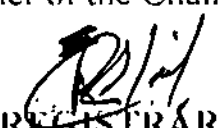


# FORM OF ORDER SHEET

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

Appeal No. 1859 /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 #1859/24

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

ROBINA ALI

V/S

Government of KP & others

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ADVOCATE  
M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 1859 /2024

Robina Ali Daughter of Muhammad Ali, PSHT  
GPS Gosam Ghanam Sha, 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 Head Teacher.  
Copy of Appointment letter is annexed as **Annexure A**

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

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

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

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

**GROUND:-**

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely 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 set-aside.

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

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

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

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

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

Robina Ali  
 Appellant

Through

Muhammad Muazzam Butt  
 Advocate Supreme Court

Muhammad Adeel Butt  
 Advocate High Court

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

-5-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

In Ref to

Service Appeal No \_\_\_\_\_/2024

**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 06/08/2023, 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

*Robina Ali*  
Deponent

Through

*Robina Ali*  
Appellant

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

No	Name	Address	Religion	Age	Religion	Address	Religion
1008	Nasrat Begum D/O Amir Mohd	Khanna Balamalai	FAJTC	41	Labook	Krama	AVP
1118	Chans Begum D/O Abdur Razzaq	Narai Tangi Labook	FAJTC	41	Labook	Jodaga	AVP
1119	Shakila Naz D/O Hayat Khan	Rehan Pul Labook	FAJTC	30	Labook	Baba Bala	AVP
1120	Nasrat Begum D/O Fatchur Rahman	Darna D/O Labook	FAJTC	30	Labook	Darna (P)	AVP
1121	Sabra D/O Mahmood Khan	Labook	FAJTC	28	Labook	Gumal Bala	AVP
1124	Nargis Begum D/O Damsaz Nacha	Labook	FAJTC	28	Labook	Labook	AVP
1125	Nasrat Fatima D/O Ghulam Mohd	Rehan Pul Labook	FAJTC	28	Labook	Karam Mang Banda	AVP
1129	Kanasar Begum D/O Jan Zada	Morana Labook	FAJTC	25	Labook	Tal Palay	AVP
1137	Taslim D/O Bahar Jamal	Rehan Pul	FAJTC	25	Labook	Karam Mang Banda	AVP
1140	Zamshona Begum D/O Nazir Khan	Morana Labook	FAJTC	24	Labook	Labook	AVP
1149	Bazis Bibi D/O Mahabullah	Amraobadi Koto	FAJTC	42	Koto	Prasad Koto	AVP
1170	Neelam Ara D/O Shera Zada	Andrew Koto	FAJTC	41	Koto	Prasad Koto	AVP
1171	Shahat Begum D/O Habib Khan	Sangwala Mayasera	FAJTC	39	Mayasera	Sangwala	AVP
1172	Gul Huda D/O Medad Khan	Mayasera	FAJTC	35	Mayasera	Shri Khandy	AVP
1173	Uzma Hussain D/O Ghulam Hassan	Mayasera	FAJTC	35	Mayasera	Mayasera	AVP
1174	Bibi Naz D/O Bacha Amir	Kamari Kothay Mayasera	FAJTC	32	Mayasera	Sangwala	AVP
1175	Rahmda Bibi D/O Mohd Ghum	Sangwala Mayasera	FAJTC	31	Mayasera	Shri Khandy	AVP
1176	Nargis Azam D/O Saiful Azam	Mayasera	FAJTC	24	Mayasera	Janda Dherai	AVP
1177	Mahzar Begum D/O Fazi Vahab	Shahar Tangi Mayasera	FAJTC	18	Mayasera	Shri Khandy	AVP
1178	Rasna Begum D/O Jamshud Khan	Morana Tangi	FAJTC	18	Mayasera	Tal	AVP
1179	Shabnam D/O Ghasem Jan	Heedjay Koto Labook	FAJTC	43	Koto	Lakshad Bala	AVP
1180	Gargol D/O Mohd Jan	Gargol Koto	FAJTC	42	Koto	Tal	AVP
1181	Sana Zain D/O Saad Zain	Danghanga Koto	FAJTC	42	Koto	Sangwala	AVP
1182	Kaboom Bibi D/O Lal Khan	Motayana B Koto	FAJTC	41	Koto	Lakshad Banda	AVP
1183	Shakila Bibi D/O Abdur Razzaq	Heedjay, Koto	FAJTC	38	Koto	Lakshad Bala	AVP
1184	Sodal Naz D/O Amir Ahmad Khan	Danghanga Koto	FAJTC	34	Koto	Tal	AVP
1185	Aneka Begum D/O Fazel Azam	Motayana B Koto	FAJTC	33	Koto	Gulzar Kot	AVP
1186	Nasim Begum D/O Mang Zaid	Pan Kas Lal Oda	FAJTC	42	Lal Oda	Gulzar	AVP
1187	Zamran D/O Fazel Badshah	Pan Kas Lal Oda	FAJTC	41	Lal Oda	Gulzar	AVP
1188	Kaboom D/O Saad Zain	Lakshad Bala	FAJTC	40	Lal Oda	Mayasera	AVP
1189	Akshara D/O Basma Mohd	Jamshud B Koto	FAJTC	43	Bekheram	Tal	AVP
1190	Shahat Begum D/O Banadar Khan	Gargol B Koto	FAJTC	42	Bekheram	Lakshad Bala	AVP
1191	Rasna Bibi D/O Ghulam Mohd	Kamari Bekheram	FAJTC	40	Bekheram	Lakshad Banda	AVP
1192	Ghazal D/O Fazel Mohd	Morana Bekheram	FAJTC	36	Bekheram	Gumal Banda	AVP
1193	Saba Hayat Begum D/O Juma Khan	Morana Bekheram	FAJTC	32	Bekheram	Morana	AVP
1194	Nasim Begum D/O Al Shah Vazir	Danghanga Bekheram	FAJTC	32	Bekheram	Bekheram	AVP
1195	Shahida Begum D/O Ghazal G.J	Danghanga Bekheram	FAJTC	32	Bekheram	Danghanga	AVP
1196	Mahara Bibi D/O Amir Khan	Sar Danghanga Bekheram	FAJTC	43	Zamndara	Lakshad Banda	AVP
1197	Meha Gul D/O Masood Jan	Danghanga Bekheram	FAJTC	41	Zamndara	Lakshad Banda	AVP
1198	Akshara Begum D/O Bahar Hussain	Banda Bekheram	FAJTC	39	Zamndara	Lakshad Banda	AVP
1199	Mahara Begum D/O Gul Rasool	Shahar Zamndara	FAJTC	35	Zamndara	Lakshad Banda	AVP
1200	Ajumana Shaheen D/O Fatchur Khan	Shahar Zamndara	FAJTC	33	Zamndara	Lakshad Banda	AVP
1201	Shahida Begum D/O Fatchur Khan	Shahar Zamndara	FAJTC	33	Zamndara	Lakshad Banda	AVP
1202	Kaboom D/O Ghulam Faur	Morana Gul	FAJTC	42	Gul	Lakshad Son Paw	AVP
1203	Sahana Begum D/O Mahzar Khan	Danghanga Gul	FAJTC	39	Gul	Lakshad Gul	AVP
1204	Rasna Zeb D/O Jemshud Khan	Gul Gul	FAJTC	37	Gul	Gul	AVP
1205	Saira Zeb D/O Jemshud Khan	Gul Gul	FAJTC	18	Gul	Gul	AVP
1206	Saira Naz D/O Bahar Jan	Nagol Gul	FAJTC	19	Gul	Lakshad Son Paw	AVP
1207	Shah Gul D/O Yusuf Khan	Kharana	FAJTC	43	Kharana	Gulam Ghulam Shah	AVP
1208	Bibi Muzama D/O Lena Almasi Khan	Morana Kharana	FAJTC	42	Kharana	Lakshad Gul	AVP
1209	Fatma Bibi D/O Nasir Khan	Morana Kharana	FAJTC	41	Kharana	Lakshad Banda	AVP
1210	Bahar Hussain D/O Fatchur Hussain	Kharana	FAJTC	40	Kharana	Gulam Ghulam Shah	AVP
1211	Akshara Bibi D/O Amjad Jan	Morana Kharana	FAJTC	37	Kharana	Lakshad Gul	AVP
1212	Rasna Bibi D/O Mohd Ali	Kharana	FAJTC	32	Kharana	Gulam Ghulam Shah	AVP
1213	Lakshad Begum D/O Amir Mohd	Kharana	FAJTC	32	Kharana	Gulam Ghulam Shah	AVP
1214	Meha Bibi D/O Amir Zeb	Morana Kharana	FAJTC	31	Kharana	Lakshad Banda	AVP
1215	Meha Bibi D/O Amir Zeb	Morana	FAJTC	43	Morana	Lakshad Banda	AVP
1216	Shahida Begum D/O Amir Zeb	Morana De Gul	FAJTC	42	Morana	Lakshad Banda	AVP
1217	Sajda Begum D/O Amir Zeb	Morana	FAJTC	37	Morana	Lakshad Banda	AVP
1218	Mahar Begum D/O Gul Zaid	Gul Gul	FAJTC	36	Morana	Gul Gul	AVP
1219	Sahar Bibi Begum D/O Amir Zeb	Morana Gul	FAJTC	32	Morana	Gul Gul	AVP
1220	Meha Begum D/O Amir Zeb	Morana Gul	FAJTC	26	Morana	Lakshad Banda	AVP
1221	Meha Bibi Begum D/O Amir Zeb	Morana Gul	FAJTC	24	Morana	Lakshad Banda	AVP
1222	Meha Bibi Begum D/O Amir Zeb	Morana Gul	FAJTC	17	Morana	Lakshad Banda	AVP
1223	Meha Bibi Begum D/O Amir Zeb	Morana Gul	FAJTC	17	Morana	Lakshad Banda	AVP
1224	Meha Bibi Begum D/O Amir Zeb	Morana Gul	FAJTC	16	Morana	Lakshad Banda	AVP



**Dist. Govt. KP-Provincial**  
**District Accounts Office Dir at Timargar**  
**Monthly Salary Statement (January-2024)**



**Personal Information of Miss ROBINA ALI d/w/s of MUHAMMAD ALI**

Personnel Number: 00284173    CNIC: 1530603667482    NTN:  
 Date of Birth: 24.04.1984    Entry into Govt. Service: 01.04.2004    Length of Service: 19 Years 10 Months 001 Days

**Employment Category: Vocational Temporary**

Designation: PRIMARY SCHOOL HEAD TEACH    80697499-DISTRICT GOVERNMENT KHYBE

DDO Code: DA6325-Dir Lower

Payroll Section: 001

GPF Section: 001

Cash Center: 13

GPF A/C No: 284173

GPF Interest applied

GPF Balance:

683,489.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil

BPS: 15

Pay Stage: 14

Wage type		Amount	Wage type		Amount
0001	Basic Pay	51,640.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	600.00
2199	Adhoc Relief Allow @10%	410.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	4,812.00	2347	Adhoc Rel Al 15% 22(PS17)	4,812.00
2378	Adhoc Relief All 2023 35%	17,381.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-783.00	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

**Deductions - Income Tax**

Payable: 12,280.18    Recovered till JAN-2024: 5,296.00    Exempted: 3069.93    Recoverable: 3,914.25

Gross Pay (Rs.): 91,759.00    Deductions: (Rs.): -7,008.00    Net Pay: (Rs.): 84,751.00

Payee Name: ROBINA ALI

Account Number: CA 6056-7

Bank Details: NATIONAL BANK OF PAKISTAN, 230841 NBP TIMARGARA DIR NBP TIMARGARA DIR, KOHAT

Leaves:    Opening Balance:    Availed:    Earned:    Balance:

**Permanent Address:**

City: munda DIR LOWER

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

**Temp. Address:**

City:

Email: robinxali023@gmail.com

**ATTESTED**

System generated document in accordance with APPM 4.6.12.9(743103/23.01.2024/v3.0)

\* All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES/02.02.2024/20:09:52)

**ATTESTED**

4-11-2020

(MAJID AH LALJI)  
DEPUTY SECRETARY (POLICY)

*[Signature]*

**ATTESTED**



- 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 Government, 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, Khyber, Pakhtunkhwa Public Service Commission, 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 with the request to the Deputy Director (IT), E&A Department.
- 15. The Section Officer (Admn), Administration Department.
- 16. The Carriker, Administration Department.
- 17. The Carriker, Administration Department.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

**AMENDMENT**

In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act No. XVIII of 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:

**NOTIFICATION**

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGISTRATION-WING)

Annexure - B

2

-9-

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)**

**NOTIFICATION**

Dated Peshawar the, 06/08/2020

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

**AMENDMENT**

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

**CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

(ANDS); & EVEN DATE

Copy is forwarded to :-

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

**(WARDAH LATIF  
DEPUTY SECRETARY (POLICY)**

  
**ATTESTED**

-10-

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO/Policy/ACAD/1-3/2020  
(Dated Peshawar on June 06, 2020)

62

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

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

Dear Sir,  
I am directed to refer to your letter No. SO/Primary-M/MS/50071-  
2/Appointment/2020 dated 18.04.2020 on the subject cited above and to state that Sub-Rule  
(3) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)  
Rules, 1989 stands deleted vide this departmental notification dated 06.06.2020; 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 Services (Discipline & Discipline) Rules,  
2011, please.

Yours faithfully,

(Jasir Nadeem Khan)  
Section Officer (Policy)

ASE  
7/6

Encl. Of even No & date

Copy forwarded to the:-

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

SE/MS

دہلی میں  
21.6.20

Section Officer (Policy)

ATTESTED

-11-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

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

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

Dear Sir,

I am directed to refer to your letter No SO(Primary.M/E&SED/2 - 2/Appointment/2023) dated 18.04.2023 on the subject noted above and to state that sub-Rule(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants(Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06-08-2020; thus, no provision exists to decline or forgo promotion.

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

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

Yours faithfully,  
(Issa Muhammad Khan)  
Section Officer(Policy)

(Encls). 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**

-12-



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

No.SD (Primary-MVE&SED/2-6/2023  
Dated Peshawar the June 28<sup>th</sup> 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

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

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

*[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)/E&SD/3-4/2023  
Dated Peshawar the June 25<sup>th</sup> 2023

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

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

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

I am directed to refer to the subject noted above and to enclose here with a letter of  
Establishment Department letter No. SO (Policy)E&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&S6 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&S6 Department Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALE)

WP4443-2023 AZIZULLAH VS GOVT OF PG43

~~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  
01


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. Kalaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

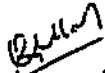
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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-I  
E&SE Department

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

  
(Mr. Kalaqal Ullah)  
General Secretary APTA  
Peshawar

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

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

 ATTESTED



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

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)  
Additional Secretary (Establishment)

**ATTESTED**



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

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

Annexure  
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated 05<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

  
(GULAM ABBAS ISHRAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
20/8/23

Scanned with CamScanner

WP442-2023 AZIZULLAH VS GOVT OF PK43

  
**ATTESTED**

**TESTED**

1. Director EG SE Khyber Pakhtunkhwa.  
2. PS to Secretary, E & SE Department Khyber Pakhtunkhwa.  
Copy forwarded to:  
(Muzammad Ishaq)  
Section Officer (Primary)  
Muzammad Ishaq

In this connection it is submitted that in some cases lady teacher of primary level who avail such promotion have to face serious inconvenience while they have to perform duties in the remotest stations with no residential/transport facilities. Most of them are married with kids and elder father of Mother-in-law who need care. In such cases their 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. 50 (Primary) (Pozay) (E&AD) dated 1/3/2020 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).  
Establishment and Administration Department,  
Peshawar.  
The Secretary to Government of Khyber Pakhtunkhwa.  
To

No. 5 (Primary-M) E&SE D/8-21  
Appointment - Rule/2023  
Peshawar Dated 23rd August, 2023.

- B/c -  
- 17 -

**ATTESTED**

4443-2023 AZIZULAH VS GOVT OF POK

Assistant Director (Ex-Subst-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Assistant Director (Ex-Subst-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

21/7/2023

The file is submitted for perusal and necessary actions please.

Departmental Promotion Committee.  
provided they submit their written request prior to conclusion of the meeting of  
Teachers below 17-16 may be exempted of implications of the amendment in the rules field

75) have affected negatively a large number of Female Teachers. Thus it is proposed that

In view of the above, this office is of considered opinion that the deletion of this

has been asked for substitution of considered case.

Chairman, Khyber Pakhtunkhwa Education Establishment on his office this office has

That, in the light of the minutes of meeting dated 6-07-2023 held under the

(Primary-4) E&SED/27/Appl/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.SD

civil servant to accept promotion under every condition.

that there exists no provision to decline or forgo promotion. It is obligatory upon every

(Wing) vide letter No.SD (Policy) E&AD/1-2/2020 dated 6-06-2023 categorically stated

That the Government of Khyber Pakhtunkhwa Education Department (Regulation

No.SD (Primary-4) E&SED/27/Appl/2023 for necessary guidance.

That your good office forwarded the same to the quarter concerned vide letter

promotion.

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

(i) How a civil servant upon the civil servant to accept promotion in every condition.

No.6987 dated 06-07-2023.

That this office sought guidance from your good office in the following words vide letter

vide notification No. No. SOR-VI (E&AD)/1-2/2020 dated 06-08-2020.

dated Rule 7(C) in the Civil Service (Appointment, Promotion & Transfer Rules 1989)

That Government of Khyber Pakhtunkhwa Education Department (Regulation (Wing)

preliminary history of the case as under:

CA/MS/Min/10 of the (Wing) P/ST/2023 dated 10-07-2023 on the subject cited above and to

I am directed to refer to the letter No.SD(P/Primary-4)E&SED/25-11

1. PA to Director  
2. Master Copy

Copy of the above to:-

Dear Sir,

MINUTES OF THE MEETING

The Assistant Director (Primary-4),  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa Education Department.

70



No. 8145

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

-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) EQSED/S-1/GA/21/ Minutes of meeting/PST/2023 dated 30-7-2023 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. SOR-VI(E&AD)1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quanta concerned vide letter No. SO (Primary-M) EQSED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQAD/1-2/2020 dated 6-06-2023 categorically stated that there exists no provision to decline / forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary 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 action please.

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

Assistant Director  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa.

ATTESTED

Annexure - F



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

To

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

Subject:-

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

ATTESTED

WPK 44-3-2023 AZIZULLAH VS GOVT CP PG-3

21  
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
- 4) 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) /EDAD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

Dated \_\_\_/0\_\_\_/2023

Robina Ali

**ROBINA ALI D/O  
MUSHAMMAD ALI,  
PS HT.**

- 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. SD(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)

Ends. 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 nicer (Policy)

WP4442-2023 AZIZULLAH VS GOVT OF PK43

TESTED



23-

# Khyber Pakhtunkhwa

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



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

## آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

## Annexure - A

مہربان: بیکری اور کیکری سیکلاریٹیز ایجنسی کے لیے درخواست  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
بہار نال

گزارش ہے کہ پرائمری ٹیچرز ایسوسی ایشن کے سرکاری کام کی ترقی کے لیے پرائمری ٹیچرز ایک سیکلاریٹیز ایجنسی کی ضرورت ہے۔ اس کے لیے ایک رپورٹ تیار کی گئی ہے جس میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔ اس کے علاوہ اس رپورٹ میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔

اس کے علاوہ اس رپورٹ میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔ اس کے علاوہ اس رپورٹ میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔

اس کے علاوہ اس رپورٹ میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔ اس کے علاوہ اس رپورٹ میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔

اس کے علاوہ اس رپورٹ میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔ اس کے علاوہ اس رپورٹ میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔

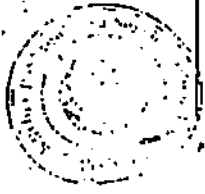
اس کے علاوہ اس رپورٹ میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔ اس کے علاوہ اس رپورٹ میں پرائمری ٹیچرز ایسوسی ایشن کے پرائمری ٹیچرز کے لیے ایک سیکلاریٹیز ایجنسی کی ضرورت کی وضاحت کی گئی ہے۔

شکر

میرزا گل خان سردار  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
08/11/2023

~~ATTESTED~~

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.D. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 10-5-24  
 Number of 1  
 Copy 5  
 Deptt SI  
 Title SI  
 Name of SI  
 Date of 13-6-23  
 Date of 12-6-23

**ATTESTED**

25-

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

ROBINA ALI

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.

*Robina Ali*

APPELLANT

ACCEPTED

*[Signature]*  
MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court

*[Signature]*  
MUHAMMAD ADEEL BUTT  
Advocate High Court

*[Signature]*  
BASSAM AHMAD SIDDIQUI  
Advocate High Court