Khan S/O Murtaza Khan R/O Nor man Khel.
 212 Iqbal Rahman S/O Rafiqur Rahman R/O Murtaza.
 213 Pir Nasir Shah S/O Pir Hakim Shah R/O Fazli abad.
 214 I. Ibroor Din S/O Fakhrud Din R/O Sikandari Korona.
 215 Iqbal Ahmad S/O Amir Shah R/O Kasa Korona.
 216 Atiqur Rahman S/O H: Ghulam Din R/O Kincl Road.
 217 Mohd: Ajjal Shah S/O Saib Manwar R/O Hoti.
 218 Irshad Mond: S/O Gul Shad R/O Mandorin.
 219 Jafar Navid S/O Munwar Jan R/O Marlan.
 220 S. Rafiq S/O Saib Rahman R/O Nor Man Khel.
 221 Amir Nawaz S/O Salar Zai. R/O Shamsi Road Marlan.
 222 Jehan Zeb S/O Usar Zarif R/O Bijli Ghar.
 223 J. Ismael Khan S/O Mohd: Zahor R/O Purdil abad.

12/18 GRS, Touhid Calway V: Fida Mohd: Teru:
 13/18 GRS, Musfir abad V: Mohd: Nazir Teru:
 14/18 GRS, No. 1. Kasa Ko: V: Mohd: Islam Teru:
 15/18 GRS, Sharqi Hoti V: Mohd: Ajjal Teru:
 16/18 GRS, Hoti V: Ghuffar Ali Teru:
 17/18 GRS, Tanvolak 2. V: Hamid Khan Teru:
 18/18 GRS, Zar Hoti 1 V: Hazrat Hussain Teru:
 19/18 GRS, Kasa Korona 1. V: Khurshid Ali Teru:
 20/18 GRS, Norman Khel V: Shohabuddin Rahman Teru:
 21/18 GRS, Railway Station V: Saib Zai Teru:
 22/18 GRS, ... V: ... Teru:
 23/18 GRS, ... V: ... Teru:
 24/18 GRS, ... V: ... Teru:
 25/18 GRS, ... V: ... Teru:
 26/18 GRS, ... V: ... Teru:
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 28/18 GRS, ... V: ... Teru:
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 31/18 GRS, ... V: ... Teru:
 32/18 GRS, ... V: ... Teru:
 33/18 GRS, ... V: ... Teru:
 34/18 GRS, ... V: ... Teru:
 35/18 GRS, ... V: ... Teru:

(Copy: ...)

ATTESTED

13

400. ~~Pauli Amir S/O Ghulam Qadar 92/23 G.P.S. Chiragh Dir-2 V. M. Naeem~~
 R/O Azizia nated

401. ~~Sarfar Khan S/O Ras Khan 93/23 G.P.S. p.d.o. V. Qazi Hamid~~
 R/O Ali Sadi.

DISABLE PERSONS 1%.

402. ~~4. Mohi Riaz S/O Abdul Malik 1/Disable-G.P.S, Solim Khan Vice, M. Nis~~
 R/O Lund Khwar.

403. ~~Amir ullah S/O Ashraf Khan 4/Dis: Khudra, Sh. V. Jal Badshah, Termi~~
 R/O Lund.

404. ~~S. Anghar Ali Shah S/O 5/Dis: ,, Solim Khan. Mohi: Ikra~~
 Feraz Shah. Termi

405. ~~Mohi: Iqbal S/O Miro Khan 6/Dis: ,, Shah Killi. Vice, Sabh Na~~
 Mardan. teri.

TERMS AND CONDITIONS:

1. 1. Their appointments are purely on Temp: basis and subject to termination at any time without any reason or notice.
2. In case of resignation they have to submit one month's prior notice to the Deptt: or forefith one month's pay and allowance thereof to the Govt:.
3. They are required to produce Health and Age Certificate from M/S DHQ Hospital Mardan before taking over charge.
4. In case they fail to take over charge of the post within 15 days of the issue of this letter, their apptt: order shall automatically be cancelled.
5. Their original certificates etc should be checked before hand over charge.
6. Charge report should be sent to all concerned.
7. No. TA/DA etc is allowed to any one being First appointment.
8. The Academic certificate may also be verified from the quarter concerned.
9. The original PTC Certificate will be checked/verified by the Edu: apptt:.

(MR. GHULAM AKBAR),
 DISTRICT EDUCATION OFFICER, (MALE)
 PRIMARY MARDAN.

Encl: No. 117/590 Dated Mardan the 23/6/1997
 Copy to the:-

1. Section Officer Primary Education Deptt: NWFP Peshawar.
2. Director Primary Education NWFP Peshawar.
3. DAO Mardan (4) SDAO (M) Mardan/Takht Bhai.
4. Supt: Local Office. (5) ADEO (A) Local Office.
6. Candidates as concerned.

AFSAR KHAN,
 MUNIR KHAN

23/6/97
 DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MARDAN.

ANNEXED

checked with
11/11/97
23/6/97

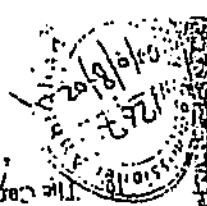
ATTESTED

ATTESTED

DEPUTY SECRETARY (POLICY)
(VALIDAH LATIF)

[Signature]

- Copy 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, Peshawar Service Tribunal, Peshawar.
 12. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
 13. The Secretary, Khyber Pakhtunkhwa E&A Department.
 14. The Deputy Director (IT), E&A Department.
 15. All Section Officers in Establishment & Administration Department with the request to The Section Officer (Admn), Administration Department.
 16. The Registrar, Administration Department.
 17. Average 20 gazette copies.



CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

DATE AND TIME

AMENDMENT
 in rule 7, sub-rule (5) shall be deleted.
 Having further amendment shall be made, namely:
 (The Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the powers conferred by section 25 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) shall be exercised in accordance with the provisions of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Government of Khyber Pakhtunkhwa hereby amends the said Rules, 1989, in the manner set out hereunder.)

NOTIFICATION

Dated Peshawar the 02/08/2020

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)



Annexure - B

- 11 -

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-rule (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

W34447-0073 AZIZULHAKIM VS GOVT OF PCAS

21.8.23

Secretary (Policy)

Secretary (Internal Affairs)

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

Copy forwarded to the:

ASSE
2/16

2011, please

Further, those officials who do not comply with promotion order of the concerned authority or try to evade promotion through different means shall be proceeded against under Rhyth Pakshiksha Civil Services (Efficiency & Discipline) Rules, 1997.

3. Furthermore, those officials who do not comply with promotion order of the concerned authority or try to evade promotion through different means shall be proceeded against under Rhyth Pakshiksha Civil Services (Efficiency & Discipline) Rules, 1997.

2. The said circular which the deletion of the (b) rule is aimed at preventing a civil servant from competing for (b) rule by asking to a single level position or to prevent those who tend to force promotion to evade responsibility or show lack of parity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

1. The said circular which the deletion of the (b) rule is aimed at preventing a provision exists to decline or force promotion.

(2) of Rule-7 of Rhyth Pakshiksha Civil Services (Appointment, Promotion and Transfer) Rules, 1997 stands deleted with the department notification dated 06.08.2021. Thus, no appointment dated 18.04.2022 in the subject noted above and to state that Sub-Rule 1 was directed to refer to your letter No. SO(Firmly-MPLK-2022-10000).

Subject: QUANTUM LEAP FORWARDING MECHANISM OF RULES, 1997 IN THE RHYTH PAKSHIKSHA CIVIL SERVICES (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1997

The Government of Punjab, Pakistan



GOVERNMENT OF PUNJAB PAKISTAN
 ESTABLISHMENT DEPARTMENT
 No. SO(Policy)/11/2020
 Dated: Islamabad, the 06.08.2021

67

Annexure - C

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

No. SO (Primary-M/E&SE)/2-6/2023
Lahor Peshawar (td. June 26th, 2023)

To

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

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

[Handwritten Signature]
26/6/23

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

I am directed to refer to the subject noted above and to enclose here with
a letter of Establishment Department letter No. SO (Policy)E&AD/1-3/2020 dated
06 June, 2023 and to state that the subject meeting is to be held on 05 July, 2023 at
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)
E&SE Department in his office.

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

Encl: AA

[Handwritten mark]

[Handwritten Signature]
(MUHAMMAD I SHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

[Handwritten mark]

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

ATTESTED

~~ATTESSED~~

WP442-2023 AZIZULLAH VS GOVT OF PUNJ

SECTION OFFICER (PRIMARY MALS)

1. PS to Secretary, B&S Department Khyber Pakhtunkhwa.

Copy forwarded to the

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALS)

Encl: NA

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. 50 (Policy) EAAD/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) B&S Department in his office.

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

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar
Atiq Ullah Khan President
President
All Primary Teacher's Association, KP

To

No 50 (Primary-M)/B&S/2-6/2023
Dated Peshawar the June 25th 2023

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(3) 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
D


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


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


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

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


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


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


(Mr. Razaqul Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED

-B/C-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(S) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

W04442-2023 AZIZULHAQ VS GOVT CP PG43

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

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

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

provided they submit this written request prior to conclusion of the meeting of Teachers Union. It may be exempted of implications of the amendments in the rules that 7(5) have affected negatively a huge number of Female Teachers. Thus it is proposed that in view of the above, this officer is of considered opinion that the decision of Rules been asked for submission of considered case.

Chairman of the Government of Khyber Pakhtunkhwa on his office this officer has

That, in the light of the minutes of meeting held 6-07-2023 held under the (Primary-4) CASSED-2/17/2023 dated 12-06-2023.

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

that there shall be no provision to decline or large promotion. It is obligatory upon every (W) vide letter No.50 (Policy) E&A D/1-2/2020 dated 6-06-2023 categorically stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) CASSED-2/17/2023 for necessary evidence.

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

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

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

No.6987 dated 06-07-2023.

That this officer would guide you from your good officer in the following words vide letter - vide, notification No. 50 (Policy) E&A D/1-2/2020 dated 06-06-2023.

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (W) dated Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer) Rules 1989)

Gaited/Amplified of the meeting/ST77023 dated 10-07-2023 on the subject cited above and to I am directed to refer to the letter No.50 (Primary-4) CASSED-2/17/2023 dated 12-06-2023 on the subject cited above and to present brief history about the background of the case as under:

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

Subject - **MINUTES OF TIRAKIRTING**

Dear Sir,

No. 8145
Khyber Pakhtunkhwa, Peshawar
IF No. 1/557/UC/General Cases
Email: crishahamam@pki.com
Date: 21-7-2023
Phone: 011-35113311



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

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir;

I am directed to refer to letter No. (SO Primary-M) E&SED/5-1/648/11/ Minutes of meeting/PST/2023 dated 20-7-2023 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 1978) 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) It is prerogative of civil servant to either accept/turn down 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 6-06-2020 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

Assisted Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

ATTESTED



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

No. SO/Primary-4/E&SE/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Case No.

I am directed to refer to your letter No. SO(Policy)/EBAD/ 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 or mother-in-law who need care. In such cases, there are negative effects on service delivery.

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

(MUHAMMAD ISHAC)
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)
28/8/23

Scanned with CamScanner

ATTESTED

ATTESTED

(Muzhammad Tariq)
Section Officer (Army)
(Muzhammad Tariq)

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

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

Civil servant (Efficiency and Discipline) Rule 2012.
different means shall be proceed under Khyber Pakhtunkhwa
of the competent authority or try to evade promotion through
those officers/officials who don't comply with promotion order

Promotion and Transfer Rules 1989) It has been intimated that
deletion of Rule 7(5) Khyber Pakhtunkhwa Civil servant (Appointment,
1-3/2020 dated 31 June 2020 and to state that after
I am directed to refer to your letter No. SO/Army
(Policy)/E&AD

Dear Sir,

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

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

To
No. SO (Army-M) E&SE/18-51
Khyber Pakhtunkhwa - Rule/2020
Peshawar Dated 23rd August, 2020.

- B/c -

Annexure - F



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

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

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

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

DELETED

SO(Primary-M/E&SED/2-2/Appointment-Rule/2023) dated 23.08.2023

-21-

79

- 22 -

- 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)

List of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

Annexure - G

To,

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

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

Sir/ Madam:-

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

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

Dated 28/01/2024



AMIR NAWAS KHAN
S/O SALAR ZAI
SPST



~~ATTESTED~~

WP4413-2022 AZIZULHAM VS GOVT OF PAAS

Handwritten signature and date: 08/11/2022

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

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

Annexure - H

Handwritten text in Urdu script, likely a title or reference for the annexure.

APTA House
Dist. Primary School N.M.
Duhok, Peshawar City.



Khyber Pakhtunkhwa

APTA House
Dist. Primary School N.M.
Duhok, Peshawar City.

ATTESTED

CS CamScanner

Date of Presentation of Application: 13/08/2023
 Name: [illegible]
 Rank: [illegible]
 Design: [illegible]
 Capacity: [illegible]
 Number of [illegible]

[Signature]
 Member (B)

Verified to be true copy (Muhammad Akbar Khan)

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 appointments as well as preliminary hearing on 11/06/2024 before S.P. P.T. given in learned counsel for the appellant.
 03. Although the service appeal there is an application for suspension or notification dated 06/06/2023 and later 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.



VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

AMIR NAWAS
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

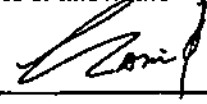
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

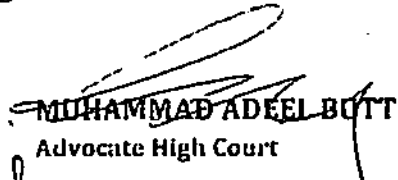
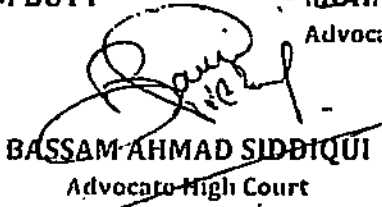
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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

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



APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court
MUHAMMAD ADEEL BUTT
Advocate High Court
BASSAM AHMAD SIDDIQUI
Advocate High Court