


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1967 / 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-1967/24

ASHFAQ MUHAMMAD

V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1967 /2024

Ashfaq Muhammad Son of Ghulam Muhammad, PSHT (BPS-15)
GPS Dawa Khan Kali, Tehsil Dargai & 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 Primary School Head Teacher.
Copy of Appointment letter is annexed as **Annexure A**

- 2-
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 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:-

GROUNDS:-

- 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.

[Signature]
Deponent

[Signature]
Appellant

Through

[Signature]
Mubammad 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

ASHFAQ MUHAMMAD
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.


Appellant

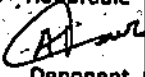
Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

AFFIDAVIT

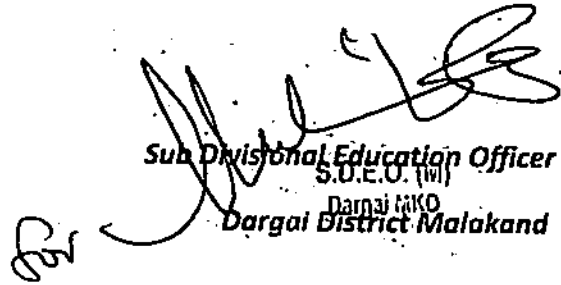
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.


Deponent



OFFICE OF THE
SUB DIVISIONAL EDUCATION OFFICER (MALE) DARGAI
SERVICE CERTIFICATE

It is certified that Mr Ashfaq Muhammad S/O Ghulam Muhammad is a Regular & permanent employee of (E&SE) Khyber Pakhtunkhwa since 16/07/2011. Present he is working as PSHT BPS-15 Post at GPS Arab Danda.


Sub Divisional Education Officer (M)
S.O.E.O. (M)
Dargai TIKO
Dargai District Malakand

- 7 -
 Dist. Govt. KP-Provincial
 District Accounts Office Malakand
 Monthly Salary Statement (July-2024)



Personal Information of Mr ASHFAQ MUHAMMAD d/w/s of GHULAM MUHAMMAD

Personnel Number: 00654291 CNIC: 1540214031453 NTN:
 Date of Birth: 22.04.1982 Entry into Govt. Service: 18.07.2011 Length of Service: 13 Years 00 Months 015 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 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: 654291

GPF Interest applied

GPF Balance: 484,902.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 10

Wage type	Amount	Wage type	Amount
0001 Basic Pay	43,720.00	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	1911 Compen Allow 20% (1-15)	1,000.00
2148 15% Adhoc Relief All-2013	400.00	2199 Adhoc Relief Allow @10%	275.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	3,681.00
2347 Adhoc Rel A1 15% 22(PS17)	3,681.00	2378 Adhoc Relief All 2023 35%	13,366.00
2393 Adhoc Relief All 2024 25%	10,930.00	5011 Adj Conveyance Allowance	2,300.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-1,548.00	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: 23,033.43 Recovered till JUL-2024: 1,548.00 Exempted: 5729.03 Recoverable: 15,756.40

Gross Pay (Rs.): 90,497.00 Deductions: (Rs.): -7,773.00 Net Pay: (Rs.): 82,724.00

Payee Name: ASHFAQ MUHAMMAD

Account Number: 2179-8

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

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: DARGAI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: ashfaq7778@gmail.com

ATTESTED

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MALAKAND AT BARKHELA

APPOINTMENT

Consequent upon the recommendations of the Departmental Selection Committee in its meeting held on 11/07/2011, the Executive District Officer Elementary and Secondary Education, Malakand is pleased to approve and appoint the following PST (Male) candidates of District Malakand against the Vacant PST Posts in GPB-7 (Rs. 3530-190-0230) plus (with allowances as admissible under the rules on regular basis, but without pension and gratuity from the date of their taking over charge in terms of section-19 of the Khyber Pakhtunkhwa Civil Service Act, 1973 as amended under the provision of Establishment and Administration Department Circular bearing No. SOH-VI (E&A) 1-13/2005 dated 10/08/2005 in the interest of public service.

2% Disabled Quota

S. #	Name	Father Name	Disable Quota	GPB	Score	SCHOOL
1	MUHAMMAD RASHID	MUHAMMAD HASSAN	Disable Quota	11-07	50.653	GPB Bandegai (Bajaur Agency)
2	ALTAF KHAN	MUSLIM SHAH	Disable Quota	11-07	54.4167	GPB Gardal (Bajaur Agency)

88% Open Merit

S. #	Name	Father Name	Open Merit	GPB	Score	SCHOOL
1	ZAFAR IQBAL	UMER GUL	Open Merit	0-07	72.4877	GPS Mir Azam Korona
2	IMRAN KHAN	YALID KHAN	Open Merit	0-07	70.6905	GPB Faizghal (Kot)
3	AMJAD ALI	DASIM KHAN	Open Merit	0-07	69.0180	GPB Jughral
4	WAHID MUHAMMAD	HASDOL KHAN	Open Merit	0-07	68.263	GPB Banda Khanori
5	HAFIZ IRSHAD ALI	MAHMUD SAID	Open Merit	0-07	68.1308	GPB Jal Kot
6	JAVEED IQBAL	MANA DAR	Open Merit	0-07	68.9527	GPB Sherif Abad Dargal
7	ZAFAR HUSSAIN	SHAFIULLAH	Open Merit	0-07	68.943	GPS No.2 Jalata
8	AJMAL KHAN	GUL SAID	Open Merit	0-07	68.8212	GPB Balal Pathy
9	JASEEM GUL	HAMID GUL	Open Merit	0-07	68.7731	GPB Faizghal Kot
10	ASHFAQ MUHAMMAD	GHULAM MUHAMMAD	Open Merit	0-07	68.6624	GPS Dawan Khan Kot ✓
11	TUFAIL ARSHAD	MUHAMMAD AMIN	Open Merit	0-07	68.6824	GPB Malkori
12	NAIK DAHADAR	SHAI DAHADAR	Open Merit	0-07	68.3404	GPB Bani Ghakhey
13	SHAIKH KHAN	MUHAMMAD NAWAB	Open Merit	0-07	68.3389	GPB No.2 Gudo Shah
14	RAHIM UD DIN	UMER GUL	Open Merit	0-07	68.0881	GPB Chapal
15	NOOH ZADA	SHAI ZADA	Open Merit	0-07	67.6007	GPB Katabol
16	SAID GHAFOOR KHAN	AUDIN GHAFOOR	Open Merit	0-07	67.6136	GPS No.2 Makhband
17	GUL HAJARI	MAJIK JAN	Open Merit	0-07	67.303	GPB Doda Banda
18	MUJASIR (M. MAMUN)	MAIMOOD KHAN	Open Merit	11-07	67.2337	GPB Anar Tangal
19	TARIQ HASSAN	HAFIZ HASSAN	Open Merit	0-07	66.8710	GPS Dobandai
20	HAZRAT HUBAB	SAID MEHMOOD	Open Merit	0-07	66.6101	GPS No.1 Kot
21	ZAFAR SHAH	AWAL SAID	Open Merit	0-07	66.7730	GPS No.1 Dargal
22	LAL BACHA	FAZLI AKRAM	Open Merit	0-07	66.7172	GPB Mehral
23	TAFIR RAHMAN	AJAD RAHMAN	Open Merit	0-07	66.6820	GPB Kandow Makhband
24	ZIA UR RAHMAN	SHERIN ZADA	Open Merit	0-07	66.4525	GPB Sangina
25	IMRAN KHAN	NOOH RAHMAN	Open Merit	0-07	66.3007	GPS Baram Dars
26	FARMAN HUSSAIN	FAZLI HADI	Open Merit	0-07	66.3	GPS Malakhalo Wand
27	HAZRAT USMAN	YOUSAF SHAH	Open Merit	0-07	65.8013	GPS Boghdara Kot
28	ANWAR HUSSAIN	TAWAF GUL	Open Merit	11-07	65.8052	GPS Jughral

ATTESTED

29	KHALIQ DAD	ABDUL WADOOD	Open Merit	B-07	65.2811	GPS
30	ANWAR ZADA	SAHIB ZADA	Open Merit	B-07	65.842	GPS Malakwal (Hans)
31	MUHAMMAD IHSANULLAH IHSAN	MUHAMMAD INYATULLAH SHAH	Open Merit	B-07	65.8200	GPS Khadoo
32	SHAIKAT AYAZ	FAIZ MUHAMMAD	Open Merit	B-07	65.3845	GPS Shah
33	FAZLI ALI	MUHAMMAD ZARIN	Open Merit	B-07	66.1703	GPS Sabli Banda
34	SAEEDULLAH	SHER ZAMAN KHAN	Open Merit	B-07	66.0053	GPS Mandara
35	IAZ AHMAD	HAZRAT IMRAN	Open Merit	B-07	64.0959	GPS No.2 Alshadad
36	JACHAIR ALI	QASIM KHAN	Open Merit	B-07	04.760	GPS Akhtar Ghoundal
37	HAZRAT DALAL	GUL MUHAMMAD	Open Merit	B-07	04.8115	GPS Pinjan
38	TARIQ MEHMOOD	TAJ MEHMOOD	Open Merit	B-07	64.4271	GPS Gubhan Abad
39	MEHAMMAD ISHAQ	DIN MUHAMMAD	Open Merit	B-07	04.4182	GPS Bazzara Bala
40	MUHAMMAD RAFIQ	FAIZ MUHAMMAD	Open Merit	B-07	04.3603	GPS Brah
41	ALAMGIR KHAN	NIAZ MUHAMMAD	Open Merit	B-07	04.352	GPS No.1 Gudo Shah
42	SAEED ZAMAN	SHAH ZAMAN	Open Merit	B-07	04.3168	GPS Sre Shah
43	AMROZ KHAN	NAJFEH GUL	Open Merit	B-07	04.1321	GPS Brah
44	SIRAKEEL AJMAD	LATIF KHAN	Open Merit	B-07	04.0810	GPS Bazzara Bala
45	WAZIR GUL	SILIH KHAN	Open Merit	B-07	04.0010	GPS Shah Kot
46	FAZLI MISOON	ZAHAR KHAN	Open Merit	B-07	03.9973	GPS Khaikal
47	FAZAL SUBHAN	RASOOL KHAN	Open Merit	B-07	03.8854	GPS Watab
48	NASIR GUL	WAZIR GUL	Open Merit	B-07	03.8870	GPS Ghangeen Abad
49	SHAHID RAHMAN MAIN	AMIN GUL MAIN	Open Merit	B-07	03.841	GPS No.1 Mekhband
50	ADNAN MUHAMMAD	FAIZ MUHAMMAD	Open Merit	B-07	03.815	GPS Ghani Dheri
51	BASHIR KHAN	ANWAR KHAN	Open Merit	B-07	03.8083	GPS Koragh Khanori
52	MAHMOOD ALI	NOOR ZAMIN KHAN	Open Merit	B-07	03.7923	GPS No.2 Mekhband
53	SUBHAN ALI	SHER AMIN	Open Merit	B-07	03.7310	GPS Bazzara Payaan
54	SAJID ANWAR	NIAMATULLAH	Open Merit	B-07	03.0280	GPS Bazzara Payaan
55	UBAID RABBI	FAZLI RABBI	Open Merit	B-07	03.4449	GPS Shagal (Alshadad)
56	NOSHAD ALI	TAJ MUHAMMAD	Open Merit	B-07	03.4122	GPS Gharb Abad (Bk)
57	SAFIULLAH	MIAN SAID	Open Merit	B-07	03.3629	GPS Falghal
58	MUHAMMAD NUMAN	DOST MUHAMMAD	Open Merit	B-07	03.3084	GPS No.2 Khar
59	IKHTIAR MUHAMMAD	WALI MUHAMMAD	Open Merit	B-07	03.2856	GPS Maina
60	FAZLI GHAFAR	FAZAL RAHIM	Open Merit	B-07	03.2412	GPS Gubhan Abad
61	BAKHT JAMAL KHAN	SHAH NAZAR KHAN	Open Merit	B-07	03.2289	GPS Bazzara Payaan
62	ATAULLAH	AZIZULLAH KHAN	Open Merit	B-07	03.1972	GPS Gata Pirkhal
63	ATTAUR RAHMAN	HASSAN KHAN	Open Merit	B-07	03.1829	GPS Khog Dera
64	SAID KHAN	SABZ ALI KHAN	Open Merit	B-07	03.0008	GPS Sandara Ghari
65	IMTIAZ ALAM	JAMROZ KHAN	Open Merit	B-07	02.9800	GPS Bama Dogare
66	MUHAMMAD TUFAN	MUHAMMAD QASIM	Open Merit	B-07	02.9152	GPS Malako (Bajaur Agency)
67	GUL AMIN	ALIM KHAN	Open Merit	B-07	02.9119	GPS Dheri Kot
68	SULAIMAN	HABIBUR RAHMAN	Open Merit	B-07	02.8714	GPS Koragh Khanori

ATTESTED

10 % Union Council Merit


S. #	Name	Father Name	Union Council	BP6	Score	SCHOOL
UNION COUNCIL ALLAHDAND						
1	NAVEED KHAN	DADSHAH KHANI	ALLAHDAND	B-07	88.82	GPB Amardara
UNION COUNCIL BARKHELA LOWER						
2	MUHAMMAD IGREES	DADAR JAN	BARKHELA (L)	B-07	82.70	GPB Sangha
3	ABID IQBAL	MUHAMMAD SADIO	BARKHELA (L)	B-07	80.042	GPB Gumbad P. Barkhela
4	MUHAMMAD RAZAQ	DAWA KHAN	BARKHELA (L)	B-07	84.41	GPB Sangha
UNION COUNCIL BARKHELA UPPER						
5	MUHAMMAD TAJIR NADEEM	AZEEM KHAN	BARKHELA (U)	B-07	82.88	GPB Kalbi
6	IMADU DIN	ABDUL QADOOS	BARKHELA (U)	B-07	82.43	GPB Kalbi
UNION COUNCIL GHARE (ALLAHDAND)						
7	ADIL MUHAMMAD	AMINULLAH			80.987	GPB Dray Bar
UNION COUNCIL DARGAI						
8	ABID KHAN	ZAHIF KHAN	DARGAI	B-07	82.402	GPB Khatko Shah
UNION COUNCIL DARGI USMANI KHEL						
9	FAZLI WADOOD	FAZLI WAHID	G. U. KHEL	B-07	82.48	GPB Mira Khan Bar
10	NOOH WALI KHAN	BAID ZAMIN	G.U. KHEL	B-07	81.93	GPB Shah Hakim Banda
UNION COUNCIL HERO SHAH						
11	ZAHID ANWAL	BHER AFZAL KHAN	HERO SHAH	B-07	81.87	GPB Brah Chakhal
12	AMIT ZEB	ZAMIN GUL	HERO SHAH	B-07	81.789	GPB Jomo Banda
UNION COUNCIL KHAR						
13	MUNIR KHAN	GULTAN BAHADAR	KHAR	B-07	87.28	GPB Babi Banda
UNION COUNCIL KOT						
14	MUHAMMAD AYOUB KHAN	KHAN BASHIAH	KOT	B-07	82.88	GPB Brah
15	MUBARAK MUSBAH	BHER MEHMOOD	KOT	B-07	82.49	GPB Bato
16	HAZIR RAHMAN	NOOR RAHMAN	KOT	B-07	82.25	GPB Aghara Shah
17	ZAWAR RAHMAN	PERVEZ KHAN	KOT	B-07	81.89	GPB Aghara Shah
18	NIAMAT GUL	NISAR GUL	KOT	B-07	81.43	GPB Brah
19	SULAIMAN	YOUSAF SHAH	KOT	B-07	81.30	GPB Bhan Khari Shahi
20	SALMAN KHAN	BANAF GUL	KOT	B-07	81.1782	GPB Sparthar Shah
UNION COUNCIL MEHERDI						
21	AMIR MUHAMMAD	MUHAMMAD GHANI	MEHERDI	B-07	82.70	GPB Meherdi
22	RIAZ MUHAMMAD	KHAN MUHAMMAD	MEHERDI	B-07	82.37	GPB Wazir Abad
UNION COUNCIL PALAI						
23	LAL WAHAD	FAZLI RAZID	PALAI	B-07	81.27	GPB Bardara Payee
24	KHALILULLAH	MUSAFAR KHAN	PALAI	B-07	89.17	GPB Bardara Payee
25	MUHAMMAD KAZIM	SHAFIQ AHMAD	PALAI	B-07	80.85	GPB Kaarim Abad
26	IMRATUDDIN	IKRASH HINDI	PALAI	B-07	88.00	GPB Mora Banda

ATTACHED

27	SHAHJAZ KHAN	DAWA KHAN	PALAI	B-07	66.88	GPS Mora Banda
28	NASIRULLAH	HAIQUN NAEEM	PALAI	B-07	65.61	GPS Bazzara Bale
UNION COUNCIL PIRKHEL						
29	NAIK AJMAD	GHULAM MUHAMMAD	PIRKHEL	B-07	62.44	GPS Bar Tungal
30	WAJID ALI	MUHAMMAD QAYUM	PIRKHEL	B-07	62.66	GPS No.1 Makhband
31	ABIDUDDIN SAHIB	AMIN TATAM	PIRKHEL	B-07	69.77	GPS No.1 Pirkhel
32	NASIRULLAH KHAN	SAAEED KHAN	PIRKHEL	B-07	69.65	GPS No.2 Makhband
33	BAKHT RAWAN	BAKHT JAMAL	PIRKHEL	B-07	69.04	GPS Blind Ghana (Bosaq)
UNION COUNCIL BAKHAKOT JADEED						
34	KHURSHID ALI	SHAHROZ KHAN	B/KOT JADEED	B-07	61.97	GPS Aaly kati
UNION COUNCIL BAKHAKOT KHASB						
35	JEHANDEER KHAN	BAKHT ZAMAN	B/KOT KHASB	B-07	62.74	GPS No.1 Bakhakot
36	ASAD KHAN	MUHAMMAD NAEEM	B/ KOT KHASB	B-07	60.7277	GPS Ahmed Bad Banda
UNION COUNCIL SELAI PATTY						
37	HASSAN MUKHTIAR	GUL BASHAH	SELAJ PATTY	B-07	62.64	GPS Char Kati
38	MUHAMMAD YOUNAS	KHAN ZAD GUL	SELAJ PATTY	B-07	63.20	GPS Badams
39	RIZWANULLAH	SHER ALI KHAN	SELAJ PATTY	B-07	62.1	GMPB Pata Khanori
40	FTIHAH KHAN	ZOOR ZALAM	SELAJ PATTY	B-07	61.636	GPS Khanori
41	SAID RAJADAR	SHER RAHADAR	SELAJ PATTY	B-07	60.83	GMPB Arwahy
UNION COUNCIL THANA BANDA JAT						
42	ARSHAD	KHAN LALI	THANA BANDA	B-07	60.00	GPS CC Thana
UNION COUNCIL WARTAIR						
43	MUHAMMAD APZAL	MUHAMMAD AHMAD	WARTAIR	B-07	69.24	GPS Borana
44	KIRAM BASHIRI	AJAH KHAN	WARTAIR	B-07	69.02	GPS Palandara
45	ALAM ZED	MUHAMMAD SIYAH	WARTAIR	B-07	68.70	GPS Palandara

TERMS AND CONDITION:

- The appointments are purely temporary and liable to termination without assigning any reason and prior notice. In case of resignation without notice, their one month's pay/allowances shall be forfeited to Government.
- The service will be considered regular, but without pension and gratuity in term of section 19 of Civil servant act 1973 amended vide Khyber Pakhtunkhwa Civil servants (amendment) act 2005. They will however be entitled to contributory provident fund in such a manner and at such rate as prescribed by the Government.
- They will have to produce Health and Age certificate from the Medical superintendent OHQ Hospital Baltheta, District Matakand.
- In case of fresh candidate they should not be handed over charge if their ages are below 18 or above 35 years.
- They must take over charge of their posts within 15 days of the issue of this order failing which the appointment will stand automatically cancelled. However they will be entitled for pay from the date of reopening of the schools following the summer vacation.
- Verification of documents e.g. Academic/ Professional certificates, Degrees and Experience Certificates will be made Departmentally on the expenses of the appointees before drawl of their salaries from the concerned board, institutions, university, and if any discrepancy is found at any stage the case will be initiated under the rules against the candidate at fault and legal action will be taken accordingly.
- After completion of verification process and subject to the provision of Government a proper order will be issued by this office for release of their salaries against the posts occupied by them.


ATTESTED

- 9. In case any one of the above appointees deprives of receiving charge due to non-availability of vacant post in the school indicated against his name) anywhere in the above mentioned schools the service of junior most in the relevant category will automatically stand as dispensation with from service.
- 10. They will be governed by such rules and regulation as may be issued by the Government from time to time.
- 10. The service of the inservice candidates will be considered regular on the confirmation of their service from their respective departments and in case their previous service in their respective departments declared contract/ fixed they will be considered and placed as fresh PST candidate from the date of their taking overcharge in terms of section- 19 of Civil service act, 1973 amended vide Khyber Pakhtunkhwa Civil service act 2008.
- 11. Charge report should be submitted to all concerned.
- 12. No TA DA is allowed being initial recruitment.

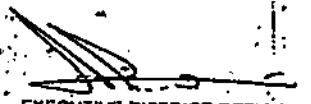
(MUSHTAQ AHMAD)
 EXECUTIVE DISTRICT OFFICER
 (E&SE) MALAKAND AT BARKHELA

Encl. No. 10196-10402

Dated: 16/9/2011

Copy of the above is forwarded for information to:-

- 1. The Secretary to Govt. of Khyber Pakhtun Khwa, Elementary & Secondary Education Department Peshawar.
- 2. The Director Elementary & Secondary Education, Khyber Pakhtun Khwa, Peshawar.
- 3. The District Coordination Officer Malakand.
- 4. The HRDO Office of the DCO, Malakand.
- 5. The Deputy District Officer (M) Barkhela.
- 6. The Deputy District Officer (M) Dargal.
- 7. The Agency Account Officer Malakand.
- 8. The Budget Account Officer Local Office.
- 9-02 The Head Teacher GPSs concerned.
- 03-207 The Candidates concerned.


 EXECUTIVE DISTRICT OFFICER
 (E&SE) MALAKAND AT BARKHELA

~~TESTED~~

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

EXIST. NO & 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.
- The Deputy Director (IT), E&A Department.
All Section Officers in Establishment & Administration Department with the request to
The Section Officer (Admn), Administration Department with the request to
arrange 20 gazette copies.
The Caretaker, Administration Department.



(Signature)
(WAJDAH LAL TIJI)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

ATTESTED

-14-

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 2/III); 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~~

-15-

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/KAD/13/2023
Dated Peshawar (on) June 06, 2023

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Polcy-MY/24/10072-
2/Appointment/2023) dated 11.04.2023 on 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
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from temptation for dilatory acts by sticking to a single iterative post/position or to
prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity
to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every
civil servant to accept promotion in every condition.

3. 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.

Yours faithfully,

(Signature)
Section Officer (Polcy)

ASE
7/6

Encl: 01 evan No & file

Copy forwarded to:-

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

(Signature)

دیلیٹیو افسر
نمبر 216
21.6.23

Section Officer (Polcy)

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Form No.091-0223507)

No. SO (Primary-MYE&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

[Handwritten Signature]
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 716) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1988.

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

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

Encl: AA

[Handwritten mark]

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

Copy forwarded to the:

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

[Handwritten mark]

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

ATTESTED

17- B/c
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, B&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 04-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


Annexure
D

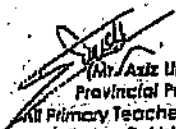
Sl.	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Rifaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

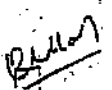
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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-
E&SE Department


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


(Mr. Rifaqat Ullah)
General Secretary APTA
Peshawar


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

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



-19-
-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(B) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION
& TRANSFER RULES 1989).

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

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

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

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

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

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

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)

TESTED

~~RECEIVED~~

WFO442-2023 AZIZULAH VS GOVT CP P043

Assistant Director (Ex-1)
Ministry of Secondary Education
Khyber Pakhtunkhwa

- 1. To Director Local Directorate
- 2. Master Copy

Copy of the above is to:-
Encl: No.

20/11/2023
Assistant Director (Ex-1)
Ministry of Secondary Education
Khyber Pakhtunkhwa

The case is submitted for perusal and necessary action please.

Departmental Promotion Committee. provided they fulfill their written refusal prior to conclusion of the meeting of Teachers below 175. It may be exempted of implications of the amendment in the rules bid 175) have affected negatively a large number of female Teachers. This is proposed that in view of the above, this office is of considered opinion that the decision of Rules been asked for submission of operational case.

- Chairman/Secretary, Additional Secretary, Establishment at his office has that in the light of the minutes of meeting dated 6-07-2023 held under the (Primary-1) E&SED/2-Appointment/2023 dated 12-06-2023.
- The same was received by this office from your good office vide letter No. SO that servant to accept promotion under every condition.
- Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stand that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No. SO (Primary-1) E&SED/2-Appointment/2023 for necessary guidance.
- The joint office forwarded the same to the quarter concerned vide letter promotion.
- (ii) It is the obligation of the civil servant to either accept or turn down the offer of promotion.
- (i) Now it is obligatory upon the civil servant to accept promotion in every condition No. 5987 dated 06-02-2023.
- That this office sought guidance from your good office in the following words vide letter wide notification No. SO-1 (E&AD)/1-2/2020 dated 06-08-2020.
- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 71) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989)

I am directed to refer to the letter No. SO (Primary-1) E&SED/2-1/ Appointment of the (Primary) 175/2023 dated 18-07-2023 on the subject cited above and to present brief history of the case as under:

MINUTES OF THE MEETING

The Session Officer (Primary-I) (Ida),
Ministry of Secondary Education Department,
Khyber Pakhtunkhwa Peshawar.

Dear Sir,



No. 8145

Khyber Pakhtunkhwa Peshawar
Date: 21/11/2023
Email: eishahmir@pki.gov.pk

-21-
-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/6/124/
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 1981) vide notification No. No. SDR-VI (EQAD) 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 06-07-2023.
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/humdown the offer of promotion.
- That your good office forwarded the same to quanta 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) EQAD/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 Paktunkhwa.

~~ATTESTED~~



-22-
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT, PESHAWAR
(Phone No.091-8223587)

No. SO(Policy-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 05th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father or mother-in-law who need care. In such cases, there are negative effects on service delivery.

3. In view of the above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.


(MUHAMMAD ISMAIL)
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 CamScanner

WP4442-2023 AZIZULLAH VS GOVT CP PG43


ATTESTED

RECEIVED

1. Division E & SE Khyber Pakhtunkhwa.
2. PS to Secretary, E & SE Department Khyber Pakhtunkhwa.
Copy forwarded to:
(Muzammad Ishaq)
Section Officer (Primary)
(Male)

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.

9 am directed to refer to your letter No. SO (Primary) (P.222) /E & AD dated 04/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 2013.

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

The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department, Peshawar.
No. SO (Primary-M) E&SE D /a. 21 / Appointment - Rule / 2023
Peshawar Dated 12th August, 2023

-8/c-

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 RULE 7(S) 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/Appoinment-Rule/2023 dated 21.08.2023 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.

ATTESTED

WP-6413-2023 AZIZULLAH VS GOVT OF PK

-24-

-25-

- 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(S) 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.

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 (Appointmerit, 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 22/02/2024

ASHTAQ MUHAMMAD
SID GHULAM MUHAMMAD
 P&HT

APPROVED

~~ARRESTED~~

WP4442-2023 AZIZULHAQ VS GOVT OF PG43

Handwritten signature and date: 20/11/23

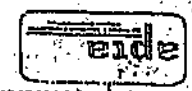
Handwritten text in Malayalam script, appearing to be a legal notice or affidavit.

Handwritten signature and date: 20/11/23

Annexure - H

Handwritten text in Malayalam script.

APFA Housat
Govt. Primary School, Narkel
Gubbahar, Ponnur, Chit.



Ambar, Palakkad

APFA Housat
Govt. Primary School, Narkel
Gubbahar, Ponnur, Chit.

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/arguments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/arguments as well as preliminary hearing on 10.06.2024 before S.D. 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]
13/5/24

Date of Presentation of Application 10-6-24
 Number of 1
 Copies 1
 Uperan 1
 Total 1
 Name of 13-6-24
 Date of 12-6-24
 Date of receipt of copy 12-6-24

CS CamScanner

[Handwritten signature]
ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ASHFAQ MUHAMMAD
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

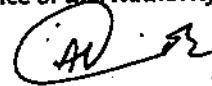
BASSAM AHMAD SIDDIQUI AHC

&

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