


FORM OF ORDER SHEET

Court of _____

Appeal No. 2012/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/10/2024	<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. 202/24

ABDUR RASHID

V/S

Government of KP & others

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ADVOCATE

M. Muazzam Butt

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 20/2 /2024

Abdur Rashid Son of Nawab Khan, SPST (BPS-14)

GPS Gul Ahmad Killi, Tehsil Takht Bai & District Mardan

.....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, 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 Senior Primary School Teacher.
Copy of Appointment letter is annexed as **Annexure A**

(2)

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".

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

(3)

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 grievance of the appellant have not so far been redressed. Copy of Representation against the said notification is annexed as Annexure G & H
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

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

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

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

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

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

[Signature]
 Appellant

Through

[Signature]
 Muhammad Muazzam Butt
 Advocate Supreme Court

[Signature]
 Muhammad Adeel Butt
 Advocate High Court

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

(5)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No _____ 2024

ABDUR RASHID
VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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


AFFIDAVIT


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


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

(6)

Dist. Govt. KP-Provincial
District Accounts Office Mardan
Monthly Salary Statement (August-2024)



Personal Information of Mr ABDUR RASHID d/w/s of NAWAB KAHN

Personnel Number: 00131870 CNIC: 1610254923433 NTN: 0
 Date of Birth: 09.02.1977 Entry into Govt. Service: 25.10.2004 Length of Service: 19 Years 10 Months 008 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80003433-DISTRICT GOVERNMENT KHYBE
 DDO Code: MR6157-DY.DISTRICT EDUCATION OFFICER (M) TAKHT BHAI MARDAN
 Payroll Section: 003 GPF Section: 001 Cash Center: 15
 GPF A/C No: 131870 GPF Interest applied GPF Balance: 307,019.00 (provisional)
 Vendor Number: -
 Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 15

Wage type	Amount	Wage type	Amount
0001 Basic Pay	48,630.00	1001 House Rent Allowance 45%	3,321.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All-2013	550.00	2199 Adhoc Relief Allow @10%	397.00
2316 Teaching Allowance 2021	3,036.00	2341 Dispr. Red All 15% 2022KP	4,558.00
2347 Adhoc Rel Al 15% 22(PS17)	4,558.00	2378 Adhoc Relief All 2023 35%	16,411.00
2393 Adhoc Relief All 2024 25%	12,157.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-3,900.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-1,799.00	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
6505	GPF Loan Principal Instal	265,000.00	-7,360.00	73,640.00

Deductions - Income Tax

Payable: 28,785.10 Recovered till AUG-2024: 3,599.00 Exempted: 7196.20 Recoverable: 17,989.90

Gross Pay (Rs.): 97,974.00 Deductions: (Rs.): -14,994.00 Net Pay: (Rs.): 82,980.00

Payee Name: ABDUR RASHID

Account Number: PLS 15897-8

Bank Details: HABIB BANK LIMITED, 220472 TAKHT BAI, MARDAN, TAKHT BAI, MARDAN., MARDAN

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: VILL AND PO TORDHER TEHAND DISTT MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: rashidspst24@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(130696/26.08.2024/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/01.09.2024/02.38:19)

DR. DINESH KUMAR SINGH
 (No. P.P. 1000) Bhat
 ANSHEED

Handwritten signature/initials

S. No.	ILNO	Name	Father Name	Class of Union Council	Group	Address	Name of school where noted
337	1246	Subar Singh	Subar Singh	UC A/B	Boys		
338	1246	Subar Singh	Subar Singh	UC A/B	Boys		
339	1246	Subar Singh	Subar Singh	UC A/B	Boys		
340	1246	Subar Singh	Subar Singh	UC A/B	Boys		
341	1246	Subar Singh	Subar Singh	UC A/B	Boys		
342	1246	Subar Singh	Subar Singh	UC A/B	Boys		
343	1246	Subar Singh	Subar Singh	UC A/B	Boys		
344	1246	Subar Singh	Subar Singh	UC A/B	Boys		
345	1246	Subar Singh	Subar Singh	UC A/B	Boys		
346	1246	Subar Singh	Subar Singh	UC A/B	Boys		
347	1246	Subar Singh	Subar Singh	UC A/B	Boys		
348	1246	Subar Singh	Subar Singh	UC A/B	Boys		
349	1246	Subar Singh	Subar Singh	UC A/B	Boys		
350	1246	Subar Singh	Subar Singh	UC A/B	Boys		
351	1246	Subar Singh	Subar Singh	UC A/B	Boys		
352	1246	Subar Singh	Subar Singh	UC A/B	Boys		
353	1246	Subar Singh	Subar Singh	UC A/B	Boys		
354	1246	Subar Singh	Subar Singh	UC A/B	Boys		
355	1246	Subar Singh	Subar Singh	UC A/B	Boys		
356	1246	Subar Singh	Subar Singh	UC A/B	Boys		
357	1246	Subar Singh	Subar Singh	UC A/B	Boys		
358	1246	Subar Singh	Subar Singh	UC A/B	Boys		
359	1246	Subar Singh	Subar Singh	UC A/B	Boys		
360	1246	Subar Singh	Subar Singh	UC A/B	Boys		
361	1246	Subar Singh	Subar Singh	UC A/B	Boys		
362	1246	Subar Singh	Subar Singh	UC A/B	Boys		
363	1246	Subar Singh	Subar Singh	UC A/B	Boys		
364	1246	Subar Singh	Subar Singh	UC A/B	Boys		
365	1246	Subar Singh	Subar Singh	UC A/B	Boys		
366	1246	Subar Singh	Subar Singh	UC A/B	Boys		
367	1246	Subar Singh	Subar Singh	UC A/B	Boys		
368	1246	Subar Singh	Subar Singh	UC A/B	Boys		
369	1246	Subar Singh	Subar Singh	UC A/B	Boys		
370	1246	Subar Singh	Subar Singh	UC A/B	Boys		
371	1246	Subar Singh	Subar Singh	UC A/B	Boys		
372	1246	Subar Singh	Subar Singh	UC A/B	Boys		
373	1246	Subar Singh	Subar Singh	UC A/B	Boys		
374	1246	Subar Singh	Subar Singh	UC A/B	Boys		
375	1246	Subar Singh	Subar Singh	UC A/B	Boys		
376	1246	Subar Singh	Subar Singh	UC A/B	Boys		
377	1246	Subar Singh	Subar Singh	UC A/B	Boys		
378	1246	Subar Singh	Subar Singh	UC A/B	Boys		
379	1246	Subar Singh	Subar Singh	UC A/B	Boys		
380	1246	Subar Singh	Subar Singh	UC A/B	Boys		
381	1246	Subar Singh	Subar Singh	UC A/B	Boys		
382	1246	Subar Singh	Subar Singh	UC A/B	Boys		
383	1246	Subar Singh	Subar Singh	UC A/B	Boys		
384	1246	Subar Singh	Subar Singh	UC A/B	Boys		
385	1246	Subar Singh	Subar Singh	UC A/B	Boys		
386	1246	Subar Singh	Subar Singh	UC A/B	Boys		
387	1246	Subar Singh	Subar Singh	UC A/B	Boys		
388	1246	Subar Singh	Subar Singh	UC A/B	Boys		
389	1246	Subar Singh	Subar Singh	UC A/B	Boys		
390	1246	Subar Singh	Subar Singh	UC A/B	Boys		
391	1246	Subar Singh	Subar Singh	UC A/B	Boys		
392	1246	Subar Singh	Subar Singh	UC A/B	Boys		
393	1246	Subar Singh	Subar Singh	UC A/B	Boys		
394	1246	Subar Singh	Subar Singh	UC A/B	Boys		
395	1246	Subar Singh	Subar Singh	UC A/B	Boys		
396	1246	Subar Singh	Subar Singh	UC A/B	Boys		
397	1246	Subar Singh	Subar Singh	UC A/B	Boys		
398	1246	Subar Singh	Subar Singh	UC A/B	Boys		
399	1246	Subar Singh	Subar Singh	UC A/B	Boys		
400	1246	Subar Singh	Subar Singh	UC A/B	Boys		

Consequent upon the advertisement published in the Daily Bishnoi Post on 25.02.2011 by the District Perinatal Health Committee, the District Coordination Officer Bishnoi being Competent Authority is pleased to approve the following list of candidates for three years only in 11-12-13 (Rs. 2200/- to Rs. 5820/- P.M) plus usual allowances as intimated to them under the rules against the vacant PST Post in the school notified with effect from the date of their taking over charge in the interest of the service subject to the following existence terms and conditions:-

APPENDIX A (Contd.)
 LIST OF THE CANDIDATES FOR THE POSTS OF ASSISTANT SUPERVISOR (A.S.)

(7)

(8)

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301	159	Amir	Taj Alalook	Par Hoi	49.81	Par Hoi Mardan	GPS	Par Hoi No.2
302	263	Saeed Shah	Burhanud Din	Par Hoi	48.97	Hoi Mardan	GPS	Par Hoi No.2
UC Parkho Dheri								
303	646	Redi Gul	Azizur Rahman	Parkho Dheri	56.05	Ikano Khan	GPS	Jail Abad
304	1592	Fayaz Ahmad	Gilzan	Parkho Dheri	55.32	Parkho Dheri	GPS	Jail Abad
305	964	Noor Muhammad	Fozal Hakim	Parkho Dheri	55.28	Laili Shah	GPS	Chanchano Khan
306	1705	Naseer Khan	Dalnam Khan	Parkho Dheri	54.93	Parkho Dheri	GPS	Chanchano Khan
307	273	Anjaf Ali	Jama Khan	Parkho Dheri	54.81	Mirshad Khan Kal	GPS	Mazdoor Abad GD
308	2179	Makhtar Ali	Gul Dilail	Parkho Dheri	54.69	Huzar	GPS	Mazdoor Abad GD
309	804	Jehangir Khan	Hashim Ali Khan	Parkho Dheri	54.48	Parkho Dheri	GPS	Mazdoor Abad GD
310	1096	Ilyas Hussain	Mukamil Khan	Parkho Dheri	54.49	Parkho Dheri	GPS	Mazdoor Abad GD
311	726	Anjaf Ali	Rafimullah	Parkho Dheri	53.72	Ghano Dheri	GPS	Mula Jan Killi
UC Pat Baba								
312	509	Hameed Ullah	Mohammad Nazir	Pat Baba	55.76	Chova Ghano Abad	GPS	H.Abbas Khan Killi
313	861	Fakhr Alam	Khalid Khan	Pat Baba	55.72	Patu Kalan	GPS	H.Abbas Khan Killi
UC Pir Saddi								
314	1653	Abdur Rashid	Navrah Khan	Pir Saddi	54.85	Tordhgr Mardan	GPS	Gul Ahmad Killi
315	1994	Jehangir Khan	Uzza Khan	Pir Saddi	54.79	Loh Koi Badraya	GPS	Laili Abad
316	1954	Abdul Hamid	Kharal	Pir Saddi	53.67	Ortoli Gari Mardan	GPS	Laili Abad
317	20	Rahmat Ullah	Nowroa Khan	Pir Saddi	52.32	Pir Saddi Mardan	GPS	Laili Abad
318	610	Fazil Amin	Sultan Muhammad	Pir Saddi	51.17	Gurano Kal	GPS	Laili Abad
319	2118	Mohammad Afzal	Gilulam Rahman	Pir Saddi	50.01	Shari Makh Kal	GPS	Shamoon Killi
320	2117	Sajid Khan	Wazir Zada	Pir Saddi	49.54	Purnabi	GPS	Pir Killi
321	21	Sabz Ali	Misal Khan	Pir Saddi	49.06	Pir Saddi Mardan	GPS	Pir Killi
322	37	Sher Khan	Amran Ullah	Pir Saddi	48.99	Pir Saddi Mardan	GPS	Gul Ahmad Killi
323	334	Faiz Ul Haq	Habib ul Haq	Pir Saddi	48.95	Pir Saddi	GPS	Khat Killi
UC Qasim								
324	763	Mushaq Nali	Hanif Khan	Qasim	54.76	Qasim	GPS	Ghazi Hato
325	1495	Mohammad Zahid	Zameer Khan	Qasim	52.50	Zangri Khal	GPS	Faqir Kotwala (Qasim)
UC Rustam								
326	893	Wali Muhammad	Qurabsh Muhammad	Rustam	55.86	Afa Rustam	GPS	Qamar Abad
327	1539	Saeed Ullah	Hasham Khan	Rustam	54.08	Kantogai	GPS	Qamar Abad
328	734	Wajid Ali	Mohammad Danish	Rustam	53.86	Kantur	GPS	Qamar Abad

ATTESTED

ATTESTED

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY MAJIDAN

[Handwritten Signature]

- 1. Director Schools and Literacy NWFP, Peshawar.
- 2. District Nazim Mardan.
- 3. District Coordination Officer Mardan
- 4. Deputy District Officers (All Mardan and Takhi Bhal)
- 5. ADO (Primary) Mardan.
- 6. District Accounts Officer Mardan.
- 7. Candidates concerned.

(Copy forwarded to the:-

Dated: 15/10/2011

Encls. No. 2595-2018
A/Type: PST

(FAZAL RAHIM)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY MAJIDAN

- 9. No LATA is allowed.
- 10. They are not allowed to avail pension gratuity etc as mention in the retirement (old contract employees 2012).
- 11. They will be governed by contract policy/letter released by the govt. from time to time.
- 12. In case of non availability of vacancy, the appointment order of the junior most candidate will be withdrawn and in any error in the score, the appointment order of the candidate will also be withdrawn.
- 13.
- 14. They are entitled for annual increment on completion of one year service.
- 15. They will take over charge of the post within 15 days.

(9)

(10)
Annexure-I-B-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/8/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

EXISTING NO & EVEN DATE

Copy is forwarded to:-

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

(WAJIDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED

1267
06/08/2020

M. H. S. S. S.

(11)

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 XVII) the chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED

MP4442-2023 AZIZULLAH VS GOVT OF POK

Secretary (Policy)

Secretary (Policy)

Yours faithfully,

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

Copy forwarded to the:
Ruler, Government of J&K

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.

The basic rationale behind the deletion of the bill rule is aimed at preventing a civil servant from tampering with the bill rule by seeking to a single lucrative post/position or to prevent those who tend to forge promotion to evade posting/transfer or show lack of capacity to tackle his/her responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

7/Appliment/2023 dated 18.04.2023 on the subject noted above and to state that sub-rule (5) of rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 04.08.2020; thus, no provision exists to decline or forge promotion.

I am directed to refer to your letter No. SO(Primary-M)M&S/172-2023 dated 18.04.2023 on the subject noted above and to state that sub-rule (5) of rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 04.08.2020; thus, no provision exists to decline or forge promotion.

The Government of Khyber Pakhtunkhwa,
Secretary & Secondary Secretary (Establishment).



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)M&S/172-2023
Dated Faisalabad the 06th June 2023

62

Annexure - C

(12)

(13)

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

Nn.SO (Primary-MYE&SED/2-6/2023
Dated Peshawar the June 26th 2023

To

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

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

[Handwritten Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

~~ATTESTED~~

B/c

(14)

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY 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).

Annexure
①


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

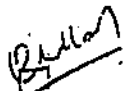
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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
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

- B/c - (16)

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

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

WP4442-2023 AZIZULLAH AS GOVT CP PG43

Assistant Director (Ex-1st)
Elementary & Secondary Education
Khyber Pakhtunkhwa

1. PA to Director
2. Master Copy
Local Directorate

Copy of the above is to:-

Assistant Director (Ex-1st A-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
21/7/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee. provided they submit their written request prior to conclusion of the meeting of Teachers below. It may be exempted of implications of the amendment in the rules bid (15) have affected negatively a huge number of Female Teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the decision of Rules been asked for submission of consolidated case.

Chairmanship of Hon. Additional Secretary Establishment at his office this office has that, in the minutes of meeting dated 6-07-2023 held under the (Primary-M) E&SED/2-2/Apoinment/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.30 civil servant to accept promotion under every condition.

that there exists no provision to decline or forgo promotion. It is obligatory upon every Wing) vide letter No.50 (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated.

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-M) E&SED/2-2/Apoinment/2023 for necessary guidance.

That your good office forwarded the memo to the quarter concerned vide letter promotion.

(ii) If the civil servant to either accept or turn down the offer of promotion. (i) Khyber Pakhtunkhwa Establishment Department in every condition. No.6987 dated 06-02-2023.

That this office sought guidance from your good office in the following words vide letter wide notification No. No. 50R-VI (E&AD)/1-3/2020 dated 06-08-2020.

dated Rule 75 in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing)

G.A/Sec/Min/Asst of the Ministry/SST/2023 dated 10-07-2023 on the subject cited above and in I am directed to refer to the letter No.50 (Primary-M) E&SED/2-2/Apoinment/2023 dated 10-07-2023 on the subject cited above and in present brief history about the background of the case as under:

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

Subject: - MINUTES OF THE MEETING
Dear Sir,

To
Khyber Pakhtunkhwa Peshawar
Phone: 091922241
E-mail: establishment@kpk.gov.pk

(17)

- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR.
(21-7-2023)

To:

Section Officer (Primary Male)
Elementary & Secondary Education Department
KPK, Peshawar.Subject: Minutes of Meeting

Dear Sir,

I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/GATE/Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(5) in Civil Servants (Appointment, promotion, Transfer Rule 1989) vide notification No. No. SOR-VI(E&AD)1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-08-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the Government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under ^{every} condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa.~~ATTESTED~~



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

(19)

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

Annexure
 E

The Secretary to Govt. of Khyber Pakhtunkhwa,
 Establishment & Administration Department,
 Peshawar

SUBJECT: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 06th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011:

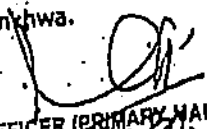
2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father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

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


 (MUHAMMAD ISMAIL)
 SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


 SECTION OFFICER (PRIMARY MALE)
 20/8/23

Scanned with ComScanner

ATTESTED

(20)

- B/c -

- 12 -

No. 5 (Primary - M) E&SE D/9-2/
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 (Policy) / E&AD
/1-3/2020 dated 8th June 2022 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
teacher of primary level who avail such promotion have to
face serious inconvenience while they have to perform duties
in the remotest stations with no residential/transport facilities.
Most of them are married with kids and elder father of
Mother-in-law who need care. In such cases there are negative
effects on service delivery.
In view of above, the said amendment may be reconsidered to
the extent of lady teacher in primary schools.

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

(21)

Annexure - F



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

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

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

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

ATTESTED

WP4442-2023 AZIZULLAH VS GOVT OF PG 43

(22)

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

(23)

Annexure - G

To,

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

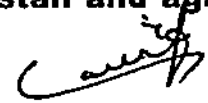
Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020. DATED 06/08/2020. COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA. ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

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

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

Dated 20/03/2024


ABDUR RASHID
S/O NAWAB KHAN
SPST



Aziz Ullah Khan
President
☎ 0333-0414648
✉ azizullah1972@gmail.com
✉ azizpkp



APTA House:
Govt. Primary School No.4,
Gulbahar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (ایٹا) خیبر پختونخوا

Annexure - A

مہاب: سیکرٹری انٹرنیٹ و سٹڈنٹس ایسوسی ایشن خیبر پختونخوا
مہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب مال

گزارش ہے کہ پروسچرر ایسوسی ایشن میں آئے ہیں کہ سرکاری ملازم کی عواض آہلی ہے پروسچرر کا ایک قانون آہلی کرنا کہ جو ملازم ایک اگر کسی
بجائے وقت ایک اور پروسچرر نہیں تو وہ ہر آئندہ پانچ سال تک پروسچرر نہیں لے سکتے تھے مطلب پانچ سال تک ہر اس کی پروسچرر نہیں ہو سکتی تھی
پہر اس قانون میں ترمیمی رعایت ملنا کہ پانچ سالہ قانونی بات غلط کر رہی تھی کہ اگر ایک ملازم ایک سال پروسچرر نہ لین تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک ہفتے پہلے ایک اور نوٹیفکیشن آیا ہے

جس کے مطابق اب ہر ملازم پروسچرر ضرور لین کے اگر نہیں لین کے تو اس کے خلاف ای ایک لکھ لکھ کر لے کر اس کے مطابق کارروائی کر لے گا کیا ہے
موصول یہ آخری نوٹیفکیشن ایسوسی ایشن کے ملل خلاف عدلی ہے سوسے کی دور روز اور پہلی ملازمین میں خاص کر خواتین اسکا کہ انتہائی مشکلات کا
سامنا کرنا پڑے گا

بیک عام حالات میں بھی ڈیڑھ سالی پروسچرر اور دو سالہ بیہوشی ایسوسی ایشن کے خلاف عدلی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خواتین دشمنی
بھی ہوئی ہے ایسے حالات میں یہ قانونی نوٹیفکیشن جو BSE کی کاغذی لیز کی وجہ سے کیا گیا ہے جو بدقسمتی اور ایسوسی ایشن کے خلاف ہے

اس میں کے خلاف قانونی ہارہ بول کا حق بھی منظور رکھے ہیں
لہذا ہم آپ سے ہدایت کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اسکا کہ (Relaxation) دیا جائے اور ان کو
زبردستی پروسچرر لینے کی ہدایت نہ کی جائے ان کو مرضی سے لینے دیا جائے

اور پروسچرر نہ لینے کی صورت میں ہاتھ پاؤں لیا جائے لیکن یہ زبردستی نہ کی جائے
اس لیے ان آپ سیدھا ایچ ایچ ڈی (DEO) لی ای ای اور کو ایک شخص سے رابطہ جاری کیا جائے تاکہ اطلاع میں آپ سب کو ایسوسی ایشن پرائمری اسکا کہ کو ذہنی
البتہ اور ہر جگہ سے پتلا جائے

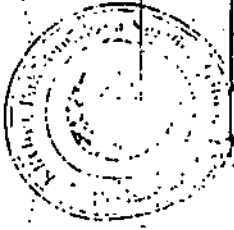
کیونکہ نوٹیفکیشن جاری ہونے ہی پرائمری اسکا کہ کو ایسوسی ایشن طور پر ہر جگہ کے کاغذی شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ سامان لوری ایسوسی ایشن کے سب سے پرائمری اسکا کہ، خیر سائیکل پرائمری اسکا کہ کو اس ایسوسی ایشن سے ہدایت دلائیں گے

شکریہ

مذراظہ خان سرہانی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

ATTESTED

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]

Date of Presentation of Application 10-7-23
 Number of 1
 Copies 5
 Urgent
 Total 5
 Name of
 Date of 13-6-23
 Date of delivery of copy 12-6-23

ATTESTED

WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ABDUR RAHIM

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

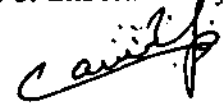
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court