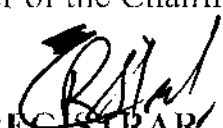


FORM OF ORDER SHEET

Court of _____

Appeal No. 1860 /2024

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

S.A # 1860/24

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

NARGAS BEGUM.

V/S

Government of KP & others

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1.	Appeal and Verification	*	1-4
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3.	Copy of Monthly Salary account	A.	6-7
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	8-9
5.	Copy of Impugned Letter dated June 06th, 2023	C.	10-13
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	14-15
7.	Copy of Letter dated 23-08-2023	E.	16-19
8.	Copy of Impugned letter dated 07-09-2023	F.	20-21
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	22, 23 24
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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1860 /2024

Nargas Begum Daughter of Damsaz Pacha, PST
GPS Lajboak, Tehsil & District Timargar

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

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

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

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

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

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

GROUND:-

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

- 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.
- d. 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.


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


Bassam Ahmad Siddiqui
Advocate High Court
LL.M- Human Rights

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

AFFIDAVIT:

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

M. Beig
Deponent

Through

M. Beig
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Adel Butt
Muhammad Adeel Butt
Advocate High Court

-5- Annex A

No	Name	Address	Religion	Age	Sex	Signature	Remarks
110	Muhammad Begum DO Amir Khan	Khanna Bahawal	F	41	F	41 36	Bahawal
111	Chand Begum DO Akhtar Raza	Khanna Bahawal	F	46	F	46 57	Bahawal
112	Shabba Naz DO Hayat Khan	Mirza Tahir Bahawal	F	41	F	41 51	Bahawal
113	Muhammad Begum DO Fakhir Rahman	Rahza Pur Bahawal	F	30	F	30 51	Bahawal
114	Khatun DO Mahmood Khan	Darya Bahawal	F	30	F	30 73	Bahawal
115	Margda Begum DO Damsaj Raza	Lahana Bahawal	F	28	F	28 53	Bahawal
116	Muhammad Fatima DO Ghulam Mohd	Mirza Pur Bahawal	F	28	F	28 07	Bahawal
117	Kamran Begum DO Jan Zada	Mirza Bahawal	F	25	F	25 84	Bahawal
118	Fatima DO Bahadur Jamal	Mirza Pur Bahawal	F	23	F	23 44	Bahawal
119	Jamsheda Begum DO Nazir Raza	Mirza Bahawal	F	24	F	24 57	Bahawal
120	Faris Begum DO Mubshir	Mirza Bahawal	F	42	F	42 17	Bahawal
121	Neelam Ara DO Shahn Zada	Mirza Bahawal	F	41	F	41 37	Bahawal
122	Shahida Begum DO Habib Khan	Mirza Bahawal	F	28	F	28 48	Bahawal
123	Farida DO Muzaf Khan	Mirza Bahawal	F	35	F	35 52	Bahawal
124	Muhammad Mustafa DO Ghulam Mustafa	Mirza Bahawal	M	35	M	35 03	Bahawal
125	Muhammad Naz DO Bacha Khan	Mirza Bahawal	M	22	M	22 24	Bahawal
126	Muhammad Bab DO Muzaf Khan	Mirza Bahawal	M	21	M	21 05	Bahawal
127	Muhammad Azam DO Sadiq Azam	Mirza Bahawal	M	24	M	24 51	Bahawal
128	Muhammad Begum DO Fakhir Khan	Mirza Bahawal	F	18	F	18 07	Bahawal
129	Muhammad DO Ghulam Jan	Mirza Bahawal	M	43	M	43 31	Bahawal
130	Muhammad DO Muzaf Khan	Mirza Bahawal	M	42	M	42 06	Bahawal
131	Muhammad Zaman DO Saif Zaman	Mirza Bahawal	M	42	M	42 34	Bahawal
132	Muhammad Bab DO Muzaf Khan	Mirza Bahawal	M	41	M	41 04	Bahawal
133	Muhammad Bab DO Amir Raza Khan	Mirza Bahawal	M	38	M	38 53	Bahawal
134	Muhammad Naz DO Amir Raza Khan	Mirza Bahawal	M	34	M	34 50	Bahawal
135	Muhammad Begum DO Fakhir Khan	Mirza Bahawal	F	33	F	33 78	Bahawal
136	Muhammad Begum DO Muzaf Khan	Mirza Bahawal	F	42	F	42 04	Bahawal
137	Muhammad DO Fakhir Khan	Mirza Bahawal	M	41	M	41 41	Bahawal
138	Muhammad DO Saif Zaman	Mirza Bahawal	M	40	M	40 18	Bahawal
139	Muhammad DO Muzaf Khan	Mirza Bahawal	M	43	M	43 01	Bahawal
140	Muhammad Bab DO Bahadur Khan	Mirza Bahawal	M	42	M	42 32	Bahawal
141	Muhammad Bab DO Ghulam Mustafa	Mirza Bahawal	M	40	M	40 03	Bahawal
142	Muhammad DO Fakhir Khan	Mirza Bahawal	M	30	M	30 77	Bahawal
143	Muhammad Begum DO Amir Raza Khan	Mirza Bahawal	F	37	F	37 03	Bahawal
144	Muhammad Begum DO Muzaf Khan	Mirza Bahawal	F	32	F	32 51	Bahawal
145	Muhammad DO Muzaf Khan	Mirza Bahawal	M	32	M	32 48	Bahawal
146	Muhammad Bab DO Muzaf Khan	Mirza Bahawal	M	43	M	43 08	Bahawal
147	Muhammad DO Muzaf Khan	Mirza Bahawal	M	41	M	41 26	Bahawal
148	Muhammad Begum DO Bahadur Khan	Mirza Bahawal	F	36	F	36 03	Bahawal
149	Muhammad Begum DO Ghulam Mustafa	Mirza Bahawal	F	35	F	35 41	Bahawal
150	Muhammad Begum DO Fakhir Khan	Mirza Bahawal	F	33	F	33 03	Bahawal
151	Muhammad Begum DO Fakhir Khan	Mirza Bahawal	F	33	F	33 75	Bahawal
152	Muhammad DO Ghulam Mustafa	Mirza Bahawal	M	42	M	42 33	Bahawal
153	Muhammad Begum DO Muzaf Khan	Mirza Bahawal	F	39	F	39 53	Bahawal
154	Muhammad Begum DO Bahadur Khan	Mirza Bahawal	F	27	F	27 30	Bahawal
155	Muhammad Begum DO Muzaf Khan	Mirza Bahawal	F	46	F	46 27	Bahawal
156	Muhammad DO Muzaf Khan	Mirza Bahawal	M	15	M	15 36	Bahawal
157	Muhammad DO Muzaf Khan	Mirza Bahawal	M	43	M	43 03	Bahawal
158	Muhammad Begum DO Muzaf Khan	Mirza Bahawal	F	42	F	42 03	Bahawal
159	Muhammad DO Muzaf Khan	Mirza Bahawal	M	41	M	41 16	Bahawal
160	Muhammad DO Muzaf Khan	Mirza Bahawal	M	40	M	40 23	Bahawal
161	Muhammad DO Muzaf Khan	Mirza Bahawal	M	37	M	37 04	Bahawal
162	Muhammad DO Muzaf Khan	Mirza Bahawal	M	32	M	32 37	Bahawal
163	Muhammad DO Muzaf Khan	Mirza Bahawal	M	32	M	32 51	Bahawal
164	Muhammad DO Muzaf Khan	Mirza Bahawal	M	31	M	31 75	Bahawal
165	Muhammad DO Muzaf Khan	Mirza Bahawal	M	43	M	43 44	Bahawal
166	Muhammad DO Muzaf Khan	Mirza Bahawal	M	42	M	42 03	Bahawal
167	Muhammad DO Muzaf Khan	Mirza Bahawal	M	37	M	37 73	Bahawal
168	Muhammad Begum DO Ghulam Mustafa	Mirza Bahawal	F	33	F	33 28	Bahawal
169	Muhammad Begum DO Amir Raza Khan	Mirza Bahawal	F	32	F	32 27	Bahawal
170	Muhammad Begum DO Amir Raza Khan	Mirza Bahawal	F	26	F	26 13	Bahawal
171	Muhammad Begum DO Amir Raza Khan	Mirza Bahawal	F	24	F	24 59	Bahawal
172	Muhammad Begum DO Amir Raza Khan	Mirza Bahawal	F	17	F	17 25	Bahawal
173	Muhammad DO Amir Raza Khan	Mirza Bahawal	M	17	M	17 25	Bahawal
174	Muhammad DO Amir Raza Khan	Mirza Bahawal	M	16	M	16 57	Bahawal

ATTESTED

[Signature]

-7-

Dist. Govt. NWFP-Provincial
District Accounts Office Dir at Timargar
Monthly Salary Statement (October-2020)



Personal Information of Mrs NARGAS BEGUM d/w/s of DAMSAZ PACHA

Personnel Number: 00265334

CNIC: 10984345279

NTN:

Date of Birth: 03.05.1984

Entry into Govt. Service: 01.04.2004

Length of Service: 16 Years 07 Months 001 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL TEACHER

80697499-DISTRICT GOVERNMENT KHYBE

DDO Code: DA6325-Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center: 05

GPF A/C No: 265334

Interest Applied: Yes

GPF Balance:

295,485.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 14

Pay Stage: 12

Wage type	Amount	Wage type	Amount
0001 Basic Pay	29,220.00	000 House Rent Allowance	2,214.00
1210 Convey Allowance 2005	2,856.00	300 Medical Allowance	1,500.00
1923 UAA-OTHER 20%(1-15)	1,000.00	2148 15% Adhoc Relief All-2013	575.00
2199 Adhoc Relief Allow @10%	389.00	2211 Adhoc Relief All 2016 10%	2,154.00
2224 Adhoc Relief All 2017 10%	2,922.00	2247 Adhoc Relief All 2018 10%	2,922.00
2264 Adhoc Relief All 2019 10%	2,922.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-2,620.00	501 Benevolent Fund	-600.00
3914 Education (ROP)	-15,534.00	990 Emp.Edu. Fund KPK	-125.00
4004 R. Benefits & Death Comp:	-600.00		0.00

ATTAS TER

-8

Annexure - B-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

EXISTING 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.

18/8/20
2020

(Signature)
(WAJIDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)
ATTESTED

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)

ATTEST

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/EAD/1/2020
Dated Peshawar the 06, 2023

62

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

Subject: GUIDANCE REGARDING VIOLATION 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/MT/CS/UD/2-
2/Appointment/2023) dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no
provision exists to decline or forgo promotion.

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

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

Yours faithfully,

(Issa Dildar Khan)
Section Officer (Policy)

ASSE
7/6

[Handwritten signature]

Encl. Given No. & date

Copy forwarded to:-

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

[Handwritten initials]

2623
2.1.6.23

Section Officer (Policy)

ATTESTED

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

To

The Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department.

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

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

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

Yours faithfully,

(Issa Muhammad Khan)
Section Officer(Policy)

(Encl), of even No & date

Copy is forwarded to :-

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

Section Officer
(POLICY)


ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8223507)

No. SO (Primary-MYE&SED)-6/2023
Lahor Peshawar (No. 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 06 July, 2023 at 11:00 AM in this department under the Chairmanship of Additional Secretary (Estab) E&SE Department in his office.

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

Encl: AA

[Handwritten Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

~~ATTESTED~~

B/c -13-

No SO (Primary-M)/B&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 Teachers Association, KP

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Annexure
①


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


Sl	NAME	DESIGNATION
1	Mr. 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

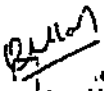
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


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


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


(Mr. Razaqul Ullah)
General Secretary APTA
Peshawar


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

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

~~TESTED~~

-15-
-B/C-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION
& TRANSFER RULES 1989).

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

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

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

3. After 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~~

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) II

Dear Sir,
I am directed to refer to your letter No. SO(Policy) EBAAD/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 indicated that those
officers/officials who do not comply with promotion order of the competent authority or
71 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.

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)
(MUNHAKKAD ISKANI)

SECTION OFFICER (PRIMARY MALE)
(MUNHAKKAD ISKANI)

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WP443-2023 AZIZULAH VS GOVT OF POK

TESTED

~~TESTED~~

2. PS to Secretary, E & SE Department, Khyber Pakhtunkhwa
1. Director E & SE Khyber Pakhtunkhwa.
Copy forwarded to:
(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 father of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

Dear Sir,
I am directed to refer to your letter No. S(Fin) (Policy) /E&AD /1-3/2020 dated 6th June 2020 and to state that after deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

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

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

To
No. S(Fin) - M) E&SE / 18-4 / Appointment - Rule / 2020
Reference Dated 23rd August, 2020.

- 17 -
- 12 -
- 8/c -

ATTESTED

W-1443-2023 AZZULAH VA GOVT CP 0043

Asst. Dir. (Primary-4)
Ministry of Secondary Education
Khyber Pakhtunkhwa

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

Copy of the above is to:-

Asst. Dir. (Primary-4)
Ministry of Secondary Education
Khyber Pakhtunkhwa

17/07/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee. provided they submit their written refusal prior to conclusion of the meeting of Teachers below. DPs-16 may be exempted of implications of the amendment in the rules field (73) have affected a huge number of Female Teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the sanction of Rules been asked for submission of consolidated case.

- Confirmation of Khyber Pakhtunkhwa Establishment at his office this office has.
- That in the light of the minutes of meeting dated 6-07-2023 held under the (Primary-4) CASERD-2/Appointment/2023 dated 12-06-2023.
- The same was received by this office from your good office vide letter No.50 civil servant in receipt promotion under every condition.
- That there shall be no provision in decision or forgo promotion. It is obligatory upon every (Wing) vide letter No.50 (Policy) E&AD/1-17020 dated 6-06-2023 categorically stated.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.512 (Primary-4) CASERD-2/Appointment/2023) for necessary guidance.
- That your good office forwarded the same to the quarter concerned vide letter promotion.
- (ii) If it is not acceptable of the civil servant to either accept or turn down the offer of promotion.
- (i) How it is obligatory upon the civil servant to accept promotion in every condition. No.5887 dated 06-07-2023.
- That this office shall be guided from your good office in the following words vide letter vide notification No. 508-VI (E&AD)/1-17020 dated 06-08-2023.
- dated Rule 73 in the Civil Servant (Appointment, promotion & Transfer Rules 1989) That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing)

I am directed to refer to the letter No.50 (Primary-4) CASERD-2/11 G.M.A/Ministry of the Education/157023 dated 10-07-2023 on the subject cited above and to present brief history of the case as under:

Subject: - **MINUTES OF THE MEETING**

The Section Officer (Primary-4),
Ministry of Secondary Education Department,
Khyber Pakhtunkhwa Fethanor.

Dear Sir,



No. 8145

Khyber Pakhtunkhwa, Peshawar
Date: 21-7-2023
Email: riazkhan@kpk.gov.pk

-B/C-
-19-

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 Peshawar-17) E&SED/S-1/6000/1
Minutes of meeting 18/7/2023 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 Rule 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. 5987 dated 06-09-2023

(1) Now it is obligatory upon civil servant to accept promotion;
(2) Now it is obligatory of civil servant to either accept/throughout the
offer of promotion.

- That your good office forwarded the same to quorate concerned vide letter No. SO (Peshawar) E&SED/2-2/Appointment/2023 for necessary guidance.

- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-8/2020 dated 8-06-2023 categorically stated that there exists no provision to decline /forfe 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 Rule 7(S) have effected negatively a huge members of female teachers.

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

WP4447-2023 AZIZULLAH VS GOVT OF PK

~~REGISTERED~~

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)

Endst. Of even No & date

Copy forwarded to the:-

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

ATTESTED

2023-09-07 10:00:00 AM GOVT OF PK

-20-

21

- 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(S) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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.

Section Officer (Policy)

~~ATTESTED~~

-22-

Annexure - G

To,

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

Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020. DATED 06/08/2020. COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA. ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

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

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

Dated ___/0_/2024

ATTESTED

NARGAS BEGUM
D/O DAMSAZ PACHA,
PST

~~ARRESTED~~

MP4447-2023 AZIZULHAQ VS GOVT OF PAJANG

08/11/2023
[Signature]

Handwritten text in Malayalam script, appearing to be a list of items or a detailed report. The text is oriented vertically and includes various words and phrases.

Anneasure - H

Handwritten Malayalam text at the bottom center of the page.

AFTA House
Govt. Printing Station
Kollam



Handwritten Malayalam text below the logo.

1st Floor Room
Prothoni
021101488
021101488@gmail.com
Kollam

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2023 before S.J. P. given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 12-6-23
 Number of 1
 Copies 1
 Fee 57-
 Name of 13-6-23
 Date of 12-6-23
 Date of 12-6-23

~~ATTESTED~~

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

NARGAS BEGUM

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