


FORM OF ORDER SHEET

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

**Appeal No.** 1876 /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 appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

S.A # 1876/2024

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

Muhammad Naseer.....Appellant

Versus

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

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ADVOCATE

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA**

**Service Appeal No. 1876 /2024**

Muhammad Nasoor son of Kala Khan PSHI' (BPS-15) at  
CPS Gandhian, Manshra Date of Appointment  
09.10.1996.....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.**

**PRAYER:**

**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.*

*[Signature]*  
Appellant

Through: -

*[Signature]*

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.  
*[Signature]*

ATTESTED  
*[Signature]*  
08/10/24

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA**

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

Muhammad Nascer.....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, Manshra**

**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.



OFFICE OF THE DISTRICT EDUCATION OFFICER, (MALE) PRIMARY MANSEHRA.

OFFICE ORDER NO. 313/1  
DATED MANSEHRA JK 4/10/96

In the light of decision made by the Honourable High Court Circuit Bench at Abbottabad, the Mr. (MIRYAKI) MANSEHRA, S/O. KALAKHAN, R/O. GIMON, PTC Trained candidate is hereby appointed in BPS 7 Wks 1480-81-2695 per month plus usual allowances as admissible under the rule with effect from the date of his taking over charge against vacant post at.....GMS WALI GHANOL in the interest of public service.

TERMS & CONDITIONS.

1. He should submit his charge report to all concerned.
2. His appointment is purely on temporary basis and liable for termination at any stage without assigning any reason/notice.
3. His appointment is subject to the verification of his original testimonial academic/professional both.
4. His original academic & professional certificate should be thoroughly before handing over the charge and should not be handed over the charge if his original certificate are not found correct.
5. He should not be handed over the charge if he is below 18 years and above 30 years.
6. His pay will not be drawn until he makes due & health certificate from M/S WHO Hospital Mansehra.
7. He will be governed under prescribed rule of the Government of N.M.P.

(IAU) NAMAZ KHAN)  
DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY MANSEHRA.

Endst: NO. 214/49

1. Registrar High Court Circuit Bench Abbottabad.
2. Sub-Divisional Education Officer (Male) Mansehra.
3. District Accounts Officer Mansehra.
4. Candidate concerned.

DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY MANSEHRA.

3/10/96



ANNEXURE

B 8

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

ODD & 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 (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

1267  
04/08/2020

(VA) WAJAH LATIF  
DEPUTY SECRETARY (POLICY)

Attested

Attested  
Qureshi

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*  
*Appie*

Attached  
EJW

FORM 101-2023 AZIZILAH VS GOVT. CP. P.043

Section Officer (Policy)

Senior Assistant Secretary (Policy)

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

Copy forwarded to the  
Rtd. Officer Na & Note

2011, please.

proceed against under Kyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, of the competent authority or try to evade promotion through different means shall be

3. Furthermore, those officials who do not comply with promotion order will be liable to accept promotion in every condition.

to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every prevent those who tend to forge promotion to evade posting/transfer or show lack of capacity will accept from termination for which will be by sticking to a single increase progression or to

3. The basic rationale behind the deletion of the bid rule is aimed at preventing a provision exists to decline or forge promotion.

(5) of Rule-7 of Kyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this departmental notification dated 06.08.2020. Thus, no

I am directed to refer to your letter No. SOP/HRM-My/18/2023-24/10-11-2023 dated 10.11.2023 in the subject noted above and to state that sub-rule

Subject: STANDARDIZING CRITERIA FOR THE POST OF SENIOR ASSISTANT SECRETARY (POLICY) IN THE ESTABLISHMENT DEPARTMENT, GOVERNMENT OF KHYBER PAKHTUNKHWA

The Government of Khyber Pakhtunkhwa, Establishment & Secondary Education Department.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SOP/HRM/18/2023-24/10-11-2023  
Dated: 10/11/2023



Amir Khan

D  
①



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.001-9223587)

No.SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the 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

*[Handwritten Signature]*  
26/6/23

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

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

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

Encl: AA

*[Handwritten mark]*

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

Copy forwarded to the:

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

*[Handwritten mark]*

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

Attested  
*[Handwritten 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, 1909.

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)

WP4442-2023 AZIZULLAH VS GOVT OF PG43

Ahmed  
A. 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(S) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).


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


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

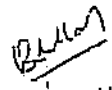
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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


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

  
(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

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

Attested  




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(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

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

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  
[Signature]

15

ANNEXURE

E



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

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  
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.

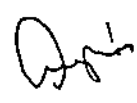
  
(MUHAMMAD SHAH)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

- 1. Director EBSE Khyber Pakhtunkhwa.
- 2. PS to Secretary, EBSE Department Khyber Pakhtunkhwa.

  
SECTION OFFICER (PRIMARY MALE)  
26/8/23

Scanned with CamScanner

Attested  


AM  
AM

Copy forwarded to:  
1. Director E.G.S.E. Khyber Pakhtunkhwa  
2. PS to Secretary, E.G.S.E. Department (Khyber Pakhtunkhwa)

(Muhammad Ishaq)  
Section Officer (Training)  
(Male)

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

Dear Sir,  
I am directed to refer to your letter No. S.O. (Training) (Policy) /E.G.A.D. /1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(5) (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(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989).

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

To  
No. SO (Primary-M) E.G.S.E.D /8-81/ Appointment - Rule /2023  
Peshawar Dated 23rd August 2023.

- B/C -  
- 2 -

18



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

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.

VPB 4/2-2023 AZIZULAH VS GOVT OF PK

18

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)

Enclst. 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]

- 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/14/ Minutes of meeting/PST/2023 dated 10-7-2023 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 06-08-2023
  - (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 quarters concerned vide letter No. So (Primary-M) E&SED/2-2/Appointment-2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. So (Policy) E&AD(1-3)/2020 dated 6-06-2023 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 actions please.

Copy of the above to:

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

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

A Hestey  
D. J. J.

20



No. 8145 / P. No. 34/SST/UG/General Cases / Dated 21-7-2023  
Phone: 091-9223344 Email: establishmentinfo@gnidk.com

**Khyber Pakhtunkhwa, Peshawar**

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

Subject: - **MINUTES OF THE MEETING**

Dear Sir,  
I am directed to refer to the letter No. SO (Primary-M) E&SED/3-1/  
G.Mix/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and to  
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-1/ (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 16-02-2023.
    - (i) Now it is obligatory upon the civil servant to accept promotion in every condition.
    - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
  - That your good office forwarded the same to the quarter concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
  - That the Government of Khyber Pakhtunkhwa Establishment Department (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 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. SO (Primary-M) E&SED/2-2/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 consolidated 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 DRS-16 may be exempted of implications of the amendment in the rules laid provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

*[Signature]*  
21/7/2023  
Assistant Director (Estab M-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

- Encl: No. Copy of the above is to:-
1. PA to Director Local Directorate.
  2. Master Copy.

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

Attested  
*[Signature]*

## 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۔
- (1) 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۔
- (2) یہ کہ جبراً CT پوسٹ لینا ہمیں منظور نہیں ہے کیونکہ ایک سال کے اندر اندر زیادہ تر PHST، SST پوسٹ پر پروموٹ ہونے والے ہیں۔
- (3) 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۔
- (4) 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 اہم 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 باجانب ہوں گے۔

محمد نصیر علی ایس ایچ پی  
GPS گاندھیاں

کاپی ٹو!

(1) جناب سیکرٹری تعلیمات KPK

(2) جناب ڈائریکٹر تعلیمات KPK



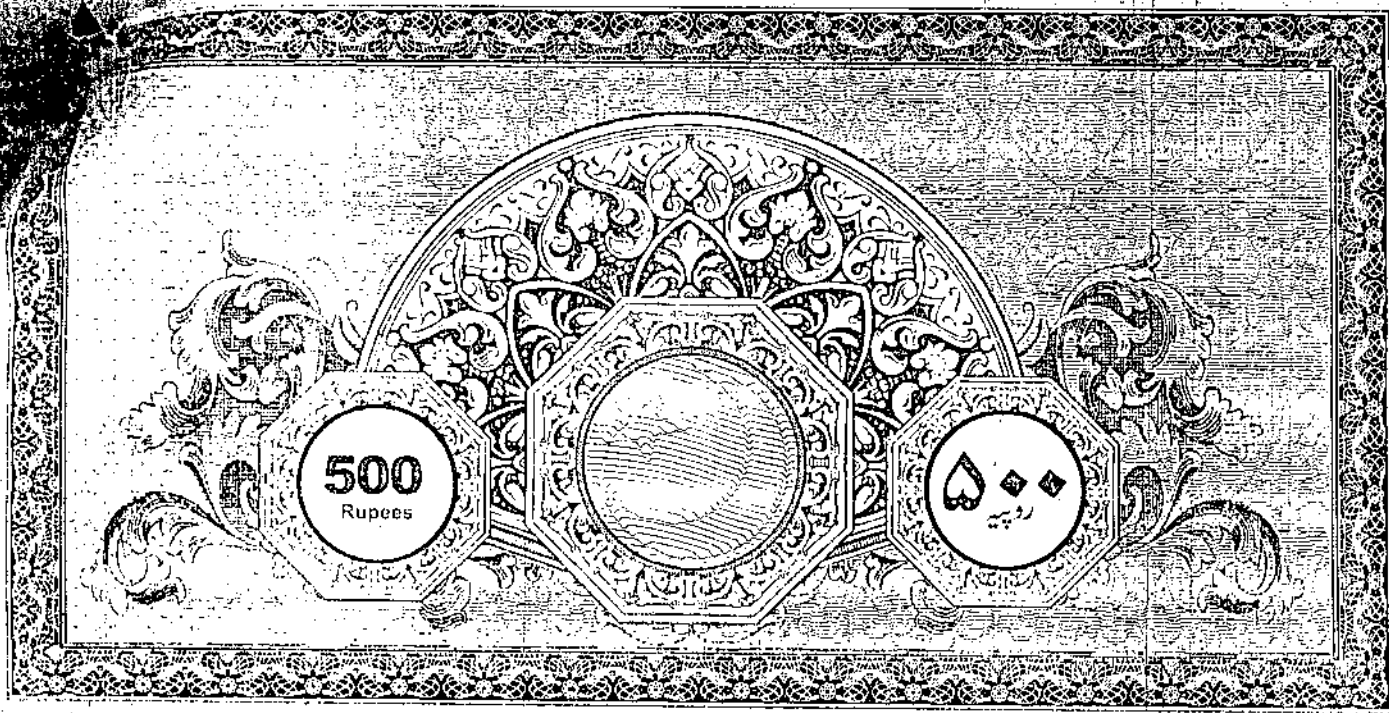


SECRET

CT 7

N.SL No	O.SL No	Name of Present School	Name	Father's Name	BPS	Acad	Div	Prof	D.O.B	Date of Promotion	Di/Aopt	TO charge
451	1936	GPS NOORI BALA	ASHIQ HUSSAIN SHAH	GHULAM MUHAMMAD SHAH	15	BA	2nd	PTC/CT/B.Ed	22/03/1976	31-May-17	10/07/1996	10/07/1996
452	1939	GPS TRANGAR	MUSHTAO HUSSAIN	GOHAR UR REHMAN	15	FA		PTC	13/03/1969	31-May-17	20/07/1996	08/07/1996
453	1946	GPS BAREELA	ATTIQUR REHMAN	IKHANI ZAMAN	15	BA		PTC	08/05/1971	31-May-17	30/08/1996	21/05/1992
454	1948	GPS GUL MAIRA	GOHAR AMAN	MUHAMMAD JEE	15	BA		PTC	04-08-70	31-May-17	14-02-96	14/02/1996
455	1950	GPS GANDHIAN	MUHAMMAD NASEER	KALA KHAN	15	MA		PTC/CT/B.ed	01/01/1971	31-May-17	09/10/1996	09/10/1996
456	1955	GPS SHINKIARI	M WAJID	AURANGZEB KHAN	15	BA		PTC/CT/B.Ed	21/04/1975	31-May-17	10/11/1996	10/11/1996
457	1959	GPS GULI BAGH NO.1	MUHAMMAD RIAZ	MUHAMMAD HAROON	15	FA		PTC	01/05/1969	31-May-17	13-11-96	13/11/1996
458	1962	GPS PAKHA TIMRI	TARIQ AZIZ	MUHAMMAD YOUSAF	15	MA		PTC/CT/B.ed	12/02/1973	31-May-17	13/11/1996	13/11/1996
459	1963	GPS BAIDRA	SAJID KHAN	MUHAMMAD IKHAN	15	Mohil		PTC/M.ed	03/03/1973	31-May-17	13/11/1996	12/11/1996
460	1964	GPS RAJRA PABEN	SHAHZAD JAMEEL	SHAHJEHAN	15	MA		PTC	30/03/1973	31-May-17	13/11/1996	13/11/1996
461	1966	GPS HAJI BELA	NAZ ALI SHAH	SHER SHAH	15	BA		PTC/CT	04/01/1975	31-May-17	13/11/1996	13/11/1996
462	1967	GPS QADAR QADEEM	NAVEED ALAM	FAIZ ALAM	15	FA		PTC/CT	25/01/1975	31-May-17	13/11/1996	13/11/1996
463	1969	GPS MANG	AZIZ UR REHMAN	MUHAMMAD FARID	15	MA	2nd	PTC/CT/B.ed	18/03/1972	31-May-17	14/11/1996	14/11/1996
464	1971	GPS BATTAL	IBRAR AHMED KHAN	SARFARAZKHAN	15	BA		PTC/CT	13/04/1975	31-May-17	14/11/1996	14/11/1996
465	1972	GPS BELA MUTRAIN	FAKHR UDDIN	ABDUL SABOOR KH	15	MA		PTC/CT/B.ed/M.ed	03/07/1976	31-May-17	14/11/1996	14/11/1996
466	1973	GPS AKHORI BEESA	SAJAZ BABAR	REHMAT KHAN	15	BA		PTC/CT	20/12/1971	31-May-17	17/11/1996	02/03/1996
467	1976	GPS MALKANA	DIL NAWAZ	MUHAMMAD MISKIN	15	MA		PTC/CT/B.ed	13/06/1975	31-May-17	20/11/1996	20/11/1996
468	1979	GPS KAYAN	MUHAMMAD WAHEED	GHULAM SARWAR KHAN	15	BA		PTC/B.Ed	01/03/1974	31-May-17	25/11/1996	25/11/1996
469	1980	GPS HOTER	ABDUL RAZZAQ	GHULAM HUSSAIN	15	BA		PTC/B.ed	01/10/1974	31-May-17	25/11/1996	25/11/1996
470	1982	GPS JABBAR DHER	MUHAMMAD ARIF	MUHAMMAD SULEMAN	15	MA		PTC/CT/B.ed	05/04/1975	31-May-17	27/11/1996	27/11/1996
471	1983	GPS KHUMARIAN	AHMAD NAWAZ	MUHAMMAD AYUB	15	MA		PTC/CT/MA, Edu	01/05/1976	31-May-17	29/11/1996	29/11/1996
472	1984	GPS KARMANG PAYEEN	ABDUL HAMID	MUHAMMAD YOUSAF	15	FA		PTC	06/10/1963	31-May-17	30/11/1996	30/11/1996
473	1988	GPS GUDWAI JABA	AFZAL AHMAD	M AFZAL	15	BA		PTC/CT/B.ed	01/04/1973	31-May-17	30/11/1996	30/11/1996
474	1992	GPS KOT DALBANI	MUHAMMAD BASHARAT	GHULAM RASOOL	15	MA		PTC/CT/B.Ed	02/01/1978	31-May-17	30/11/1996	12/11/1996
475	1996	GPS BHUSSA	ZULFIQAR	MUHAMMAD RAFIQ	15	FA		PTC	13/07/1968	31-May-17	01/12/1996	01/12/1996
476	2000	GPS BANPHORA	SHAMS UL HAQ	MUHAMMAD JAN	15	MA		PTC/B ED/M ED	15/02/1973	31-May-17	01/12/1996	01/12/1996
477	2001	GPS PALYANI	MUHAMMAD SHAFIQUE	MUDAT KHAN	15	FA		PTC	01/04/1973	31-May-17	01/12/1996	01/12/1996

417



PAKISTAN COURT FEE

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July 14

1935

08-19-11

*[Faint signature and illegible text]*

(25)

DBAM No. 338

BC No. 10 - 2457

Name of Advocate طاہر صاحب

S.No 53750

Fee Rs. 200/-



2024-25  
GENERAL SECRETARY  
District Bar Association  
Manshera

# وکالت نامہ

بعدالت: سروس ٹریبیونل لاہور  
عنوان: محمد لغیر  
منجاب: اسلام آباد  
نووعیت مقدمہ: سروس لیسٹ

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام ایس ایس اے کے لئے

طاہر صاحب اور وکیل عدلیہ کو رسا

کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو 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 نگرانی 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 دناشی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف کر بشرط ادا ہوگی علیحدہ محتاتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا پیرسٹر کو 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۔

مورخہ 18 اکتوبر 2024ء

محمد لغیر

ACCEPTED

محمد لغیر وکیل عدلیہ کا ذمہ دار