

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

**Service Appeal No: 945/2024**

**M. Yousaf, PST GPS Taus Banda Mardan.....Appellant**

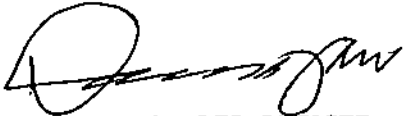
**VERSUS**

**The Secretary E&SED Khyber Pakhtunkhwa & others.....Respondents**

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**SAMINA ALTAF  
DIRECTOR**



**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar**

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No: 945/2024**

**M. Yousaf, PST GPS Taus Banda Mardan.....Appellant**

**VERSUS**

**The Secretary E&SED Khyber Pakhtunkhwa & others.....Respondents**

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 3.**

Respectfully Sheweth:

The Respondents 1 to 3 submit as under: -

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16797

Dated 16-10-24

**PRELIMINARY OBJECTIONS.**

- 1 **That** the Appellant has got no cause of action/locus standi.
- 2 **That** the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973.
- 3 **That** the Appellant has not come to this Honorable Court with clean hands.
- 4 That the appeal in hand is based on mala fide intentions.
- 5 **That** the appellant has concealed material from the ambit of this Honorable Bench is the titled matter.
- 6 **That** the case is bad for mis-joinder and non-joinder of the nessacery parties to the appeal.
- 7 **That** the matter is barred by law of limitation Act 1908.
- 8 **That** the appellant has been treated as per law Rules & policy by the Department.
- 9 **That** the impugned Notification No. SO(Policy) E&AD/1-31/2020 dated 06-08-2020 of the Respondent No. 1 is within legal sphere.
- 10 **That** the Appellant is not entitled for the relief he has sought from this Honorable Bench through the instant case.

**ON FACTS.**

- 1 That Para-1 pertains to the service record of the appellant against the PST in BPS-12 post in the Respondent Department.
- 2 That Para-2 is incorrect, hence denied, the appellant has referred the Rules already superseded by the amended Rules in Rule-7, Sub Rule-5 has been made ~~and~~ issued vide Notification dated 06-08-2020 by the Provincial Government, however, the superseded service Rules are reproduced as under:

*"if on an order of promotion or before promotion any civil servant declines in writing to accept promotion, such civil servant shall not be considered for such promotion for the next three years following the orders provided that if he declines to avail the benefit of promotion for 2<sup>nd</sup> time then he shall stand superseded permanently for such promotion",*

However, the said Rules has been amended in terms of the aforementioned Notification SO(Policy) E&AD/1-31/2020 dated 06-08-2020 of the Respondent No. 1 which says that

*"In exercise of powers conferred by Section-26 of KP Civil Servants Act, 1973, the CM KP is pleased to direct that in the KP APT Rules 1989, the following further amendment shall be made namely in Rule-7, Sub Rule-5 shall be deleted. (copy of the said Notification is Annex-A)*

Therefore, in pursuance of the said Notification dated 06-08-2020 of the Respondent No. 1, the Respondent No. 2 dated 06-06-2023 has made it mandatory for the employees to avail promotion, or otherwise, disciplinary action shall be taken against them the relevant portion is hereby reproduced as under:

*"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 the KP Civil Servants E&D Rules, 2011." Copy of the letter dated 06-06-2023 is Annex-B).*

- 3 That Para-3 is also incorrect in terms of the reply to Para-2 on the grounds that framing of service structure/Rules for the grant of promotion to the employees of the official Respondent is the exclusive jurisdiction of the authority concerned which cannot be challenged at any forum, therefore, the act of the Department with regard to noted amendments is in accordance to the law & Rules on the subject.
- 4 That Para-4 is correct to the extent of the amendment in Rule-7, Sub-Rule-5 of APT Rules 1989 vide Notification dated 06-08-2020 issued by the Respondent No. 1 & endorsed by the Respondent No. 2 vide letter dated 06-06-2023, whereby, availing promotion is mandatory & refusal by a Civil

Servant for promotion shall follow the Departmental proceedings/action under the relevant provision of E&D Rules, 2011 by the competent authority.

- 5 **That** Para-5 is incorrect as the act of the official Respondents with regard to the Notification dated 06-08-2020 & 06-06-2023 is based on natural justice for ensuring the merit & competency among the civil servant in their respective Departments throughout KP.
- 6 **That** para-6 is correct to the extent of letter dated 06-06-2023 as the Respondent No. 3 being a subordinate body is bound to follow & implement the amendments, rules, directives & instructions of the competent authority in its true letter & spirit.
- 7 **That** Para-7 is also correct regarding the meeting on dated 06-07-2023 in the office of the Respondent No. 2 regarding the scrutiny of the official concerned who have declined promotions for onward submission to the Respondent No. 1, (*Minutes of the Meeting is Annex-C*).
- 8 **That** para-8 is correct to the extent of the letter dated 23-08-2023 which was declined vide letter dated 07-09-2023 by the Respondent No. 1 (*attached as Annex-D & E*)
- 9 **That** Para-9 is correct that the letter dated 23-08-2023 was declined vide letter dated 07-09-2023.
- 10 **That** Para-10 is incorrect as APTA is not a statutory body, hence, its resolution if any has no legal effect.
- 11 **That** Para-11 is also incorrect that the appellant is not an aggrieved person within the meaning of Section-4 Khyber Pakhtunkhwa Service Tribunal Act 1974 read with Article-212 of the constitution of Islamic Republic of Pakistan 1973, therefore, the appeal in hand is liable to be rejected on the following grounds inter alia: -

#### ON GROUNDS.

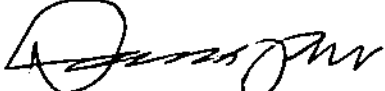
- a) **Incorrect & not admitted.** The plea of the Appellant is without any cogent reason and legal justification as the impugned Notification dated 06-08-2020 & letter dated 06-06-2023 are legal.
- b) **Incorrect & not admitted.** The Appellant has been treated as per law, rules and service Rules & structure as mentioned above by the Respondent Department in titled appeal.
- c) **Incorrect & not admitted.** The plea of the appellant is illegal and liable to be rejected in view of the above made submission in foregoing paras of the present reply on behalf of the Respondents.

- d) **Incorrect & not admitted.** The act of the Respondents with regard to the afore stated amendments in Rule-7, Sub Rule-5 of APT Rules is within legal sphere & liable to be maintained.
- e) **Incorrect & not admitted.** The plea of the appellant is illegal & liable to be rejected.
- f) **Incorrect & not admitted.** No disparity has been committed by the Department in the tilted case nor has violated the mandatory provision of Article 38(e) of the constitutions of Islamic Republic of Pakistan 1973, Hence, the plea of the appellant is liable to be rejected. however, the Respondents also seek leave of this Honorable Bench to submit additional record, grounds and case Law at the time of arguments on the date fixed please.


Therefore, it is most humbly prayed that the appeal of the appellant may kindly be dismissed to in favor of the Respondents in the interest of justice.

Dated \_\_\_/ \_\_\_/2024.

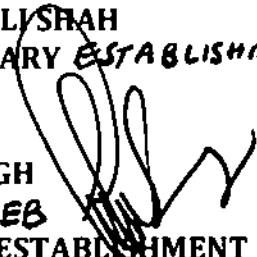
SAMINA ALTAF  
DIRECTOR

  
AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar (3)

MASOOD AHMAD  
SECRETARY

  
AUTHORIZED OFFICER  
FAIZ ALAM  
ADDITIONAL SECRETARY (G)  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar (1)

ZULFIQAR ALI SHAH  
SECRETARY ESTABLISHMENT

  
THROUGH  
AHMAD ZEB  
SPECIAL SECRETARY ESTABLISHMENT  
E&A Department Khyber  
Pakhtunkhwa, Peshawar (2)

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No: 945/2024**

**M. Yousaf, PST GPS Taus Banda Mardan.....Appellant**

**VERSUS**

**The Secretary E&SED Khyber Pakhtunkhwa & others.....Respondents**

**AFFIDAVIT**

**I, Samina Altaf, Director E&SE Department Khyber Pakhtunkhwa**, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Partee nor their defense has been struck off/cost.

**SAMINA ALTAF  
DIRECTOR**



**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar**

**16 OCT 2024**



Attested  
Bali

11/1/82

DEPUTY SECRETARY (POLICY)  
(WAZIRIYA LAJIM)

*[Handwritten signature]*

ATTESTED



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
- 2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3. The Principal Secretary to Govt. of Khyber Pakhtunkhwa.
- 4. The Administrative Secretary to Govt. of Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 6. The 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 Public Service Commission, Peshawar.
- 12. The Secretary, E&A Department, Administration Department.
- 13. The Deputy Director (IT), E&A Department, Administration Department with the request to arrange 20 gazette copies.
- 14. The Section Officer (Admn), Administration Department.
- 15. The Chief Officer, Administration Department.

COPIES NO & EVEN DATE

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

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

AMENDMENT

in exercise of the powers conferred by section 26 of the Government of Khyber Pakhtunkhwa Act No. XVIII of 1973 (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

Dated Peshawar the 06/8/2020

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGISTRATION-WING)

*[Handwritten mark]*

*[Handwritten signature]*

6

B/C 10  
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)

*Wardah Latif*  
Attested



Attested

*[Handwritten signature]*

21.6.23  
2023

Section Officer (Policy)

*[Handwritten signature]*

Copy forwarded to:-  
1. PG to Special Secretary (Reg), Establishment Department.  
2. PA to Additional Secretary (Reg), Establishment Department.  
3. PS to Deputy Secretary (Policy), Establishment Department.

Recd. Of even No & date

ASE  
2/6

Section Officer (Policy)

*[Handwritten signature]*  
(Ijaz Ali Khan)

Yours faithfully,

2. Furthermore, those officials/officers 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.

3. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

4. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

5. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

6. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

7. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

8. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

9. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

10. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

11. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

12. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

13. The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from resignation for which rule is applied to a single vacant 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.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SOP/Policy/AD/1-2020  
Dated Faisalabad the 07, 2023



7

*[Handwritten signature]*

76 8

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


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

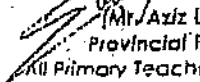
Sl	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

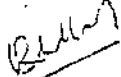
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

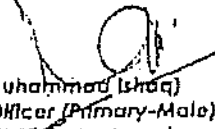
3. After threadbare discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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


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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

  
Attested

- B/C - F

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

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

S/1	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

9

8145 No. Kyber Pakhtunkhwa, Peshawar  
Date 21-7-2023  
Phone: 091-92223344 Email: estab@khyberpakhtunkhwa.gov.pk



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

Subject: - MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No. SD/Primary-A/9&SED/3-11/G.M/Minutes of the Meeting/ST/2023 dated 10-07-2023 on the subject cited above and in present brief history about the background of the case as under:

- That Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(3) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) vide notification No. No. SOR/VI (E&AD)/I-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 the civil servant to accept promotion in every condition.
- (ii) If it is prerogative of the civil servant in either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No. SD (Primary-A) E&SED/2-3/Appointment/2023 for necessary guidance.
- That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SO (Policy) E&AD/I-3/2020 dated 06-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No. SD (Primary-A) E&SED/2-3/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of considered case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(3) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below D/S-16 may be exempted of implications of the amendment in the rules. I bid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Estab A-1)  
Elementary & Secondary Education  
Kyber Pakhtunkhwa  
21/7/2023

Encls: No. Copy of the above is in:-

1. PA to Director Local Directorate  
Master Copy.

Assistant Director (Estab A-1)  
Elementary & Secondary Education  
Kyber Pakhtunkhwa

WP442-2023 AZIZULHAH VS GOVT OF PG43

Attested  
[Signature]



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

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

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 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.

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)  
23/8/23

Scanned with CamScanner

Attested



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

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

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

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

Yours faithfully,

Section Officer (Policy)

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.



**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.**

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**AUTHORITY LETTER**

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Muhammad Rizwan, Assistant Director (Litigation-II) of this Directorate for submission of Joint Parawise Comments in **Service Appeal No. 945/2024** case titled **M. Yousaf, PST Mardan Vs Government of Khyber Pakhtunkhwa & others**, hence, an authority letter is hereby issued in favor of the above-named officer.

**SAMINA ALTAF  
DIRECTOR**

**AUTHORIZED OFFICER  
ABDUS SAMAD  
DEPUTY DIRECTOR  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar**



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR**

**NOTIFICATION**

I. Samina Altaf, Director Elementary & Secondary Education Department Khyber Peshawar do hereby authorize, Mr. Abdus Samnads, Deputy Director (Legal) Directorate of Elementary & Secondary Education to sign parawise comments, replies, implementation report, objection petitions, civil miscellaneous application etc on my behalf for onward submission before the courts of law/tribunals as the case may be, with immediate effect in the interest of public service.

**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

Endst. No. 2633-L13 /F.No. AD(Lit-II)/E&SED/Office Correspondence/Vol-II/2024  
Dated Peshawar the 26/07/2024.

Copy of the above is forwarded for information & n/action to the:

1. Chief Secretary Khyber Pakhtunkhwa.
2. Advocate General Khyber Pakhtunkhwa.
3. Secretary Law Department Khyber Pakhtunkhwa.
4. Learned Registrar High Court Peshawar (with one each spare copy for the Honorable Judges).
5. Learned Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar (with one each spare copy for the Honorable Chairman/Members).
6. All Section Officers E&SE Department Khyber Pakhtunkhwa, Peshawar.
7. All District Education Officer (Male/Female) Khyber Pakhtunkhwa.
8. PS to Secretary E&SE Department Khyber Pakhtunkhwa, Peshawar.
9. PA to Additional Secretary (General) E&SE Khyber Pakhtunkhwa, Peshawar.
10. PA to Director E&SE Department Khyber Pakhtunkhwa, Peshawar.
11. Master File.

  
**(SAMINA ALTAF)**  
**DIRECTOR**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar