


FORM OF ORDER SHEET

Court of _____

Appeal No. 1460 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 23.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A No-1960/24

KARIM ULLAH

V/S.

Government of KP & others

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ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1960 /2024

Karim Ullah Son of Noor Rahman, PSHT
GPS Bela Mohandan, Tehsil & District Charsadda

.....Appellant

VERSUS

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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974. AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020. DATED 06/08/2020. COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

P R A Y E R:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-3/2020. DATED 06/08/2020. COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023. MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.
Copy of Appointment letter is annexed as **Annexure A**

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

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

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

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

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

GROUND:-

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

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

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

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

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

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

Through

Kamran
 Appellant

Muhammad Muazzam Butt
 Advocate Supreme Court

Muhammad Adeel Butt
 Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____/2024

**KARIM ULLAH
VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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


AFFIDAVIT:


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


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

Sl. No.	Name	Address	Post Office	Remarks
1	Mohd Khan S/O	Muziq Shah Ghazgi	Shahab Khel	NCF
2	Mohd Yousaf S/O	Zafarullah Mir Bad	IS Mughtarsai	NCF
3	Mohd Ali S/O	Fazli Khaliq Misatta	IS Ahmad Kjel	NCF
4	Mohd Hawan S/O	Mushraf Khay Nawab Kili	IS Ahmad Khel	NCF
5	Mohd Behmen Khan S/O	Mastan Khan Musakili	IS Haji Noor Kili	NCF
6	Mohd Lehal Khan S/O	Tehmash Khan Datagan	IS Mohd Ali Kili	NCF
7	Mohd Ali S/O	Talpur din Rigatta	IS Gari Shaheedan	NCF
8	Mohd Taza Khan S/O	Juma Khan Dosehra	-do-	NCF
9	Mohd Bahadur Khan S/O	Mir Rehman Sarekh	IS Husazai	NCF
10	Mohd Ijazullah S/O	Mominullah Tangi	-do-	NCF
11	Mohd Shahshad S/O	Sahib Shah Genda	IS Hasho Gogar	NCF
12	Mohd Sajid Badshah S/O	Karin Shah Mandezai	IS Gari Aftab Musain	NCF
13	Mohd Samiur Rehman S/O	Mulvi Fazli Subhan Duletपुरa	IS Sorki Gota	NCF
14	Mohd Momin Khan S/O	Guldad Khan Ganderi	-do- -do-	NCF
15	Mohd Amber Khan S/O	Arsala Khan Marichand	IS Surezai Mala	NCF
16	Mohd Luthanullah S/O	Fazli Maula Mi Khel	IS Surezai Mala	NCF
17	Mohd Mohd S/O	Lalchand Dosehra	IS Sheikhan	NCF
18	Mohd Waris Khan S/O	Shahbaz Khan Gazi Abad	IS -do-	NCF
19	Mohd Waliullah S/O	Noor Afzal Gazi Abad	IS Najizai	NCF
20	Mohd Saieor Ahmad S/O	Hajab Khan Malak Abad	IS Badaber No:1	NCF
21	Mohd Fazli Maula S/O	Khan Afzal Banda Higan	IS No:1 Madaben	NCF
22	Mohd Zahadullah S/O	Khudadad Wardaga	IS Badaber No:1	NCF
23	Mohd Behramand Gul S/O	Nawab Gul Kachai	IS -do-	NCF
24	Mohd Darvesh Khan S/O	Shah Rasand Sarekh	IS Rasani	NCF
25	Mohd Amir Shah S/O	Kazi Jan Shah	IS Shekira	NCF
26	Mohd Sajid Ali S/O	Mohd Shah Shaker No:6	IS Saiza Khel resh	NCF
27	Mohd Mifayatullah S/O	Mifayatullah Sultan Abad	IS Saiza Khel	NCF
28	Mohd Miftahul Karim S/O	Azal Gul Sheikh Kili	IS Tola Band No:2	NCF
29	Mohd Samiur Rehman S/O	Abdul Hakin Shakh No:8	IS Chandan Payan	NCF
30	Mohd Ismail S/O	Nazir Mohd Gul Abad	-do-	NCF
31	Mohd Kunnas Khan S/O	Yousaf Khan Swati	IS Maryunzai	NCF
32	Mohd Safiullah S/O	Ubaidullah Sh Fort	IS Yousaf Khel	NCF
33	Mohd Javeed Akhtar S/O	Mohd Yousaf	IS Mian Isa	NCF
34	Mohd Tasebullah S/O	Mohd Yousaf Bojjer	IS Khudressi	NCF
35	Mohd Mohd Sayyar S/O	Haji Mohd Isreeel Sh Fort	IS Jalozai No:2	NCF
36	Mohd Gohar Ali S/O	Mahabat Khan Bhaikh Abad	IS Zando Banda	NCF
37	Mohd Mohd Ishaq S/O	Mirza Din Gari	IS Gari	NCF

Continued on page 6

ATTESTED

No.	Name	Address	Remarks	
	Muhammad Khan S/O Muziq Shah Ghazgi	Shahab Khel	NCF	
	Muhammad Khan S/O Zafarullah Mir	IS Mughtarzal	NCF	
	Muhammad Khan S/O Fozli Khalid Bisatta	IS Ahmad Kjel	NCF	
	Muhammad Khan S/O Mubshraf Khay	Mowab Kili	NCF	
	Muhammad Khan S/O Maston Khan	Musakili	IS Haji Noor Kili	NCF
	Muhammad Khan S/O Tehadach Khan	Datagram	IS Mohd Ali Kili	NCF
	Muhammad Khan S/O Tariq Din	Ricatta	IS Gari Shaheedan	NCF
	Muhammad Khan S/O Juma Khan	Dosehra	-dO-	NCF
	Muhammad Khan S/O Mir Rehman	Sarekh	IS Musazai	NCF
	Muhammad Khan S/O Mominullah	Tangi	-dO-	NCF
	Muhammad Khan S/O Sahib Shah	Genda	IS Hasho Gogar	NCF
	Muhammad Khan S/O Karim Shah	Mandezai	IS Gari Aftab Musain	NCF
	Muhammad Khan S/O Mulvi Fazli	Subhan Duletpura	IS Sarki Gota	NCF
	Muhammad Khan S/O Guldad Khan	Ganderi	-dO- -dO-	NCF
	Muhammad Khan S/O Arsala Khan	Harichand	IS Surezai Wala	NCF
	Muhammad Khan S/O Fazli Maula	Mi Khel	IS Surezai Wala	NCF
	Muhammad Khan S/O Lal Mohd	Dosehra	IS Sheikhan	NCF
	Muhammad Khan S/O Shahbaz Khan	Gazi Abad	IS -dO-	NCF
	Muhammad Khan S/O Noor Afzal	Gazi Abad	IS Mujizai	NCF
	Muhammad Khan S/O Hajab Khan	Malak Abad	IS Badaber No:1	NCF
	Muhammad Khan S/O Khan Afzal	Banda Hagan	IS No:1 Badaber	NCF
	Muhammad Khan S/O Khudadad	Wardaga	IS Badaber No:1	NCF
	Muhammad Khan S/O Nawab Gul	Kactzal	-dO-	NCF
	Muhammad Khan S/O Shah Rasand	Sarekh	IS Rasani	NCF
	Muhammad Khan S/O Razi Jan	Shahab	IS Shekara	NCF
	Muhammad Khan S/O Mohd Razi	Shah No:6	IS Raza Khel resh	NCF
	Muhammad Khan S/O Sayyafullah	Sultan Abad	IS Raza Khel	NCF
	Muhammad Khan S/O Fazal Gul	Sheikh Kili	IS Tola Band No:2	NCF
	Muhammad Khan S/O Abdul Hakim	Shah No:8	IS Chandan Rayan	NCF
	Muhammad Khan S/O Nazir Mohd	Gul Abad	-dO-	NCF
	Muhammad Khan S/O Yousaf Khan	Swati	IS Maryunzai	NCF
	Muhammad Khan S/O Ubaidullah	Sh Fort	IS Yousaf Khel	NCF
	Muhammad Khan S/O Javed Akhtar	Jam Mohd	IS Hian Isa	NCF
	Muhammad Khan S/O Mohd Yousaf	Bojjar	IS Khudosa	NCF
	Muhammad Khan S/O Haji Mohd	Israeel Sh Fort	IS Jalozai No:2	NCF
	Muhammad Khan S/O Mahabat Khan	ESpikh Abad	IS Zando Banda	NCF
	Muhammad Khan S/O Ahmad	Din Gari	IS Gari	NCF

Continued on page...

	Author's name	Village	School where posted	Post
25	30. Gulfiqar Ali S/O Mohd Yasin.	Nasirpur	PS Duran Rup.	NCP
26	45. Taus Khan S/O Dost Mohd. Sarand S		PS Sarand	NCP
27	61. Iqbal Khan S/O Faqir Mohd. Pando rayan.		PS Pando rayan	NCP
28	62. Ashraf Khan S/O Abdul Hanan. Choha Gojjar		PS Choha Gojar.	NCP
29	63. Ghulam Sadiq S/O Ghulam Habib. Charpariza		PS Charpariza	NCP
30	64. Shahshad Khan S/O A. Subidar Khan. Golzai		PS Wad. S. A.	NCP
31	67. Mubsharab Khan S/O A. Gul. Jais. M. H. H. Zai.		PS Jalabi.	Vacant
32	72. M. A. H. M. Sadiq S/O Sharif Ahmad Raja.		PS Achini.	NCP
33	73. Ali Gul. S/O Mohd Usman. Bhaghali.		PS Saughali.	NCP
34	74. Mohd Musain S/O Shahshad Khan. Ch. Mati.		PS Lakri Kaniza.	NCP
35	77. S. Ali Khan S/O Dar Din. Jaiti Colony.		PS Wazir Bagh.	NCP
36	80. Muz Nawaz S/O Zarsher Khan. Tarnab		PS Khatt.	NCP
37	92. Mohd Reza Shah S/O Basit Shah. Pesh.		PS Jalosi.	NCP
38	94. Mohd Tariq S/O Wahid Bakhsh. Peshawar.		MS Jehangirpura.	NCP
39	96. Mirsar Khan S/O Maghfooz Jan. Kachian		PS Lakri Kaniza.	NCP
40	103. Maskin Khan S/O Ahmad Khan. Lala.		PS Zeheer Abad.	NCP
41	99. Kiaz Ahmad S/O Abdul Wadood. Azam Akad		PS Azam Akad.	NCP
42	100. Ziarat Mir. S/O Khial Mohd. Sufaid sang.		PS Dang Lakhti.	NCP
43	112. Mohd Iqbal S/O Ghulam Musain. Mazar Khani.		PS Mazar Khani.	NCP
44	120. Masahib Shah S/O Islam Shah. Chohan Gojar.		PS Chohan Gojar.	NCP
45	133. Mohd Jehangir Khan S/O M. Sher Khan. Jalosi.		PS Surizai.	NCP
46	134. Mohd. Inayatullah. Jalosi.		PS Jalosi Atozai.	NCP
47	144. Mohd. Ghani. Kalman.		PS Wali. Gudi.	NCP
48	145. Mohd. Atiq. S/O S/O Ghulam Sadiq. Pando Gojar.		PS Regi Lalma.	NCP
49	144. Faridullah Shah S/O Mir Aslam. Nasirpur.		PS Regi Lalma.	NCP
50	1. Arshad Ali S/O Aldur Kashid. Faran.		PS Jati Garhi.	NCP
51	2. Arshad Iqbal S/O wali Mohd. Railway Station.		PS Jati Dala.	NCP
52	3. Abdul Aziz S/O Moghal Khan. Tarnab		PS Dab. Danyadi.	NCP
53	4. Arifullah S/O Meer Rehman. Gul. Akad.		PS Lala. Mohandam.	NCP
54	5. Musauddullah Faqir. Khan. Mirzai		PS Tapu. Bardar. Akad.	NCP
55	6. Aziz S/O Fazli Mughlaiz. Mohd. Mari		PS Kass. Koran.	NCP
56	7. Mustan Khan S/O Shahshad. Khan. Misotta.		PS Nilavi.	NCP
57	8. Mir Nosh. S/O Parosh. Khan. M. G. Khel.		PS Gari. Chandan.	NCP
58	9. M. A. H. M. Sadiq S/O Sadiq. Chahzadda.		PS Gari. Bad. J. Gul.	NCP
59	10. M. A. H. M. Sadiq S/O Wazir. Khan. Sh. Akad.		PS Hajzai. Torqan.	NCP
60	11. M. A. H. M. Sadiq S/O Ghamesh. Gul. Railway Station.		PS Daba. Khan. K.	NCP

Continued on page 11

TESTED

PTC TRAINED TEACHERS.

The following PTC trained teachers are hereby appointed at pay scale No: 23-150 plus usual allowances as admissible under the rules in the basic pay scale No: 7 with effect from the re-opening of the school after summer vacation.

CONDITIONS.

Their appointments are made purely on temporary basis and are liable to termination at any time without any prior notice or reason being assigned. If they want to resign they will have to give one month's notice or one month's pay will be forfeited to the Govt; of NWFP. They should produce their health and age certificate from the Civil Surgeon, Peshawar. Charge report should be submitted to all concerned. No TA/DA and transfer grant is allowed for their First appointment. Their original qualification certificates should be checked before taking over charge. They should not be handed over charge if they are not between 18-25 years. The pay scale and service rules would be subject to reversion in accordance with the orders to be passed by the Govt; of NWFP from time to time. They should execute necessary Bond and in case he is required to handle Govt; money or property.

ROLL NO: Name with Father's name, Village, School where posted, Remark

1.	9.	Mazrat Nabi S/O Muzafar Khan, Tarkha, GFS Tankol Pya/Vacant	
2.	15	Mohd Alam S/O Subair Khan, BI Khel, PS Umar Payan	NCF
3.	26	Aurangzab S/O Misdaqfirin, BI Khel, PS Khawrai	NCF
4.	31	Bakhtiar Ahmad S/O Nazroof Shah, MS Peshonari	NCF
5.	44	Mohd Pagan S/O Mulla Nawaz, Bala, PS Umar Payan	NCF
6.	65	Fazli Nanan S/O Umar Khan, Chabara, PS Umar Payan	"
7.	81	Said Zashar S/O Zarin Khan, Chabara, -d0-	"
8.	10	Latfullah S/O Hauraz Khan, Khesghi, -d0-	"
9.	25	Farhad Ali S/O Mustafa Khan, Khesghi Bala, PS Hani Khel, Vacant	
10.	26	Mohd Ibrar S/O Umar Khan, Tarkha, PS Ali Nasjid, Vacant	
11.	37	Anwar Khan S/O Sultan Khan, Jil Pura, PS Guldheri, V&OHC	
12.	103	Mohd Ibrar S/O Sherzad Khan, Khesghi, PS Khoshgi Payan, NCF	
13.	110	Mohd Shah S/O Fazli Karim Sh; Ismail, PS Jala Khuesh, NCF	
14.	115	Mohd Hassan S/O Shahraz Khan, Sh; Ismail, PS Karim Bala, NCF	
15.	165	Mohd Yaz S/O Gulfar Khan, Tarkha, PS Pitao Payan, NCF	
16.	170	Zainul Abideen S/O Mohd Yusuf, Turlandi, PS Aza Khel, Bala, NCF	
17.	175	Mohd Zahid S/O Umar Khan, Khesghi, PS Khesghi Payan, NCF	
18.	180	Latifullah S/O Mulla Mohd, Khesghi, PS Khesghi Payan, NCF	
19.	185	Mohd Ali S/O Sabir Ali, Dabaje Kili, PS Khesghi, NCF	
20.	190	Mohd din S/O Muhammad, Khesghi Bala, PS Dawran, NCF	
21.	195	Mohd Gul S/O Sabir Gul, -d0-, PS Shaab Khel, NCF	
22.	200	Mohd Akhter S/O Mohd Badiq, Tarkha, PS Abdur Rahman, NCF	
23.	205	Mohd Akhter S/O Mohd Badiq, Tarkha, PS Abdur Rahman, NCF	
24.	210	Mohd Akhter S/O Mohd Badiq, Tarkha, PS Abdur Rahman, NCF	

ATTESTED

TESTED

Hasruhan Jan

Pazil Kozip

Handwritten signature: M. J. S. S. S.
DISTRICT DIVISION OF CERTIFICATE
31/8/86

Copy forwarded for information to the
Director of Education (Schools) (NRI) Reshar.
Director of Education (Schools) Reshar.
District Division of Education (Schools) Reshar.
District Division of Education (Schools) Reshar.
District Division of Education (Schools) Reshar.
District Division of Education (Schools) Reshar.
District Division of Education (Schools) Reshar.
District Division of Education (Schools) Reshar.
District Division of Education (Schools) Reshar.
District Division of Education (Schools) Reshar.

Dist. Govt. KP, Provincial
District Accounts Office Charsadda
Monthly Salary Statement (January-2024)



Personal Information of Mr KARIM ULLAH d/w/s of NOOR RAHMAN

Personnel Number: 00143032 CNIC: 1710102816951

NTN:

Date of Birth: 01.04.1968 Entry into Govt. Service: 17.09.1986 Length of Service: 37 Years 04 Months 016 Days

Employment Category: Vocational Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80001042-DISTRICT GOVERNMENT KHYBE

DDO Code: CA6012-DEPUTY DISTRICT OFFICER (MALE) PRIM EDUCATION CHARSADEA (REGULAR)

Payroll Section: 001 GPF Section: 001 Cash Center: 03

GPF A/C No: EDUCA000573 GPF Interest applied GPF Balance: 1,296,328.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 27

Wage type		Amount	Wage type		Amount
0001	Basic Pay	77,380.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	1,055.00
2199	Adhoc Relief Allow @10%	705.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	7,406.00	2347	Adhoc Rel Al 15% 22(PS17)	7,406.00
2378	Adhoc Relief All 2023 35%	26,390.00			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	-3,889.00	3990	Emp. Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 60,991.38 Recovered till JAN-2024: 26,299.00 Exempted: 15247.68 Recoverable: 19,444.70

Gross Pay (Rs.): 131,486.00 Deductions: (Rs.): -10,114.00 Net Pay: (Rs.): 121,372.00

Payee Name: KARIM ULLAH

Account Number: A/C 3036-44

Bank Details: HABIB BANK LIMITED, 220505 SARDHERI SARDHERI,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: U OFFICER MALE PESHAWAR

City: CHARSADEA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No-Official

Temp. Address:

City: Email: karimullahpst6@gmail.com

System generated document in accordance with APPM 4.6.12.9(834921/25.01.2024/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/02.02.2024/19-38-54)

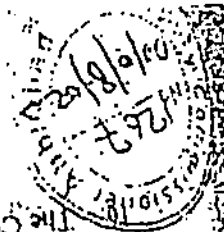
ATTESTED

ATTESTED

DEPUTY SECRETARY (POLICY)
(MAJID AHMAD)

[Signature]

ATTESTED



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
- 2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 4. The Principal Secretary to 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, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 11. The Registrar, Khyber Pakhtunkhwa High Court, Peshawar.
- 12. The Secretary, E&A Department, Administration Department.
- 13. All Section Officers in Establishment & Administration Department with the request to the Section Officer (Admn), Administration Department.
- 14. The Section Officer (Admn), Administration Department.
- 15. The Caraker, Administration Department.

Copy 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, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
11. The Registrar, Khyber Pakhtunkhwa High Court, Peshawar.
12. The Secretary, E&A Department, Administration Department.
13. All Section Officers in Establishment & Administration Department with the request to the Section Officer (Admn), Administration Department.
14. The Section Officer (Admn), Administration Department.
15. The Caraker, Administration Department.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

AMENDMENT

In exercise of the powers conferred by section 29 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVII 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:

Dated Peshawar the 06/8/2020

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

Annexure - B -

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

ATTESTED

WP442-2023 AZIZULLAH VS GOVT OF PG43

Section Officer (Policy)

(1330 Nizamuddin Khan)
Section Officer (Policy)

Yours faithfully,

- 1. PS-10 Special Secretary (Reg.) Establishment Department
- 2. PA to Additional Secretary (Reg-1), Establishment Department
- 3. PS to Deputy Secretary (Policy), Establishment Department

Copy forwarded to:-

Index, Deven N & Hale

Handwritten initials/signature

2011, please proceed against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, of the competent authority or try to evade promotion through different means shall be

3. Furthermore, those officers/officials who do not comply with promotion order of civil servant to accept promotion in every condition.

to tackle 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 civil servant from nomination for which gain by seeking to a single lucrative position or to

2. The basic rationale behind the said rule is aimed at preventing a provision exists to decline or forge promotion.

7/ Appointment 2023 dated 18.04.2023 in the subject noted above and to state that sub-rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 04.08.2020; thus, no

I am directed in letter to your letter No. SO(1/History-MY&S/23-24/2023 dated 18.04.2023 in the subject noted above and to state that sub-rule

Dear Sir,

Subject:-
 GUIDANCE REGARDING REGULATION OF RULE 7(S) IN THE
 KHYBER PAKHTUNKHWA CIVIL SERVAANTS APPOINTMENT,
 PROMOTION AND TRANSFER RULES, 1989

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



GOVERNMENT OF KHYBER PAKHTUNKHWA
 ESTABLISHMENT DEPARTMENT
 No. SO(Policy) (R&AD) / 2020
 Dated: Islamabad the June 06, 2023

62

Annexure - C
-14-

-15-

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

No.SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 26th 2023

To

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

Aziz Ullah Khan
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

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

Copy forwarded to the:

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

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

WP4442-7/23 AZIZULLAH VS GOVT CF PG43

~~ATTESTED~~

B/c

16-

No SO (Primary-M)/B&SED/2-6/2023
Dated Peshawar the June 25th 2023

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~

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

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.


Annexure
0

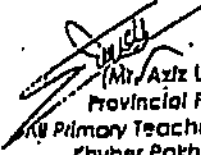
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

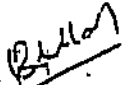
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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


ATTESTED

-18-
-B/C-

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

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

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 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~~



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.Misc/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(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) 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 06-02-2023.
 - (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(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below JPS-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

- B/c -

120 -

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 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 1999) 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 06-08-2022
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/himdown the offer of promotion.
- That your good office forwarded the same to a quarter 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.

~~ATTESTED~~



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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 06th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been 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.

(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.

SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with ComScanner

WP4442-2023 AZIZULLAH VS GOVT CF PG43

ATTESTED

-22-
-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 (Policy) / E&AD
(Primary) / 1-3/2023 dated 6th 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)

ATTESTED

Annexure - F



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

-225-

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)

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.

ATTESTED

WP442-2023 AZIZULLAH VS GOVT OF PG03

-24-

- B/c -

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

To

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

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

Dear Sir,

I am directed to refer to your letter No. 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)

Ends Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

-28-

Annexure - G

To,

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

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

Sir/ Madam:-

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

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

Dated 20/03/2024



KARIM ULLAH
S/O NOOR RAHMAN
PS HT

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



APTA House
Govt. Primary School No.4,
Gulbahar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

مہذب: میگزینی ڈیپارٹمنٹ کی سرکاری ایجنسی
مہذب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب مال

گزارش ہے کہ پروسٹیز ہر ادا سے ملتا ہے اور کہ سرکاری ادارہ کی غرضوں سے پروسٹیز کا ایک ٹولہ ہوا کرتا ہے کہ جو لازم ایک اگر کسی
بھروسے تحت ایک دن پروسٹیز میں تو وہ پھر آٹھ ماہ بعد سال تک پروسٹیز میں لے سکتے تھے مطلب ہر سال تک ہر اس کی پروسٹیز میں اور کئی تھی
پھر اس ٹولہ میں ترمیمی دیکھی جا رہی ہے ہر سال ہر ہفتے ہم کو دیکھی کہ اگر ایک لازم ایک سال پروسٹیز نہ لیں تو دوسرے سال لے سکتے تھے
لیکن اب ایک ہفتے پہلے ایک اور نوٹیفکیشن ہوا ہے
جس کے مطابق اب ہر لازم پروسٹیز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی کے مطابق کارروائی کرتے گا کیا ہے
دراصل یہ آئی نوٹیفکیشن زیادتی انسانی حقوق کی مکمل خلاف ورزی ہے سہنے کی دور رسا اور بہتری طاقتوں میں خاص کر خواتین مساتذہ کو انسانی حقوق کا
مناظرہ کرنے کا
جبکہ عام حالات میں بھی ذہنی پروسٹیز اور دودھلا بیجا بھی زیادتی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے عام ای سی ڈی
میں ہوتی ہے ایسے حالات میں یہ نیا نوٹیفکیشن جو BSB کی کاپیوں میں لپٹ کر جواب میں کیا گیا ہے جو بدعت اور زیادتی انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف کارروائی ہر جہتوں کا حق بھی محفوظ رکھتے ہیں
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ (Relaxation) دیا جائے اور ان کی
ذہنی پروسٹیز لپٹ کر کے ہٹائے ان کو سرکاری سے لپٹ لیا جائے
اور پروسٹیز نہ لپٹنے کی صورت میں ہر اساتذہ لپٹ لیا جائے لیکن یہ ذہنی پروسٹیز نہ لپٹنے کی جائے
اس سلسلے میں آپ مساتذہ اور جی ڈی او (DEO) ای سی ڈی اور ایک مخصوص سرامٹ ہادی کیا جائے تاکہ انہوں میں سہولت / تسہیل پرائمری اساتذہ کو ذہنی
البت اور ہر جہتوں سے ہٹایا جائے
کیونکہ نوٹیفکیشن ہادی ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر ہر جہتوں سے سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ مساتذہ ذہنی ایجنسی لپٹ کر سب سے پرائمری اساتذہ، جسٹس تسہیل پرائمری اساتذہ کو اس ذہنی ایجنسی سے بہت دلائل کے

شکر یہ

عزیز اللہ خان سربراہی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

ATTESTED

07.05.2024



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

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

(Signature)
Muhammad Akbar Khan
Member (I)

Date of Presentation of Application 10-5-24
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of 13-5-23
 Date of 13-5-23
 Date of delivery of copy 13-5-23

CS CamScanner

ATTESTED
(Signature)

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WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

KARIM ULLAH

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents, and to represent me/us and to take all necessary steps on my/our behalf in the above matter.

I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

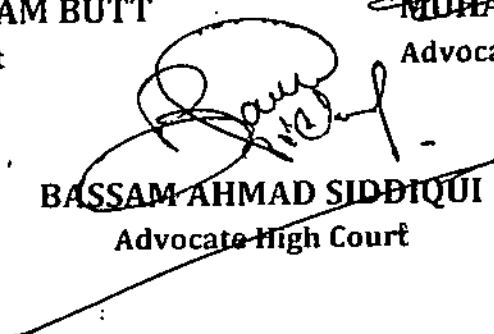


APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court