


# FORM OF ORDER SHEET

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

Appeal No. 1977/2024

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 1977/2024

ALAMGIR KHAN  
V/S

Government of KP & others

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ADVOCATE

M. Muzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 1977/2024

Alamgir Khan Son of Niaz Muhammad, PSHT (BPS-15)

GPS Gula Shah, Tehsil Sakhakot & District Malakand

.....Appellant

**VERSUS**

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

.....Respondents

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

**PRAYER:**

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

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

**RESPECTFULLY SHEWETH:**

1. That the Respondents Department appointed the Appellant as 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) /E&AD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020.  
Copy of Impugned notification No. 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 forego promotion and it is obligatory upon every civil servant to accept promotion under every condition.  
Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action.  
Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means, shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F.
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed. Copy of Representation against the said notification is annexed as Annexure G & H.
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

**GROUNDS:-**

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely 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, paye 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.

*Aslam*  
Deponent

Through

*Aslam*  
Appellant

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

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

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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

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

In Ref to ..

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

*ALAM GIR KHAN*  
**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the-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.

*Alamgir*  
Appellant

Through

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

<p><b>AFFIDAVIT</b></p> <p>I [the appellant] do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.</p> <p><i>Alamgir</i> Deponent</p>
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**OFFICE OF THE**  
**SUB DIVISIONAL EDUCATION OFFICER (MALE) DARGAI**  
**SERVICE CERTIFICATE**

It is certified that Mr Alamair Khan S/O Niaz Muhammad is a  
Regular & permanent employee of (E&SE) Khyber Pukhtunkhwa since 16/07/2011.  
Present he is working as PSHT BPS-15 Post at GPS No.1 Dobandai.

For

  
Sub Divisional Education Officer (M)  
Dargai MKD.  
Dargai District Malakand



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

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**Personal Information of Mr ALAMGIR KHAN d/w/s of NIAZ MUHAMMAD**

Personnel Number: 00654250 CNIC: 1540107003177 NTN:  
Date of Birth: 25.02.1981 Entry into Govt. Service: 18.07.2011 Length of Service: 13 Years 01 Months 015 Days

**Employment Category: Active Permanent**

Designation: PRIMARY SCHOOL HEAD TEACH 80002421-DISTRICT GOVERNMENT KHYBE  
DDO Code: MD6081-DY: D.O (M PRY) DARG  
Payroll Section: 002 GPF Section: 001 Cash Center: 04  
GPF A/C No: 654250 Interest Applied: Yes GPF Balance: 482,307.00  
Vendor Number: -  
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 10

Wage type	Amount	Wage type	Amount
0001 Basic Pay	43,720.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	1911 Compen Allow 20% (1-15)	1,000.00
2148 15% Adhoc Relief All-2013	400.00	2199 Adhoc Relief Allow @10%	275.00
2316 Teaching Allowance 2021	3,224.00	2341 Disor. Red All 15% 2022 KP	3,681.00
2347 Adhoc Rel Al 15% 22(PS17)	3,681.00	2378 Adhoc Relief All 2023 35%	13,366.00
2393 Adhoc Relief All 2024 25%	10,930.00		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	-1,430.00	3990 Emp.Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp:	-600.00		0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 23,033.40 Recovered till August-2024: 2,978.00 Exempted: 5758.10 Recoverable: 14,297.30

Gross Pay (Rs.): 88,197.00 Deductions: (Rs.): -7,655.00 Net Pay: (Rs.): 80,542.00

Payee Name: ALAMGIR KHAN

Account Number: 2215-4

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

Leaves: Opening Balance: Availed: Earned: Balance:

**Permanent Address:**

City: S/KOT Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official  
Temp. Address: City: Email:

**ATTESTED**

(288590/27.08.2024/16.34.55) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

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

**APPOINTMENT**

Consistent upon the recommendations of the Departmental Selection Committee in its meeting held on 10/02/2011, the Executive District Officer, Elementary and Secondary Education, Malakand is pleased to approve and appoint the following PST (Male) candidates of District Malakand against the Vacant PBT Posts in OPB-7 (Rs. 3500-100-9250) plus salary allowances as admissible under the rules on regular basis, to 14th of pension and gratuity from the date of their taking over charge in terms of section-19 of the Khyber Pakhtunkhwa Civil Service Act, 1973 as amended under the provision of 1 stipulation and Amendment Departmental Circular bearing No. S11-VI (I&SE)1-13/2005 dated 10/02/2005 in the interest of public service.

**2% Quota**

S.#	Name	Father Name	Disability	OPB	Score	SCHOOL
1	MUHAMMAD HASIB	MUHAMMAD HASSAN	Handicapped	11-07	60.053	GPS Bandagal (Dajpur Agency)
2	ALTAI KHAN	MUSI MUHAMMAD	Handicapped	11-07	54.4107	GPS Gardal (Dajpur Agency)

**80% Open Merit**

S.#	Name	Father Name	Open Merit	OPB	Score	SCHOOL
1	ZAFAR IQBAL	UMER GUL	Open Merit	0-07	72.4877	GPS Mir Azam Korona
2	IMRAN KHAN	YALIB KHAN	Open Merit	0-07	70.6000	GPS Faizghal (Kot)
3	AMJAD ALI	QASIM KHAN	Open Merit	0-07	69.0100	GPS Jughral
4	WAHID MUHAMMAD	HASOOL KHAN	Open Merit	0-07	68.283	GPS Banda Khanor
5	HAFIZ IRSHAD ALI	MAHMOOD SAID	Open Merit	0-07	68.1300	GPS Jal Kot
6	JAVEED IQBAL	MANA DAR	Open Merit	0-07	68.0527	GPS Sherif Abad Dargal
7	ZAHID HUSSAIN	SHAFIULLAH	Open Merit	0-07	68.943	GPS No.2 Jalala
8	AJMAL KHAN	GUL SAID	Open Merit	0-07	68.8212	GPS Selal Pathy
9	JASEEM GUL	HAMID GUL	Open Merit	0-07	68.7731	GPS Faizghal Kot
10	ASIFAQ MUHAMMAD	GHULAM MUHAMMAD	Open Merit	0-07	68.6624	GPS Dewa Khan Kail ✓
11	TUFAIL ARSHAD	MUHAMMAD AMIN	Open Merit	0-07	68.6624	GPS Matkand
12	MAK BAHADAR	SHAIK BAHADAR	Open Merit	0-07	68.3404	GPS Brah Ghakhey
13	SHAHID KHAN	MUHAMMAD RAWAB	Open Merit	0-07	68.3389	GPS No.2 Gulo Shah
14	RAJUM UD DIN	UMER SHAH	Open Merit	0-07	68.0881	GPS Chapal
15	NOOH ZADA	SHAIK ZADA	Open Merit	0-07	67.6607	GPS Kalabul
16	SAID RAFI UDDIN KHAN	AMIN RAFI UDDIN	Open Merit	0-07	67.6130	GPS No.2 Matkhand
17	GUL BAHAR	MALIK JAN	Open Merit	0-07	67.303	GPS Doda Banda
18	MUBASHER MAHMOOD KHAN	MAHMOOD KHAN	Open Merit	11-07	67.2337	GPS Anar Tangal
19	TABIB HASSAN	HAZRAT HASSAN	Open Merit	0-07	66.8710	GPS Dobandai
20	HAZRAT HUSSAIN	SAID MAHMOOD	Open Merit	0-07	66.0101	GPS No.1 Kot
21	ZAHIR SHAH	AWAL SAID	Open Merit	0-07	66.7730	GPS No.1 Dargal
22	LAL BACHA	FAZIL AKRAM	Open Merit	0-07	66.7172	GPS Mahard
23	TABIB RAHMAN	AJALI RAHMAN	Open Merit	0-07	66.0620	GPS Kandow Matkhand
24	ZIA UR RAHMAN	SHAHIN ZADA	Open Merit	0-07	66.4525	GPS Sangha
25	IMRAN KHAN	NOOH RAHMAN	Open Merit	0-07	66.3007	GPS Garin Dara
26	FARMAN HUSSAIN	FAZIL HADI	Open Merit	0-07	66.3	GPS Matkhand Wand
27	HAZRAT USMAN	YOUSAF SHAH	Open Merit	0-07	65.9913	GPS Beghdara Kot
28	ANWAR HUSSAIN	TAYYIB GUL	Open Merit	0-07	65.0062	GPS Jughral

**ATTESTED**

Sl. No.	QUALID BAO	ABDUL WADOOD	Open Merit	B-07	GPB	GPB
30	AMWAR ZADA	SAHIB ZADA	Open Merit	B-07	85.849	GPB Hazara (Jhang)
31	MUHAMMAD IHSANULLAH IHSAN	MUHAMMAD RYATULLAH SHAH	Open Merit	B-07	85.8208	GPB Khadoo
32	SHAIKAT AYZ	FAIZ MUHAMMAD	Open Merit	B-07	85.3840	GPB Btahi
33	FAZLI ANJ	MUHAMMAD ZARIN	Open Merit	B-07	85.1703	GPB Sabli Banda
34	SAEEDULLAI	SHEH ZAMAN KHAN	Open Merit	B-07	85.0053	GPB Pindara
35	HAZ ATUBAD	HAZRAT IMRAN	Open Merit	B-07	84.0959	GPB No.2 Allahdard
36	JACHAFALI	QASIM KHAN	Open Merit	B-07	84.758	GPB Akhtar Ghoundal
37	HAZRAT RAZAL	GUL MUHAMMAD	Open Merit	B-07	84.8115	GPB Pirgan
38	TARIQ MAHMOOD	TAJ MEHMOOD	Open Merit	B-07	84.4271	GPB Gulshan Abad
39	MUHAMMAD ISHAQ	DIN MUHAMMAD	Open Merit	B-07	84.4182	GPB Bazdara Bala
40	MUHAMMAD RAFO	FAIZ MUHAMMAD	Open Merit	B-07	84.3003	GPB Btahi
41	ALAMGIR KHAN	NAZ MUHAMMAD	Open Merit	B-07	84.352	GPB No.1 Gudo Shah
42	SACED ZAMAN	GILANI ZAMAN	Open Merit	B-07	84.3108	GPB Bra Shah
43	AMUD KHAN	NALFI KHAN	Open Merit	B-07	84.1321	GPB Btahi
44	SHAKEL AHMAD	IAJI KHAN	Open Merit	B-07	84.0810	GPB Bazdara Bala
45	WABIT KHAN	SIBI KHAN	Open Merit	B-07	84.0010	GPB Shah Kot
46	FAZLI MASOUD	ZAFAR KHAN	Open Merit	B-07	83.8073	GPB Khadai
47	FAZAL SUHAILAN	KASOOL KHAN	Open Merit	B-07	83.8854	GPB Wartab
48	NASIB GUL	WAZIR GUL	Open Merit	B-07	83.8570	GPB Ghangeen Abad
49	SHAHID RAHMAN MAIN	AMIN GUL MAIN	Open Merit	B-07	83.841	GPB No.1 Makhand
50	ADNAN MUHAMMAD	FAIZ MUHAMMAD	Open Merit	B-07	83.815	GPB Ghari Dheri
51	BASHIR KHAN	ANWAR KHAN	Open Merit	B-07	83.8003	GPB Korogh Khanori
52	MAHMOOD ALI	NOOR ZAMIN KHAN	Open Merit	B-07	83.7823	GPB No.2 Matchband
53	SUBHAN ALI	SHEH AMIN	Open Merit	B-07	83.7318	GPB Bazdara Payoon
54	SAJID ANWAR	NIAMATULLAI	Open Merit	B-07	83.6390	GPB Bazdara Payoon
55	UBAID RABBI	FAZLI RABBI	Open Merit	B-07	83.4448	GPB Shagal (Allahdard)
56	NOSHAD ALI	TAJ TALIBAN	Open Merit	B-07	83.4122	GPB Ghari Abad (Bik)
57	SAFIULLAI	MIAN SAID	Open Merit	B-07	83.3520	GPB Faizghal
58	MUHAMMAD NUMAN	DOST MUHAMMAD	Open Merit	B-07	83.3084	GPB No.2 Khar
59	IKHTIAR MUHAMMAD	WALI MUHAMMAD	Open Merit	B-07	83.2858	GPB Malna
60	FAZLI GHAFFAR	FAZAL RAHIM	Open Merit	B-07	83.2412	GPB Gulshan Abad
61	BAKHT JAMAL KHAN	SHAH NAZAR KHAN	Open Merit	B-07	83.2269	GPB Bazdara Payoon
62	ATAULLAH	AZIZULLAI KHAN	Open Merit	B-07	83.1972	GMPB Qata Pirghal
63	ATTAUR RAHMAN	HASSAN KHAN	Open Merit	B-07	83.1929	GPB Khog Dara
64	SAID KHAN	SABZ ALI KHAN	Open Merit	B-07	83.0000	GPB Gandara Shari
65	AMTAZ ALAM	JAMHOZ KHAN	Open Merit	B-07	82.9000	GPB Bema Dogral
66	MUHAMMAD TAJAN	MUHAMMAD DASIM	Open Merit	B-07	82.8162	GPB Malako (Dajpur Agency)
67	GUL AMIN	AMIN KHAN	Open Merit	B-07	82.8118	GPB Dheri Kot
68	SULAIMAN	HABIBUR RAHMAN	Open Merit	B-07	82.8714	GPB Korogh Khanori

ATTESTED

40 % Union Council Matri

S#	Name	Father Name	Union Council	BPS	Score	SCHOOL
UNION COUNCIL (ALL) AHQAND						
1	NAVEED KHAN	BADSHAH KHAN	ALLAHQAND	B-07	60.92	GPS Amandara
UNION COUNCIL (U) KHELA LOWER						
2	MUHAMMAD IDREES	QADAR JAN	KATKHELA (U)	B-07	62.79	GPS Sangha
3	ARID IONAI	MUHAMMAD BADID	KATKHELA (U)	B-07	60.842	GPS Gumbad Badhead
4	MUHAMMAD RAZAQ	DAWA KHAN	KATKHELA (U)	B-07	64.41	GPS Sangha
UNION COUNCIL (U) KHELA UPPER						
5	MUHAMMAD TAHIR HADEEM	AZEEM KHAN	KATKHELA (U)	B-07	62.66	GPS Kalko
6	IMADUD DIN	ABDUL QADOOS	KATKHELA (U)	B-07	62.43	GPS Kalko
UNION COUNCIL (U) KHELA UPPER						
7	ADIL MUHAMMAD	AMINULLAH			60.987	GPS Drey Bar
UNION COUNCIL (U) KHELA UPPER						
8	AMIR KHAN	ZAFIR KHAN	GAHOAI	B-07	62.402	GPS Khataho Bhai
UNION COUNCIL (U) KHELA UPPER						
9	FAZLI WAKHID	FAZLI WAKHID	G. U. KHEL	B-07	62.48	GPS Akra Khan Bar
10	NOOR WAI KHAN	BAID ZAMIN	G. U. KHEL	B-07	61.93	GPS Shah Haidar Banda
UNION COUNCIL (U) KHELA UPPER						
11	ZAHIR AKHAR	SHIBIR AFZAL KHAN	BERO BHAI	B-07	62.57	GPS Brah Ghakhal
12	AMIR ZEBI	ZAMIN GUL	BERO BHAI	B-07	61.769	GPS Jamo Banda
UNION COUNCIL (U) KHELA UPPER						
13	MUNIR KHAN	GULTAN IAHADAR	KHAR	B-07	67.26	GPS Babl Banda
UNION COUNCIL (U) KHELA UPPER						
14	MUHAMMAD AYUUB KHAN	KHAN BADSHAH	KOT	B-07	62.65	GPS Brah
15	MUBARAK HUSSAIN	BHER MEHMOOD	KOT	B-07	62.49	GPS Batoo
16	HAZUR RAHMAN	NOOR RAHMAN	KOT	B-07	62.26	GPS Asghar Shah
17	ZAWAR RAHMAN	PERVEZ KHAN	KOT	B-07	61.89	GPS Asghar Shah
18	NIAMAT GUL	NISAR GUL	KOT	B-07	61.43	GPS Brah
19	SULAIMAN	YOUSAF SHAH	KOT	B-07	61.30	GPS Bpan Khuro Shah
20	SALMAN KHAN	BANAF GUL	KOT	B-07	61.1792	GPS Spankhor Bhi
UNION COUNCIL (U) KHELA UPPER						
21	AMIR MUHAMMAD	MUHAMMAD CHAIR	MEHERDI	B-07	62.70	GPS Mehardi
22	RIAZ MUHAMMAD	KHAN MUHAMMAD	MEHERDI	B-07	62.37	GPS Wazir Abed
UNION COUNCIL (U) KHELA UPPER						
23	LAL WAHAN	FAZIL NAZID	PAI AI	B-07	61.27	GPS Bazdara Peye
24	KHALILULLAH	MUSAF AH KHAN	PAI AI	B-07	60.17	GPS Bazdara Peye
25	MUHAMMAD KAZIM	SHAFIQ AHMAD	PAI AI	B-07	60.06	GPS Kasim Abed
26	IMTIAZUL DIN	SHIBIR KHAN	PAI AI	B-07	60.00	GPS Mora Banda

ATTESTED

27	SHAHMAZ KHAN	MAWA KHAN	P. LAI	B-07	56.98	GPS More Banda
28	NASRULLAH	HABIBUN NAEEM	P. LAI	B-07	55.81	GPS Bezdara Bala
UNION COUNCIL PHIRKHEL						
29	NADK AJMAL	GIBULAM MUHAMMAD	P. RKHEL	B-07	62.44	GPS Bar Tanga
30	WAJID ALI	MUHAMMAD QAYUM	P. RKHEL	B-07	62.05	GPS No.1 Makhsad
31	ABDULBARRAKAT SAJJID	AMIR HATAM	P. RKHEL	B-07	60.77	GPS No.1 Phrhel
32	NASRULLAH KHAN	SALIM KHAN	P. RKHEL	B-07	59.85	GPS No.2 Makhsad
33	BAKHT RAWAN	BAKHT JAMAL	P. RKHEL	B-07	69.04	GPS Sind Ghara (Bosaq)
UNION COUNCIL BAKHT JADEED						
34	KHURSHID ALI	SHAHROZ KHAN	S. KOT JADEED	B-07	61.97	GPS Ardy Lal
UNION COUNCIL B/J HAJOT KHAAS						
35	JEHANGHEER KHAN	DAKHT ZAMAN	S. KOT KHAAS	B-07	62.74	GPS No.1 Bakhsal
36	ASAD KHAN	MUHAMMAD NAEEM	S. KOT KHAAS	B-07	60.7277	GPS Ahmad Said Banda
UNION COUNCIL B/J SI PATTY						
37	HASSAN MUKHTIAR	GUL DADSIAR	SI LAI PATTY	B-07	62.64	GPS Cheni Kot
38	MUHAMMAD YOUNAS	KHAN ZAD GUL	SI LAI PATTY	B-07	62.20	GPS Badama
39	RIZWANULLAH	SHER ALI KHAN	SI LAI PATTY	B-07	62.1	QMPS Pata Khanod
40	IFTIKHAR KHAN	ZAD ZALAM	SI LAI PATTY	B-07	61.035	GPS Khanod
41	SAID HAJADAR	SHER HAJADAR	SI LAI PATTY	B-07	60.93	QMPS Arawaly
UNION COUNCIL THANA SANDA JAT						
42	ARSHAD	KHAN LALI	THANA SANDA	B-07	60.00	GPS CC Trans
UNION COUNCIL WARTAJI						
43	MUHAMMAD AFZAL	MUHAMMAD AKHAM	WARTAJI	B-07	69.24	GPS Sorana
44	IKRAM DADSIAR	ALAM KHAN	WARTAJI	B-07	69.02	GPS Palandara
45	ALAM ZEEN	MUHAMMAD SIAR	WARTAJI	B-07	68.70	GPS Plandara

**TERMS AND CONDITION:**

- The appointments are purely temporary and liable to terminate without assigning any reason and prior notice. In case of resignation without notice, their one month's pay/allowance shall be forfeited to Government.
- The service will be considered regular, but without pension and gratuity in term of section 19 of Civil servant act 1973 amended vide Khyber Pakhtunkhwa Civil servants (amendment) act 2003. They will however be entitled to contributory provident fund in such a manner and at such rate as prescribed by the Government.
- They will have to produce Health and Age certificate from the Medical superintendent DHO Hospital Bakhsal, District Muzakand.
- In case of fresh candidates they should not be handed over charge if their ages are below 18 or above 35 years.
- They must take over charge of their posts within 10 days of the issue of this order failing which the appointment will stand automatically cancelled. However they will be entitled to pay from the date of reopening of the schools following the summer vacation.
- Verification of documents e.g. Academic/Professional certificates, Degree and Experience Certificate will be made departmentally on the expenses of the appointees before draw of their salaries from the concerned board, institutions, university, and if any discrepancy is found at any stage the case will be initiated under the rules against the candidate at fault and legal action will be taken accordingly.
- After completion of verification process and subject to the sanction of Government a proper order will be issued by this office for release of their salaries against their posts occupied by them.

ATTESTED

*[Signature]*

- 9. In case any one of the above appointees deprives of receiving charge due to non-availability of vacant post in the school indicated against his name anywhere in the above mentioned schools the service of junior most on merit in the relevant category will automatically stand as dispensation from service.
- 10. They will be governed by such rules and regulation as may be issued by the Government from time to time.
- 10. The service of the inservice candidates will be considered regular on the confirmation of their service from their respective departments and in case their previous service in their respective departments declared contract based they will be considered and placed as fresh PST candidate from the date of their taking overcharge in terms of section-19 of Civil servant act 1973 amended vide Khyber Pakhtunkhwa Civil servants act 2005.
- 11. Charge report should be submitted to all concerned.
- 12. No TA DA is allowed during initial recruitment.

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

Encls: No 10196-10402

Date 16/07/2011

Copy of the above is forwarded for information to:-

- 1. The Secretary to Govt. of Khyber Pakhtun Khwa, Elementary & Secondary Education Department Peshawar.
- 2. The Director Elementary & Secondary Education, Khyber Pakhtun Khwa, Peshawar.
- 3. The District Coordination Officer Malakand.
- 4. The HRDO Office of the DCO, Malakand.
- 5. The Deputy District Officer (M) Bathhele.
- 6. The Deputy District Officer (M) Dargal.
- 7. The Agency Account Officer Malakand.
- 8. The Budget Account Officer Local Office.
- 0-02 The Head Teacher GPSs concerned.
- 03-207 The Candidates concerned.

  
 EXECUTIVE DISTRICT OFFICER  
 (E&SE) MALAKAND AT BATHHELA

~~TESTED~~

ATTESTED

M.H. S. 10

DEPUTY SECRETARY (POLICY)  
(VAJDAH LATIF)

*[Signature]*

ATTESTED



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
- 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. The Principal Secretary to Government, Khyber Pakhtunkhwa.
- 7. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 12. The Deputy Director (IT, E&A Department, Khyber Pakhtunkhwa).
- 13. All Section Officers in Establishment & Administration Department with the request to arrange 20 gazette copies.
- 14. The Section Officer (Admin), Administration Department.
- 15. The Controller, Administration Department.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTE NO & EVEN DATE

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

AMENDMENT

Following further amendment shall be made, namely:  
The (Chief Minister of Khyber Pakhtunkhwa to be used to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the in exercise of the powers conferred by section 29 of the

Dated Peshawar the 06/8/2020

NOTIFICATION

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
CIRCULATION-WING

Annexure - 1 - B

-14-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA,  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 26 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No 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



TESTED

REF ID: A67447-2023 AZIZULHANN VS GOVT OF PGAS

Handwritten notes and signatures at the top of the page.

Secretary (Policy)

Secretary (Policy)

Yours faithfully,

- 1. P3 to Special Secretary (Legal), Public Service Department.
- 2. P4 to Additional Secretary (Legal II), Public Service Department.
- 3. P5 to Deputy Secretary (Policy), Public Service Department.

Copy forwarded to the:

Handwritten initials and numbers: ASSE, 2/6, 2/6

1011, please.

proceeded against under Right of Information (Civil Servants) (Disclosure) Rules, or the competent authority or up to evade promotion through different means shall be

3. Furthermore, those officers/officials who do not comply with promotion order civil servants to secure promotion in every condition.

to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every person who tend to forge promotion to evade posting/transfer or show lack of capacity will prevent from completion for their jobs by lacking to a single locative position or to

2. The basic rationale behind the above rule is aimed at preventing a provision exists to decline or forge promotion.

1. I am directed to refer to your letter No. HQ/100/100/2022 dated 18.04.2022 on the subject noted above and to state that Sub-Rule (3) of Rule 7 of Right of Information (Civil Servants) (Appointment, Promotion and Transfer) Rules, 1989 stands deleted with effect from notification dated 08.08.2020; that, no

Non St.

Subject: QUANTUM URBANISING: PROVISION OF WATER AND SEWERAGE SUPPLY IN THE DISTRICT OF KUALA LUMPUR.

The Government of High Tech Industries, Ministry of Economic Development.



67

GOVERNMENT OF HIGH TECH INDUSTRIES  
No. KIP/100/2022  
Dated: 06.06.2023

Amexure - C

15



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

No. SO (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

*[Signature]*  
26/6/23

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

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

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

Encl: AA

*[Handwritten mark]*

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

Copy forwarded to the:

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

*[Handwritten mark]*

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

WP448-PT3 AZIZULLAH VS GOVT CP PG43

~~ATTESTED~~

-17-

B/c

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

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

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, 1909.

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

  
ATTESTED

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

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


Annexure  
①

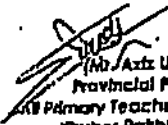
Sl	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

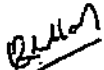
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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

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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

  
ATTESTED

-19-

-B/C-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(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. Razaqat Ullah	General Secretary APTA Peshawar
4.	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

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

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

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

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

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

~~ATTACHED~~

WFO443-2023 AZZULAH VS LEVIT CP P043

2. Master Copy  
1. PH to Director Local Directorate  
Copy of the above to:  
Richard Director  
Elementary & Secondary Education  
Physical Education

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

consolidated case.  
In view of the above, this office has been asked for submission of  
memorandum of his office. This office has been asked for submission of  
held under the Chairmanship of Hon. Additional Secretary Education  
That in light of the minutes of the meeting dated 6-07-2023

no provision to accept persons under any condition.  
no provision to delete/jump provision. It is obligatory upon every civil  
servant to accept persons under any condition.  
That the government of KP-ED (Regulation Wing) vide letter No. 50 (Regu/ED/1-3/2020 dated 6-06-2023 accordingly stated that there exists

That your good office forwarded the same to a/units concerned  
vide letter No. 50 (Regu/ED/1-3/2020 dated 6-06-2023 for necessary  
guidance.  
offer of promotion  
The Government of KP-ED (Regulation Wing) vide letter No. 50 (Regu/ED/1-3/2020 dated 6-06-2023 accordingly stated that there exists

Minister of Meeting, also background of case as under:  
That Government of KP Establishment department (Regulation Wing)  
dated rule 7(5) in Civil Servants (Promotion) Rules (1973) (as amended)

Dear Sir, I am directed to refer to letter No. 50 (Regu/ED/1-3/2020 dated 6-06-2023 on subject cited above and to  
Minister of Meeting, also background of case as under:  
That Government of KP Establishment department (Regulation Wing)  
dated rule 7(5) in Civil Servants (Promotion) Rules (1973) (as amended)

Subject: Minutes of Meeting  
KPK, Peshawar  
Elementary & Secondary Education Department  
Section Officer (Regu-Ed)  
Peshawar  
12-1-2023

Directorate of Elementary & Secondary Education, KPK  
-B/C-  
-20-



No. 8145

Kıyber Paktimbihiwa, Peshawar  
P. No. 14557/Medical Court  
Date: 27/7/2023  
Email: [enabibahar@pmail.com](mailto:enabibahar@pmail.com)

The Section Officer (Primary-4th),  
Khyber Pakhtunkhwa Peshawar,  
Ministry of National Education Department.

Subject: -  
MINUTES OF THE MEETING

I am directed to refer to the letter No.50(Primary-4th)45552-11  
G.M/K/M/1003 of the Meeting/ST/2023 dated 10-07-2023 on the subject cited above and in  
present brief history about the background of the case as under:

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing)  
dated Rule 7(1) in the Civil Service (Appointment, Promotion & Transfer Rules 1980)  
vide notification No. SOR-VI (E&AD)/I-12020 dated 04-08-2020.  
That this officer sought guidance from your good office in the following words vide letter  
No.687 dated 10-02-2023.

(i) Now it is being enquired upon the civil servant to accept promotion in every condition.  
(ii) It is being enquired of the civil servant to either accept or turn down the offer of  
promotion.

That you may be pleased to refer to the letter forwarded to the quarter concerned vide letter  
No.50 (Primary-4th) 45552-11/2023 for necessary guidance.  
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation  
Wing) vide letter No.50 (Policy) E&AD/I-12020 dated 04-08-2023 categorically stated  
that there shall be no provision to decline or forgo 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.50  
(Primary-4th) 45552-11/2023 dated 12-06-2023.  
That in the light of the minutes of meeting dated 6-07-2023 held under the  
Chairmanship of Hon. Additional Secretary Establishment at his office, it has  
been asked for submission of considered case.

In view of the above, this office is of considered opinion that the decision of Rule  
7(1) have affected irregularly a huge number of Female Teachers. That it is proposed that  
Teachers below 15-16 may be exempted of implications of the amendments in the rules that  
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.

17/7/2023  
Assistant Director (Primary-4th)  
Ministry of National Education  
Khyber Pakhtunkhwa

Encls. No. \_\_\_\_\_  
Copy of the above to:-  
1. PA to Director, Local Directorate.  
2. Master Copy.

Assistant Director (Encl. 4th-1)  
Ministry of National Education  
Khyber Pakhtunkhwa

WP-1443-2023 AZIZULHAQ VS GOVT CP POK

~~ATTACHED~~

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8221587)  
Ho. SO/Primary-M/ESSED/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: SUPDANCE REGARDING DELETION OF RULE 7(5) IN THE CIVIL  
SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES  
1989).

Copy Sr.

I am directed to refer to your letter No. SO(Policy)/ESAD/1-3/2020 dated  
05<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil  
Servant (Appointment, Promotion & Transfer Rules 1989) it has been indicated that those  
officers/officials who do not comply with promotion order of the competent authority or  
of 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.

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)  
26/8/23

Scanned with CamScanner

WP4412-2023 AZZULJAH VS GOVT CP PSD

ATTESTED



-23-

-B/c-

No. 50 (Primary - M) E & SE D / 8-2 /  
Appointment - Rule / 2023  
Peshawar Dated: 23rd August, 2023.

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Establishment and Administration Department,  
Peshawar.

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

Dear Sir,

I am directed to refer to your letter No. 50 (Primary) / ELAD  
/ 1-3 / 2020 dated 8th June 2023 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

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

(Muhammad Ishaq)  
Section Officer (Primary  
Male)

ATTESTED

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, 1982.

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

ATTESTED

Ms. A. S. AZIZULLAH VS GOVT OF PK

-24-

-25-

-B/c-

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

To

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

Subject

GUIDANCE REGARDING DELETION OF RULE 7(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)

Encls. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

~~ATTESTED~~

Annexure - G

To.

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

**Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED**

Sir/ Madam:-

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

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

Dated 20/03/2024



*Alamgir*  
ALAMGIR KHAN  
S/O NIAZ MUHAMMAD  
PSHT

~~APR 11 2013~~

APR 11 2013 RECEIVED BY COURT OF PEACE

Handwritten text in Urdu script, possibly a date or reference number.

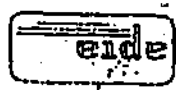
Handwritten signature or initials in Urdu script.

Main body of handwritten text in Urdu script, consisting of several lines of text.

Handwritten text in Urdu script, possibly a signature or name.

Annexure - H

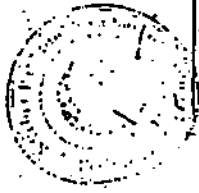
APTA House  
Govt. Primary School  
Gulshan-e-Farooq, Faisalabad



Kyber Pakhtunkhwa

APTA House  
Govt. Primary School  
Gulshan-e-Farooq, Faisalabad

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.J. 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 (S)

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 10-5-24  
 Number of 5  
 Copies 5  
 Urgan 5  
 Total 5  
 Name of 13-5-24  
 Date of 17-5-24  
 Date of delivery of copies 17-5-24

~~TESTED~~

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**ALAM GIR KHAN**  
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