


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1962/2024

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 = 1962/24

BAKHTI RAWAN

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. 1962 /2024

Bakhti Rawan Son of Bakhtdar, SPST (BPS-14)
GPS Dabono (Wari), Tehsil Sakhakot & District Malakand

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

Copy of Impugned letter dated 07-09-2023 is attached as Annexure F

10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed.

Copy of Representation against the said notification is annexed as Annexure G & H

11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

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

[Signature]
 Appellant

Through

[Signature]
 Muhammad Muazzam Butt
 Advocate Supreme Court

[Signature]
 Muhammad Adeel Butt
 Advocate High Court

[Signature]
 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

BAKHTI RAWAN

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 this Honorable Court.

[Signature]
Deponent

[Signature]
Appellant

Through

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court

Dist. Govt. NWFP-Provincial
District Accounts Office Malakand
Monthly Salary Statement (July-2024)

-6-



Personal Information of Mr BAKHTI RAWAN d/w/s of BAKHTIAR

Personnel Number: 00244112 CNIC: 1540126675305 NTN:
Date of Birth: 10.03.1971 Entry into Govt. Service: 21.04.1999 Length of Service: 25 Years 03 Months 012 Days

Employment Category: Active Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80002421-DISTRICT GOVERNMENT KHYBE

DDO Code: MD6081-DY: D.O (M PRY) DARG

Payroll Section: 002

GPF Section: 001

Cash Center: 04

GPF A/C No: EDUMKD 5206

Interest Applied: Yes

GPF Balance:

133,526.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 14

Pay Stage: 19

Wage type	Amount	Wage type	Amount
0001 Basic Pay	55,590.00	1001 House Rent Allowance 45%	3,321.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1911 Compen Allow 20% (1-15)	1,000.00	2148 15% Adhoc Relief All-2013	675.00
2199 Adhoc Relief Allow @10%	456.00	2316 Teaching Allowance 2021	3,036.00
2341 Dispt. Red All 15% 2022KP	5,261.00	2347 Adhoc Rel All 15% 22(PS17)	5,261.00
2378 Adhoc Relief All 2023 35%	18,847.00	2393 Adhoc Relief All 2024 25%	13,897.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-3,900.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-3,192.00	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
6505	GPF Loan Principal Instal	130,000.00	-3,500.00	63,500.00

Deductions - Income Tax

Payable: 51,061.50 Recovered till July-2024: 3,192.00 Exempted: 12764.65 Recoverable: 35,104.85

Gross Pay (Rs.): 111,700.00 Deductions: (Rs.): -12,527.00 Net Pay: (Rs.): 99,173.00

Payee Name: BAKHTI RAWAN

Account Number: 3097002557

Bank Details: NATIONAL BANK OF PAKISTAN, 230593 N.B.P SAKHAKOT MKD AGENCY N.B.P SAKHAKOT MKD AGENCY,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: SAKHAKOT

City: MALAKAND

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

APPROVED

(288590/26.07.2024/16:31:43) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

Handwritten scribble

47.22	MSM	do	Shahid Khan S/O
47.46	MSM	do	Shahid Khan S/O
47.70	MSM	do	Shahid Khan S/O
47.74	MSM	do	Shahid Khan S/O
47.75	MSM	do	Shahid Khan S/O
48.18	MSM	do	Shahid Khan S/O
48.30	MSM	do	Shahid Khan S/O
48.94	MSM	do	Shahid Khan S/O
49.20	MSM	do	Shahid Khan S/O
49.25	MSM	do	Shahid Khan S/O
49.35	MSM	do	Shahid Khan S/O
49.43	MSM	do	Shahid Khan S/O
49.52	MSM	do	Shahid Khan S/O
50.15	MSM	do	Shahid Khan S/O
50.16	MSM	do	Shahid Khan S/O
50.33	MSM	do	Shahid Khan S/O
50.98	MSM	do	Shahid Khan S/O
51.66	MSM	do	Shahid Khan S/O
37.50	MSM	do	Shahid Khan S/O

Name of School
 Category
 From which score, where posted.
 Selected.

The Government of India, Ministry of Education, New Delhi, has decided to conduct the examination for the post of Teacher in the subject of English in the year 1995. The candidates for the examination should be graduates or holders of equivalent qualifications in the subject of English. The candidates should be below the age of 35 years as on 1st July 1995. The candidates should be Indian citizens. The candidates should be domiciled in India. The candidates should be unmarried. The candidates should be of normal health and sound character. The candidates should be of Indian origin. The candidates should be of Indian descent. The candidates should be of Indian blood. The candidates should be of Indian lineage. The candidates should be of Indian ancestry. The candidates should be of Indian descent. The candidates should be of Indian blood. The candidates should be of Indian lineage. The candidates should be of Indian ancestry.

Name of candidate with father's name & address	Category from which selected	Merit Score	School where posted
20) Said Badshah S/O Khan Sarai of Shahkot.	Open Merit	47.12	OPS Bilachand
21) Mohammad Sigib S/O Sher Afzal of Chapper.	-do-	46.41	" Rahmat No. 2
22) Bakht Bidar S/O Sardar of Toormang.	U/O	39.37	" Gungat.
23) Wassi Mohammad S/O Ali Haider of Toormang.	-do-	37.34	" Walo Tangai.
24) Gul Farosh S/O Mian Zarin Khan of Toormang.	-do-	31.66	" Sia Gawni.
25) Mohammad Zarin S/O Nawshad of Toormang.	-do-	29.65	" Mangoo.
26) Sinsat Khan S/O Bahrawar Khan of Toormang.	-do-	30.40	" Jughrai.
27) Anwar Badshah S/O Gul Said-Din of Toormang.	-do-	30.25	" Raza Gram.
28) Ihsanul Haq S/O Mohammad Yousaf of Pashta.	-do-	30.87	" Kolanga.
29) Gulwar Khan S/O Said Anwar Khan of Pashta.	-do-	39.20	" Mithrora.
30) Faqir Mohammad S/O Amir Mohammad Shah of Pashta.	-do-	39.84	" Kasa Mithrora.
31) Sardar Ghani S/O Toor Mohammad of Pashta.	-do-	30.52	" Kasa Karo.
32) Wala Akbar S/O Qajar Khan of Pashta.	-do-	39.10	" Bagh Karo.
33) Mohammad Hayat Khan S/O Gul Zaman Khan of Akhgram.	-do-	30.56	" Karkabanj.
34) Nalik Mohammad S/O Abin Khan of Akhgram.	-do-	25.63	" Sperko.
35) Hayatullah S/O Rahmat-Din of Akhgram.	-do-	25.55	" Bandagai.
36) Gran Pacha S/O Zarghoon Khan of Akhgram.	-do-	42.35	" -do-
37) Mahmood Ijaz S/O Rahmat Jan of Akhgram.	-do-	45.76	" Khunano Tangai.
38) Shah Tamez Khan S/O Abbali Jan of Nehig.	-do-	44.30	" Galkore No. 3 (Nehig).
39) Mujidullah S/O Shah Zafar of Nehig.	-do-	38.93	" Kohan.
40) Mohammad Ismail S/O Amir Jan of Dandore Dislora.	-do-	39.16	" Jugha (Vani).
41) Habibur Rahman S/O Wali Rahman of Dislora.	-do-	41.83	" Kagano Khawar.
42) Permatullah S/O Bakhti Rawan of Sundal.	-do-	36.90	" Abid Khan Koley.
43) Bakhti Rawan S/O Bakhti Rawan of Sundal.	-do-	39.79	" Dabano (Vani).
44) Sayed Naconullah S/O Sayed Anwar Badshah of Hari.	-do-	42.36	" Diskore (B).

ATTESTED

S.No.	Name of Candidate with Father's Name & Address	Station from which selected.	Score.	Posted.	Remarks
	Mohammad Rexna S/O	U/O,	45.90	GPS, Namsoer,	A.V.P
	Hasal Amir of Khalt.		45.22	"	Luqman Banda -do-
	Rahimullah Khan S/O Saib	-do-	43.80	"	Chakroon (B) -do-
	Ahmad Khan of Khalt		45.39	"	Wazirabad. -do-
	Muslim Khan S/O Saib Badshah of Kotkai.	-do-	44.47	"	Umratal (P) -do-
	Islamud-Din S/O Fazal Hussain of Chapper.	-do-	44.81	MPS	-do-
	Hamidullah S/O Munwar Khan of Chapper.	-do-	44.42	GPS, Kattan-Bala.	-do-
	Inamullah S/O Sher Hassan of Darora.	-do-	38.69	"	Nowro Khan -do-
	Saib Mohammad S/O Rafiq Mohammad of R. Darora.	-do-	36.56	"	Changal. -do-
	Salimullah S/O Fatmullah Khan of Darora.	-do-	36.40	"	-do-
	Samiullah S/O Isayattullah of Darora.	-do-	27.85	MPS Jabalook.	-do-
	Mohammad Saad Khan S/O Khaista Badshah of Bibluar.	-do-	44.10	GPS Kair Dara.	-do-
	Asad Ahmad S/O Mohammad Shuaib of Bibluar.	-do-	43.76	"	Usheral. -do-
	M Khuns Gul S/O Zarwar Khan of Bibluar.	-do-	34.12	GPS	Galkora Usheral. -do-
	Akhtar Zada Khan, S/O Sharif Khan of Tarpatar.	U/O	31.97	MPS	Bilachand. -do-
	Amir Hamidud-Din S/O Amir Khaista of Tarpatar.	-do-	48.07	GPS	Bilachand. -do-
	Mohammad Fayaz S/O Gul Ahmad of Darikand.	-do-	46.09	"	Bilachand. -do-
	Saeedul Haq S/O Mohibullah of Darikand.	-do-	26.40	MPS	Shahar Khawar. -do-
	Sanaullah S/O Atidullah of Darikand.	-do-	48.75	"	Chun Sheringal. -do-
	Jahan Badshah S/O Kabir Asam of Derikand.	-do-	42.18	GPS	Shawar Paye. -do-
	Hasirullah U/O Ganshal.	-do-	36.18	"	Belo Ganshal. -do-
	Rahim Khan S/O Mohammad Noor of Ganshal.	-do-	38.38	MPS	-do-
	Munwar Khan S/O Mohammad Shah of Ganshal.	-do-			
	Fariud-Din S/O Rahmanud-Din of Ganshal.	-do-			

Contd. on page No. 4

ATTESTED

Name of candidate Father's name & address	Category (from which selected)	Mark Score	School where posted	Remarks
67. Mohammad Haseet S/U Gul Amin of Garsha.	U/C	41.32	GPS Sheringal A.V.P. 1	
68. Usmani Gul S/U Amir Sharif of Garsha.	-do-	38.26	" -do-	-do-
69. Abdul Salam S/O Azizur Rahman of Patrak.	-do-	44.10	" Shunga.	-do-
70. Asimur Rahman S/O Umar Dali of Patrak.	-do-	39.35	" Dangan Khela.	-do-
71. Shah Nasir S/O Ghulam Hasul of Patrak.	-do-	35.00	" Pingas.	-do-
72. Abidullah S/O Ghulam Mond of Patrak.	-do-	41.44	MPS, Dogal.	-do-
73. Shah Faisal S/O Musafir Said of Patrak.	-do-	28.12	GPS Shahoor.	-do-
74. Mohammad Rayas Shahid S/O Ghausur Rahman of Patrak.	-do-	48.21	GPS Narkoon.	-do-
75. Abdur Rahman S/O Hakim Khan of Patrak.	-do-	42.60	GPS Darikot.	-do-
76. Haadatullah S/O Adam Khan of Patrak.	-do-	40.99	GPS Jahrai.	-do-
77. Mohammad Nawaz Khan S/O Mohammad Baza Khan of Patrak.	-do-	37.14	MPS Ramal Kass.	-do-
78. Ghousur Muhammad S/O Raza Khan of Patrak.	-do-	30.69	MPS, Shalban.	-do-
79. Yusuf Khan S/O Umar Jan of Patrak.	-do-	29.08	" Kass Bazar.	-do-
80. Reyazul Haq S/O Habibul Haq of Shahikot.	-do-	46.20	" Shahikot.	-do-
81. Reyazul Haq S/O Habibul Haq of Shahi Koat.	-do-	40.20	" Maraworo.	-do-
82. Amalud-Din S/O Ashraf of Shahikot.	-do-	39.69	" Kaso Kass.	-do-
83. Rashidullah S/O Ajab Khan of Shahi Koat.	-do-	37.33	" Bitoor.	-do-
84. Inayatullah S/O Salfur Rahman of Shahikot.	-do-	36.61	" Jab Bala.	-do-
85. Ikrarul Haq S/O Salfur Haq of Shahikot.	-do-	39.33	MPS Swin Bar.	-do-
86. Mohammad S Khan of S. l.	-do-	41.09	GPS Kisin Khel.	-do-
87. Harizullah S/O Abidullah of Sheringal.	-do-	32.80	MPS Haji Abad.	-do-
88. Faisalullah S/O Gul Bahadar of Sheringal.	-do-	23.20	MPS, Salam Bakal.	-do-

Contd: on Page No. 5

~~TESTED~~

S. No.	Name of candidate with Father's name & address	Category from which selected	Merit Score	School where posted	Remarks
		U/C	28.64	GPS Barkaley.	AVP
89	Rahatullah S/O Rahmat Jan of Sheringali.	-do-	48.87	" Sundrai.	A.V.P
90	Jasheed Khan S/O Raja Talab Khan of Sheringali.	-do-	45.31	" Janas.	-do-
91	Amir Khan S/O Azim Khan of Sheringali.	-do-	40.67	" Gurri (B).	-do-
92	Saniud-din S/O Rahmadud-Din of S-heringali.	-do-	34.82	" Dagoor.	-do-
93	Badshah Khan S/O Mukaram Khan of Sawai.	-do-	37.01	" Achar (B)	-do-
94	Shamsul Islam S/O Shasur Rahman of Sawai.	-do-	39.91	" Dir Khan.	-do-
95	Sanaullah S/O Ghulam Yousaf of B. Bandi.	-do-	34.80	" B. Bandi No. 2.	-do-
96	Asamud-Din S/O Said Azam Khan of B. Bandi.	-do-	44.52	" Bankar.	-do-
97	Gul Faraz Khan S/O Sher Alam Khan of Kalkot.	-do-	40.26	" Kusrat.	-do-
98	Sirajud-Din S/O Shamsud-Din of Kalkot.	-do-	33.35	" Shang.	-do-
99	Mohammad Khan S/O Ghulam Rahim of Kalkot.	-do-	29.07	" Darak.	-do-
100	Shah Izat Khan S/O Mohammad Sardar of Kalkot.	-do-	46.20	" Thal No. 1.	-do-
101	Mohammad Saeed S/O Fasaad Khan of Kalkot.	-do-	29.20	" Darak.	-do-
102	Nasib Rawan S/O Sikandar Khan of Kalkot.	-do-	43.13	" Zulam Koat.	-do-
103	Umar Mohammad S/O Said Umar of Chukiatan.	-do-	45.45	" Chukiatan.	-do-
104	Aftab Alam S/O Mohammad Alam of Chukiatan.	-do-	32.00	" Dherai Hattan.	-do-
105	Khaliqur Rahman S/O Wali Rahman of Chukiatan.	-do-	37.27	" Belanzai.	-do-
106	Ferman Hayat S/O Bakht Munir of gulandi.	-do-	28.55	" Dir Shawa.	-do-
107	Zidul Hassan S/O Abdul Karim Jan of Dir.	T/O.	23.70	" Dir Shawa.	-do-
108	Ali Bahadar S/O Jan Bahadar of Dir.	T/O.			

TERMS & CONDITIONS. 1) They will be governed by such and regulations may be prescribed by the Govt. from time to time for the category of the Govt. servant for which they belong.
 2. Their services will be liable to termination in one month's notice from either side. In case of resignation without notice one month's pay will be forfeited in lieu thereof.
 3. They may not be handed over charge if their age exceeds 55 years & below 16 years.

Contd: one Page No. 6....

~~ATTACHED~~

~~ANNEXED~~

Handwritten notes and dates: 11/23/80, 10/20/80, 11/23/80, 10/20/80, 11/23/80, 10/20/80, 11/23/80, 10/20/80.

1- The Director of Primary Education H. P. R. Pathwar.
2- The Director of Upper & Post-Secondary Education H. P. R. Pathwar.
3- The Director of Accounts Officer Dir Upper.
4- The Accounts Dept Office.
5- The Director of Government.
6- The Director of the concerned DEB.
7- The Director of the concerned DEB.

Copy of the report is forwarded to :-
Encl: 1. 4-5/upt/primary dated Dir Upper the 20/10/1999

(M) DIRECTOR
DISTRICT EDUCATION OFFICER
(HARI KRISHNAN KIAN)
11/23/80 - 10/20/80

9- They are directed to deposit the verification fee in the bank account of the concerned DEB within three days of the date of receipt of this order. The verification fee is to be deposited in the bank account of the concerned DEB within three days of the date of receipt of this order. The verification fee is to be deposited in the bank account of the concerned DEB within three days of the date of receipt of this order.

10- They are directed to deposit the verification fee in the bank account of the concerned DEB within three days of the date of receipt of this order. The verification fee is to be deposited in the bank account of the concerned DEB within three days of the date of receipt of this order.

Annexure - B-

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

LIST: NO & EVEN DATE

Copies 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.

RECEIVED
ESTABLISHMENT DEPARTMENT
06/08/2020

ATTESTED

Wardah Latif
WARDAH LATIF
DEPUTY SECRETARY (POLICY)

Attested
ATTESTED

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

WORLDWIDE ASSOCIATION OF GOVT. EMPLOYEES

2011, please

Secretary (Policy)

Secretary (Policy)

Yours faithfully,

- 1. Copy forwarded to the
- 2. Additional Secretary (Legal, Establishment Department)
- 3. Additional Secretary (Legal, Establishment Department)
- 4. Additional Secretary (Legal, Establishment Department)
- 5. Additional Secretary (Legal, Establishment Department)

The basic rationale behind the selection of the bid rate is aimed at preventing a...
 will prevent from completion for which...
 present those who lead to force...
 to take higher responsibilities in case of...
 civil service to accept promotion in every...
 Furthermore, those officers who do not...
 of the competent authority or by...
 proceeded equal under...
 2011, please

The Government of Karnataka
 Ministry & Secondary Education Department



GOVERNMENT OF KARNATAKA
 DEPARTMENT OF EDUCATION
 No. ST/Policy/2020
 Dated: 06.06.2022

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.001-0223587)

No.50 (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

[Signature]
26/6/23

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. 50 (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]

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

Copy forwarded to the:

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

[Handwritten mark]

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

ATTESTED

B/c

No SO (Primary-M)/E&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(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 MALI)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALI)

~~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
①


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


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


3. After 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

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

~~APPROVED~~

-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(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 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)

ATTEST

~~NOT TESTED~~

WPK443-2023 AZIZIYAH VA GOVT OF PK43

2. Master Copy
1. PA to Director Local Directorate
Copy of the above to:
Rahmad Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

The case is submitted for review and necessary action please.
In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have effected negatively a huge members of female teachers.

That in light of the minutes of the meeting dated 6-07-2023 held under the chairmanship of Hon. Additional Secretary Education of this office. This office has been asked for submission of consolidated case.

That the government of KP-ED (Regulation wing) vide letter No. SD (Policy) EQAD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to debar/strip promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the memo to quarters concerned vide letter No. SD (Policy) EQAD/2-2/11/2023 for necessary guidance.
That the government of KP-ED (Regulation wing) vide letter No. SD (Policy) EQAD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to debar/strip promotion. It is obligatory upon every civil servant to accept promotion under every condition.
That the office sought guidance from your good office in the following vide notification No. No. SDP-VI (EQAD) 1-3/2020 dated 06-08-2020. In Civil Servant (Appointment/Promotion) Rules (1973) dated rule 7(5) in Civil Servant (Appointment/Promotion) Rules (1973) that government of KP Education department (Regulation wing) present brief history, about background of case as under:
Minutes of meeting 13/7/2023 dated 10-7-2023 on subject cited above and to

I am directed to refer to letter No. (SD Policy) EQAD/5-1/6/2023/ dated 13/7/2023 on subject cited above and to
Subject: Minutes of Meeting
KPK Education
Elementary & Secondary Education Department
Section Officer (Policy-Male)
PESHAWAR
(21-7-2023)

Directorate of Elementary & Secondary Education, KPK
To:

-B/C-

~~SECRET~~

WT-1442-2022 AZDUALAH VS GOVT CP PG4

Arizona Director (Exhibit-1)
Arizona Department of Education
Kyber Pashdar

1. PA to Director
2. Master Copy

Copy of the above is in:

Arizona Director (Exhibit-1)
Arizona Department of Education
Kyber Pashdar
Date: 2/17/2022

The form is submitted for review and necessary action please.

Departmental Promotion Committee.
provided they submit their written request in the meeting of the meeting of
Teachers below. If it may be exempted of implications of the amendment in the rule that
712) have affected negatively a large number of Female Teachers. Thus it is prepared that
in view of the above, this office is of considered opinion that the decision of Rules
been asked for submission of consolidated case.
Chairman of Hon. Arizona Secretary Establishment at his office this office has
that in the light of the minutes of meeting dated 6-07-2022 held under the
(Thursday-4) 6:55ED-7-1/Proposed/2022 dated 12-06-2022.
The same was received by the office from your good office vide letter No.50
civil servant in receipt of promotion under every condition.
that there shall be no provision to decline or forgo promotion. It is obligatory upon every
thing) vide letter No.50 (Policy) 6:55ED-7-1/2020 dated 6-06-2022 categorically stated
that the Government of Kyber Pashdar Establishment Department (Regulation
No.50 (Policy) 6:55ED-7-1/Proposed/2022 for necessary guidance.
The same was received by the office from your good office vide letter
promotion.
(ii) If it is not possible to accept promotion in every condition
(iii) Now it is being requested of the civil servant to accept promotion in every condition
No.6987 dated 16-02-2022.
That this office through guidance from your good office in the following words vide letter
vide letter No. 508-VI (E&A/D) 1-1/2020 dated 04-08-2022.
That Government of Kyber Pashdar Establishment Department (Regulation (Policy)
dated Rule 712) vide Civil Service (Appointments, promotion & Transfer Rules 1949)
vide letter No. 508-VI (E&A/D) 1-1/2020 dated 04-08-2022.

The Education Officer (Primary-Sub),
Arizona Department of Education
Kyber Pashdar

Subject: - INVITATION FOR THE BIDDING

Dear Sir,

Arizona Department of Education
Kyber Pashdar
Date: 2/17/2022
Email: cyberpashdar@azde.net



~~ATTACHED~~

WP442-2023 AZIZULAH VS GOVT CP P043

Scanned with CamScanner

SECTION OFFICER (PRIMARY SLE) 26/08/23

1. Director EASE Khyber Pakhtunkhwa, PS to Secretary, EASE Department Khyber Pakhtunkhwa.

Copy forwarded to the:

SECTION OFFICER (PRIMARY SLE) (AMMUNITION SLE)

Chief of staff/ teacher in primary schools.

3. In view of the above, the said amendment may be reconsidered to the extent of staff/ teacher in primary schools. There are negative effects on service delivery.

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.

1. I am directed to refer to your letter No. SOP(Policy)/EAD/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.

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

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

Annexure E

No. SOP(Primary-1)EASD/2-2/Appointment-Rule-7/2023 Peshawar Dated 23rd August, 2023

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



-B/c- -2-

No. So (Primary - M) E & SE D / 3-2 /
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. So ^{(Policy) / E & AD} ~~(Primary)~~ / 1-3 / 2020 dated 8th 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 extend 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

-24-

Annexure - F



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

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

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

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy-forwarded to the:-

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

REQUESTED

WAP-445-2023 AZIZUL LAH US GOVT OF PK

- B/C -

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. 50(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. 50(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.

Section Officer (Policy)

~~ATTESTED~~

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/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

Your Honorable authority promulgated Notification, No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SO (Policy) 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 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&AD/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 20/10/2024


 BAKHTI RAWAN
 S/O BAKHTIAR.
 SPST

~~TESTED~~

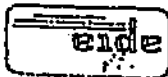
WP442-2023 AZZULMAN VS GOVT. CP FC43

88/11/83
~~Handwritten signature and date~~

Handwritten text in Arabic script, appearing to be a legal document or court order. The text is dense and covers several lines of the page.

Annexure - H

APTA House
Govt. Primary School, Mad.
Dubbah, Faramba, C.K.



Kayseri Palsinhua

1-15 (11/11/83)
President
O. D. 11/11/83
11/11/83

07.05.2024



1. Learned counsel for the appellant present.

2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/commitments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/commitments 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)

[Handwritten signature]

Date of Presentation of Application 16-5-24
Number of 5/1
Copies 5/1
Hrgam 5/1
Total 5/1
Name of 13-6-23
Date of 17-6-24
Date of receipt of copy 17-6-24

[Handwritten signature]
TESTED

WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

BAKHTI RAWAN

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