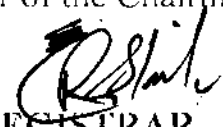


# FORM OF ORDER SHEET

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

**Appeal No.** \_\_\_\_\_

1468 / 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 5-1968/2024

SALAR KHAN

V/S

Government of KP & others

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3.	Copy of Monthly Salary account	A.	6-8
4.	Copy of notification No. SD-(Policy) EV AD/1-3/2020 dated 06/08/2020	B.	9-10
5.	Copy of Impugned Letter dated June 06th, 2023	C.	11-12
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	13-16
7.	Copy of Letter dated 23-08-2023	E.	17-18
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9.	Copy of Representation against the said notification and representation made by APTA President	G & H	21, 22 23
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ADVOCATE  
M. Musazam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 1968 /2024

Salar Khan son of Akbar Shah, PSHT (BPS-15)

Satkatir, PO Gabasni, Tehsil Topi, district Swabi

.....Appellant

**VERSUS**

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

.....Respondents

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

**P R A Y E R:**

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

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

**RESPECTFULLY SHEWETH:**

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

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No: SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June, 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or 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 set-aside.

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

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

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

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

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

*[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

-5-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_ -P of 2024

In Ref to

Service Appeal No \_\_\_\_\_ 2024

Salar Khan

**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 IIs. 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.

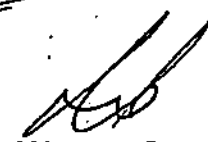
**AFFIDAVIT**


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.

  
Deponent

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

Dist. Govt. NWFP-Provincial  
District Accounts Office Swabi  
Monthly Salary Statement (April-2024)



Personal Information of Mr SALAR KHAN d/w/a of AKBAR KHAN

Personal Number: 00283396 CNIC: 1620208451977  
Date of Birth: 03.02.1977 Entry into Govt. Service: 27.10.2004

NTN:  
Length of Service: 19 Years 06 Months 005 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACHER 8000431-DISTRICT GOVERNMENT KHYBE  
DDO Code: SU6236-Government Primary Schools (Male) Topi, Swabi  
Payroll Section: 003 CBP Section: 001 Cash Center: -05  
GPF A/C No: 283396 Interest Applied: Yes GPF Balance: 612,748.00

Vendor Number: -  
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 13

Wage type	Amount	Wage type	Amount
0001 Bank Pay	49,660.00	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	1351 Spd Conveyance to Dkable	6,000.00
1923 UAA-OTHER 20% (1-15)	1,000.00	2148 15% Adhoc Relief All-2023	475.00
2199 Adhoc Relief Allow @10%	356.00	2316 Teaching Allowance 2021	3,224.00
2341 Dist. Red All 15% 2022KP	4,383.00	2347 Adhoc Rel All 15% 22(PS17)	4,383.00
2378 Adhoc Relief All 2023 33%	15,802.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-1,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-806.00	3990 Pro. 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: 12,340.65 Recovered till April-2024: 7,645.00 Exempted: 3084.67 Recoverable: 1,610.98

(Gross Pay (Rs.): 93,201.00 Deductions: (Rs.): -7,031.00 Net Pay: (Rs.): 86,170.00

Payee Name: SALAR KHAN  
Account Number: 1132-3  
Bank Details: MCB BANK LIMITED, 240301 TOPI TOPI.

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: City: SWABI District: NW - Khyber Pakhtunkhwa Housing Stamp: No Official  
Temp. Address: City: Email:

(232429/27.04.2024/17: 11: 10) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

**ATTACHED**

CS CamScanner



**OFFICE OF THE EXECUTIVE DIRECTOR OFFICERS/SCHOOLS & LITERACY/SWABI  
APPOINTMENT OF PST (MALE)  
OFFICE ORDER**

Consequent upon the approval of the competent authority, the following Male candidates are hereby appointed as PST in 11/13-07 (10s, 2220-120-5820) plus usual allowances as admissible under the rules on regular/contract basis, school specific in the school noted against each in the best interest of public service with immediate effect.

**25% Open Merit**

Sr	Name	Father's Name	U/Council	Address	Score	Posted	Remarks
1	Mohammed Zaki	Khair Khan	Jalal	Jalal	44.57	GPS-1 Jalal	AVP/Contract
2	Ramiz Ishaq	Yusuf Khan	Sw. Mansori	Sw. Mansori	43.68	GPS Naveen Shah Kora	AVP/Contract
3	Salil Ahmad	Chaudhary Ayaz	Lahore-E	Lahore	43.63	GPS Wahi Ahmad	AVP/Contract
4	Aurang Zaf	Hayat Khan	Paraj Pir	Kab	43.94	GPS A.Malik, Kohy	AVP/Contract
5	M. Raees Khan	Qazi Muhammad	Orakzai	M. Chai	41.74	GPS-1 Chama	AVP/Contract
6	Uzair Hussain	Mohammad	KSK	KSK	41.57	GPS Javed Akbar KSK	AVP/Contract
7	M. Poyyar	Alam Ijaz	Kabul	Kabul	41.44	GPS-2 Irp	AVP/Contract
8	Khalid Ali	Khalid Sahi	Baloch	Wazirabad	41.47	GPS Mohd. Hameed Dog	AVP/Contract
9	Abdul Khan	Fazal Akbar	Tarakai	Tarakai	41.39	GPS Man Fida	AVP/Contract
10	Faisal Rahman	Bashir Shah	Mandi	Mandi	41.37	GPS-1 Taro	AVP/Contract
11	Raza Ullah	Shahbaz Khan	Paraj Pir	Paraj Pir	41.13	GPS Shuja	AVP/Contract
12	Majid Ullah	Hayat Khan	Jalal	Jalal	40.77	GPS-1 Jalal	AVP/Contract
13	A. Zameer Khan	Zameer Khan	Orakzai	M. Chai	40.17	GPS Kohjeri	AVP/Contract
14	Qasim Ahmad	Shah Anwar	Kabul Khan	Kabul Khan	39.17	GPS Sher Dil Kohy	AVP/Regular
15	Amjad Ijaz	Sayed Muhammad	Sudki Khan	Sudki Khan	39.12	GPS-2 Swabi	AVP/Contract
16	Mohammed Ali	Khalid Qureshi	Tarakai	Tarakai	39.7	GPS. Babak	AVP/Contract
17	Mohammed Ali	Amjad Ijaz	KSK	KSK	39.48	GPS-2 Swabi	AVP/Contract
18	Mohammed Ali	Latif Khan	Baloch	N. Suddi	39.74	GPS Ghani Akbar (Jari)	AVP/Contract
19	M. Uzair	Bashir Ullah	K/Khan	K/Khan	39.26	GPS, Naray	AVP/Contract
20	Tariq Ali	Muhammad Qazi	Shewa	Shewa	39.20	GPS-Necha Banda (B.L.)	AVP/Contract
21	Sher Khan	Ahmad Khan	Ghazni	Sudkhar	39.23	GPS Sher Shah Herad	AVP/Contract
22	Anwar Ali	Muhammad	Mandi	Mandi	39.3	GPS-1 Khajura	AVP/Contract
23	Zahir Ali	Jalil Zada	Feroz	Chudman	39.2	GPS-2 Sher Darya	AVP/Contract
24	Hussain Khan	Muhammad Ghazan	Jalal	Jalal	38.7	GPS Jalal Shamsi	AVP/Contract
25	Waqar Ahmad	Fazil Wahid	Islamia	Islamia	38.88	GPS Dehar Akbar	AVP/Contract
26	Imad Rehman	Imad Aman	Hankhal	Dandkhal	38.67	GPS-1 Hankhal	AVP/Contract
27	Ajib Khan	Barkat Khan	Feroz	Feroz	38.66	GPS Khana	AVP/Contract
28	Muhammad Anis	M. Amir	Feroz	Feroz	38.83	GPS Khali	AVP/Contract
29	Muhammad Siddiq	Muhammad Khan	Zaradi	Zaradi	38.76	GPS Balakana	AVP/Contract
30	Ali Jahan	Jamshaid	Lahore-W	Lahore	38.72	GPS Second Diga	AVP/Regular
31	Noor Wajid	Abdul Ghaffar	Jalal	Jalal	38.71	GPS Shamsi Jalal	AVP/Contract
32	Muhammad Ali Raza	M. Anwar	Dobson	Dobson	38.50	GPS Shabbir Dehara	AVP/Contract
33	Fiza Muhammad	Noor Muhammad	Ghazni	M. Chai	38.09	GPS Qasim Akbar Mandi	AVP/Contract
34	Raza Khan	Haid Nadeem Khan	Sudkhar	Sudkhar	38.01	GPS-2 Khajura	AVP/Contract
35	Ramiz Zaki	Wahid Zada	Ghazni	Ghazni	38.4	GPS Said Bahawal Ban	AVP/Contract
36	Hussain Ullah	Sher Akbar	Sultan Khan	Sultan Khan	38.12	GPS Sher Dil Kohy	AVP/Contract
37	Muhammad Ahmad	Fazil Ijaz	Ambar	Sh. Dhar	38.48	GPS-1 Ambar	AVP/Contract
38	Mir Hussain	Rahim Zada	Yaqubi	Sai Banda	38.42	GPS, Nara Isfend	AVP/Contract
39	Zar Muhammad	Muhammad Khan	Jalal	Jalal	38.25	GPS-Ali Dhar	AVP/Contract
40	Omar Zaman	Muhammad Khan	Ghazni	M. Chai	38.24	GPS-Galla	AVP/Contract
41	Hussain Khan	Fazil Muhammad	Jalal	Jalal	38.18	GPS-6 Jalal	AVP/Contract
42	Amjad Ali	Yusuf Ghazni	Yaqubi	Jagranath	38.17	GPS-1 Tondar	AVP/Contract
43	M. Bilal	Barkat Khan	Balakara	Balakara	37.85	GPS, Hanji	AVP/Contract
44	Muhammad Rehman	Haid Afzal	Kurki	Kurki	37.9	GPS-4 Kurki	AVP/Contract
45	Khalid Ali	Yusuf Khan	C. Noddi	Ahmad Khan	37.83	GPS Ahmad Kot	AVP/Contract
46	Imran Ullah	Fazil Ijaz	Thandkhal	Thandkhal	37.83	GPS, W. Har. K. Korum	AVP/Contract
47	S. Khawar Ali	S. Khawar Ghazan	KSK	KSK	37.82	GPS Sher Ali Banda	AVP/Contract
48	Yasir Ali	Hussain Muhammad	Feroz	Feroz	37.81	GPS Anwar Shalif	AVP/Contract
49	Imdad Ahmad	Sher Khan	Adna	Adna	37.71	GPS Qasim Ghazni (B)	AVP/Contract
50	Ali Akbar Khan	Qasim Khan	Ghazni	Ghazni	37.7	GPS, Herak	AVP/Contract
51	Noor Ijaz	Muhammad Din	Lahore-W	Lahore	37.67	GPS, Lahore Puri	AVP/Contract
52	Fazil Ijaz	Fazil Akbar	Adna	Adna	37.56	GPS Ghazni Akbar	AVP/Contract
53	Fazil Malik	Fazil Ghazni	Sw. Mansori	Sw. Mansori	37.46	GPS Naveen Shah Kora	AVP/Contract
54	Muhammad Nur	Muhammad Ghazan	Kabul	Kabul	37.45	GPS Nara Khori Lar	AVP/Contract
55	Arshad Ali	Muhammad Tariq	K/Khan	K/Khan	37.43	GPS-1 Bhandhal	AVP/Contract
56	Qazi Ayaz Shah	Nazar Khan	Chandkhal	Uta	37.49	GPS-1 Fakhri	AVP/Contract
57	Shahid Ijaz	Sher Anwar	Sultan Khan	Sultan Khan	37.47	GPS small Akbar Dera	AVP/Contract
58	Shahbaz Khan	Sher Khan	Ghazni	Dera	37.49	GPS Fakhri	AVP/Contract
59	Ramiz Khan	Qazi Raza Khan	Sultan Khan	Sultan Khan	37.43	GPS Raza Khan KSK	AVP/Contract
60	Raza Khan	Muhammad	Ghazni	Ghazni	37.41	GPS, Swabi (Mansori B)	AVP/Contract
61	Muhammad Reza	M. Ijaz	Lahore-E	Lahore	37.31	GPS, Sahi	AVP/Contract
62	Shahid Ijaz	Abdul Qadir	Yaqubi	Shahid Kuli	37.28	GPS, Uchi Khawar	AVP/Contract
63	Hussain	Sayeed Qasim	Tondar	Tondar	37.28	GPS-2, Tondar	AVP/Contract

دفعہ 1/13-07

**ATTACHED**

**Terms & Conditions:**

1. These appointments are purely temporary and liable to termination without assigning any reason and without any prior notice.
2. They will have to produce Health & Age certificate from the Medical Superintendent DHO Hospital Swabi before taking over charge.
3. In case of fresh candidates they should not be handed over charge if their age is below 18 or above 33+3 years.
4. They must take over charge of the post within 14 days of the terms of the order failing which the appointment order will automatically stand cancelled.
5. All the original academic/professional certificates/degrees should be verified from the concerned Board/University through the DDO concerned officially. If any discrepancy is found at any stage, a legal action will be taken against the person concerned under the rules.
6. Release of pay will be subject to the production of a certificate from the concerned Deputy District Officer (Male) Swabi/Lahor regarding the verification of all certificates, Degrees, Domicile, Union Council residence certificate & National Identity Card on the following pattern: "Certified that I have officially verified all the original documents from the concerned authorities in respect of Mr. \_\_\_\_\_ S/O \_\_\_\_\_ and found correct who has been appointed against PST post at GPS \_\_\_\_\_".
7. After completion of verification process and subject to the provision of O.K. certificate required in para-6 above, a proper order will be issued by this office for release of their pay against the post occupied by them.
8. In case of resignation, a one month prior notice will be required under the rules. Otherwise one month pay will be forfeited to the Government Treasury. After tendering resignation, acceptance of the resignation will be at the discretion of the competent authority and no leave will be allowed during this period.
9. All fresh candidates will have to sign an agreement with the concerned Deputy District Officer on a stamp paper of at least of Rs. 10/- that they will carry:-
  - a) Schools & Literacy Department Swabi as a PST teacher on contract basis in the School of initial appointment for a period of three years
  - b) Their services will automatically be terminated on completion of three years (starting from the date of taking over charge), until an extension is notified by the competent authority, subject to the production of satisfied annual performance report for the period served.
  - c) Any clause of this contract can not be challenged in any court of law.
10. All regular candidates (coming from other government Departments as regular employees), will have to produce their original initial appointment order along with original Service Book & LPC (duly countersigned by the District Accounts Officer/Agency Accounts Officer concerned) failing which they will be treated as fresh contract employees and clause 3 & 9 above will be applied to them.
11. In case any one of the above appointees desists of receiving charge due to non-availability of a vacant post (in the school indicated against his name) anywhere in the above mentioned schools, the services of junior most on merit in the relevant category will automatically be stood as dispensed with.
12. They will be governed by the service rules framed by the Govt. from time to time.
13. In case of fresh appointees their services are un-transferable. As such they will not try/apply for transfer to any other station in any circumstances.
14. No TA/DA is allowed to any one.
15. Charge report should be submitted to all concerned.
16. EMIS Personal data form of all the fresh appointees teachers must be sent to the undersigned already circulated to the schools/DDO's office.

(KHAN SEIER)  
 EXECUTIVE DISTRICT OFFICER  
 SCHOOLS & LITERACY, SWABI.

Dated Swabi the October 20, 2004

Indst. No. 0291-G /

Copy of the above is forwarded for information and n/a to the:

1. PS to the Minister Schools & Literacy, Government of NWFP, Peshawar.
2. PA to Secretary Schools & Literacy Department, Government of NWFP, Peshawar.
3. PA to the Director Schools & Literacy, NWFP, Peshawar.
4. District Nazim, Swabi.
5. District Coordination Officer, Swabi.
6. Deputy District Officer (Male) Swabi/Lahor.
7. District Accounts Officer, Swabi.
8. Candidates Concerned.

*(Signature)*  
 EXECUTIVE DISTRICT OFFICER  
 SCHOOLS & LITERACY, SWABI

*Imtiaz/Gid*  
 لیتھی لیسٹ

**ATTESTED**

Annexure - i - B

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

**NOTIFICATION**

Dated Peshawar, the 06/18/2020

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

COPIES 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.
- The Deputy Director (IT), E&A Department.  
All Section Officers in Establishment & Administration Department.  
The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.  
The Caretaker, Administration Department.



*(Signature)*  
(WALIDAH LATIF)  
DEPUTY SECRETARY (POLICY)

ATTESTED

Attested  
ATTESTED

-10-

**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

WFO4447/2023 AZIZULHAKIM VS GOVT OF PERAK

Handwritten notes and stamps at the top of the page.

Signature and name of the Officer (Policy).  
Your Sincerely,  
Officer (Policy)

Copy forwarded to the...  
1. To Special Entry (Legal Subdivision) Department.  
2. To Additional Secretary (Legal), Ministry of Development.  
3. To Deputy Secretary (Legal), Civil Service Department.

Further, these Officers/Officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be held liable for disciplinary action. It is obligatory upon every official to accept promotion to every position.  
The basic rationale behind the deferral of the bill rule is to prevent a general upward trend in case of promotion. Therefore, it is obligatory upon every official to accept promotion to every position.  
The basic rationale behind the deferral of the bill rule is to prevent a general upward trend in case of promotion. Therefore, it is obligatory upon every official to accept promotion to every position.  
The basic rationale behind the deferral of the bill rule is to prevent a general upward trend in case of promotion. Therefore, it is obligatory upon every official to accept promotion to every position.

Subject: QUARANTINE, ISOLATION, OR TREATMENT OF INDIVIDUALS IN THE STATE OF PERAK, MALAYSIA.

To: The Secretary of the Legal Subdivision,  
Ministry of Development, Perak.  
No. 509 (Legal) (AM) 12020  
Dated: 14th June 2023



GOVERNMENT OF PERAK  
KUALA LUMPUR

Amex - C

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

PLRO (Primary) MYE&SED/2-6/2023  
Dated Peshawar (tho. June 26<sup>th</sup> 2023)

To

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

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

26/6/23

**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 (E&S) E&SE Department in his office.

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(SECTION OFFICER (PRIMARY MALE))  
26/6/23

~~ATTESTED~~

-12-

B/c

No SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 25<sup>th</sup> 2023

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALI)

Copy forwarded to this:

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. Razaqul 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. Razaqul Ullah)  
General Secretary, APTA  
Peshawar

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

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

~~ATTACHED~~



-14-  
-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 1999).

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

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

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

(AbdulJah)  
Additional Secretary (Establishment)

ATTESTED

~~ATTACHED~~

WAPAK-2013 AZIZULLAH VS GOVT OF POK

Elmberly & Secondary Education  
Khyber Pakhtunkhwa  
Rahmad Director

2. Master Copy  
1. Pt to Director Local Directorate  
Copy of the case to:

The case is submitted for perusal and necessary action please

In view of the above, the office is of considered opinion that the decision of Rules 7(S) have effected negatively a huge members of female teachers.

That in light of the minutes of the meeting dated 6-07-2013 held under the Chairmanship of Hon. Additional Secretary Education at his office. This office has been asked for submission of considered case.

That the government of KP-ED (Registration Wing) vide letter No. SO (Reg) E&ED/1-2/2013 dated 6-06-2013 categorically stated that there shall no provision to declare (reg) provision. It is obligatory upon every civil servant to accept provision under every condition.

That your good office forwarded the case to quarters concerned vide letter No. SO (Reg) E&ED/2-2/1/1/2013 for necessary guidance.

offer of promotion  
(U)B-13 prescriptive of civil servant do other except/thereafter the (U)B-13 is obligatory upon civil servant to accept promotion.

That the office sought guidance from your good office in the following wide notification No. SO (Reg) E&ED/1-3/1/2013 dated 06-08-2013.

That Government of KP established department (Registration Wing) dated vide 7(S) in Civil Servant (Appointment) Rules, 1973 (S.O. 100) present brief history about background of case as under:

Minister of meeting 13/7/2013 dated 10-7-2013 on subject cited above and to Dear Sir, I am directed to refer to letter No. SO (Reg) E&ED/1-5/1/6/2013

Suggested Minutes of Meeting  
KPK, Registrar  
Elmberly & Secondary Education Department

Section Officer (Primary Male)  
Elmberly & Secondary Education Department  
KPK  
(21-7-2013)

Directorate of Elmberly & Secondary Education, KPK  
F-2501710

-B/C-

-1-

**ATTESTED**

WS-44-02-2023 AZIZULLAH VS GOVT CP PGC

Azizullah Director (Exhibit-1)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa

Azizullah Director (Exhibit 41-7)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa  
21/7/2023

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

Copy of the above is in  
Encl: No.

The file is submitted for perusal and necessary actions please.

The file is submitted for perusal and necessary actions please.

Departmental Resolution Committee provided they might their written report to conduct of the meeting of Teachers below. It may be conveyed to the members of the committee that 7(3) have offered regularly a large number of female teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the decision of HOD may be accepted for the establishment of consolidated case.

Commitment of the additional secretary, Establishment of this office has that in the light of the minutes of meeting dated 6-07-2023 held under the (Primary-4) E&SD/1-1/prop/2023 dated 13-06-2023.

The same was received by this office from your good office with letter No.50 (W) dated 10-06-2023 dated 6-06-2023 categorically stated that there is no provision in decline or forgo provision. It is obligatory upon every teacher to accept provision under every condition.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) E&SD/1-1/prop/2023 for necessary guidance.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) E&SD/1-1/prop/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case or under

I am directed to refer to the letter No.50(Primary-4)E&SD/1-1/prop/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case or under

(i) Now it is obligatory upon the civil servant to accept provision in every condition. It is not obligatory of the civil servant to either accept or turn down the offer of provision.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) E&SD/1-1/prop/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case or under

That this office has been in guidance from your good office in the following words with letter No.50 (W) dated 10-06-2023 dated 6-06-2023 categorically stated that there is no provision in decline or forgo provision. It is obligatory upon every teacher to accept provision under every condition.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) E&SD/1-1/prop/2023 for necessary guidance.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) E&SD/1-1/prop/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case or under

The Station Officer (Primary-4) Khyber Pakhtunkhwa Establishment Department

MINUTES OF THE MEETING

Subject -  
Dear Sir,



No. 8145

Phone: 091-12344 Email: establishment1@gmail.com

Khyber Pakhtunkhwa Establishment Department  
Office - 23/7/2023



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8221587)

No. SO/Primary-M/EBSED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> 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)/ EBAD/ 1-3/2020 dated  
05<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil  
Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those  
officers/ officials who do not comply with promotion order of the competent authority or  
try to evade promotion through different means shall be proceed under Khyber  
Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

  
(MUHAMMAD USMAN)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
28/8/23

Scanned with CopyScanner

 ATTESTED

ATTESTED

(Munimud Talab)  
Section Officer (Army)  
Muz

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

Copy forwarded to:  
In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.  
Mother-in-law who need care in such cases there are negative effects on service delivery.  
Most of them are married with kids and older father of in the remotest stations while they have to perform duties face serious inconvenience who avail such promotion have to teachers of primary level in some cases lady 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 older 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.

I am directed to refer to your letter No. S/Army (P&A)/E&AD/1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(S) Kyber Paktunkhwa (KPK) Service (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with provision order of the competent authority or try to evade promotion through different means shall be proceed under Kyber-Paktunkhwa (KPK) Service (Efficiency and Discipline) Rules 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 older father of Mother-in-law who need care in such cases there are negative effects on service delivery.  
In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

Dear Sir,  
G-1 Service (Appointment, Promotion & Transfer Rules 1989)  
SUBJECT: Guidance regarding deletion of Rule 7(S) in the

Establishment and Administration Department, Peshawar.  
The Secretary to Government of Kyber Paktunkhwa  
No. S/Army-M(E&S)/8-4/  
Appointment - Rule/2023  
Reference Dated: 12th August 2023

-8/-  
-8/-

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(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)

Encl. 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.

ATTACHED  
MUNICIPALITY AZIZULLAH VS GOVT OF PAKISTAN

19

-20-

-B/C-

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

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Primary & 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)

Ends Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

~~ATTACHED~~

-21-

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&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

Dated 20/03/2024



SALIM KHAN  
SID AKBAR SHAH  
PSHT





آل پرائمری ٹیچرز ایسوسی ایشن (اچا) خیبر پختونخوا

Annexure - H

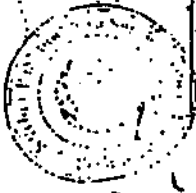
مہربان: جنرل ہائپر مارکیٹنگ کمپنی کے چیئرمین اور  
ممبر آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
مہربان

گھڑی ہے کہ پرموٹو ہونے سے ہی وہ کہہ سکتی ہے کہ وہ اس کی مثال دے گا۔ پرموٹو ایک ہارڈ ویئر ہے کہ وہ ایک ایسے  
 جیسے کہ ایک اور پرموٹو ہے تو وہ اس کا یہاں تک پرموٹو نہیں ہے۔ یہ سب کے سب ہیں اور اس کا پرموٹو نہیں ہے۔  
 یہ اس ہارڈ ویئر کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اگر ایک ہارڈ ویئر ہے تو اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے۔  
 یہ سب ایک ہی جگہ ہیں اور ایک ہی جگہ ہیں۔  
 اس کے ساتھ ساتھ یہ ہم پرموٹو ہونے سے کہہ سکتے ہیں کہ اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اس کا  
 ہارڈ ویئر ہے اور اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اس کا  
 ہارڈ ویئر ہے کہ اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اس کا  
 ہارڈ ویئر ہے کہ اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اس کا  
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 ہارڈ ویئر ہے کہ اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اس کے ساتھ ساتھ ایک ہارڈ ویئر ہے کہ اس کا

شکر ہے  
 مہربان خان سوہانی صدر  
 آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
 0333-77783

ATTESTED

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/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.O. 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

Date of Presentation of Application 10-6-23  
 Number of 5  
 Copying 5  
 Urgent 5  
 Total 5  
 Name of 18-6-23  
 Date of Delivery of copy 12-6-23

*[Handwritten signature]*  
**ATTESTED**

-24-

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**SALAR KHAN**

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