


FORM OF ORDER SHEET

Court of _____

Appeal No. 1971 /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

C.M No _____ -P of 2024

In Ref to

Service Appeal No 1971 2024

Malik Yousaf Jan

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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ADVOCATE

M. Muazzam Butt

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1971 /2024

Mallik Yousaf Jan Son of Aseer Muhammad Resident of Ibrahim Khel, Gargari, Tehsil
Banda Daud Shah District Karak

.....Appellant

V E R S U S

- 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

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT 1974, AGAINST THE
IMPUGNED NOTIFICATION BEARING
NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020,
COMMUNICATED TO RESPONDENT NO. 2 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**

P R A Y E R:

**ON ACCEPTANCE OF INSTANT SERVICE APPEAL,
THE IMPUGNED NOTIFICATION BEARING NO: SO
(POLICY) E&AD/1-312020, DATED 06/08/2020,
COMMUNICATED TO RESPONDENT NO. 2 VIDE
LETTER D06/06/2023, 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 PSHT in the year 05-04-2004.
Copy of Monthly Salary account 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.
Copy of the relevant rules is annexed as **Annexure B**
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 KP 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 notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure C
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 D
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 E

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/AppointmentRule/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 F

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 G

10. That the Appellant with other employees filed Writ Petition No. 973-A/2013 and 1101-A/2023, through President APTA before the Honorable High Court Peshawar and obtained restraining order dated 14/09/2023 to cover the mandatory statutory period of time.

Copies of restraining order dated 14/09/2023 and Writ Petition No. 4442-P 2023 are annexed as Annexure "H & I"

11. 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 "J & K"

12. 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 1-2020 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 60/06/2023 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.

Dated:
Peshawar

Through

Affidavit: I, Yousaf Jan do hereby solemnly affirm & declare on Oath that the contents of the Appeal are true & correct and nothing is concealed from the Honorable Tribunal.

Respondent.

[Signature]

Appellant

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Azeel Butt
Advocate High Court

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

- 7 -

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____/2024

In

Service Appeal No _____/2024

Maik Yousaf Jan

V/S

Government of KP & others

APPLICATION FOR SUSPENSION OF IMPUGNED
NOTIFICATION SO. (POLICY)E&AD/1-3/2020 NO. DATED
06/08/2023 AND PROMOTION ORDER DATED 29/08/2023
TILL FINAL DISPOSAL OF MAIN SERVICE APPEAL.

Respectfully Sheweth:-

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 favour
3. There is likelihood of success of the appellant in the lis. The impugned notification dated 06/06/2023 is against Section 25 of KP Civil Servant Act, 1973 and promotion order dated 29/08/2023 of the appellant/applicant is also to be set-aside.
4. That valuable right of the appellant is involved.

In view of the above it is humbly prayed that notification No. SO(POLICY)E&Ad/1-3/2020, dated 06/06/2023 and promotion order dated 29/08/2023 to the extent of appellant/applicant may graciously be ordered to be suspended till final disposal of the main service appeal.

Dated:
Peshawar

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

AFFIDAVIT:

I Malik Yousaf Jan Son of Aseer Muhammad Resident of Ibrahim Khel, Gargari, Tehsil Banda Daud Shah. District Karak do hereby solemnly affirm and 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

~~ANTED~~

End NO: 56

1- ...
 2- ...
 3- ...
 4- ...
 5- ...
 6- ...
 7- ...
 8- ...
 9- ...
 10- ...

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY KARAK

-10-

APPOINTMENT

Consequent upon the recommendation of the District Recruitment/Selection Committee constituted by the Government of NWFP Schools and Literacy Department the following candidates are hereby appointed as PST (Primary School Teacher) on contract basis in BPS-7 (2220-120-6020) PM Fixed plus usual allowance as admissible under the rules on 25% Open Merit and 75% Union Council wise basis w.e.f. the date of their taking over charge on the terms and conditions mentioned below:

On the Decision of Peshawar High Court Posts=10

In Light of writ Petition No 1288 of 2002 before the Peshawar High Court (Postwar judgment was announced on 13-11-2003) and writ Petition No 449 of 2003 before the Peshawar High Court Peshawar judgment was announced on 12-01-2004

S.N	Name	Father's Name	Union Council	Address	Posted as	School where posted	Merit
1	Ashad Ashtar	Ashraf Gul	Karak North	Arak Karak	PST	GPS Karak	50.77
2	Mohd Haroon	Mohd Ayub	Jandery	Ahmad Khel	PST	GPS Jandery Union Khel	48.38
3	Ghulam Qadir	Abdul Habb	Karak North	Laki Ground	PST	GPS Zonaka	45.97
4	Khalid Amin	Gul Sheraf	Karak North	Karak	PST	GPS Wasb Kando Khel	45.37
5	Ashiq Ahmad	Ikhtil Jamal	Sabir Abad	Sabir Abad	PST	GPS Farkh Khel	45.35
6	Mohd Shoaib	Rashid Ullah	Jandery	Ahmad Khel	PST	GPS Shamshah No 2	42.8
7	Zia Ur Rehman	Hahmat Gul	Karak North	Laki Ground	PST	GPS Shagi Tan	39.73
8	Saddat Khan	Mohd Ayaz Khan	Manki Banda	Musrat Abad	PST	GPS Takhta Nasrab	49.42
9	Sher Azam Khan	Shah Nawaz Khan	Manki Banda	Chah banda	PST	GPS Showa Nasrab	31.93
10	Islam Nawaz	Gul Shah Ah Khan	T Nasrab	Lashu banda	PST	GPS Landohi	46.04

(OPEN MERIT 25%) Posts=32

S.N	Name	Father's Name	Union Council	Address	Posted as	School where posted	Merit
1	Amir Muhammad Khan	Abdul Manan	Sabir Abad	Sabir Abad	PST	GPS Nora Kala	65.61
2	Zahed Hanif	Amol Khan	Mkha Khel	Mkha Khel	PST	GPS Sarf Ab	63.75
3	Muhammad Hussain	Awad Hassan	Nari Paros	Dagar Nari	PST	GPS Totaki	63.73
4	Rahim Ullah	Mir Shah Jehan	Jhangran	Lakki Banda	PST	GPS Lughari	62.40
5	Abd Hussian	Gul Faraz	Karak South	Algaah Karak	PST	GPS Shabar Khel	62.07
6	Muhammad Iqbal	Iqbal Khan	Karak South	Tap Algaah	PST	GPS Dresh Khel	61.60
7	Zia Ullah Ali	Zar Janan	Jhangran	Manki Banda	PST	GPS Kurd Shahr	61.59
8	Fard Anwar	Khalid Zaman	Jandi	Ahmad Khel	PST	GPS Chahda Manza	61.23
9	Sad Ullah Khan	Yvazir Khan	Chokara	Dagar Wala	PST	GPS Arar banda	61.16
10	Sarath Ullah	Sad Nawaz Khan	Jhangran	Y G Khel	PST	GPS Pala Bang Khel	61.05
11	Zame Ullah	Gul Shafiq Khan	Karak South	Tap Algaah	PST	GPS Dresh Khel	61.04
12	Hafiz Akhbar Ahmad	Gul Paya	Jandi	Ahmad Khel	PST	GPS Sarf Khel	60.87
13	Amir Muhammad	Gul Zaf Khan	Karak South	Tap Algaah	PST	GPS Wasb Kando Khel	60.85
14	Sorad Ahmad	Sher Mulla Jan	T Nasrab	Zard Nasrab	PST	GPS Anar banda	60.84
15	Ashiq Rehman	Abubakar Khan	Jhangran	Mir Khawaz I	PST	GPS Daban Shakhun	60.41
16	Muhammad Saad	Lah Khan	Jhangran	Zari Wala	PST	GPS Kurd Payan	60.20
17	Nasir Alam	Hafiz Khan	Chokara	Ahmad Abad	PST	GPS Bergar	60.19
18	Zame Ullah	Fate Jang	Jhangran	Butan Banda	PST	GPS Maran Khel	60.15
19	Hafiz Ullah	Amir Muhammad	Jhangran	Mir Dak Band	PST	GPS Garbara	60.09
20	Ahmad Mujtaba					Separate appointment order issued on regular basis being regular employee	59.66
21	Hafiz Ullah	Muhammad Habi	T Nasrab	Dogara	PST	GPS Kashi Chura	59.53
22	Sana Ullah	Ahmad Ali Khan	Warana	Patohi	PST	GPS Sheca	59.51
23	Ahmed Nawaz	Sher Khan	Manki Banda	Lashu Banda	PST	GPS De-ang	59.37
24	Qamar Zaman	Sad Khan	Karak North	Renmat Abad	PST	GPS Kurd Payan	59.20



 ATTESTED

ALISTRIK

POD BARUKAH

Sl. No	Name	Father's Name	Indian Centre	Address	Postal as	Postage	Remarks
1	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	
2	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	
3	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	
4	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	
5	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	
6	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	
7	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	
8	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	
9	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	
10	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	55.96	

Sl. No	Name	Father's Name	Indian Centre	Address	Postal as	Postage	Remarks
1	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
2	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
3	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
4	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
5	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
6	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
7	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
8	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
9	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
10	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	

Sl. No	Name	Father's Name	Indian Centre	Address	Postal as	Postage	Remarks
1	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
2	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
3	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
4	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
5	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
6	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
7	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
8	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
9	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
10	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
11	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
12	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
13	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	

Sl. No	Name	Father's Name	Indian Centre	Address	Postal as	Postage	Remarks
1	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	
2	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	Arjun Kumar	57.14	

-12-5

Jehangir		Posts=1		Appointments on ARTS				
S.N	Name	Father's Name	Address	Postal Code	Address	Posted as	School where posted	Mark
1	Alghar Khan	Shah Jahan	Jehangir	57.37				

DECEASED GOVT: SERVE		T SON'S QUOTA		Posts=2				
S.N	Name	Father's Name	Address	Postal Code	Address	Posted as	School where posted	Mark
1	Mohd Ishaq	Darshan	Jehangir	57.1				
2	Muhammad Adnan Khan	Abdullah	Karak South	57.03				

DISABLE QUO		1.7%		Posts=1				
S.N	Name	Father's Name	Address	Postal Code	Address	Posted as	School where posted	Mark
1	Zahid Ishaq	Fazal Ishaq	1 Muzam	57.07				
2	Muhammad Adnan Khan	Abdullah	Karak South	57.03				
3	Mohd Yousaf	Serap	Jehangir	57.03				

TERMS & CONDITIONS

- No TADA etc is allowed
- Charge reports should be submitted to all concerned in duplicate
- Appointment is purely on temporary & contract basis initially for three years.
- They should not be handed over charge if he exceed 35 years or below 10 years of age.
- Appointment is subject to condition that the certificate/documents must be verified from the concerned authorities. Disbursing Officer must ensure before drawal of salary.
- If no is found producing proper Certificate he will be reported to the law enforcing agencies for further action.
- If he fails to take over charge within fifteen days, the appointment order will be deemed as cancelled.
- Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- Before handing over charge he will sign an agreement with the department (Lr DO(S) S&L Karak), otherwise this order will not be valid.
- They will have to serve at the place of posting for the period of their agreement.

KHALID KHAN BALOCH
DISTRICT COORDINATION OFFICER
KARAK

Order No 4106-4106
Date 31-3-2004

57.97

Copy of the above is forwarded to:

- Director Schools & Literacy NWFP Peshawar
- District Nazim Karak
- District Coordination Officer Karak
- District Officer (M) Schools & Literacy Karak
- Deputy District Officer (M) Schools & Literacy Karak
- Deputy District Officer (M) Schools & Literacy BD Shah Karak
- District Account Officer Karak
- Candidate concerned

(FAIZ UR REHMAN)
EXE UTIVE DISTRICT OFFICER
SCHOOLS & LITERACY KARAK

ATTESTED

ATTESTED

Secretary (Policy)

Secretary (Policy)

Yours faithfully,

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

Copy forwarded to the:

7/6
7/6
7/6

2011, please

Further, 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

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

2. The basis rationale behind the deletion of the bill ratio is aimed at preventing a prevent those who lead to large promotion to evade posting/transfer or above lack of capacity (will) removal from consideration for (will) ratio by asking to a single lucrative position or to provide extra to decline or large promotion.

1. Appointment dated 18.02.2023 on the subject noted above and to state that Sub-Rule (2) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1999 stands deleted vide this department notification dated 04.02.2023 thus, no provision extra to decline or large promotion.

GOVERNMENT OF KHYBER PAKHTUNKHWA
SECRETARIAT
ISLAMABAD

The Government of Khyber Pakhtunkhwa,
Secretary & Secondary Secretary (Development)

Dear Sir,

Subject:

To



GOVERNMENT OF KHYBER PAKHTUNKHWA
SECRETARIAT
ISLAMABAD
Dated: Islamabad, 04.02.2023

Annexure B

14
B/c

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 05/08/2020

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

Annexure "C"

No.SO (Primary-MYE&SED/2-6/2023
Dated Peshawar the, June 26th, 2023

To

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

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

[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

ac

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

Copy forwarded to the:

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

ac

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

ATTESTED
[Signature]

16
B/c

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

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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 this:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTENDED~~

Annexure "D"

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.


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. Rafiqul 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 (readbare 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. Rafiqul Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED

- B/C -

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

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

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 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



No. 8145 / P. No. 315571/General Cases
 Date 21-7-2023
 Phone: 091-9223344
 Email: establishment1@gmail.com

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

MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No. SO/Primary-49&SEDS-11
 G.A/Kuchikhanes of the Meeting/1573023 dated 10-07-2023 on the subject cited above and to
 present brief history about the background of the case as under:

- That Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(3) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) vide notification No. SOX-VI (E&A/D)/1-172020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-02-2023.
- (i) Now if obligation upon the civil servant to accept promotion in every condition (ii) if it is permissive of the civil servant to either accept or turn down the offer of promotion

- That your good office forwarded the same to the quarter concerned vide letter No. SO (Primary-49) E&SED/2-1/Appointment/2023 for necessary guidance.
- That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SO (Policy) E&A/D/1-172020 dated 06-06-2023 categorically stated that there exists no provision to decline or forego promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No. SO (Primary-49) E&SED/2-1/Appointment/2023 dated 12-05-2023.
- That in the light of the nature of meeting held 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(3) have affected adversely a huge number of female Teachers. Thus it is proposed that Teachers below BPS-16 may be exempted of implications of the amendment in the rules if provided they submit their written request prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (E&A) M-0
 Elementary & Secondary Education
 Kyber Pakhtunkhwa
 21/7/2023

Encls. No. _____
 Copy of the above is to:
 1. PA to Director Local Directorate.
 2. Master Copy.

Assistant Director (E&A) M-0
 Elementary & Secondary Education
 Kyber Pakhtunkhwa

ATTACHED

WP-442-2023 AZIZULAH VS GOVT CP P043

- B/c -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PERMILUPE
(21-7-2023)

Section Officer (Primary Role),
Elementary & Secondary Education Department,
KPK, Pahlawan.

Subject: Minutes of Meeting

Dear Sir,
I am directed to refer to letter No. (So. Pangay-tn) E&SED/5-1/6/2023
Minutes of meeting PRT/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, etc) 1981 via notification No. No. SOP-VI (ESAD) 1-3/2020 dated 05-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. S983 dated 05-08-2021
(i) Now it is obligatory upon civil servant to accept promotion.
(ii) It is prerogative of civil servant to either accept/decline the offer of promotion.
- That your good office forwarded the same to a/writer concerned vide letter No. SO (Pangay-VI) E&SED/2-2/Appointment/2023 for necessary guidance.

• That the government of KP-ED (Regulation Wing) vide letter No. SO (Pangay) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forfe 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 effected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary action please.

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

Assistant Director,
Elementary & Secondary Education,
Widyadiksha Pahlawan, Klauas.

ATTACHED



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

Annexure 'E'

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

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 05th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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


MUHAMMAD ISMAIL
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

No. 50 (Primary-M) E.S. SED / 8-81 /
Appointment - Rule / 2023
Peshawar Dated 23rd August 2023.

The Secretary to Government of Khyber Pakhtunkhwa.

Establishment and Administration Department,

Peshawar.

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

Dear Sir,

I am directed to refer to your letter No. S(Primary)
(Policy) / E.S. AD

11-3/2020 dated 4th June 2023 and to state that after
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,
Promotion and Transfer Rules 1989) it has been intimated that

those officers/officials who do not comply with promotion order

of the competent authority or try to evade promotion through
different means shall be proceed under Khyber Pakhtunkhwa
Civil Servant (Efficiency and Discipline) Rule 2011.

In this connection it is submitted that in some cases lady
teachers of primary level who avoid such promotion have to
face serious inconvenience while they have to perform duties

in the remotest stations with no residential/transport facilities.

Most of them are married with kids and elder father of
Mother-in-law who need care. In such cases there are negative
effects on service delivery.

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

Copy forwarded to:
1. Division E.S. SE Khyber Pakhtunkhwa.
2. PS to Secretary, E.S. SE Department (Khyber Pakhtunkhwa).

(Muhammad Ishaq)
Section Officer (Primary
Males)

NOTED

-22- b/c

Annexure "F"

2B



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

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

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

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

Yours faithfully,

Section Officer (Policy)

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.

WP/142-2023 AZIZULLAH VS GOVT OF PK

RECEIVED

24

B/C-

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

To

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

Subject - GUIDANCE REGARDING DELETION OF RULE 7(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)

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)

APPROVED

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

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

ATTESTED

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.

Best Regards



Malik Yousaf Jan

Son of Aseel Muhammad

Resident of Tehsil & District

Karak

CNIC NO: 14201-2140073-3

ATTESTED

ARRESTED

Handwritten signature and date: 08/11/23
Handwritten text: *Handwritten signature*
Handwritten text: *Handwritten signature*

Handwritten text in Urdu script, appearing to be a formal statement or affidavit.

Handwritten signature and text at the bottom of the main body.

Handwritten text: *Handwritten signature*

AFTA Huzari
Govt. Primary School No. 4
Ditber, Peshawar City



President
0333-041544
0333-041544
0333-041544

Khyber Pakhtunkhwa

Handwritten signature: *Handwritten signature*

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 (E)

[Handwritten signature]

Date of Presentation of Application 12-6-24
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of 12-6-24
 Date of 12-6-24
 Date of delivery of copy 12-6-24

ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MALIK YOUSAF JAN
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court