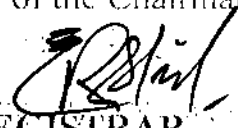


# FORM OF ORDER SHEET

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

Appeal No. 1992/2024

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-1992/24

SALEEM KHAN

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.	
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	
5.	Copy of Impugned Letter dated June 06th, 2023	C.	
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	
7.	Copy of Letter dated 23-08-2023	E.	
8.	Copy of Impugned letter dated 07-09-2023	F.	
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	
10.	Wakalat Nama		

ADVOCATE

M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 1992 /2024

Saleem Khan Son of Waheed Gul, PSHT (BPS-15)  
GPS Sher Khana, Tehsil Batkhela & District Malakand

.....Appellant

**VERSUS**

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

.....Respondents

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

**PRAYER:**

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

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

**RESPECTFULLY SHEWETH:**

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

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

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

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

3)

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F

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

- 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.

*[Signature]*  
Deponent

Through

*[Signature]*  
Appellant

*[Signature]*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*[Signature]*  
Muhammad Adeel Butt  
Advocate High Court

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

5)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

In Ref to

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

**SALEEM KHAN**

**VERSUS**

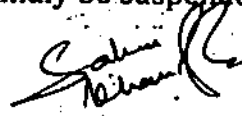
Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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


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



Appellant



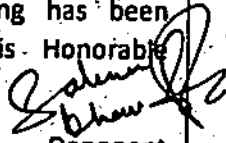
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

Through

**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

b)

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



Personal Information of Mr SALEEM KHAN, d/w/s of WAHEED GUL  
Personnel Number: 00454168 CNIC: 1540214034417 NTN:  
Date of Birth: 02.03.1973 Entry into Govt. Service: 18.10.2008 Length of Service: 15 Years 10 Months 015 Days

Employment Category: Active Temporary  
Designation: PRIMARY SCHOOL HEAD TEACH 80092420-DISTRICT GOVERNMENT KHYBE  
DDO Code: MD6080-DY: D.O (M PRY) BATKHELA  
Payroll Section: 002 GPF Section: 001 Cash Center: 02  
GPF A/C No: 454168 Interest Applied: Yes GPF Balance: 487,468.00  
Vendor Number:

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 12

Wage type	Amount	Wage type	Amount
0001 Basic Pay	47,680.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All-2013	450.00	2199 Adhoc Relief Allow @10%	308.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	3,857.00
2347 Adhoc Rel Al 15% 22(PS17)	3,857.00	2378 Adhoc Relief All 2023 35%	15,995.00
2393 Adhoc Relief All 2024 25%	11,920.00	5011 Adj Conveyance Allowance	2,300.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-1,809.00	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	280,000.00	-8,000.00	80,000.00

Deductions - Income Tax

Payable: 27,217.55 Recovered till August-2024: 3,503.00 Exempted: 6775.55 Recoverable: 16,939.00

Gross Pay (Rs.): 97,471.00 Deductions: (Rs.): -16,034.00 Net Pay: (Rs.): 81,437.00

Payee Name: SALEEM KHAN  
Account Number: 2105-0  
Bank Details: HABIB BANK LIMITED, 221959 PALAI DARRA PALAI DARRA,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: PALAI Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official  
Temp. Address: City: Email:

(288590/27.08.2024/16:26:12) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted

ATTESTED



OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) MALAKAND BATKHELA

**APPOINTMENT:**

Consequent upon the recommendation of Departmental Selection Committee its meeting held on 14.10.2008, the Executive District Officer Elementary and Secondary Education Malakand is pleased to approve and appoint the following PST Male Candidates District Malakand against the vacant PST Posts in PBS-7 (RS. 353-19-927) and BPS-7 (RS. 3430-175-8000) posts usual allowances as admissible under the rules on regular basis, but with out pension and gratuity term of section 19 of the NWFP Civil Service Act 1973 as amended vide Govt. of NWFP Civil Service (Amendment) Act 2005) from the date of their taking over charge under the provision Establishment an Administration Department Circular bearing No. SOB-VI (P&AD) 1-13 2-05 dated 19.08.2005 in the interest of public service subject to the following terms and conditions:

**20% Disable Quota (Male)**

S.#	Name	Father Name	U Council	BPS	Score	Place of Posting
1	Muhammad Ayaz	Khatir Wajid	Disable	B-7	55.57	GPS No. 1, Abul Habib
2	Sabir Hussain	Zaman Gill	Disable	B-7	52.58	GPS Malakand

**25% Open Merit (Male)**

S.#	Name	Father Name	U Council	BPS	Score	Place of Posting
1	Ahmad Khaliq	Baradar Khan	Open Merit	B-7	60.22	GPS Dargai
2	Sayedul Abrar	Abdul Akram	Open Merit	B-7	59.77	GPS No. 1, Dargai
3	Abid Hussain	Muammar Khan	Open Merit	B-7	59.70	GPS Shagan, Amanakand
4	Muhammad Rashid	Muhammad Hassan	Open Merit	B-7	57.05	GPS Changan, Shagan
5	Said Zaman	Mir Hassan	Open Merit	B-7	56.75	GPS Dargai, K-1
6	Fazal Haqam	Fazal Rahama	Open Merit	B-7	55.21	GMPS Qala Pabdel
7	Sahid Hussain	Saida Gar	Open Merit	B-7	55.14	GPS Khushal, Katoona GU, Khel
8	Sikandar Zaman	Fazil Ghufraan	Open Merit	B-7	54.73	GPS Mazar
9	Riaz Khan	Ghafoor Khan	Open Merit	B-7	54.24	GPS Jagan, Dargai
10	Rehman Shah	Rehmatallah	Open Merit	B-7	53.22	GPS Shagan, K-1
11	Zewar Shah	Mutaher Shah	Open Merit	B-7	53.15	GPS Dewan, Shagan, Dargai
12	Shafiqullah	Qatambar Khan	Open Merit	B-7	52.95	GPS Akhbar, Dargai
13	Sa Zaman	Habib Ur Rehman	Open Merit	B-7	52.95	GPS Shagan, Dargai, K-1
14	Rhaid Khan	Mohd Yusaf Khan	Open Merit	B-7	50.83	GPS No. 2, Dargai
15	Said	Shah Haidar	Open Merit	B-7	50.48	GPS Khar
16	Muhammad Iqbal	Sirat Muhammad	Open Merit	B-7	50.21	GPS Qalam, Dargai
17	Fazal Wajid	Khan Faraz	Open Merit	B-7	50.19	GPS Khatir, Khatir
18	Muhammad Shafiq	Abdul Malik Khan	Open Merit	B-7	50.00	GPS Dargai, Shagan
19	Ahmed Hussain	Ammullah	Open Merit	B-7	50.00	GPS Shagan, K-1

**75% Union Council Merit (Male)**

S.#	Name	Father Name	U Council	BPS	Score	Place of Posting
<b>U COUNCIL AILAJI PAND</b>						
1	Inayat Hussain	Amir Nawaz	Ailajid	B-7	55.50	GPS No. 1, Amanakand
2	Sabir Ahmad	Fazal Akbar	Ailajid	B-7	50.23	GPS Dargai
<b>U COUNCIL BADRAGGA</b>						
1	Sayed Jan	Halim Jan	Badrugga	B-7	53.05	GPS Amanakand
<b>U COUNCIL BATKHELA MIDDLE</b>						
1	Sahib Muhammad	Akbar Muhammad	Batkhele	B-7	51.82	GPS Upper, Batkhela
<b>U COUNCIL BATKHELA UPPER</b>						
1	Tadar Ali	Kharshad Khan	U/Batkhele	B-7	49.16	GPS Dargai, Shagan
2	Ahmad Gill	Inzar Gill	U/Batkhele	B-7	48.20	GPS Khatir
<b>U COUNCIL DARGAI</b>						
1	Muhammad Raziq	Ali Rehman	Dargai	B-7	52.84	GPS Jagan, Dargai, Shagan
2	Azeem Dadi	Muhammad Roshan	Dargai	B-7	51.48	GPS Qalam, Dargai
3	Saidullah	Muhammad M.	Dargai	B-7	49.57	GPS Khatir, Shagan
4	Jehan Zeb	Bakhter	Dargai	B-7	41.83	GPS Khatir, Shagan
11	Rehmanullah	Ali Rehman	Dargai	B-7	40.35	GPS Shagan, Dargai
12	Baz Muhammad	Muhammad Roshan	Dargai	B-7	39.74	GPS Qalam, Dargai
<b>U COUNCIL DIPRIT TAGRAI</b>						
1	Muhammad Nazir	Muhammad Raziq	Diprigit	B-7	52.55	GPS Jagan

ATTACHED

	Muhammad Abid	Muhammad Ishaq	D/Julagram	B-07	49.20	GPS Kasinat
<b>U/COUNCIL G.U KHEL</b>						
	Muhammad Yasin	Sher Zamin Khan	G.U Khel	B-07	52.99	GPS No.2 G.U Khel
16	Ubaikur Rehman	Zarawar Khan	G.U. Khel	B-07	51.80	GPS Haasan Koroon
<b>U/COUNCIL HERO SHAH</b>						
17	Fakhr Alam	Nasib Khan	Hero Shah	B-07	51.16	GPS Haryan Kot
18	Aminul Haq	Muhammad Amin	Hero Shah	B-07	50.96	GPS Brah Chakhi
19	Ajmal Khan	Gul Muhammad	Hero Shah	B-07	50.26	GPS Nero Obu
<b>U/COUNCIL KHAR</b>						
20	Farmanullah (BPS-06)	Bakht Biland	Khar	B-06	33.10	GPS Khar No.1
21	Munir Khan (BPS-06)	Sultan Bahadar	Khar	B-06	33.06	GPS Momin Koroon
<b>U/COUNCIL KHARKAI</b>						
22	Rehmat Hussain	Said Hatam	Kharkai	B-07	52.17	GPS Kharkai
<b>U/COUNCIL KOT</b>						
23	Muhammad Alam	Abdur Rehman	Kot	B-07	52.84	GPS Faizghai
24	Arif Gul	Farid Gul	Kot	B-07	52.59	GPS Dara Maina
25	Muhammad Dawood	Bahir Muhammad	Kot	B-07	51.65	GPS Brah
26	Ihsan Muhammad	Wali Muhammad	Kot	B-07	50.79	GPS Maina
27	Janas Khan	Khalid Khan	Kot	B-07	50.52	GPS Brah
28	Mushtaq Ahmad	Gul Muhammad	Kot	B-07	47.78	GPS Brah
29	Muhammad Said	Aman Said	Kot	B-07	47.48	GPS Mongai
<b>U/COUNCIL KOPPER</b>						
30	Muhammad Nabi	Siad Akbar	Kopper	B-07	55.41	GPS Show Kalli
31	Jamshid Ali	Hakim Khan	Kopper	B-07	54.60	GPS Muhammad Patti
<b>U/COUNCIL MALAKAND</b>						
32	Salcemullah	Muhammad Saeed	Malakand	B-07	49.92	GPS Jalal Kot
<b>U/COUNCIL MEHERDI</b>						
33	Fazal Wahid	Khan Paraz	Mehardi	B-07	56.19	GPS Wazir Abad
34	Ali Khan	Amir Khan	Mehardi	B-07	54.38	GPS Wazir Abad
<b>U/COUNCIL PALAI</b>						
36	Ali Rahman	Fazal Rahman	Palai	B-07	49.78	GPS Bazdar Bala
37	Muhammad Siyab	Abdul Wadood	Palai	B-07	48.28	GPS Bazdar Payan
38	Muhammad Tariq	Abdul Wadood	Palai	B-07	45.42	GPS Shah Kot
39	Gohar Rahman	Muhammad Anwar	Palai	B-07	44.46	GPS Khog Dara
40	Bakhtiar	Faqir Muhammad	Palai	B-06	35.16	GPS Khog Dara
<b>U/COUNCIL PIRKHEL</b>						
41	Islam Shah	Abdul Malik	Pirkhel	B-07	54.35	GPS Showlawai
42	Abdul Hameed	Azccm Gul	Pirkhel	B-07	53.44	GPS Showlawai
43	Muhammad Yousaf Shah	Muhammad Saeed	Pirkhel	B-07	51.61	GPS Baika
44	Shah Jee	Ghulam Said	Pirkhel	B-07	50.82	GPS Mckhband No.1
<b>U/COUNCIL SAKHAKOT BANDA JAT</b>						
45	Abdul Aziz	Khan Zada	S/Kot Banda jat	B-07	52.26	GPS Ghoundo Payan
<b>U/COUNCIL SAKHAKOT JADEED</b>						
46	Maskeen Muhammad	Qamar Zaman	S/Kot Jadeed	B-07	54.64	GPS Akram Abad
47	Ashraf Hussain	Muhammad Sharif	S/Kot Jadeed	B-07	50.42	GPS Akram Abad
<b>U/COUNCIL SAKHAKOT KHASS</b>						
48	Muslim Khan	Wazir Shah	S/Kot Khass	B-07	55.55	GPS No.2 Sakhakot
<b>U/COUNCIL SELAI PATTI</b>						
49	Perviz Khan	Lehaz Noor	Silai Patti	B-07	55.96	GMPS Pata Khanori
50	Abdur Raziq	Muhammad Rafiq	Silai Patti	B-07	55.48	GMPS Arawali
51	Shahmir Khan	Ahmad Shah	Silai Patti	B-07	54.42	GPS Miana Khanori
52	Muhammad Islam	Haidar Khan	Silai Patti	B-07	54.19	GPS Jughrai Khanori
53	Ajcebur Rahman	Hawas Khan	Silai Patti	B-07	52.77	GPS Khanori
<b>U/COUNCIL THANA KHASS</b>						
54	Shahid Ahmad Jan	Ghulam Farooq	Thana Khass	B-07	50.93	GPS No.1 Bogarcham
<b>U/COUNCIL TOLAKAN</b>						
55	Ziaullah Khan	Azizullah Khan	Tolakan	B-07	55.55	GPS Barawal
<b>U/COUNCIL WARTAIR</b>						
56	Muhammad Ayaz	Mubtatah Shah	Wartair	B-07	54.12	GPS Dohandaj Bala
56	Raz Badshah	Qasim Gul	Wartair	B-07	49.88	GPS Dohandaj Bala
58	Hayat Khan	Muhammad Khan	Wartair	B-07	47.08	GPS Lardai Shah

**TESTED**

**TERMS AND CONDITIONS:**

9)

1. These appointments are purely temporary and liable to termination without assigning any reason and without prior notice. In case of resignation without notice, his one month's pay / allowances shall be forfeited to Government.
2. Their service will be considered regular, but without pension and gratuity in terms of section 19 of Civil servant act 1973 amended vide NWFP Civil servants (amendment) act 2005. They will however be entitled to contributory provident fund in such a manner and at such rate prescribed by the Government.
3. They will have to produce Health and Age certificate from the Medical Superintendent DHQ Hospital Batkhela.
4. In case of fresh candidates they should not be handed over charge if their age is below 18 or above 35 years.
5. They must take over charge of the post within 15 days of the issue of this order failing which the appointment will stand automatically cancelled.
6. Verification of documents e.g. academic / professional certificates degrees will be made Departmentally on their own expenses before drawl of their salary from the concerned board, institutions, university, and if any discrepancy is found at any stage the case will be initiated under the rules against the candidate at fault and legal action will be taken accordingly.
7. After completion of verification process and subject to the provision of clearance certificate a proper order will be issued by this office for release of their salary against the post occupied by them.
8. In case any one of the above appointees deprives of receiving charge due non availability of vacant post ( in the school indicated against his name) anywhere in the above mentioned schools the services of junior most on merit in the relevant category will automatically be stood as dispensed with from service.
9. You will be replaced, if the senior most PST Teacher of the same union Council applied for transfer as per Government directives.
10. They will be governed by such rules and regulation as may be issued from time to time by the Government.
11. 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 the respective department declared contract / fixed they will be considered and placed as fresh PST candidate from the date of taking over charge in terms of section 19 on the NWFP Civil Servant act 1973 amended by the NWFP Civil servant act 2005.
12. Charge report should be submitted to all concerned.
13. No TA DA is allowed being initial recruitment.

(MUSTAQ AHMAD)  
EXECUTIVE DISTRICT OFFICER  
(E&SE) MALAKAND AT BATKHELA

Endst: No10628-10783

Dated: 17/10/2008

Copy of the above is forwarded for information to

1. The Secretary to Govt. of NWFP Elementary and Secondary Education Department Peshawar.
2. The Director of Elementary and Secondary Education NEFP Peshawar.
3. The District Nazim Malakand.
4. The District Coordination Officer Malakand.
5. The Dy. District Officer (M) Batkhela.
6. The Dy. District Officer (M) Dargai.
7. The Agency Account Officer Malakand.
8. The Budget and Account Officer Local Office.
- 9-77. The Head Teachers GPSs Concerned.
- 77-156. The Candidates concerned.

EXECUTIVE DISTRICT OFFICER  
(E&SE) MALAKAND AT BATKHELA

ATTESTED

**ATTESTED**

DEPUTY SECRETARY (POLICY)  
(MAJIDAH LATIF)

*M. Latif*

**ATTESTED**



- Copies forwarded to:
1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
  2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
  3. The Principal Secretary to Govt. of Khyber Pakhtunkhwa.
  4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
  5. The Principal Secretary to Government, 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, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
  11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
  12. The Deputy Director (IT, E&A Department, Administration & Management Department with the request to arrange 20 gazette copies.
  13. The Section Officer (Admn), Administration Department.
  14. The Section Officer (Admn), Administration Department.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

EXIST. NO & EVIDENCE DATE

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

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

**NOTIFICATION**

Dated Peshawar, the 02/08/2020

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(CIRCULATION-WING)

Annexure - 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~~

**ATTESTED**

WP4447-2023 AZIZULLAH VS GOVT OF PAK

Section Officer (Policy)

(Also Deputy Section Officer (Policy))

Yours faithfully,

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

Copy forwarded to the:

Head, Of even No & Date

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

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

The basic rationale behind the debarment of the bid rule is aimed at preventing a civil servant from being eligible for a single lucrative position or to prevent those who tend to forge promotion to evade posting/transfer or show lack of capability to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

1. I am directed to refer to your letter No. SO(Policy-M)1245/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

**Subject:** GUARANTEE REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVICE AND TRANSFER RULES, 1989.

**To:** The Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ESTABLISHMENT DEPARTMENT  
 No. SO(Policy)1245/2023  
 Dated: Islamabad, the 26th June 2023



Amexuke - C

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9223507)

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

To

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

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

*[Handwritten Signature]*  
26/6/23

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

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

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

Encl: AA

*[Handwritten Signature]*

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

Copy forwarded to the:

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

*[Handwritten Signature]*

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

~~ATTESTED~~

14

B/c

No 50 (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 25<sup>th</sup> 2023

To

The Director  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa, Peshawar

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~



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

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


Annexure  
①


SR	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

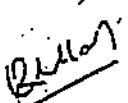
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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-I  
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

-B/C-

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

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

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

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

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

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

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

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

~~ATTESTED~~

- B/C -

## DIRECTORATE OF ELEMENTARY &amp; SECONDARY EDUCATION, KPK

To:

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

PESHAWAR  
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/GM/14/  
Minutes of meeting/ST/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 Rules 1987) 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 06-07-2022
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline /forgo promotion. It is obligatory upon every civil servant to accept promotion under <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

Assistant Director  
Elementary & Secondary Education  
Khyber Paktunkhwa.

**ATTESTED**



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

No. SO(Primary-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).**

Uzri Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 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 ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(Signature)  
SECTION OFFICER (PRIMARY MALE)  
26/8/23

Scanned with ComScanner

ATTESTED

- B/c -

- 2 -

No. So (Primary - M) E&SE/9-9/  
Appointment - Rule/2023

Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. So (Primary) (Policy) / E&AD  
/1-3/2020 dated 8th June 2022 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

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

(Muhammad Ishaq)  
Section officer (Primary  
Male)

ATTESTED

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/Appoinment-Rule/2023 dated 23/08/2023 on the subject noted above and to state that  
necessary guidance has already been tendered to your good office vide this department letter of  
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

ATTESTED

WP442-2023 AZIZULLAH VS GOVT OF PG13

22

B/c-

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section nicer (Policy)

**ATTESTED**

## Annexure - G

To,

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

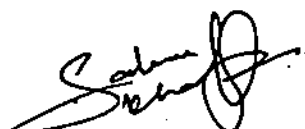
**Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER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

Sir/ Madam:-

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

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

Dated 20/03/2024

  
SALEEM KHAN  
S/O WAHEED GUL  
PSHT



~~ATTESTED~~

WP4442-2023 AZIZULLAH VS GOVT OF PG43

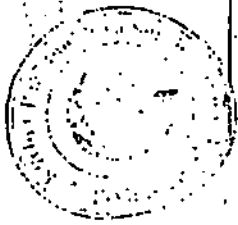
Handwritten signature and date: 08/11/23

Handwritten text in Urdu: ...

Main body of handwritten text in Urdu, appearing to be a legal document or affidavit.

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

07.05.2024



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

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

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 13-5-24  
 Number of 1  
 Copies 5/1  
 Urgent 5/1  
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~~ATTESTED~~

**VAKALAT NAMA****BEFORE THE SERVICE TRIBUNAL PESHAWAR****SALEEM KHAN**

Appellant

Versus

Government of KP &amp; others

Respondents

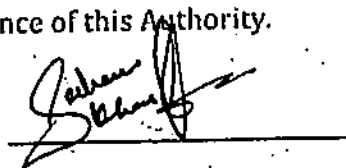
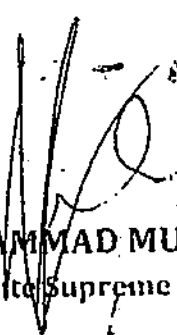
**I (the Appellant)**

do hereby appoint and retain

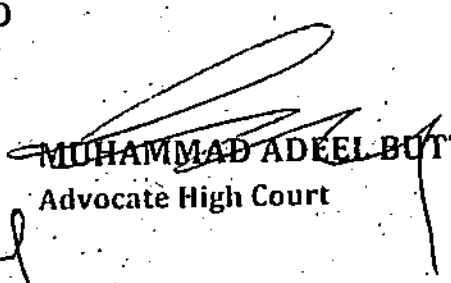
**MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC****BASSAM AHMAD SIDDIQUI AHC****&****ASSOCIATES OF MUAZZAM LAW FIRM**

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.

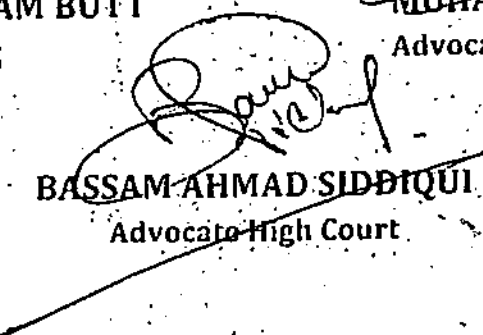
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.


**APPELLANT****ACCEPTED**


**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court



**MUHAMMAD ADEEL BUTT**  
Advocate High Court



**BASSAM AHMAD SIDDIQUI**  
Advocate High Court