


# FORM OF ORDER SHEET

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

Appeal No. 1875 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/10/2024	<p>The appeal of presented today by Mr. Tahir Sajid Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 28.10.2024. Parcha Peshi given to counsel for the appellent.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA**

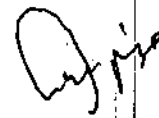
Muhammad Zubair.....Appellant

Versus

Secretary to Government of Khyber Pakhtunkhwa and  
others.....Respondents

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ADVOCATE

1

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA**

Service Appeal No. 1875/2024

Muhammad Zubair son of Farzaman PSHT (BPS-15) at at  
CPS Bhattian, Circle Balakot, Manshra Date of  
Appointment 24.08.1995.....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 NO. SO(Policy)E&AD/1-  
3/2020 DATED 06.08.2020 COMMUNICATED BY  
RESPONDENT NO. 2 VIDE LETTER DATED  
06.06.2023 WHEREIN IT WAS STATED THAT SUB  
RULES 5 OF RULE 7 KHYBER PAKHTUNKHWA CIVIL  
SERVANT (APPOINTMENT, PROMOTION AND  
TRANSFER) RULES, 1989 STANDS DELETED.

**P R A Y E R:**

ON ACCEPTANCE OF INSTANT SERVICE APPEAL,  
THE IMPUGNED NOTIFICATION NO.  
SO(Policy)E&AD/1-3/2020 DATED 06.08.2020  
COMMUNICATED BY 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 HONORABLE  
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, the Khyber Pakhtunkhwa (Appointment/Promotion/Transfer) Rules, 1989 as well as other sister services of the other provinces and Federation as well, availing of promotion by the employee 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 conditions 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, Promotion Rules, 1989.

4) That, Government of KP without following the rules position mentioned in Para 6 above promulgated notification SO(POLICY)E&AD/1-3/2020 dated 06.08.2020 communicated to respondent No. 2 vide letter dated 06.06.2023 wherein, it has been made mandatory to the employee 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. SO(POLICY)E&AD/1-3/2020 dated 06.08.2020 the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the notification number SO(POLICY)E&AD/1-3/2020 dated 06.08.2020.

**(Copy of impugned notification No. SO(POLICY)E&AD/1-3/2020 dated 06.08.2020 is annexed as Annexure "B")**

6) That, the Director of Elementary and Secondary Education KPK, 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 06.06.2023 directed the respondent no 3 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 06<sup>th</sup>, 2023 is annexed 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 and 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 Rules, 2023 dated 23.08.2023 to reconsider the amendment made in KPK Civil Servants, Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers.

(Copy of letter dated 23.08.2023 is annexed as Annexure "E")

- 9) That, the respondents, vide its letter dated 07.09.2023 directed the Directorate of Elementary & Secondary Education KPK 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 KPK Civil Servants (Efficiency & Discipline) Rules, 2011.

(Copy of impugned letter dated 07.09.2023 is annexed as Annexure "F")

- 10) That, the petitioner feeling aggrieved, filed representation to 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 letter dated 06.06.2023 and 07.09.2023 and the deletion of Rule 7(5) in KPK Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the petitioner file this. Hence, the instant service appeal is filed on the following grounds.

**Grounds:**

- A) That, as per various judgments it is established and settled principle that executive notification cannot be

given retrospective effect of valid notification which confer rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests of the employees or causes disadvantages 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 employee 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 employee were permanently debarred from availing the facility of promotion during their entire services. Hence, the employees himself 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 set-aside.
- D) That, it is further submitted that on account of grant of promotion some employees who are suffering from several 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 his promotion it must be optional for the employee as to whether to avail or forego to benefit. 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 from 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 childrens as well as ailing dependent family members and in these circumstances in the presence of impugned notification dated 06.08.2023 communicated on 06.06.2023 would not be able to serve in the Department and which shall amount to the snatching of bread and butter of the poor employees.

(5)

**Prayer:**

It is, therefore, humbly prayed that on the acceptance of the instant service appeal; the impugned notification bearing No. SO(POLICY)E&AD/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.*

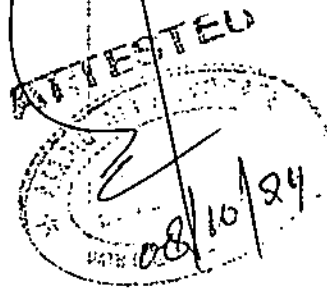
*Zahir*  
Appellant

Through:-

*Tahir Sajid*

Tahir Sajid Advocate  
High Court, District  
Courts, Manshra

**Affidavit**  
I (the appellant) solemnly declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honorable Tribunal.



6

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA**

**C.M No: \_\_\_\_\_ -P of 2024-10-08  
in Ref to  
Service Appeal No. \_\_\_\_\_ /2024**

Muhammad Zubair.....Appellant

Versus

Secretary to Government of Khyber Pakhtunkhwa and  
others.....Respondents

**APPLICATION FOR SUSPENSION OF IMPUGNED  
NOTIFICATION BEARING NO. SO(POLICY) E&SD/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.**

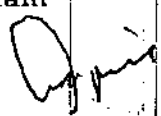
Respectfully submitted: -

- 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 appellants.
- 3) That, there is likelihood success of the appellant in the lis. And if the notification bearing No. SO(POLICY)E&AD/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 right of the appellant is involved in this case.

In view of the reason, it is humbly requested that the notification bearing No. SO(POLICY)E&AD/1-3/2020 dated 06.08.2020, communicated to respondent No. 2 by respondent No. 1, vide letter dated 06.06.2020 may kindly be suspended till the final disposal of the main appeal in hand.

Appellant

Through: -

  
**Tahir Sajid Advocate  
High Court, District  
Courts, Manselhra**

**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 Honorable Tribunal.

  
Zaem





41	PAZAL-E-RABI S/O H. ALADAD	TARNGRI PAERN	GPS SERIAN	A/V: POST
42	MOHAMMAD ARSHID S/O FAQEER MOHAMMAD	CHUMRASI	GPS SARYALA	A/V: POST
43	AYAZ S/O MOHAMMAD MISKEEN	SHERPUR	GPS NEEL BATLA BALA	A/V: POST
44	ABDUL WAHEED S/O ABDUL JALIL	SERI NARAL	GPS DOOD KOT	A/V: POST
45	MASOOD AKHTAR S/O HAIDER NAZIR	MALOOKRA	GPS SALABAT	A/V: POST
46	MOHAMMAD ZUBAIR S/O FAR ZAMAN	GHANOOOL	GPS CHAMB KALAGAY	A/V: POST
47	ARMAD NAWAZ S/O KHANI ZAMAN	SHERPUR	MSQ: ATTORIAN	A/V: POST
48	ABDUS SALAM S/O MUHAMMAD FAZAL HAQ	MURAD PUR	GPS CHATTA	A/V: POST

### TERMS AND CONDITIONS.

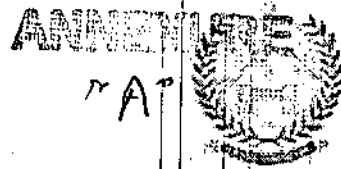
1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subjected to the verification of their original Academic and Professional certificates/documents. Their original Academic and Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years above 33 years in case of the candidates relating to zone "III" and 30 years of others.
5. Their pay will not be drawn until they produce age & health certificate from Medical superintendent D.H.Q Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Government of North West Frontier Province.

DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY MANSEHRA

Endst: No. 2445-98/G-I Vol -IV/95 dated Mansehra the August 24, 1995  
Copy forwarded to the:-

1. P.S to Secretary to Government of N.W.F.P Education Department Peshawar.
2. Registrar High Court Bench Abbottabad.
3. P.A Director Primary Education N.W.F.P Peshawar.
4. District Accounts Officer Mansehra.
5. Sub-Divisional Education Officer (Male) Mansehra.
- 6-53. Candidates concerned.
54. Superintendent Local Office.

(7A)  
Dist. Govt. KP-Provincial  
District Accounts Office Manshra  
Monthly Salary Statement (August-2024)



Personal Information of Mr MUHAMMAD ZUBAIR d/w/s of FARZAMAN

Personnel Number: 00222958 CNIC: 1350113187311 NTN:  
Date of Birth: 30.05.1971 Entry into Govt. Service: 24.08.1995 Length of Service: 29 Years 00 Months 009 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACHER 80627427-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6337-District Manshra

Payroll Section: 001

GPF Section: 001

Cash Center: 09

GPF A/C No: EDUMA010821 GPF Interest applied

GPF Balance: 1,063,554.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 21

Wage type		Amount	Wage type		Amount
0001	Basic Pay	65,500.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	796.00	2199	Adhoc Relief Allow @10%	569.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	6,208.00
2347	Adhoc Rel All 15% 22(PS17)	6,209.00	2378	Adhoc Relief All 2023 35%	22,232.00
2393	Adhoc Relief All 2024 25%	16,375.00			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	-5,137.00	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
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Deductions - Income Tax

Payable: 82,188.00 Recovered till AUG-2024: 10,274.00 Exempted: 20546.70 Recoverable: 51,367.30

Gross Pay (Rs.): 128,993.00 Deductions: (Rs.): -11,362.00 Net Pay: (Rs.): 117,631.00

Payee Name: MUHAMMAD ZUBAIR

Account Number: PLS 8716-9

Bank Details: NATIONAL BANK OF PAKISTAN, 230574 MAIN BRANCH BALAKOT MAIN BRANCH BALAKOT, BALAKOT

Leaves:      Opening Balance:      Availed:      Earned:      Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: muhammadzubairawan1971@gmail.com

System generated document in accordance with APPM 4.6.12.9(50399005/27.08.2024/v3.0)

\* All amounts are in Pak Rupees

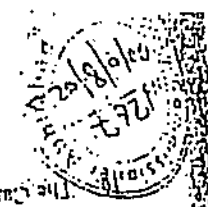
\* Errors & omissions excepted (SERVICES/01.09.2024/02:40:10)

Requested

DEPUTY SECRETARY (POLICY)  
(WAJIDAH LATIF)

*[Handwritten Signature]*

4-11-2020



- 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. The Principal Commissioners in Khyber Pakhtunkhwa.
- 7. All Divisions of Attached Departments in Khyber Pakhtunkhwa.
- 8. All Districts of Autonomous Bodies in Khyber Pakhtunkhwa.
- 9. All Autonomous Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 12. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Deputy Director (IT), E&A Department.
- 14. The Deputy Director (IT), E&A Department.
- 15. The Deputy Director (IT), E&A Department.
- 16. The Deputy Director (IT), E&A Department.
- 17. The Deputy Director (IT), E&A Department.
- 18. The Deputy Director (IT), E&A Department.
- 19. The Deputy Director (IT), E&A Department.
- 20. The Deputy Director (IT), E&A Department.

CHIEF SECRETARY  
GOVERNMENT OF THE KHAYDER PAKHTUNKHWA

DATE AND TIME

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

AMENDMENT

in exercise of the powers conferred by section 25 of the  
Khyber Pakhtunkhwa Civil Servants Act No. XVII of  
1973 (Khyber Pakhtunkhwa is pleased to direct that in the Khyber  
Pakhtunkhwa (Civil Servants) (Appointment, Promotion and Transfer) Rules, 1989, the  
following amendments shall be made, namely:

NOTIFICATION

GOVERNMENT OF  
KHAYDER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(CIRCULATION-1)

AMENDMENT  
B  
B

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 XVII) 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.

(WAJDAH LATIF)  
DEPUTY SECRETARY (POLICY)

Attested  
Dy Secy

Handwritten signature and initials in the top left corner.

Handwritten text at the top center: "KAYAKAT 2023 AZIZULHAKIM VS GOVT OF PANGSA"

Secretary Officer (Policy)

- 1. For to Special Secretary (Recs), Establishment Department
- 2. For to Additional Secretary (Recs-1), Establishment Department
- 3. For to Deputy Secretary (Policy), Establishment Department

Copy forwarded to him:

Secretary Officer (Policy)

Forces (Military)

2011, please.

Further, those 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.

3. Furthermore, those 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. The basic rationale behind the deletion of the (b) rule is aimed at preventing a prevalent form of manipulation for which gain by seeking to a slight lucrative post position or to elude promotion or to evade posting transfer or show lack of capacity to take further responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

2. The basic rationale behind the deletion of the (b) rule is aimed at preventing a prevalent form of manipulation for which gain by seeking to a slight lucrative post position or to elude promotion or to evade posting transfer or show lack of capacity to take further responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

1. I am directed to refer to your letter No. SO/Primary-Military-2023-277 dated 18.04.2023 on the subject noted above and to state that Sub-rule (3) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide the department notification dated 06.06.2023. The Government of Khyber Pakhtunkhwa, Ministry of Primary and Secondary Education.

Subject: QUARANTINE DURING PERIOD OF ILLNESS IN THE CIVIL SERVICE AND TRANSFER RULES, 1989.

Dear Sir,



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)/KAYAKAT-2023  
Dated: 18/04/2023

Handwritten signature and initials at the bottom left.

ANNEXURE

D  
①

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

No. SO (Primary-M/E&SED/2-6/2023  
Dated Peshawar (td): June 26<sup>th</sup> 2023

To,

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

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

*[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)EBAD/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 mark]*

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

Copy forwarded to the:

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

*[Handwritten mark]*

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

A. Hestep  
*[Signature]*

12

No SO (Primary-M)/E&SED/2-6/2023  
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(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)

AKHtar  
J.M.

13

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.

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

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

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

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

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

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

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

WP4447-2023 AZIZULLAH VS GOVT OF POK

Attended  
Aziz

[Signature]



15

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

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

S/II	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

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3. After threadbare discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit & 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 (ES&E) Peshawar

Attested  
A/Secy



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

No. SO(Priary-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)/ EBAD/ 1-3/2020 dated 06<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 of 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.

*(Signature)*  
 (MUHAMMAD ISHAQ)  
 SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

*(Signature)*  
 SECTION OFFICER (PRIMARY MALE)  
 20/8/23

Scanned with CamScanner

Attested

*(Signature)*

16

- B/c -

No. 50 (Primary - M) E&SE/D / 9-2 /  
Appointment - Rule / 2023

Peshawar Dated 23rd August, 2023.

To:

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

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

Dear Sir,

I am directed to refer to your letter No. 50 (Primary) / E&AD / 1-3 / 2023 dated 31st June 2023 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.

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 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.

Copy forwarded to;

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

(Muhammad Ishaq)  
Section Officer (Primary  
Male)

AA eshaq

Amir



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

(17)

F

Atty. Gen. J. J. J.

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)

Encls. Of even No & date

Copy forwarded to the:-

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

10/11/23 2023 AZIZULAM VS GOVT OF PK

18

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)E&AD/1-3/2023  
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 23.00.2023 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)

Enlist. 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)

Attesting  
[Signature]

19

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR  
(21-7-2023)

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

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G/M/L/ Minutes of meeting/PST/2023 dated 20-7-2023 on subject cited above and to present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1997) vide notification No. No. SDR-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 06-08-2023
  - (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 quater concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 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  
Joh

20



No. 8145

Khyber Pakhtunkhwa, Peshawar

Date: 21-7-2023  
Email: [establishment@pki.com](mailto:establishment@pki.com)

To

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

Subject: -

MINUTES OF THE MEETING

I am directed to refer to the later No. SO (Primary-High) E&S&S-11/ G. Muz/Minister of the Meeting/PS/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 Khyber Pakhtunkhwa Establishment Department (Registration Wing) dated Aho 703, in the Civil Servant (Appointment, Promotion & Transfer Rules 1989) vide notification No. SO-R-1 (E&A/D)/1-2/2021 dated 06-08-2021.

That this office sought guidance from your good office in the following words vide letter No. 6987 dated 04-02-2023.

(i) Now it is being proposed to accept promotion in every condition.

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

That your good office forwarded the memo to the quarter concerned vide letter No. SO (Primary-High) E&S&S-11/2023 for necessary guidance.

That the Government of Khyber Pakhtunkhwa Establishment Department (Registration Wing) vide letter No. SO (Policy) S&A/D/1-2/2021 dated 06-08-2023 categorically stated that there exists no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

The memo was received by this office from your good office with letter No. SO (Primary-High) E&S&S-11/2023 dated 12-06-2023.

That, in the light of the minutes of meeting held 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of considered view.

In view of the above, this office is of considered opinion that the decision of Rules 7(2) have affected negatively a large number of Female Teachers. Thus it is proposed that Teachers having 15-16 may be exempted of implications of the amendment in the rules held provided they submit their written request prior to conclusion of the meeting of Departmental Promotion Committee.

The memo is submitted for perusal and necessary actions please.

Assistant Director (E&A-D) (M-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa  
Date: 17/7/2023

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

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

WP4442-2023 AZZULAM VS GOVT CF PG43

Handwritten signature and initials

## بخدمت جناب سیکرٹری تعلیم خیبر پختونخوا

اپیل!

عرض ہے کہ گورنمنٹ آف خیبر پختونخواہ کی جانب سے جو لازمی پرموشن کا حکم نامہ جاری ہوا وہ ایک متنازعہ نوٹیفکیشن ہے جس سے ہمیں درج ذیل تحفظات ہیں۔

(۱) PSHT پہلے سے سکیل 15 میں ذمہ داریاں سرانجام دے رہے ہیں۔ اپیل دہندہ کی عمر 5 سال ہے اگر

وہ سٹی پوسٹ لینا چاہے تو سکیل 15 میں ہی آئیں گے اور سینارٹی متاثر ہو کر بارٹم میں چلے جائیں گے جس کا نقصان یہ ہے کہ وہ SST پوسٹ سے محروم رہ جائیں گے۔

(۲) یہ کہ جبراً CT پوسٹ لینا ہمیں منظور نہیں ہے کیونکہ ایک سال کے اندر اندر زیادہ تر SST، PHST پوسٹ پر پروموشن ہونے والے ہیں۔

(۳) سابقہ حکومت نے پہلے سے PHST/SPST اور PST کو اپ گریڈ کیا ہے جو کہ 01-07-2023 سے نافذ العمل ہے لیکن مالی کمی کی وجہ سے تاحال تاخیر کا شکار ہیں۔

(۴) یہ کہ سکیل 15 سے سکیل 15 میں جانا کہاں کا پرموشن ہے یہ تو صرف کیڈر تبدیل ہو جاتا ہے اور ہمارا مطالبہ پرموشن اپ گریڈیشن ہے جس میں واضح تبدیلی آجائے گی۔

لہذا ہم استاذہ حکومت خیبر پختونخواہ سے مطالبہ کرتے ہیں کہ مذکورہ نوٹیفکیشن کو منسوخ کریں اور استاذہ کی بے چینی کو ختم کریں۔ ورنہ ہم عدالت جانے میں حق با جانب ہوں گے۔

3/3  
24

بی بی آئی ایس کے سربراہ سلسلہ ۱۱  
بی بی آئی ایس بدایاں کانسٹیبل

کاپی نو!

(۱) جناب سیکرٹری تعلیمات KPK

(۲) جناب ڈائریکٹر تعلیمات KPK





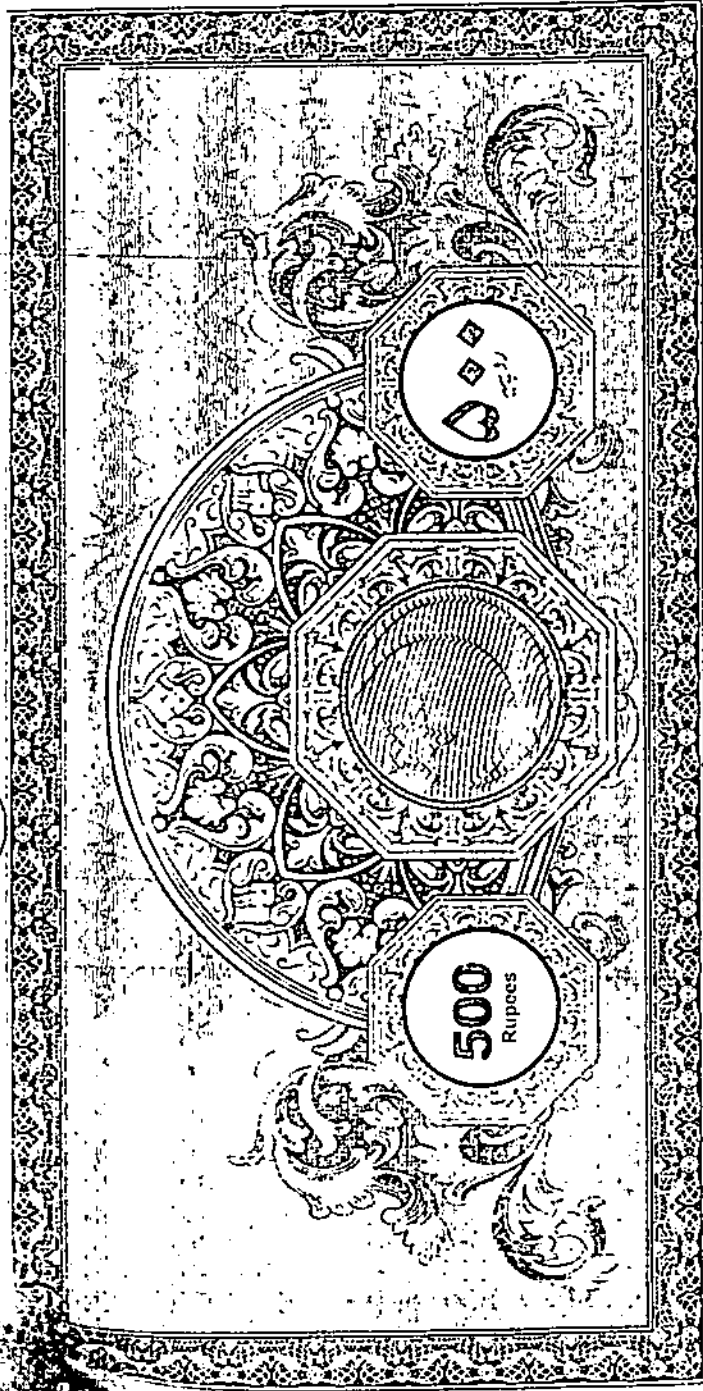
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SMITH	12345	NEW YORK	NY	10001	M	1	C	H	TECHNICAL	5000	100000	1965	

NAME	ADDRESS	CITY	STATE	ZIP	SEX	AGE	RELIGION	EDUCATION	EMPLOYMENT	INCOME	PROPERTY	VEHICLE	REMARKS
SMITH	12345	NEW YORK	NY	10001	M	35	C	H	TECHNICAL	50000	100000	1965	
SMITH	12345	NEW YORK	NY	10001	F	32	C	H	TECHNICAL	45000	100000	1965	
SMITH	12345	NEW YORK	NY	10001	M	30	C	H	TECHNICAL	40000	100000	1965	
SMITH	12345	NEW YORK	NY	10001	F	28	C	H	TECHNICAL	35000	100000	1965	
SMITH	12345	NEW YORK	NY	10001	M	25	C	H	TECHNICAL	30000	100000	1965	
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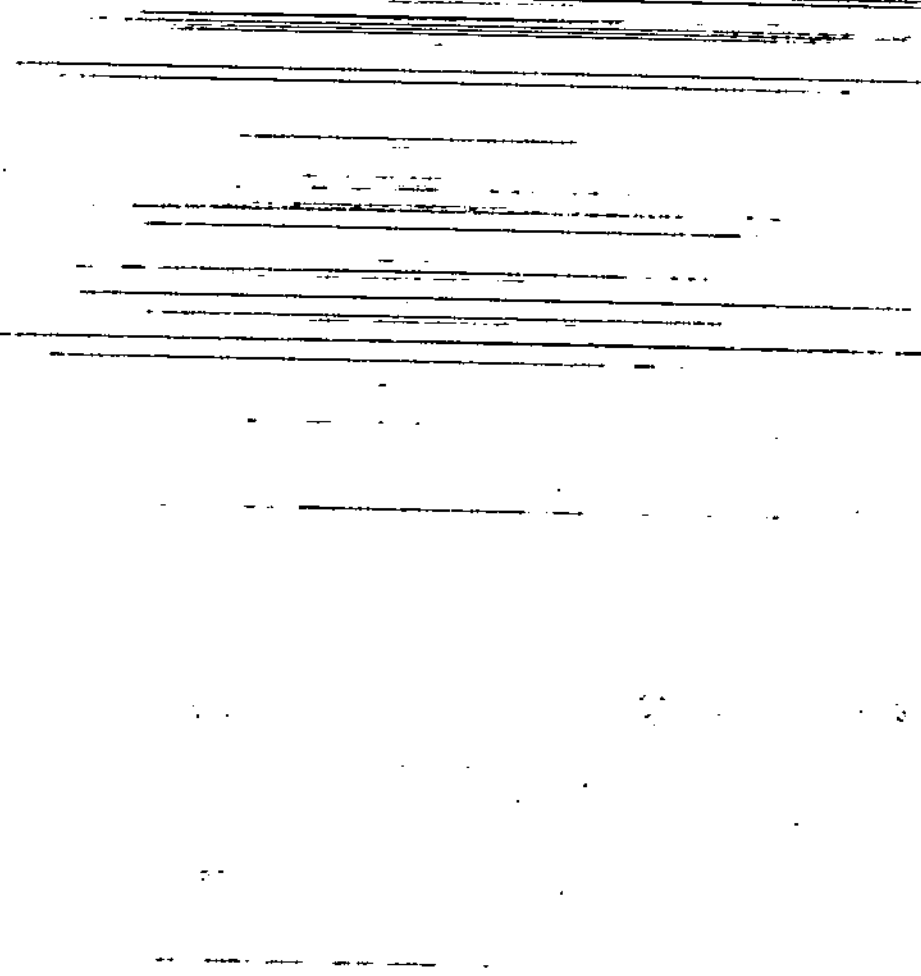
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DBAM No. 338

BC No. 10 - 2457

Name of Advocate طاہر شاہ

S.No 53748

Fee Rs. 200/-



GENERAL SECRETARY  
District Bar Association  
Manshera

# وکالت نامہ

بعدالت: سروس ٹریسٹریٹ منسہرہ

عنوان: محمد زبیر بنام: سیکرٹری آف حکومت KPK

منجاب: ایس ایچ نوعیت مقدمہ: سروس ایپل

## باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام ٹریسٹریٹ منسہرہ کے لئے طاہر شاہ کو وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہوا یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و گمرانی دائر کرنے نیز ہر قسم کی درخواست بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کاروبیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دائر نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفر درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف کو بشرط ادائیگی علیحدہ محنتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بددراں مقدمہ یا اپیل و گمرانی کسی دوسرے وکیل یا پیر مشرکو بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے اور دستخط/انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

محمد زبیر ولد نریمان علی خان صاحب

مورخہ 9 اکتوبر 2024ء

محمد زبیر

ACCEPTED