


# FORM OF ORDER SHEET

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

Appeal No. 1970 /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 = 1970/2024

MUHAMMAD HAYAT

V/S

Government of KP & others

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ADVOCATE

M. Muazzam Butt

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1970 /2024

Muhammad Hayat Son of Mehraban, PSHT  
GPS Doaba, Tehsil & District Hangu

.....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. 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 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.

*M. H. Pughat*  
Deponent

*M. H. Pughat*  
Appellant

Through

*Muhammad Muazzam Butt*  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Advocate High Court

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

In Ref to

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

**MUHAMMAD HAYAT  
VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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


**AFFIDAVIT:**


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

  
Deponent

Through

  
Appellant

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
OFFICE ORDER

Consequent upon the recommendation of recruitment committee of Schools & Literacy Department Hangu and further approved by the DCO Hangu, the following Male PST candidates are hereby appointed on contract basis in BPS-7 @ (2220-120-5820) with usual allowances as admissible under the rules with immediate effect & further posted in the Schools noted against their names subject to the terms and conditions as detail given below.

S.No.	Name	Father Name	Address	Merit.	Place of Posting	Remarks
1	Sahib Noor	Sultan Asghar	Turki Banda	59.80	GPS Shaukat Kahi	A.V.P.
2	Fazal Azim	Atta Mohd.	Karbhogha	57.48	GPS No.1 Karbhogha	A.V.P.
3	Saifullah	Awal Khan	Toghsarai	56.51	GPS Lavizi Banda	A.V.P.
4	Mohd:Jaz	Amanat Khan	Sarozai	55.72	GPS No.1 Sarozai	A.V.P.
5	Abdul Jalil	Sultan Mohd:	Mishri Banda	55.06	GPS Bagatoo	A.V.P.
6	Mohd:Shahced	Eid Akbar	Tamboli Banda	54.75	GPS Tambli Banda	A.V.P.
7	Mohd:Zahid	Mir Ayaz	Khazim Banda	54.59	GPS Khazim	A.V.P.
8	Fazal Wahid	Khiasta Gul	Sarozai	53.98	GPS No.2 Sarozai	A.V.P.
9	Farid Jan.	Sher Jang	Darshi	53.92	GPS Darshi	A.V.P.
10	Mohd:Zaman	Naik Bad Shah	Karbhogha	53.30	Already in Govt Service	Qari at GIS Fouawari
11	S.Jamil Hussain	S.Zainul Abudin	Pass Kaly	53	GPS Bahakar Gari	A.V.P.
12	Bakhtiar Mohd:	Fiaz Mohd:	Karbhogha	52.89	GPS Sharqi Karbhogha	A.V.P.
13	Saifullah	Fazal Gul	Gandri	52.83	GPS Khan Kot	A.V.P.
14	Khalil Rehman	Momin Khan	Dallan	52.56	GPS No.1 Dallan	A.V.P.
15	Mohd: Bilal	Mohd:Quraish	Toghsarai	51.81	GPS No.1 Toghsarai	A.V.P.
16	Noorud Din	Ghous Din	Karbhogha	51.69	GPS Shamaal Din	A.V.P.
17	Masud Haq	Shamsul Haq	Karbhogha	51.67	GPS Sharqi Karbhogha	A.V.P.
18	Masood Akbar	Noor Akbar	Azimi Banda	51.56	GPS Azimi Banda	A.V.P.
19	Shahabud Din	Nazar Ali	Dallan	51.35	GPS No.3 Dallan	A.V.P.
20	Shahidin	Shamsud Din	Sarozai	51.31	GPS No.2 Sarozai	A.V.P.
21	Shamsul Huda	Abdul Hakim	Karbhogha	51.05	GPS No.1 Karbhogha	A.V.P.
22	Roshan Ayaz	Mira Khan	Kahi	50.96	GPS No.1 Kahi	A.V.P.
23	S.Mohd:Irshad	Bahadar Zuman	Karbhogha	50.92	GPS No.2 Karbhogha	A.V.P.
24	M.Nisar Khan	Ghazi Mohd:	Chapri Waziran	50.85	GPS Dapa Thal	A.V.P.
25	Noor Zarin	M. Wazir	Darari Banda	50.76	GPS Darari Banda	A.V.P.
26	Ansar Hussain	Jafar Ghulam	Ganjah Kaly	50.57	GPS No.4 Hangu	A.V.P.
27	Pio Hanif	Sheraz Gul	Sarozai	50.29	GPS Doaba	A.V.P.
28	Surat Khan	Hakim Zar	Chapri Waziran	49.83	GPS Dapa Thal	A.V.P.
29	Miqdadullah	Zahoorullah	Bagatoo	49.55	GPS Bagatoo	A.V.P.
30	S.Mohd:Irshad	Mohd:Kamal	Darari Banda	49.53	GPS Darari Banda	A.V.P.
31	Wali Khan	Abdur Rehman	Dallan	49.26	GPS No.3 Dallan	A.V.P.
32	Saifullah Khan	Mushari	Adam Khel(Kach)	48.93	GPS Sarak Dana	A.V.P.
33	Mohd:Rahim	Mohd:Salim	Mianji Khel	48.90	GPS Maza Kola	A.V.P.
34	Rahimud Din	Miraj Ud Din	Dallan	48.81	GPS No.4 Dallan	A.V.P.
35	Shakirullah	Khalil Bat Khan	Naryab	48.47	GPS Shauwari Naryab	A.V.P.
36	Abdul Samud	Abdul Majid	Mianji Khel	48.20	GPS Sheikh Wali Koroma	A.V.P.
37	Jahnzeb	Fazal Manan	Azimi Banda	48.14	GPS Azimi Banda	A.V.P.
38	Mohd:Sher	Islam Gul	Sarozai	48	GPS Doaba	A.V.P.
39	Mohd:Hayat	Mehraizun	Sarozai	47.74	GPS Doaba	A.V.P.
40	Mohd:Jan	Hakim Khan	Dallan	47.73	GPS Shinki Banda	A.V.P.
41	Hazrat Hussain	Zar Mohd:	Doaba	47.68	GPS Doaba	A.V.P.
42	Shaukat Ali	Shah Sawar Ali	Lodi Khel	47.50	GPS Lodi Khel	A.V.P.
43	Attaur Rehman	Mehmood Khan	Dallan	47.39	GPS No.1 Dallan	A.V.P.
44	Muhammad Khan	Saifoor Khan	Molt: Saidan	47.3	GPS No.1 Hangu	A.V.P.

ATTESTED



45.	Muhammad Shah Keel	Muhammad Nabeel	Gandari waziran	47.21	Mehboob banda	AVP
UNION	COUNCIL WISE					
RAISAN						
46.	Sajid Ali	Ibrahim Khan	Lodhi Khel	45.89	GPS Lodhi Khel	A.V.P.
47.	Hameed Hussain	Mohd:Ali	Lodikhel	41.59	GPS No.5 Ibrahimzai.	A.V.P.
48.	Anwar Shah	Syed Wazir	Shahu Wam	41.29	GPS Shahuwam.	A.V.P.
49.	U/C Khan Bari.	Gharib Shah	Bahadar Garji	44.71	GPS Gulbagh	A.V.P.
50.	Zamatullah Mohd:Imran	Naqibullah	Bahadar Gari	44.70	GPS Bahadar Gari.	A.V.P.
51.	Shahab	Gulzar Mohd	Khan Bari	42.83	GPS No 1 Hangu.	A.V.P.
52.	DARBAND	Hunar Badshah	Darband	35.46	GPS Bado Talab	A.V.P.
53.	Mohd:Khalid	Abdul Mohd:	Sarozai	46.23	GMPS Qasim Abad Doaba.	A.V.P.
54.	Rafiqullah	Noora Jan	Sarozai.	46.16	GPS Doaba.	A.V.P.
55.	Jamshid Khan	Jumak Badshah	Doaba	44.97	GPS Doaba.	A.V.P.
56.	Shah Room	Kamin Gul	Doaba	44.35	GPS Doaba.	A.V.P.
57.	NARYAB	Fazal Manan	Sawan Banda	47.14	GPS Shanawari Naryab.	A.V.P.
58.	Habibur Rehman	Janat Khan	Naryab	46.51	GPS Shanawari Naryab	A.V.P.
59.	Mohd:Ilaf	Ahmad Shah	Sawan Banda	43.73	GPS Sawan Banda	A.V.P.
60.	Amir Mohd:	Fazal Rehman	Sawan Banda	42.02	GPS No.2 Zargiri	A.V.P.
61.	Kasib Rehman	Mutabar Khan	Marofi Banda	41.98	GPS Marofi Banda	A.V.P.
62.	Hassan Akbar	Meva Gul	Marofi Banda	37.19	GPS No.2 Sarazanka.	A.V.P.
63.	Mohd:Jasim	Pazal Rehman	Sawan Banda	33.56	GPS No.1 Zargiri	A.V.P.
64.	Azizur Rehman	Hibib Rehman	Marofi banda	33.20	GPS Zargiri-No.2	A.V.P.
65.	Atiqur Rehman	Qadir Khan	Chapri Naryab	29.07	GPS No.2 Chapri Naryab	A.V.P.
66.	Gul Nawaz					
67.	DALLAN	Jahajgir Khan	Gandiri	45.56	GPS Mehboob Banda	A.V.P.
68.	Umar Khan	Zali Shah	Gandiri	45.68	GPS Adam Banda	A.V.P.
69.	Wali Man Shah	Gul Nazir	Mianji Khel	45.33	GPS Adam Banda	A.V.P.
70.	Akhtar Gul					
71.	TOGHSARAI	Lal Din Shah	Turki Banda	44.88	GPS Mughal Abad	A.V.P.
72.	Aqal Badshah	Kamin Gul	Alwara Mela	38.63	GPS Alwara Mela	A.V.P.
73.	Qasim Gul	Saifoor Badshah	Asgharo Banda	36.69	GPS Tavizi Banda	A.V.P.
74.	Iran Badshah	Mohd:Karim	Katgath	35.21	GPS Katgath	A.V.P.
75.	Nasib Halim	Gul Rehman	Turki Banda	33.29	GPS No.1 Tangi Mianghn	A.V.P.
76.	Saifullah Khan	Mohd:Umar	Bilyantina	30.58	GPS Balyamina	A.V.P.
77.	Samiullah					
78.	DARSAMAND	Mohd:Yousaf	Jawaro Ghundi	38.01	GPS Jawaro Ghundi	A.V.P.
79.	Mehmood Khan	Adnan Khan	Jandi Darsamand	36.71	GPS No.2 Darsamand	A.V.P.
80.	Mohd:Walid	Ahmad Shah	Regi	32.42	GPS Regi Madi khel	A.V.P.
81.	Adil Shah	Khair Din	Jandi Darsamand	29.68	GPS No.2 Darsamand	A.V.P.
82.	Shajaud Din					
83.	MOHD:KHAWAJA	Noorab Khan	Mohd:Khawaja	36.87	GPS No.1 Mohd:Khawaja	A.V.P.
84.	Wali-Rehman					
85.	KACH	Adil Shah	Umar Abad	46.93	GPS Babu Tang.	A.V.P.
86.	Gul Shah	Said Umar	Karbogha	46.57	GPS Sharki Karbogha	A.V.P.
87.	KARBOGHA					
88.	Imranud Din					

**APPROVED**

82.	Mohd:Salim	Abdul Yasin	Karbogha	45.36	GPS Shariki-Karbogha	A.V.P.
83.	Mustauful Haq	Attul Haq	Karbogha	44.66	GPS Shahilyagan	A.V.P.
84.	Tariq Rahim	Abdul Ghafoor	Karbogha	41.84	GPS No.1 Karbogha	A.V.P.
85.	Khalid Rehman	Noor Ahmad Khan	Karbogha	37.89	GPS No.1 Karbogha	A.V.P.
86.	Nazim Gul	Iibar Gul	Karbogha	36.13	GPS Shamaal Din	A.V.P.
87.	Jalalud Din	Mir.Sala.Khan	Karbogha	31.05	GPS No.1 Karbogha	A.V.P.
88.	Salfur Rehman	Mir Sula Khan	Karbogha	29.07	GPS Shariki Karbogha	A.V.P.
	<b>THALL URBAN</b>					
89.	Mohd:Sadi	Mohd:Ibrahim	Thall	38.78	GPS No.1 Thall	A.V.P.
90.	Nusimud Din	Hikman ud Din	Thall	32.35	GPS No.3 Thall	A.V.P.
91.	Mohd:Iqbal	Spin Khan	Thall	32.32	GPS No.3 Thall	A.V.P.
	<b>KOTKI</b>					
92.	Dildar Mohd:	Sardar Mojud:	Bagatoo.	43.35	GPS Charbala	A.V.P.
93.	Mohd:Rais	Fazal Khan	Bagatoo.	43.12	GPS No.1 Kotki Pawan	A.V.P.
94.	Razaullah	Habib Gnanan	Lakhti Banda	42.47	GPS Haji Khel	A.V.P.
95.	Zahidan Badshah	Farhad Badshah	Chamba Gul	42.38	GPS No.1 Sarki Pialu	A.V.P.
96.	Arshad Iqbal	Hafizullah	Charbala	41.24	GPS Chapri Hangu.	A.V.P.
	<b>KAHI</b>					
97.	Munir Akbar	Ali Akbar	Azimi Banda	46.51	GPS Azimi Banda	A.V.P.
98.	Fazal Ghafor	Abdul Jabar	Bakaro	44.76	GPS Bakaro Kahi	A.V.P.
99.	Mohd:Yousaf	Aman Khan	Kahi	43.33	GPS No.2 Kahi	A.V.P.
100.	Arsala Khan	Hamid Khan	Kahi	43.05	GPS Pira Gul	A.V.P.
101.	Rahim Khan	Zarwar Khan	Turki	42.05	GPS Turki Kahi	A.V.P.
102.	Mohd:Nasir	Samar Khan	Khazina	37.81	GPS Khazina	A.V.P.
103.	Saeed Rehman	Gul Mardan	Kahi	36.54	GPS Tamboli	A.V.P.
104.	Asmatullah	Mohd:Khan	Kahi	36.42	GPS No.1 Kahi	A.V.P.
105.	Wahid Gul	Rehman Gul	Khazina	35.52	GPS Chani Kahi	A.V.P.
106.	Bismillah Khan	Hayat Khan	Kahi	33.16	GPS No.2 Kahi	A.V.P.
107.	Lal Bano Khan	Hayat Khan	Kahi	32.56	GPS No.1 Kahi	A.V.P.
	<b>GANJANO KALY</b>					
108.	Rashid Gul	Abdullah Jan	Sangirh	45.37	GPS No.3 Hangu	A.V.P.
109.	Haji Mohd:	Shafi Mohd:	Sangirh Hangu	42.64	GPS No.3 Hangu.	A.V.P.
	<b>THALL RURAL</b>					
110.	Zainullah	Rahim Khan	Chapri Waziran	46.72	GPS No.2 Thall	A.V.P.
111.	Mohd:Ayaz Khan	Arsala Khan	Chapri Waziran	45.99	GPS No.2 Thall	A.V.P.
112.	Qudrat Khan	Musali Khan	Khanan Banda	41.07	GPS Abasi Banda	A.V.P.
113.	Kamil Khan	Mohd:Rahim	Chapri Waziran	37.77	GPS Abasi Banda	A.V.P.
114.	Bahadar nawaz	Hajim Zar khan	Chapri Waziran	37.48	GPS Toot Kach	A.V.P.
115.	Mohd:Sahib Khan	Gul Shah Ahmad	Chapri Waziran	34.93	GPS Toot Kach	A.V.P.
	<b>REMAINING 10 VACANT POSTS The following candidates are selected on Merit from Open Merit List District Wise.</b>					
116.	Saifur Rehman	Atiqullah	Mirobak	46.	GPS Khaisari Banda	A.V.P.
117.	Khalid Wazir	Badshah wazir	Dallan	45.27	GPS No.1 Chapri Naryab	A.V.P.
118.	Jamshid Khan	Khan Wazir	Hangu	44.97	GPS Aziz Abd	A.V.P.
119.	Arshad Khan	Qimat Khan	Shinko Banda	44.57	GPS Sur Chappar	A.V.P.
120.	Lais Khan	Fateh Khan	Mianji Khel	44.19	GPS No.1 Chapri Naryab	A.V.P.
121.	Inayatullah	Sher jan	Dallan	43.97	GPS Chapri Naryab	A.V.P.
122.	Ghazi Rehman	Mir Mat Khan	Dallan	43.17	GPS Koto Mainz	A.V.P.
123.	Haider Gul	Sharif Gul	Dallan	43.11	GPS Koto Mainz	A.V.P.
124.	Tasawar Hussain	Iqbal Hussain	Pas Kaly	42.82	GPS Koto Mainz	A.V.P.
124	Sharifullah	Shad Sharif	Duaba		GPS No.1	A.V.P.

**ATTESTED**

126.	2% COTA DISABLE Mohsunullah	Bahadur Jang	Sarki Pindi	20.07	GPS Sarki Pindi No.1	A.V.P.
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### TERMS & CONDITIONS

1. Their appointment is made on contract basis in BPS-7 for three years which will be expected to continue on showing good performance/result and punctuality in attendance.
2. They will also execute an agreement bond on prescribed form provided by the Govt of NWFP for three years.
3. If any candidate is failed to resume his duty within stipulated period of fifteen days of the issue of this order of appointment, will be considered as cancelled.
4. If the age of any candidate is less than 18 years or above then 38 years their appointment will also be considered as cancelled.
5. Charge report should be submitted to all concerned in duplicate.
6. No TA/DA is allowed.
7. Their services are liable to termination at any time without reasons being assigned.
8. This appointment does not confer on them any right to claim seniority over their counter part or those who have higher marks & have not been appointed so far for one or other reasons.
9. Their appointment is subject to further conditions that they are domiciled of Hangu District.
10. They will be governed by such rules & regulations as may be prescribed by the Govt. from time to time for the category of the Govt. servants which they belong to.
11. Their pay will not be drawn by the concerned DDO till the processes of verification of their documents is completed.
12. The DDO is responsible for verification of their documents before handing/taking over charge & in case any of their documents proved fake, their appointment will be considered as cancelled without any right or privilege.

### 13. UNDERTAKING.

- I, \_\_\_\_\_ PST GPS \_\_\_\_\_ hereby give an undertaking to the effect that if any over sight/mistake/amendments in recruitment policy by the Govt. is made, I will have no objection on my termination & also will not submit any petition in the court.
14. Health & age certificate must be obtained from Medical Deptt. concerned.
  15. They should be on probation period of three years & will neither apply for long leave or seek admission in any college/university.

(HAZRAT KHAN)  
DISTRICT COORDINATION OFFICER  
DISTRICT HANGU.

Encls: No. 985-1117/PST (Date: Hangu, 11/11/04)

Copy forwarded for information & necessary action to the:-

1. Secretary Govt. NWFP Schools & Lit. Deptt. NWFP, Peshawar.
2. Director of Schools & Literacy, NWFP Peshawar.
3. District Coordination Officer Hangu.
4. District Nazim Hangu.
5. District Accounts Officer Hangu.
6. District officer (M) Edu: Local Office.
7. ADO Est./Ts (M/F) Local Office.
- 8-134. Candidates concerned.
- 135-250. School Concerned.

*M.A. Boga*  
EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY HANGU.

M. Stral Bangash

Dated: 7-4-04

ATTESTED



# Salary slip ( 00211389 Decem...

10



Dist. Govt. KP-Provincial  
District Accounts Office Hangu  
Monthly Salary Statement (December-2023)



Personal Information of Mr MUHAMMAD HAYAT d/w/s of MEHRABAN

Personnel Number: 00211389 CNIC: 1410143522089 NTN:  
Date of Birth: 08.08.1974 Entry into Govt. Service: 08.04.2004 Length of Service: 19 Years 08 Months 025 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80639884-DISTRICT GOVERNMENT KHYBE

DDO Code: HG6161-District Hangu

Payroll Section: 001

GPF Section: 001

Cash Center: 04

GPF A/C No: 211389

GPF Interest applied

GPF Balance: 707,837.00 (provisional)

Vendor Number: 30515442 - MUHAMMAD HAYAT

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 17

Wage type	Amount	Wage type	Amount
0001 Basic Pay	57,580.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2148 15% Adhoc Relief All-2013	635.00
2199 Adhoc Relief Allow @ 10%	433.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	5,011.00	2347 Adhoc. Rel All 15% 22(PS17)	5,012.00
2378 Adhoc Relief All 2023 35%	19,460.00		0.00

### Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	4,290.00	3501 Benevolent Fund	1,200.00
3609 Income Tax	924.00	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: 14,534.98 Recovered till DEC-2023: 5,359.00 Exempted: 3633.48 Recoverable: 5,542.50

Gross Pay (Rs.): 99,275.00 Deductions: (Rs.): 7,149.00 Net Pay: (Rs.): 92,126.00

Payee Name: MUHAMMAD HAYAT

Account Number: 22343 PLS

Bank Details: MCB BANK LIMITED, 240316 SAROZAI TEH HANGU DISTT, HANGU

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: SEROZAI HANGU

City: HANGU

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: muhammadhayat.mh-46@gmail.com

**ATTESTED**

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)**

**NOTIFICATION**

Dated Peshawar, the 06/8/2020

Sindhley E&AD/1-3/2020: In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

**AMENDMENT**

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

**LIST NO & EVEN DATE**

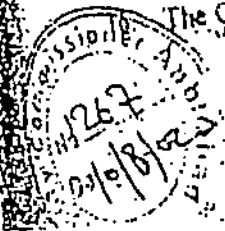
Copies forwarded to:-

1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar Peshawar High Court, Peshawar.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration Department.
15. The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

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

**ATTESTED**

**ATTESTED**



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

1. Additional Chief Secretary, Govt of Khyber Pakhtunkhwa. Planning & Development Department)
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration, Department.
15. The Section Officer (Admin), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)/E&AD/1-3/2020  
Dated Peshawar the June 06, 2023

62

To: The 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(Policy-MYR&HR/D1-  
2/Appointment/2023) dated 18.04.2023 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 06.08.2020; 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 illicit gain by sticking to a single lucrative 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.

ASE  
M-  
716

Handwritten signature/initials

Yours faithfully,  
(Issa Muhammad Khan)  
Section Officer (Policy)

Encl: Of even No & date  
Copy forwarded to:-

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.

Handwritten signature/initials

Section Officer (Policy)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9223507)

N.O (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the. June 26<sup>th</sup>, 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) 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



-18-  
B/c  
No SO (Primary-M)/B&SED/2-6/2023  
Dated Peshawar the June 25<sup>th</sup> 2023

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT CP PG43

~~ATTESTED~~

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 715 IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Annexure  
0


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

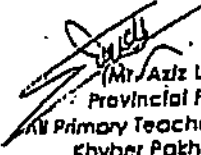
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

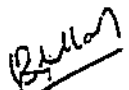
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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

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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

**ATTESTED**

- 17 -  
- B/C -

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

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

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

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

~~ATTESTED~~

**ATTESTED**

WP4442-2023 AZIZULAH VS GOVT OF POKS

Assistant Director (Etabat-1)  
Elementary & Secondary Education  
Kyber Pakhtunkhwa

Assistant Director (Etabat A-1)  
Elementary & Secondary Education  
Kyber Pakhtunkhwa  
21/7/2023

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

Copy of the above is as:-

The copy is submitted for perusal and necessary actions please.

Departmental Promotion Committee.  
Teachers below DPE-16 may be exempted of implications of the amendment in the rules. (75) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the deletion of Rules been asked for abolition of consolidated case.  
Chairman/Member of the Government of Kyber Pakhtunkhwa Establishment at his office, has that in the light of the minutes of meeting dated 6-07-2023 held under the (Primary-M) E&SED/2-Appointments/2023 dated 12-06-2023.  
The same was received by this office from your good office vide letter No.50 civil servant (to accept promotion under every condition.  
That there exists no provision in decline or forgo promotion. It is obligatory upon every Wing) vide letter No.50 (Policy) E&AD/1-2/2020 dated 6-06-2023 categorically stated that the Government of Kyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-M) E&SED/2-Appointments/2023 for necessary guidance.  
That your good office forwarded the same to the quarter concerned vide letter promotion.  
(i) Now it is obligatory upon the civil servant to accept promotion in every condition. (ii) It is the prerogative of the civil servant to either accept or turn down the offer of No.6987 dated 06-02-2023.  
That this office sought guidance from your good office in the following words vide letter vide notification No. SOR-VI (E&AD)/1-2/2020 dated 06-08-2020.  
That Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 75) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) that Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 75) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) present brief history of the meeting/PST7023 dated 10-07-2023 on the subject cited above and in G.A/Sec/Min/105 of the meeting/PST7023 dated 10-07-2023 on the subject cited above and in I am directed to refer to the letter No.50 (Primary-M) E&SED/2-1/2023 dated 10-07-2023 on the subject cited above and in present brief history of the case as under:

**MINUTES OF THE MEETING**

The Section Officer (Primary-Male),  
Elementary & Secondary Education Department,  
Kyber Pakhtunkhwa Follower.

Dear Sir,



No. 8145

Phone: 99223344

Email: estab1@haqimintd@pki.com

Kyber Pakhtunkhwa, Peshawar

- 9 -

- B/c -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

PESHAWAR.  
(21-7-2023)

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/General/  
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(E&AD)1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 5987 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/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have affected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary actions please.

- Copy of the above to;
1. PA to Director Local Directorate
  2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTED



- 20 -

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 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)/ E&AD/ 1-3/2020 dated 06<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 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 ComScanner

~~ATTESTED~~

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

Copy forwarded to:  
 (Muhammad Ishaq)  
 Section officer (Primary)  
 (Male)

the extent of lady teacher in primary schools.  
 In view of above, the said amendment may be reconsidered to effects on service delivery.  
 Mother-in-law who need care in such cases there are negative effects on service delivery.  
 Most of them are married with kids and elder father of  
 In the remotest stations with no residential/transport facilities.  
 face serious inconvenience while they have to perform duties  
 teacher of primary level who avail such promotion have to  
 In this connection it is submitted that in some cases lady  
 Civil servant (Efficiency and Discipline) Rule 2012.

different means shall be proceed under Khyber Pakhtunkhwa  
 of the competent authority or try to evade promotion through  
 those officers/officials who don't comply with promotion order  
 Promotion and Transfer Rules 1989) It has been intimated that  
 deletion of Rule 7(S) Khyber Pakhtunkhwa Civil servant (Appointment,  
 1-3/2020 dated 27 June 2023 and to state that after  
 9 am directed to refer to your letter No. SO (Primary) (E&AD)

Dear Sir,

Civil servant (Appointment, Promotion & Transfer Rules 1989)

SUBJECT: Guidance regarding deletion of Rule 7(S) in the

Reshuffle.

Establishment and Administration Department,

The Secretary to Government of Khyber Pakhtunkhwa.

To

Reshuffle Dated 23rd August, 2023.

Appointment - Rule/2023

No. SO (Primary - M) E&SE D/2023

-B/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(5) IN THE  
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,  
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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

WP442-2023 AZIZULAH VS GOVT OF PG#3

-22-



- 219 -

- B/c -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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

Section Officer (Policy)

WP4442-2023 AZIZULLAH VS GOVT CF PG43

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/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED**

Sir/ Madam:-

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

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

Dated 20/09/2024



*M Hayat*  
MUHAMMAD HAYAT  
SO MEHRABAN  
PSHT.

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



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

آل پرائمری ٹیچرز ایسوسی ایشن (ایٹا) خیبر پختونخوا

Annexure - A

مہربان: سیکرٹری دستری و سیکڑی ایجوکیشن خیبر پختونخوا  
مہربان: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
جناب مال

گزارش ہے کہ پروسٹیز ہر ادا سے میں ہوں کہ سرکاری ملازم کی خواہش ہوتی ہے پروسٹیز کا ایک قانون اور اگر قانون کے خلاف ایک اگر کسی  
بجائے تحت ایک دن پروسٹیز میں تو وہ ہر آٹھ ماہ سال تک پروسٹیز نہیں لے سکتے تھے مطلب پانچ سال تک ہر اس کی پروسٹیز نہیں ہو سکتی تھی  
پھر اس قانون میں ترمیمی دیا گیا پانچ سال دہائی ہوتی ہے مگر اگر ایک ملازم ایک سال پروسٹیز نہ لیں تو وہ دوسرے سال لے سکتا ہے  
لیکن اب ایک ہفتہ پہلے ایک اور نوٹیفکیشن آیا ہے

جس کے مطابق اب ہر ملازم پروسٹیز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ای ڈی کے مطابق کارروائی کر کے لایا گیا ہے  
حاصل یہ آئی نوٹیفکیشن بجائے انسانی حقوق کی کل خلاف دہائی ہے جسے کی دور رسال اور پھٹی علاقوں میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا  
سامنا کرنا پڑے گا

بکہ عام حالات میں بھی پروسٹیز پروسٹیز اور دوسرا بیجا انسانی حقوق کی خلاف ورزی ہے کیونکہ ٹیچرز پختونخوا میں بدستور سے قانونی دشمنی  
کیا ہوتی ہے ایسے حالات میں یہ یا نوٹیفکیشن جو EESSB کی کاغذی لیکر کی جواب میں کیا گیا ہے جو بدستور اور بجائے انسانی حقوق کی خلاف ہے  
اس کے خلاف قانونی کارروائی کا حق بھی محفوظ رکھتے ہیں

لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Retraction) دیا جائے اور ان کی  
دوسری پروسٹیز لینے کی بجائے ان کی مرضی سے لینے دیا جائے  
اور پروسٹیز لینے کی صورت میں باقاعدہ ہٹا لیا جائے لیکن یہ واپس لینے کی بجائے  
اس سلسلے میں آپ سید اذہر نام (DEOS) کی ای او ای ایک خصوصی سروس فراہم کیا جائے تاکہ احتیاج میں اپنی / تعلیمی پرائمری اساتذہ کو دینی  
البتہ اور ہر جگہ سے ہٹایا جائے

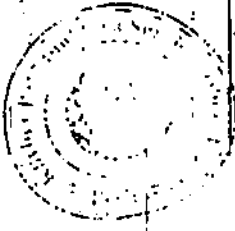
کیونکہ نوٹیفکیشن جاری ہونے ہی پرائمری اساتذہ کو ذاتی طور پر ہرج کر کے کا سلسلہ شروع ہو چکا ہے  
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کوئی ایکشن لیں جس سے ہر کے پرائمری اساتذہ خصوصاً تعلیمی پرائمری اساتذہ کو ان ذاتی البتہ سے ہمت دلائیں گے

شکریہ

میرزا اللہ خان سوہانی سردر  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

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.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

*[Handwritten signature]*  
13-5-24

Date of Presentation of Application 12-5-24  
 Number of 1  
 Copying 1  
 Urgent 1  
 Total 1  
 Name of 13-5-24  
 Date of 12-5-24  
 Date of Delivery of copy 12-5-24

~~ATTESTED~~

-27-

# WAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD HAYAT

Appellant

Versus

Government of KP & others

Respondents

**I (the Appellant)**

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

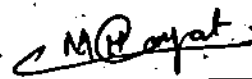
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

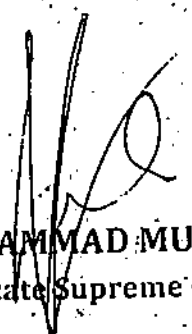
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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