


FORM OF ORDER SHEET

Court of _____

Appeal No. 2014/2024

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 - 20/4/24

ANWAR SHAH

V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2014 /2024

Anwar Shah son of Momín Shah, PSHT (BPS-15)
PO Khas, Sugraí bala, Tehsil Topi, district Swabi

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.
Copy of Appointment letter is annexed as **Annexure A**

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

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

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

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

Copy of impugned letter dated 07-09-2023 is attached as Annexure F

10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed.

Copy of Representation against the said notification is annexed as Annexure G & H

11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

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

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

It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3/2020 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 Afnan Siddiqui
 Advocate High Court
 LL.M- Human Rights

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No _____ 2024

Anwar Shah

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:-

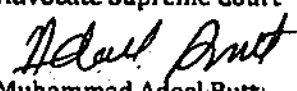
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification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


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

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

~~ATTACHED~~

PROJECT: ALIYAN VILL AND ROAD BALASWARY
 DISTRICT: NW - NORTH PAKISTAN
 DRAWING: SW/ADL SW/ADL

PAID TO: NATIONAL BANK OF PAKISTAN
 ACCOUNT NO: 123456789
 BRANCH: KARACHI
 DATE: 15/05/2013
 AMOUNT: PKR 1,000,000.00

Sl. No.	Description	Particulars	Debit	Credit	Balance
1	Balance b/d			1,000,000.00	1,000,000.00
2	Transfer from A/c		500,000.00		500,000.00
3	Transfer to A/c			1,500,000.00	1,500,000.00
4	Transfer from A/c		1,000,000.00		500,000.00
5	Transfer to A/c			1,175,000.00	1,175,000.00
6	Balance c/d			1,175,000.00	1,175,000.00

Sl. No.	Description	Particulars	Debit	Credit	Balance
1	Balance b/d			1,175,000.00	1,175,000.00
2	Transfer from A/c		1,000,000.00		175,000.00
3	Transfer to A/c			1,175,000.00	1,175,000.00
4	Transfer from A/c		1,175,000.00		0.00
5	Transfer to A/c			1,175,000.00	1,175,000.00
6	Transfer from A/c		1,175,000.00		0.00
7	Transfer to A/c			1,175,000.00	1,175,000.00
8	Transfer from A/c		1,175,000.00		0.00
9	Transfer to A/c			1,175,000.00	1,175,000.00
10	Transfer from A/c		1,175,000.00		0.00
11	Transfer to A/c			1,175,000.00	1,175,000.00
12	Transfer from A/c		1,175,000.00		0.00
13	Transfer to A/c			1,175,000.00	1,175,000.00
14	Transfer from A/c		1,175,000.00		0.00
15	Transfer to A/c			1,175,000.00	1,175,000.00
16	Transfer from A/c		1,175,000.00		0.00
17	Transfer to A/c			1,175,000.00	1,175,000.00
18	Transfer from A/c		1,175,000.00		0.00
19	Transfer to A/c			1,175,000.00	1,175,000.00
20	Transfer from A/c		1,175,000.00		0.00
21	Transfer to A/c			1,175,000.00	1,175,000.00
22	Transfer from A/c		1,175,000.00		0.00
23	Transfer to A/c			1,175,000.00	1,175,000.00
24	Transfer from A/c		1,175,000.00		0.00
25	Transfer to A/c			1,175,000.00	1,175,000.00
26	Transfer from A/c		1,175,000.00		0.00
27	Transfer to A/c			1,175,000.00	1,175,000.00
28	Transfer from A/c		1,175,000.00		0.00
29	Transfer to A/c			1,175,000.00	1,175,000.00
30	Transfer from A/c		1,175,000.00		0.00
31	Transfer to A/c			1,175,000.00	1,175,000.00
32	Transfer from A/c		1,175,000.00		0.00
33	Transfer to A/c			1,175,000.00	1,175,000.00
34	Transfer from A/c		1,175,000.00		0.00
35	Transfer to A/c			1,175,000.00	1,175,000.00
36	Transfer from A/c		1,175,000.00		0.00
37	Transfer to A/c			1,175,000.00	1,175,000.00
38	Transfer from A/c		1,175,000.00		0.00
39	Transfer to A/c			1,175,000.00	1,175,000.00
40	Transfer from A/c		1,175,000.00		0.00
41	Transfer to A/c			1,175,000.00	1,175,000.00
42	Transfer from A/c		1,175,000.00		0.00
43	Transfer to A/c			1,175,000.00	1,175,000.00
44	Transfer from A/c		1,175,000.00		0.00
45	Transfer to A/c			1,175,000.00	1,175,000.00
46	Transfer from A/c		1,175,000.00		0.00
47	Transfer to A/c			1,175,000.00	1,175,000.00
48	Transfer from A/c		1,175,000.00		0.00
49	Transfer to A/c			1,175,000.00	1,175,000.00
50	Transfer from A/c		1,175,000.00		0.00
51	Transfer to A/c			1,175,000.00	1,175,000.00
52	Transfer from A/c		1,175,000.00		0.00
53	Transfer to A/c			1,175,000.00	1,175,000.00
54	Transfer from A/c		1,175,000.00		0.00
55	Transfer to A/c			1,175,000.00	1,175,000.00
56	Transfer from A/c		1,175,000.00		0.00
57	Transfer to A/c			1,175,000.00	1,175,000.00
58	Transfer from A/c		1,175,000.00		0.00
59	Transfer to A/c			1,175,000.00	1,175,000.00
60	Transfer from A/c		1,175,000.00		0.00
61	Transfer to A/c			1,175,000.00	1,175,000.00
62	Transfer from A/c		1,175,000.00		0.00
63	Transfer to A/c			1,175,000.00	1,175,000.00
64	Transfer from A/c		1,175,000.00		0.00
65	Transfer to A/c			1,175,000.00	1,175,000.00
66	Transfer from A/c		1,175,000.00		0.00
67	Transfer to A/c			1,175,000.00	1,175,000.00
68	Transfer from A/c		1,175,000.00		0.00
69	Transfer to A/c			1,175,000.00	1,175,000.00
70	Transfer from A/c		1,175,000.00		0.00
71	Transfer to A/c			1,175,000.00	1,175,000.00
72	Transfer from A/c		1,175,000.00		0.00
73	Transfer to A/c			1,175,000.00	1,175,000.00
74	Transfer from A/c		1,175,000.00		0.00
75	Transfer to A/c			1,175,000.00	1,175,000.00
76	Transfer from A/c		1,175,000.00		0.00
77	Transfer to A/c			1,175,000.00	1,175,000.00
78	Transfer from A/c		1,175,000.00		0.00
79	Transfer to A/c			1,175,000.00	1,175,000.00
80	Transfer from A/c		1,175,000.00		0.00
81	Transfer to A/c			1,175,000.00	1,175,000.00
82	Transfer from A/c		1,175,000.00		0.00
83	Transfer to A/c			1,175,000.00	1,175,000.00
84	Transfer from A/c		1,175,000.00		0.00
85	Transfer to A/c			1,175,000.00	1,175,000.00
86	Transfer from A/c		1,175,000.00		0.00
87	Transfer to A/c			1,175,000.00	1,175,000.00
88	Transfer from A/c		1,175,000.00		0.00
89	Transfer to A/c			1,175,000.00	1,175,000.00
90	Transfer from A/c		1,175,000.00		0.00
91	Transfer to A/c			1,175,000.00	1,175,000.00
92	Transfer from A/c		1,175,000.00		0.00
93	Transfer to A/c			1,175,000.00	1,175,000.00
94	Transfer from A/c		1,175,000.00		0.00
95	Transfer to A/c			1,175,000.00	1,175,000.00
96	Transfer from A/c		1,175,000.00		0.00
97	Transfer to A/c			1,175,000.00	1,175,000.00
98	Transfer from A/c		1,175,000.00		0.00
99	Transfer to A/c			1,175,000.00	1,175,000.00
100	Transfer from A/c		1,175,000.00		0.00

PROJECT: ALIYAN VILL AND ROAD BALASWARY
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ATTESTED

NOI	258/500	BOIT BASH BASH
NBI	636	518 BOIT BASH BASH
NBI	630	018 KOTI KOTI
NBI	632	018 KOTI KOTI
NBI	637	018 BOIT BOIT
NBI	638	018 BOIT BOIT
NBI	639	018 BOIT BOIT
NBI	708	018 BOIT BOIT
NBI	711	018 BOIT BOIT
NBI	719	018 BOIT BOIT
NBI	722	018 BOIT BOIT
NBI	726	018 BOIT BOIT
NBI	732	018 BOIT BOIT
NBI	732	018 BOIT BOIT
NBI	736	018 BOIT BOIT
NBI	743	018 BOIT BOIT
NBI	745	018 BOIT BOIT
NBI	746	018 BOIT BOIT

THE BOARD OF ELECTIONS AND AFFAIRS...
 ON 01/08/2018...
 THE BOARD OF ELECTIONS AND AFFAIRS...
 THE BOARD OF ELECTIONS AND AFFAIRS...
 THE BOARD OF ELECTIONS AND AFFAIRS...

284	Saber Husein	Muhammad Zahid	26	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
285	Muhammad Ibrahim	Shah Aman	27	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
286	Khalid Farooq	Zahid Shah	28	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
287	Usha Zaki	Roshan Ali Khan	18	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Female	GPS NO 1/ABANG	...
288	Masafar Khan	Muhammad Khan	12	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
289	Zarghun Shah	Muhammad Lameer	23	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
290	Tris Hakeem	Zarfar Khan	34	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
291	Mir Bahman	Sultan Muhammad	15	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
292	Muhammad Saleem	Muhammad Saad	16	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
293	Navee Usman	Wahid Ullah	17	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
294	Zahid Khan	Sahib Shah	28	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
295	Zahid Ahmed	Ali Ullah	30	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
296	Abdul Malik	Hamid Hakeem	42	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
297	Aman Ullah Khan	Maria Khan	41	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Female	GPS NO 1/ABANG	...
298	Abdul Aziz	Shah Nazam	43	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
299	Fazal Ullah	Fazal Khan	24	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
300	Ameer Farooq	Ameer Khan	45	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
301	Mirza Anwar	Muhammad Saif	46	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
302	Said Waheed	Said Usman	47	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
303	Farooq Ali	Ameer Anwar	48	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
304	Fazal Ali	Mirza Ali	49	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
305	Farooq Ahmad	Muhammad Saif	50	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
306	Muhammad Khan	Ayaz Khan	51	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
307	Muhammad Ali	Muhammad Khan	52	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
308	Muhammad Saif	Farooq Khan	53	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
309	Muhammad Saif	Muhammad Saif	54	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
310	Muhammad Saif	Muhammad Saif	55	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
311	Muhammad Saif	Muhammad Saif	56	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
312	Muhammad Saif	Muhammad Saif	57	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
313	Muhammad Saif	Muhammad Saif	58	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
314	Muhammad Saif	Muhammad Saif	59	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
315	Muhammad Saif	Muhammad Saif	60	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
316	Muhammad Saif	Muhammad Saif	61	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
317	Muhammad Saif	Muhammad Saif	62	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
318	Muhammad Saif	Muhammad Saif	63	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
319	Muhammad Saif	Muhammad Saif	64	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
320	Muhammad Saif	Muhammad Saif	65	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
321	Muhammad Saif	Muhammad Saif	66	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
322	Muhammad Saif	Muhammad Saif	67	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
323	Muhammad Saif	Muhammad Saif	68	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...
324	Muhammad Saif	Muhammad Saif	69	1291-99	Dated 14-03-2019	09-03-2019	9366/19	Male	GPS NO 1/ABANG	...

RECEIVED
 14/03/2019

ATTESTED

M. S. S. D.

DEPUTY SECRETARY POLICE
(MAJIDAH LATIF)

[Signature]

ATTESTED



- 1. Additional Chief Secretary, Govt. of Punjab, Planning & Development Department, Lahore.
- 2. The Senior Member Board of Revenue, Punjab, Lahore.
- 3. All Administrative Secretaries to Govt. of Punjab, Lahore.
- 4. The Principal Secretary to Chief Minister, Punjab, Lahore.
- 5. The Principal Secretaries to Chief Ministers, Punjab, Lahore.
- 6. All Heads of Attached Departments in Punjab, Lahore.
- 7. All Autonomous/Semi Autonomous Bodies in Punjab, Lahore.
- 8. All Deputy Commissioners in Punjab, Lahore.
- 9. All Deputy Commissioners in Punjab, Lahore.
- 10. The Registrar, Punjab, Lahore.
- 11. The Registrar, Punjab, Lahore.
- 12. The Secretary, Punjab, Lahore.
- 13. The Deputy Director (IT), Punjab, Lahore.
- 14. The Deputy Director (IT), Punjab, Lahore.
- 15. The Section Officer (Admn), Administration Department, Lahore.
- 16. The Section Officer (Admn), Administration Department, Lahore.
- 17. The Section Officer (Admn), Administration Department, Lahore.
- 18. The Section Officer (Admn), Administration Department, Lahore.
- 19. The Section Officer (Admn), Administration Department, Lahore.
- 20. The Section Officer (Admn), Administration Department, Lahore.

CHIEF SECRETARY
GOVERNMENT OF THE PUNJAB, PAKISTAN

In rule 1, sub-rule (5) shall be deleted.

AMENDMENT

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

NOTIFICATION

GOVERNMENT OF
PUNJAB, PAKISTAN
ESTABLISHMENT DEPARTMENT
(DISCUSSION-WING)

Annexure - 1 - B

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

ATTACHED

WPA443-2023 AZIZULAH VS GOVT OF POK

Section Officer (Policy)

Section Officer (Policy)

Yours faithfully,

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

Copy forwarded to them.

Handwritten initials and numbers: 216, HSE, M, K.

2011, please

1. Furthermore, those officials who do not comply with promotion order of the competent authority or try to evade promotion through dilatory means shall be proceeded against under Khayr-ul-Ma'roof (Misconduct & Discipline) Rules, 2011, please

2. Further, those officials who do not comply with promotion order shall be liable to disciplinary proceedings in case of promotion. Therefore, it is obligatory upon every official to accept promotion in every condition.

3. The said officials should be advised that the date of presentation of their names for promotion shall be taken as the date of presentation of their names for promotion. Therefore, it is obligatory upon every official to accept promotion in every condition.

4. The said officials should be advised that the date of presentation of their names for promotion shall be taken as the date of presentation of their names for promotion. Therefore, it is obligatory upon every official to accept promotion in every condition.

5. The said officials should be advised that the date of presentation of their names for promotion shall be taken as the date of presentation of their names for promotion. Therefore, it is obligatory upon every official to accept promotion in every condition.

6. The said officials should be advised that the date of presentation of their names for promotion shall be taken as the date of presentation of their names for promotion. Therefore, it is obligatory upon every official to accept promotion in every condition.

GOVERNMENT OF POK
 ESTABLISHMENT DEPARTMENT
 No. SPO/Policy/12/2020
 Dated: Islamabad, the 09th Aug, 2023



Annexure - C

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.001-0223587)

P.O. (Primary-MYBSED/2-8/2023
Lahor Peshwar Dte. June 26th 2023

To

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

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

26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(6) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1988.

I am directed to refer to the subject noted above and to enclose herewith
a letter of Establishment Department letter No. 60 (Policy)E&AD/1-3/2020 dated
05 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)
E&SE Department in his office.

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

Encl: AA

ac


(MUHAMMAD SHAH)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

ac


SECTION OFFICER (PRIMARY MALE)
26/6/23


ATTESSED

CHIEF SECRETARY

WP 449-2023 ADDITIONAL VS GOVT OF PUNJ

SECTION OFFICER (PRIMARY MAIL)

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

Copy forwarded to the

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MAIL)

Encl: AA

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

Establishment Department letter No. 50 (Policy) E&AD/1-3/2020 dated 05 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 (Encl) E&SB Department in his office.

I am directed to refer to the subject noted above and to enclose herewith a letter of GUIDANCE REGARDING DEBITION OF RULE 7(C) IN THE KHAYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.

To: The Director, Elementary & Secondary Education Department, Kyber Pakhtunkhwa, Peshawar.
Acting Union Kyber President
President
All Primary Teacher's Association, KP

No 50 (Primary-40)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

B/c

13

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

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


Annexure
01


SR	NAME	DESIGNATION
1	Mr. Fozal 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) EASE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

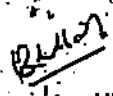
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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. Fozal Wahid)
Deputy Director-1
EASE 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)
EASE Department

(Abdulrah)
Additional Secretary (Establishment)
EASE Department


ATTESTER

-15-
-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(B) 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/N	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

TESTED

WFO443-2023 AZZILAH VA GOVT OF POK

2. Master Copy
1. PPT to Director Local Director
Copy of the above to:
Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

The case is submitted for perusal and necessary action please.
In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have effected negatively a huge members of female teachers.

That in light of the minutes of the meeting dated 6-07-2023 held under the chairmanship of Hon. Additional Secretary Education of this office has been asked for submission of consolidated case.

no provision to clarify / for promotion or is obligatory upon every civil servant to accept promotion under any condition.
That the government of KP-ED (Requesting Wing) vide letter No. SO (Policy) / E&ED / 1-3/2020 dated 6-06-2023 categorically stated that there exists

That your good office forwarded the same to quarters concerned vide letter No. SO (Policy) / E&ED / 1-2 / Appointment / 2023 for necessary guidance.
That you good office forwarded the same to quarters concerned vide letter No. SO (Policy) / E&ED / 1-3 / 2020 dated 06-08-2020.

That this office sought guidance from your good office in the following vide notification No. No. SR-VI (E&ED) / 1-3 / 2020 dated 06-08-2020.
That Government of KP Establishment department (Requesting Wing) added rule 7(S) in Civil Servants (Appointment, Promotion, Transfer & Retention) Rules, 1997.

I am directed to refer to letter No. SO (Policy) / E&ED / 1-3 / 2020 dated 10-7-2023 on subject cited above and to

Minister of Meeting / PT / 2023 dated 10-7-2023 on subject cited above and to
That Government of KP Establishment department (Requesting Wing) added rule 7(S) in Civil Servants (Appointment, Promotion, Transfer & Retention) Rules, 1997.

Section Officer (Policy-Male),
Elementary & Secondary Education Department
KPK, Peshawar.

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
PESHAWAR
(21-7-2023)

ATTESTED

18-11-2023 10:00 AM

Assistant Director (Ex-Officio)
Ministry of Secondary Education
Khyber Pakhtunkhwa

Assistant Director (Ex-Officio)
Ministry of Secondary Education
Khyber Pakhtunkhwa

The form is submitted for perusal and necessary actions please.

I am directed to refer to the letter No. SOP/Ministry-40565EDM-11/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

The Government of Khyber Pakhtunkhwa Education Department (Regulation Wing) vide letter No. 502-VI (EAM/D)/1-2020 dated 06-08-2020 that this officer should be granted from your good office in the following words with effect from 10-07-2023.

(i) Now it is obligatory upon the civil servant to accept promotion in every condition. If it is not accepted by the civil servant to either accept or turn down the offer of promotion.

(ii) That your good office forwarded the case to the quarter concerned vide letter No. 502 (Regulation) of Khyber Pakhtunkhwa Education Department (Regulation Wing) vide letter No. 502 (Regulation) dated 06-08-2020 regarding the same. It is obligatory upon every civil servant to accept promotion under every condition.

(iii) The same was accepted by the officer from your good office with letter No. 502 (Regulation) dated 12-04-2023.

(iv) That in the light of the minutes of meeting dated 07-07-2023 held under the Chairmanship of Hon. Assistant Secretary Establishment at his office this officer has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(3) have affected adversely a large number of female Teachers. Thus it is proposed that Rule 16 may be amended to include the name of the officers in the list of Teachers below. It is suggested that their written request for promotion be considered for the purpose of the meeting of Departmental Promotion Committee.

MINUTES OF THE MEETING
Khyber Pakhtunkhwa Education Department
The Assistant Director (Regulation Wing)

Dear Sir,

To

Copy of the above is to:
1. PA to Director, Local Director
2. Master Copy

Page No. 8145



Ministry of Secondary Education
Khyber Pakhtunkhwa
Date: 18-11-2023
Email: establishment@pkp.edu.pk



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

No. SO(Policy-4)EBSED/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) ERAD/ 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.

(ADJHAMBAD) (REGD)
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)
20/8/23

Scanned with CamScanner

ATTESTED

ATTESTED

2. PS to Secretary, E & SE Department, Kyba Pkthunhwa
4. Director E & SE Kyba Pkthunhwa
Copy forwarded to:
(Muhammad Ishaq)
Section Officer (General)
(Note)

In this connection it is submitted that in some cases lady teachers of primary level who avail such promotion have to face serious inconvenience while they have to perform duties in the remotest stations with no residential/transport facilities. Most of them are married with kids and elder fathers 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 teachers in primary schools.

Dear Sir,
I am directed to refer to your letter No. S/General (P&T)/E&AD dated 13/3/2020 and to state that after deletion of Rule 7(S) Kyber Pkthunhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that these 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 Kyber Pkthunhwa Civil Servant (Efficiency and Discipline) Rules 2013.

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

To
The Secretary to Government of Kyba Pkthunhwa
Establishment and Administration Department,
Peshawar.
No. S (General-M) E&SE D/2023
Appointment - Rule 2023
Reference Dated 23rd August 2023.

-8/c-
-10-

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

ATTESTED

WP443-2023 AZIZULLAH VS GOVT OF PK-13

- 21 -

- B/C -

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

Dear Sir:

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-2/Appointment-
Rule/2023 dated 03.08.2023 on the subject noted above and to state that necessary
guidance has already been tendered to your good office vide this department letter of even
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encls. Of even No. & date:

Copy forwarded to the:-

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

Section Officer (Policy)

~~TESTED~~

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 06/05/23 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&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.

Date: 16/03/2024




ANWAR SHAH
SON OF
MOMIN SHAH
PSHT

ATTESTED

APR 11 2003 AZULIANA VA COURT OF RECORD

Handwritten signature and date 08/11/03

Main body of handwritten text, likely a legal document or affidavit.

Annexure - H

APTA House
Govt. Primary School No.4
Dudhedar Peshwar City



Kamber Pashunkhwa

APTA House
Govt. Primary School No.4
Dudhedar Peshwar City

-24-

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-submission notice be issued to the respondents through TCS for submission of reply/objections. Appellant is directed to deposit TCS expenses within three days. To come up for reply/objections as well as preliminary hearing on 10.06.2024 before S.J. 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 12-6-23
 Number of 51
 Copies 51
 Total 51
 Name of 12-6-23
 Date of Receipt of copy 12-6-23

CS CamScanner

~~ATTESTED~~

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ANWAR SHAH

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.

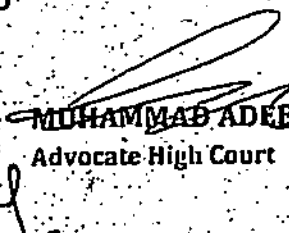
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.



APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court