


# FORM OF ORDER SHEET

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

Appeal No. 2013/2024

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>

S.A # 2013/2024

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

ABDUS SAMAD

V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-10
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	11-12
5.	Copy of Impugned Letter dated June 06th, 2023	C.	13-15
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	16-19
7.	Copy of Letter dated 23-08-2023	E.	20-21
8.	Copy of Impugned letter dated 07-09-2023	F.	22-23
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	24, 25 26
10.	Wakalat Nama		27

ADVOCATE  
M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2013 /2024

Abdus Samad Son of Misal Khan, SPST (BPS-14)  
GPS Zarghoon Gul Banda, Tehsil Dargai & 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 Senior Primary School 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 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 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.

4)

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government. It is a cheque 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.

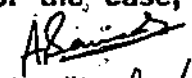
Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.


**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.

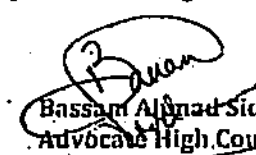
  
Deponent

Through

  
Appellant

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

  
Bassam Afnan 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

**ABDUS SAMAD**

**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**

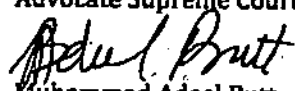
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.

  
Deponent

Through

  
Appellant

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

0)

**Dist. Govt. KP-Provincial**  
**District Accounts Office Malakand**  
**Monthly Salary Statement (December-2022)**



Personal Information of Mr **ABDUL SAMAD** d/w/s of **MISAL KHAN**

Personnel Number: 00336923

CNIC: 1540120787611

NTN:

Date of Birth: 25.04.1979

Entry into Govt. Service: 01.08.2006

Length of Service: 16 Years 05 Months 001 Days

Employment Category: Active Permanent

Designation: SENIOR PRIMARY SCHOOL TEA

80002421-DISTRICT GOVERNMENT KHYBE

DDO Code: MD6081-DY: D.O (M PRY) DARG

Payroll Section: 002

GPF Section: 001

Cash Center: 01

GPF A/C No: 336923

GPF Interest applied

GPF Balance:

391,745.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 14

Pay Stage: 12

Wage type	Amount	Wage type	Amount
0001 Basic Pay	43,410.00	1001 House Rent Allowance 45%	3,321.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1911 Compen Allow 20% (1-15)	1,000.00	2148 15% Adhoc Relief All-2013	500.00
2199 Adhoc Relief Allow @10%	340.00	2316 Teaching Allowance 2021	3,030.00
2341 Dispr. Red All 15% 2022KP	4,208.00	2347 Adhoc Rel Al 15% 22(PS17)	4,208.00

**Deductions - General**

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-2,620.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-270.00	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	284,000.00	-8,000.00	92,000.00

**Deductions - Income Tax**

Payable: 4,096.18 Recovered (till DEC-2022): 1,455.00 Exempted: 1023.64 Recoverable: 1,617.54

Gross Pay (Rs.): 64,379.00 Deductions: (Rs.): -12,815.00 Net Pay: (Rs.): 51,564.00

Payee Name: ABDUL SAMAD

Account Number: 1276-5

Bank Details: UNITED BANK LIMITED, 211029 DARGAI DARGAI,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: DARGAI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: samad4467@gmail.com

*(Handwritten signature)*

System generated document in accordance with APPAI 4.6.12.9(239974/29.12.2022/3.0)  
 All amounts are in Pak Rupees  
 Errors & omissions excepted (SERVICES/31.12.2022/03:32:55)

S.D.E.O. (MA)  
 Dargai MKO

**ATTESTED**



7)

**SERVICE CERTIFICATE**

Certified that, Mr. ABDUL SAMAD S/O MISAL KHAN is a permanent Govt. servant and he has been working in Elementary & Secondary Education department since 01.08.2006. At present he is serving as SPST in Govt <sup>(Post)</sup> Primary School Kass Korona Dargai Tehsil Dargai District Malakand.

*Amad*

Signature of H/Teacher  
With Seal

*S. Sama*

SUB DIVISIONAL EDUCATION OFFICER  
(M) SAMA RANIZAL DARGAI MALAKAND.  
S.D.E.O. (M)  
Dargai MKD

ATTESTED

8)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (S&L) MALAKAND

APPOINTMENT:

Consequent upon the recommendation of the Departmental Selection Committee Malakand in its meeting held on 31-07-2006, the undersigned is pleased to approve and appoint the following PST candidates (Male) District Malakand in BPS-07 (Rs.2555-140-6755) plus usual allowances as admissible to them under the rules against the vacant PST posts at the schools noted against each with effect from the date of their taking-over charge in the interest of public services subject to the following terms and conditions:

2 % DISABLE QUOTA

S.NO	NAME OF CANDIDATE/FATHER'S NAME	ADDRESS	U/COUNCIL	SCORE	PLACE OF POSTING
1	Rahman Saif S/O Lal Baz	VPO Mehirdi	Mehirdi	47.99	GPS-Sharif Abad

25 % Open Merit

S.NO	NAME OF CANDIDATE/FATHER'S NAME	ADDRESS	U/COUNCIL	SCORE	PLACE OF POSTING
1	Ziaul Qadri S/O Saeed Khan	R/O Sulankhat	Mehirdi	68.31	GPS-Dobandl Banda
2	Qadri Zameer S/O Sultan Sharif	R/O Dri Sari	Dehri	63.9	GPS-Pahel Banda
3	Mian Hussain Shah S/O Mir Hassan Shah	R/O Alladand	Alladand	63.36	GPS-No.3 Barkhela
4	Nabihur Rahman S/O Mast Ali	R/O Koper	Koper	62.25	GPS-Zarif Shah Daba
5	Danial Khan S/O Bakht Zamin	R/O Wartair	Wartair	62.06	GPS-No.1 Dobandl
6	Mohammad Iqbal S/O Wali Mohammad	R/O H/Kot	Herushab	61.63	GPS-Hazrat Manzil Koroon
7	MOHAMMAD S/O Sher Zaman Khan	R/O Badragga	Badragga	61.6	GPS-Huzra Abad
8	Mohammad Imroz S/O Allah Noor	R/O Kot	Kot	61.32	GPS-Fairgal
9	Mohammad Fayaz ul Karim S/O Khwairid	R/O Tharp	Thara Khass	61.06	GPS-Guzara (P)
10	Ziaur Rahman S/O Noor Hussain	R/O Kot	Kot	60.84	GPS-Daru Maina
11	Mohammad Zahid Hussain S/O Sultan Khan	R/O Agra	Agra	60.42	GPS-Guhagano Sar
12	Naveed Akbar S/O Mohammad Sherin Dacha	R/O Alladand	Alladand	60.36	GPS-No.1 Mehriband
13	Rohail Amin S/O Jamroz Khan	R/O Alladand	Alladand	60.15	GPS-No.1 Khar
14	Dacha Hussain S/O Shah Ishaq	R/O Agra	Agra	59.58	GPS-Mahmud Khanad
15	Mohammad Alam S/O Abdul Akbar	R/O Prangal	Sakhtakot Jadedd	59.26	GPS-Qardal
16	Said Malik S/O Qadri Malik	R/O Nuri Tangal	Firkhel	59.2	GPS-Kumbow (Mehriband)

75 % Union Council

S.NO	NAME OF CANDIDATE/FATHER'S NAME	ADDRESS	U/COUNCIL	SCORE	PLACE OF POSTING
1	Abdul Latif S/O Mian Saif Qadri	R/O Guhagano Sar	Agra	56.5	GPS-Inezrgi
2	Mohammad Idris S/O Mohammad Saeed Khan	R/O Agra	Agra	53.08	GPS-Inezrgi
3	Shahid Hussain S/O Perbezgar	R/O Alladand	Alladand	52.95	GPS-Hadl Khass
4	Mohammad Hussain S/O Aman Zeb	R/O Badragga	Badragga	52.7	GPS-Kashal Garh
5	Fazal Khan S/O Aman Khan	R/O Ajaal Kill	Badragga	52.39	GPS-Kashal Garh
6	Muhsin Ahmad S/O Mohammad Saeed	R/O Jharadar Kill	Badragga	51.37	GPS-Kashal Koper
7	Mohammad Arshad S/O Aman Zeb	R/O Khatnooko Shah	Dargal	56.51	GPS-Sharif Abad

Nash////////

*(Signature)*  
 S.D.O. (III)  
 Dargai Hiko  
**ATTESTED**

S.NO	NAME OF CANDIDATE/FATHER'S NAME	ADDRESS	U/COUNCIL	SCORE	PLACE OF POSTING
8	Muhammad S/O Ajmal Khan	R/O GU Khel	GU Khel	55.33	GPS-No:1 GU Khel
9	Kamshid Khan S/O Juma Raz Khan	R/O GU Khel	GU Khel	55.06	GPS-No:2 GU Khel
10	Safiq Khan S/O Shah Waqar Khan	R/O Khattak Abad	GU Khel	49.66	GPS-No:2 GU Khel
11	Mohammad Bawa S/O Gul Muhammad	R/O Gul Dehri	Herohah	58.29	GPS-Jamnat Abad
12	Zard Ali Khan S/O Dawlat Khan	R/O Haryat Kot	Herohah	54.71	GPS-Kandow (Haryat Kot)
13	Qumranah S/O Ghosam Qadir	R/O Zoomardi	Herohah	54.14	GPS-Nasimulah Kili
14	Niaz Ali Khan S/O Mohammad Gul	R/C Khar	Khar	53.33	GPS-No:2 Khar
15	Fazil Wahab S/O Abdul Wahab	R/O Deri	Deri Jhagram	53.59	GPS-Khar Banda
16	Abdus Samad S/O Misal Khan	R/O Qaidara	Kharid	53.55	GPS-Zarghoon Gul Banda
17	Abmghr Khan S/O Sultan Mohammad	R/O Lalma	Koper	59.06	GPS-Chargno Kili
18	Amir Zada S/O Gul Zada	R/O Malma	Kot	59.12	GPS-Daghdara
19	Noord Wahab S/O Fazil Wahab	R/O Kot	Kot	58.86	GPS-Mangal
20	Rahim Dadi S/O Fazil Hassan	R/O kot	Kot	56.03	GPS-H.C.Kot
21	Amir Said S/O Niaz Mohammad	R/O Kot	Kot	54.41	GPS-Fatrgal
22	Daman Mohammad S/O Wali Mohammad	R/O Kot	Kot	50.79	GPS-Fatrgal
23	Zaman Khan S/O Hayat Gul	R/O Kot	Kot	50.75	GPS-Fatrgal
24	Sarifuz Khan S/O Noor Mohammad	R/O Batkhela	Lower Batkhela	43.61	GPS-No:3 Batkhela
25	Mohammad Daman S/O Khalista Rehman	R/O Malakand	Malakand	51.37	GPS-Bango
26	Mohammad Arshad S/O Mohammad Younis	R/O Malakand	Malakand	51.16	GPS-Kandako
27	Mohammad Inayat S/O Abdul Malik	R/O Piran	Makhand	51.1	GPS-Chappal
28	Habibullah S/O Gul Khan	R/O Makhandwala	Makhand	53.24	GPS-Mian Kili
29	Shahabuddin S/O Qayyum Dita	R/O Sherkhana	Patal	54.56	GPS-No:1 Patal
30	Mukhtar Uddin S/O Qayyum Dita	R/O Sherkhana	Patal	52.8	GPS-Zangal Patal
31	Niazat Ghani S/O Abdul Jafar	R/O Sherkhana	Patal	49.86	GPS-Dandera (Peyem)
32	Zahid Abdulla S/O Nowsher Dita	R/O Sherkhana	Patal	48.3	GPS-Patal Banda
33	Mohammad Afzal S/O Mohiuddin	R/O Nari Tangi	Pirkhel	58.37	GPS-No:1 Melkband
34	Behroz Khan S/O Aziz Khan	R/O Melkband	Pirkhel	54.62	GPS-Shotawal
35	Ajmal Khan S/O Sultan Mohammad	R/O Bughicha	Sekhat Kot Jokezi	57.46	GPS-No:2 Prangi
36	Said Zaman S/O Mir Hassan	R/O Total	Schal Patal	59.07	GPS-Total
37	Mohammad Niaz S/O Hazrat Faqir	R/O Total	Schal Patal	57.43	GPS-Korogh
38	Mukhtar Alam S/O Gul Badshah	R/O Total	Schal Patal	57.31	GPS-Korogh
39	Miftahud Dita S/O Sarfaraz Khan	R/O Total	Schal Patal	56.53	GPS-Shawtoop
40	Abdul Mustafa S/O Kamshid Roshan	R/O Thana	Thana Khara	57.84	GPS-Danda
41	Ghulam Rashid S/O Ghulam Yahya	R/O Batkhela	Upper Batkhela	53.14	GPS-No:2 Batkhela
42	Mohammad Iqbal S/O Amir Khan	R/O Batkhela	Upper Batkhela	42.53	GPS-Clarib Abad
43	Imdad Hussain S/O Abdul Ghaffar	R/O Qadam Khela	Wartak	57.15	GPS-Matta
44	Dawood Khan S/O Said Mahmood	R/O Soruna	Wartak	53.86	GPS-Plandara
45	Sultan Mahmood S/O Said Mahmood	R/O Soruna	Wartak	54.84	GPS-Clarang Dera
46	Akmal Nadeem Khan S/O Shah Jahan	R/O Wartak	Wartak	50.18	GPS-Dobandi Banda
47	Fazil Shakoor S/O Fazil Ghaffar	R/O Qadam Khela	Wartak	46.6	GPS-Qarag Dar

*[Handwritten Signature]*  
 S.D.F.O. (M)  
 District Office  
**ATTESTE**

**TERMS & CONDITIONS.**

1. Charge report should be submitted to all concerned.
2. The appointments are temporary and liable to termination at any time without giving any reason.
3. The candidates are required to produce health & age certificate from the Medical Superintendent Malakand.
4. They should not hand over charge if their age exceeds 35 years or less than 18 years.
5. Their original testimonial should be checked & verify from the concerned Board / University / Institution after the taking over charge & before payment of salary.
6. In case they failed to resume charge within 15 days of issue of this order, the order shall stand automatically cancelled.
7. The service of fresh candidates will be considered as regular, but in lieu of pension and gratuity, they will be entitled to receive such amount contributed by them towards the C.P. Fund alongwith the contribution made by the Govt to their account in the said fund in terms of section 19 of the NWFP civil servants Act, 1973 as amended by NWFP civil servants amended act, 2005.
8. The service of the in service candidates will be considered regular on the confirmation of their service from their respective Department and in case their previous service in their respective department declared contract/fixd, they will be considered and placed as fresh PST candidate from the date of taking-over charge in terms of section 19 of the NWFP civil servant Act, 1973 as amended by NWFP Civil Servant amended act, 2005.
9. You will be replaced by a senior and PST of your Union Council working at other union council in the case of 75 % Union Council Wise merit

(GUL ZAMAN KHAN)  
 EXECUTIVE DISTRICT OFFICER (S&L)  
 MALAKAND AT/BATCHELA  
 Dated: 31-07-2006

Encls No: 13228-13361/Recst/(PST(Male)/2006/EDO(S&L)Mkd

Copy of the above is forwarded to:

- (1) Director of Schools & Literacy NWFP Peshawar.
- (2) The District Nazim Malakand.
- (3) The District Coordination Officer Malakand.
- (4) The Dy.D.O (Male) Swat Ranizai at Batkhela.
- (5) The Dy.D.O (Male) Samn Ranizai at Dargal.
- (6) The Agency Accounts Officer Malakand.
- 7-71 The Head Teachers GPS concerned.
- 72 The B&AO (Local Office)
- 73 All the Head of Departments / Institutions of In-Service candidates concerned.
- 74-133 The Candidates concerned.

EXECUTIVE DISTRICT OFFICER (S&L)  
 MALAKAND AT/BATCHELA

**ATTESTED**

*(Signature)*  
 S.D.E.O (S&L)  
 Dargal-MKO

Nashr////////

ATTESTED

ATTESTED

DEPUTY SECRETARY POLICE  
(QWADDAH LATIP)

*[Signature]*



- 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 Chief Minister, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 6. The Principal Secretary to Chief Minister, 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.
- 13. All Section Officers in Establishment & Administration Department with the request to arrange 20 gazette copies.
- 14. The Section Officer (Admn), Administration Department.
- 15. The Carriage, Administration Department.

CHIEF SECRETARY  
GOVERNMENT OF THE IGQYDEN PAKHTUNKHWA

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

AMENDMENT

in exercise of the powers conferred by section 26 of the Government of Khyber Pakhtunkhwa Act No. XVIII of 1973 (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:

Dated Peshawar, the 06/8/2020

NOTIFICATION

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(CIRCULATION WING)

Annexure - B

12)

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



14)

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

No. RO (Primary-MYE&SED/2-6/2023)  
Lahad Peshawar the. June 26<sup>th</sup>, 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER  
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION  
AND TRANSFER) RULES, 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)E8AD/1-3/2020 dated  
06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at  
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)  
E&SE Department in his office.

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

Encl: AA

*[Handwritten mark]*

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

Copy forwarded to the:

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

*[Handwritten mark]*

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

~~ATTESTED~~



15)

B/c

No SO (Primary-M)/E&SD/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(5) 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&SB 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 MAIL)

Copy forwarded to the

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

SECTION OFFICER (PRIMARY MAIL)

~~ATTESTED~~

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DEVIATION 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 inroads 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

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

ATTESTED

17)

- B/C -

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(8) 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)

**APPROVED**

1.2.21  
-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-Male) E&SED/S-1/G/184/ Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under.

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1997) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-08-2023.  
(i) Since it is obligatory upon civil servant to accept promotion.  
(ii) It is prerogative of civil servant to either accept/humans the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-Male) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-2/2020 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 <sup>every</sup> condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to:

1. PA to Director Local Directorate
2. Master Copy

Authorized Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTED

**ATTESTED**

WFA443-2023 AZIZULAM VA GOVT CP P04

Assistant Director (Exhib-1)  
Ministry & Secondary Education  
Khyber Pakhtunkhwa

Assistant Director (Exhib A-1)  
Ministry & Secondary Education  
Khyber Pakhtunkhwa

21/7/2023

2 Master Copy  
PA to Director, Khyber Pakhtunkhwa

Copy of the above is to:

The file is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

Teachers below 10-16 may be exempted of implications of the amendment in the rules laid down in the rules 1975. Thus it is proposed that 75% have offered respectively 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 a resolution of concerned cases.

Chairman of the Additional Secretary Establishment at his office this office has that in the light of the minutes of meeting dated 6-07-2023 held under the (Primary) E&SED-2/19700 dated 12-05-2023.

The same was received by this office from your good office with letter No.50 civil services in receipt provided under every condition.

that there shall be no provision in decline or forgo promotion. It is obligatory upon every (Wing) with letter No.50 (Policy) E&AD/1-17000 dated 6-06-2023 categorically stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary) E&SED-2/19700 for necessary guidance.

The same copy of office forwarded the same in the quarter concerned wide letter promotion.

(ii) It is the responsibility of the civil services to either accept or then draw the offer of (i) Now a resolution upon the civil services to accept promotion in every condition. No.50 dated 06-02-2023.

The civil services should be guided from your good office in the following words wide letter No.50 dated 06-08-2023.

dated Rule 7(C) in the Civil Services (Appointment, Promotion & Transfer Rules 1989) The Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing) No.50 (Primary) E&AD/1-17000 dated 06-08-2023.

I am directed to refer to the letter No.50 (Primary) E&SED-2/19700 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under.

**Subject - MINUTES OF THE MEETING**  
Khyber Pakhtunkhwa  
Ministry & Secondary Education  
The Section Officer (Primary-Ed),

To  
No. 8145  
R.No. 1158/1/2023 dated 21-7-2023  
Khyber Pakhtunkhwa, Peshawar  
Phone 011-311144  
Email: establishment@pki.gov.pk





ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-0221587)

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

Annexure  
E

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

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

Dear Sir,

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

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 ISHAK)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)  
28/8/23

Scanned with CamScanner

ATTACHED

21)

-B/c-

- 2 -

No. 50 (Primary - M) E & SE D / 2-2 /  
Amendment - 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 07th 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

Annexure - F



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

To

The Secretary to Government of Khyber Pakhtunkhwa,  
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)

Encl. Of even No & date

Copy forwarded to the:-

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

ATTESTED

WP-447-2023 AZIZULLAH VS GOVT OF PK

*[Handwritten signature]*



23)

- 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 rendered to your good office vide this department letter of even  
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

End 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

24/

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 19/03/2024



ABDUS SAMAD  
S/O MISAL KHAN  
SPST.



26)

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 US\$ expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. PP given to learned counsel for the appellant.
03. Alongwith the service appeal, there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 10-5-24  
 Number of 1  
 Copies 1  
 Upran 1  
 Total 1  
 Name of 13-6-23  
 Date of Release of copy 17-6-24

**ATTESTED**

27)

# WAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**ABDUS SAMAD**  
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

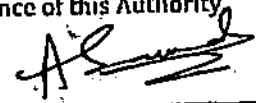
BASSAM AHMAD SIDDIQUI AHC

&

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

  
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