


FORM OF ORDER SHEET

Court of _____

Appeal No. 1999/2024

S.No. 1	Date of order proceedings 2	Order or other proceedings with signature of judge 3
1-	16/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 23.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

S.A # 1999/2024

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

QAZI IMTIAZ AHMAD
V/S

Government of KP & others

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ADVOCATE
M. Musam Butt

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1999 /2024

Qazi Imtiaz Ahmed Son of Ijaz Hussain, SPST
GPS Karimpura, Tehsil & District Peshawar

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. SD (Policy) /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

- 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 set-aside.

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

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

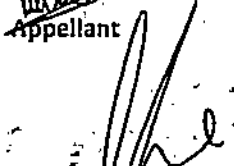
It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

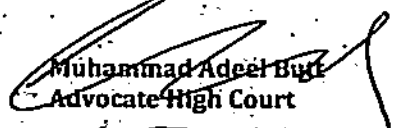
Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.

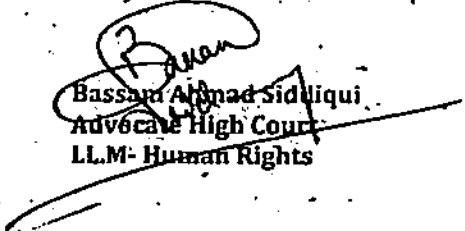
AFFIDAVIT:
 I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed thereon from this Honourable Court.
 Deponent


 Appellant

Through


 Muhammad Muazzam Butt
 Advocate Supreme Court


 Muhammad Adeel Butt
 Advocate High Court


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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

CM No _____ P of 2024

In Ref to

Service Appeal No _____/2024

QAZI IMTIAZ AHMAD
VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

AFFIDAVIT:

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

Deponent

Through

Appellant

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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District Government - Provincial
District Accounts Office Peshawar Dist.
Monthly Salary Statement (October-2023)



Personal Information of **Mr QAZI INTIAZ AHMAD** d/o/a of **LIAZ HUSSAIN**

Personal Number: 0002547C CNIC: 1730714333555 NTN: 0
 Date of Birth: 04/06/1971 Entry into Gov. Service: 06/02/1993 Length of Service: 30 Years 04 Months 027 Days

Employment Category: Vocational/Temporary
 Designation: **SENIOR PRIMARY SCHOOL TEACHER** 80696670-DISTRICT GOVERNMENT KHYBE
 DDO Code: PW6574-Sub Divisional Education Officer (Male) Town 1 Peshawar
 Payroll Section: 003 GPF Section: 061 Cash Center: 21
 GPF A/C No. GPF Interest Applied GPF Balance: 217,850.00 (provisional)
 Vendor Number: Pay Scale: BPS Gr - 2022 Pay Scale Type: TIME BPS: 14 Pay Stage: 25

Wage type	Amount	Wage type	Amount
0001 Basic Pay	66,000.00	1004 House Rent Allow - 6% KP21	3,960.00
1216 Convey Allowance 2015	2,850.00	1310 Medical Allowance	1,500.00
2148 15% Adm. Relief All-2022	9,900.00	2199 Adm. Relief Allow @ 10%	6,600.00
2316 Teaching Allowance 2021	3,035.00	2341 Dm. Relief - 15% 2022 KP	6,489.00
2347 Adm. Relief (15% 2015/17)	6,489.00	2378 Adm. Relief All 2017/3/55	23,119.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	1,600.00	3501 Benevolent Fund	1,200.00
3679 Income Tax	2,783.00	3900 Bm. Ed. Fund KPK	1,170.00
4034 R. Benefits & Death Grant	600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6575	GPF Loan Principal Install	230,000.00	6,390.00	140,500.00

Deductions - Income Tax

Payable: 44,523.58 Recovered (G) O/T - 202: 11,152.80 Exempted: 111,050 Recoverable: 22,260.88

Gross Pay (R.R.): 119,682.00 Deductions (R.R.): -15,008.00 Net Pay (R.R.): 104,674.00

Payee Name: **QAZI INTIAZ AHMAD**

Account Number: 24783-6

Bank Details: **HABIB BANK LIMITED, 110223 CITY BRANCH, PESHAWAR, CITY BRANCH, PESHAWAR, PESHAWAR**

Leaves: Opening Balance Awailed: Earned: Balance:

Permanent Address: **SDEOM, PESHAWAR, PESHAWAR**

City: Peshawar

Domestic: NW - Khyber Pakhtunkhwa

Homeing Status: No (Initial)

Temp Address:

Email: qaziintiaz71@gmail.com

City:

ATTESTED

System generated document in accordance with APPM 4.0/12-98713/01/10/2023A(3.0)
 * All employees use the PAF Software
 * Issues of corrections accepted (SERVICES@11202M8-01-11)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY PESHAWAR

APPOINTMENT

The following trained PTO candidates of Peshawar District are hereby appointed against newly created PTO posts in the schools noted against each in BPS-7(Rp. 1095-60-1995) plus usual allowances as admissible under the rules with effect from the dates of their taking over charge in the interest of public service on the following terms and conditions:-

S.No.	Merit No.	Name/Father's name/ marks in PTC/address	School where appointed	Remarks
1.	1.	Sajjad Ahmad Shah s/o Noor Ahmad Shah Yakatoot Peshawar 770/1200	GPS Zargax Abad	Against newly created post
2.	2.	Mohammad Ijaz s/o Wazir Mohammad Nohi Gul Addabah Ji Pesh 765/1200	GPS Asia Park	do.
3.	3.	Sajjad Haider s/o Taj Mohammad Yakatoot Peshawar 749/1200	GPS No. I Wazir Bagh	do.
4.	4.	Raz Mohammad s/o Gal Mohammad GHSS Pesh City 735/1200	GPS No. I Kakshal	do.
5.	5.	Kamran Fozdusun s/o Abdul Qayum Yakatoot Pesh City 711/1200	GPS No. I Kakshal	do.
6.	6.	Nasir Mahmood s/o Fida Mohammad Yakatoot Pesh City 701/1200	GPS No. I Wazir Bagh	do.
7.	8.	Haftur Rehman s/o Ghulam Mohammad Hutt Jehangir Pura Pesh 690/1200	GPS No. I Kakshal	do.
8.	9.	Amir Nawab s/o Nawab Masib Kohati Gate Pesh 670/1200	GPS No. I Kakshal	do.
9.	10.	Mohammad Baber s/o Ghulam Sabir Yakatoot Pesh 687/1200	GPS No. I Kakshal	do.
10.	11.	Irfan s/o George Kohati Gate Pesh 606/1200	GPS No. IV Wazir Bagh	do.

(see next page)

ATTESTED

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PF-2-PESHAWAR-2

Newly created post

- 11. 1. Anwar Buzed s/o
Mohammad Anwar Khan
Fazal Abad Pesh
626/1200 GFS Moh-Telom Abad
- 12. 3. Farooq Shah s/o
Lal Badshah
Durrain Abad Colony Pesh
77/1200 GFS Gul-Dabbar Pesh do...
- 13. 4. Gazi Intiaz Ahmed
s/o Ijaz Hussain
Gazi Khan Pesh
767/1200 GFS Karim Puro do...
- 14. 5. Akber Khan s/o
Mohammad Amin
Haider Colony Pesh
777/1200 GFS Haider Colony do...

PF-3-PESHAWAR-3

- 15. 1. Abdul Hakim s/o
Abdul Asif
Sheheen Colony Pesh
761/1200 GFS Nadeh Payan No. I do...
- 16. 2. Mohammad Hossain s/o
Masood Shah
Tobkal Bala Pesh
759/1200 GFS No. 2 Hayat Abad do...

PF-4-PESHAWAR-4

- 17. 1. Zahoor Ali s/o
Shaukat Ali
Gulberg, No. 2 Pesh Cantt
833/1200 GFS Beri Dagh do...
- 18. 2. Inamul Haq s/o
Aldur Rauf
Nauthia Pesh Cantt
816/1200 GFS Beri Dagh do...
- 19. 3. Hamid Gul s/o
Khan Gul
Nauthia Pesh Cantt
798/1200 GFS Beri Dagh do...

PF-5-PESHAWAR-5

- 20. 1. Shakil Ahmed s/o
Mohammad Iqbal
Sheikh Killa Mathra
796/1200 GFS Noor Garh do...
- 21. 2. Beharullah s/o
Shakirullah Jang
Tobht Abad Pesh
756/1200 GFS Mandra Khat do...

PF-6-PESHAWAR-6

- 22. 1. Paix Khan s/o
Mohammad Ishaq
Yusuf Abad Pesh
827/1200 GFS No. 2 Lotif Abad do...

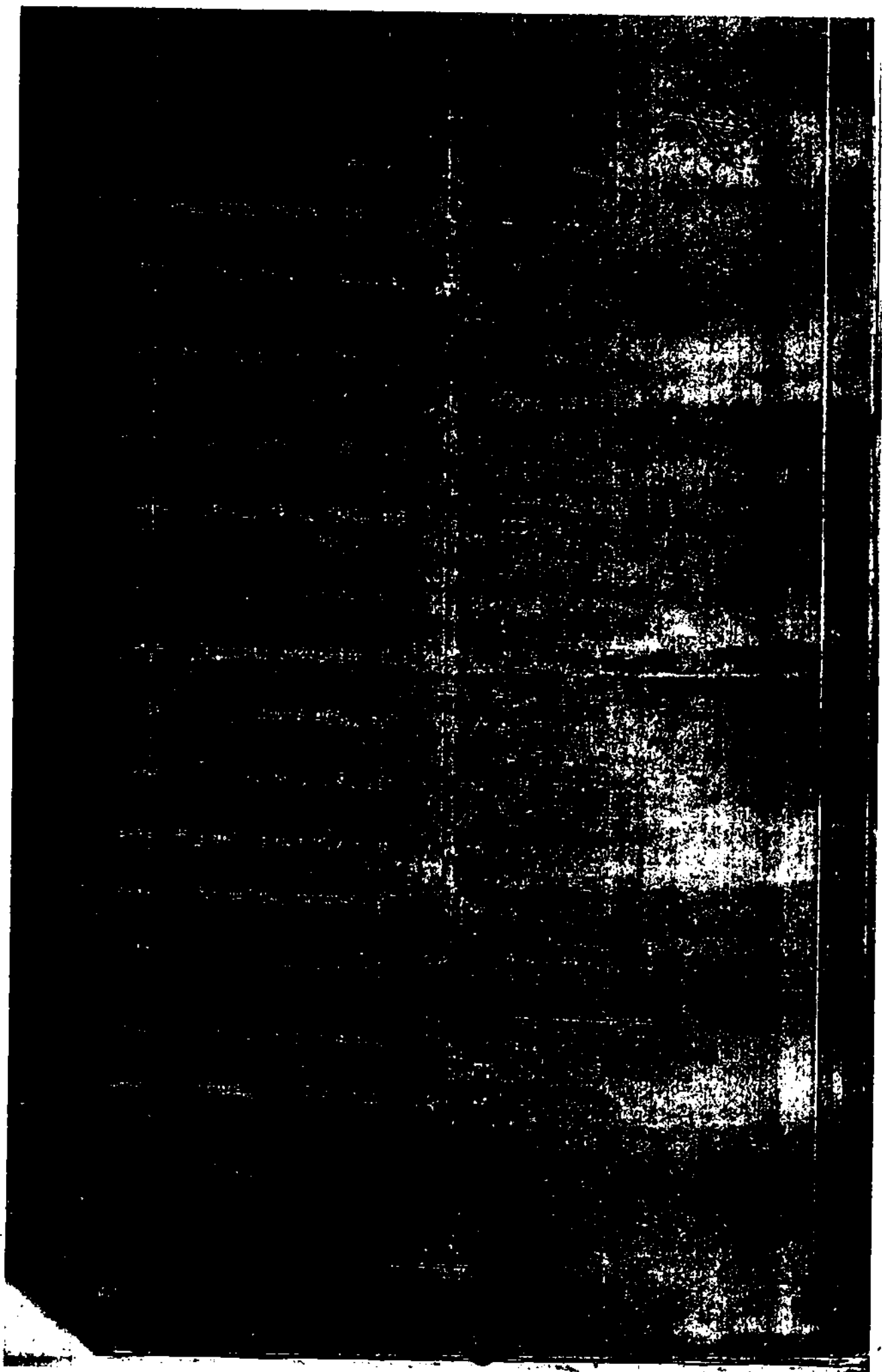
(see next page)

ANTED

- | | | | | |
|-----|-----|---|----------------------|-----------------------------------|
| 23. | 2. | Usair Ali Shah s/o
Mir Hadi Shah
Wahid Garhi Pesh
B-1/1200 | GPS Kankola | Against
newly created
post. |
| 24. | 3. | Mohammad Salim s/o
Kotamand Pesh
Yusuf Akbar Pesh
8C9/1200 | GPS Sander Colony | do. |
| 25. | 4. | Mohammad Nodim s/o
Hamid Khan
Ghugha Pesh
UC6/1200 | GPS P. Abdur Rahim | do. |
| 26. | 5. | Aminullah Shah s/o
Rafiqullah Shah
Wadpura Pesh
7C7/1200 | GPS Kukar Pesh | do. |
| 27. | 6. | Nawab Khan s/o
Anwar Khan
Fakhir Akbar Pesh
7A6/1200 | GPS Now Gari Pesh | do. |
| 28. | 7. | Haji Gul s/o
Inayatullah
Hawra Pesh
7A2/1200 | GPS Hawra Pesh | do. |
| 29. | 8. | Zulqarnain s/o
Azir Khan
Anis Akbar Pesh
7B2/1200 | GPS Kukar Pesh | do. |
| 30. | 9. | Coloor Shah s/o
Sahib Shah
Mian Gulzar Pesh
7A5/1200 | GPS D. Afghani No. 2 | do. |
| 31. | 10. | Mohammad Ismail s/o
Mohammad Ibrahim
Khitab Street Pesh
695/1200 | GPS No. 1 Tada Pesh | do. |
| 32. | | Hajoor Akbar s/o
Haji Shahzad Gul
Yusuf Akbar Pesh
603/1200 | GPS Khazana Bala | do. |
| 33. | 12. | Tahsimullah s/o
Inayatullah
Mian Gajar
677/1200 | GPS P.A. Rahim | do. |
| 34. | 13. | Khalid Pechi Rahim
s/o Mohammad Ibrahim
Fakhr Ghulam Pesh
658/1200 | GPS Fakhr Ghulam | do. |
| 35. | 1. | Ahmad Raza s/o
Mahmood Khan
Urak Poyon
801/1200 | GPS Nisar Garhi | |
| 36. | 2. | Janot Gul s/o
Habibur Rahman
Mian Pesh
706/1200 | GPS No. 2 Chankoni | do. |

(see next page).

~~REGISTERED~~



- 62. Khurshid s/o
Habib Gul
Landi Arban (PP-4) Against
newly created
post.
GPS Kachia Bul Bela (PP-6)
- 63. Yasinullah s/o
Abdullah Jan
Kakar Pesh (PP-4) GPS Gama Badster (PP-6) ...do...
- 64. S. Akbar Shah s/o
Abdur Pauf
Talanak Pesh (PP-7) GPS Hara Peshwar (PP-6) ...do...

TERMS AND CONDITIONS

1. The above appointments are purely temporary and liable to termination at any time without assigning any reasons or prior notice. In case any of the above wishes leave the service, he shall have to submit one month prior notice. He shall be entitled to one month's pay and allowances in leave thereof.
2. In case a teacher fail to take over charge within 15 days of the issue of this order, his appointment will stand cancelled automatically.
3. H. T. / D. etc is allowed.
4. He joining time is allowed except what is absolutely necessary for transit.
5. Charge reports should be submitted to all concerned in duplicate.
6. They should produce health and age certificate from the Civil Surgeon, Peshawar within seven days of the taking over charge against PTC post.
7. They should not be handed over charge if the age of a candidate is less than 18 years and exceed 25 years.
8. Pay scales and service rules are subject to the revision in accordance with the orders passed by the Government from time to time.

Khurshid Ahmed
District Education Officer (M)
Primary Peshawar

Ref. No. 697-955 / Appointment 93 dated Pesh the 4.2. / 93

Copy for information and n/action to the:-

- 1. Director Primary Education, NWFP, Peshawar.
- 2. Assistant General, NWFP, Peshawar.
- 3. E/S to the Honorable Minister for Education, NWFP.
- 4. E/S to the Secretary Education, Govt of NWFP.
- 5. Sub Divisional Education Officer (M) Peshawar.
- 6. All other concerned.

1110
4/2/93
District Education Officer (M)
Pry: Peshawar

ATTESTED

Annexure-1 - B-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated: Peshawar, the 06/8/2020

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

AMENDMENT

In rule 7, sub-rule (3) shall be deleted.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

LIST NO & EVEN DATE

Copies forwarded to:-

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



(Signature)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

ATTESTED

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

WFO4447-2023 AZIZULHAQ VS GOVT OF PAK

Handwritten signature and date: 27/10/23

Handwritten text: 27/10/23

Chief Officer (Policy)

(Asst) Chief Officer (Policy)

Yours faithfully,

- 1. Copy forwarded to the
- 2. Additional Secretary (Legal), Establishment Department
- 3. Additional Secretary (Policy), Establishment Department

Encl: 01 even No 4/14

Handwritten initials: ASE

2011, please.

proceeded against under Cyber Publications Civil Services (Efficiency & Discipline) Rules.

of the competent authority or up to code provision through different means shall be

3. Furthermore, these officers/staffs who do not comply with provision order

to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every

civil servant to accept promotion in every condition.

pieces that lead to large promotion in code provision or show lack of capacity

will result from completion for their role by acting in a single narrative provision or to

3. The basic rationale behind the deletion of the bill rule is to prevent a

provision which is to decline or for a provision.

1089 words deleted with the following notification dated 04.08.2020; that, as

(3) of Rule-7 of Cyber Publications Civil Services (Appointment, Promotion and Transfer)

2/4/2023 dated 18.01.2023 on the subject dated above and to state that Sub-Rule

1. am directed to refer to your letter No. SO/Estabmt-4/10549/22.

New Sl.

Subject: GUIDANCE REGARDING DELETION OF RULE 7(a) IN THE CIVIL SERVICES (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.

The Government of Punjab, Islamabad.

Secretary & Secretary (Human Resources)

GOVERNMENT OF PUNJAB, ISLAMABAD

ESTABLISHMENT DEPARTMENT

No. SO/Policy/10549/22

Dated: 18/01/2023



Annexure - C



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

No. 50 (Primary-MVE&SED/2-6/2023)
Dated Peshawar (No. June 25th, 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(B) 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 here with
a letter of Establishment Department letter No. 50 (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 (E&S)
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.

Encls AA

[Handwritten initials]

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

Copy forwarded to the:

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

[Handwritten initials]

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

~~ATTACHED~~

15
B/c
No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

ATTN

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

Annexure
①


A meeting regarding the subject matter was held on 06-07-2023 at 1:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


Sl	NAME	DESIGNATION
1	Mr. Fozal Wajid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqal 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. Fozal Wajid)
Deputy Director
E&SE Department


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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

 TESTED

- B/C -

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

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

~~ATTESTED~~

~~ATTACHED~~

MP 443-2023 AZIZULHAQ VS GOVT OF POKS

Hafidul Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

1. PPT to Director Local Directorate
2. Master Copy

Copy of the above to:

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 action please.

That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Education of his office. This office has been advised for submission of consolidated case. That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 accordingly stated that there exists no provision to decline foreign provision, it is obligatory upon every civil servant to accept position under any condition.

That you good office forwarded the same to a quanta concerned vide letter No. SO (Policy) E&AD/1-2/11/2020 for necessary guidance. That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 06-08-2020 in the following words vide letter No. 6987 dated 06-07-2023. (U) Now it is obligatory upon civil servant to accept position (U) B-72 prerogative of civil servant to elect or accept/humans the offer of promotion.

That Government of KP Establishment department (Regulation Wing) dated rule 7(S) in Civil Servants (Appointment, Transfer & Dismissal) vide notification No. No. SO-P/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 06-07-2023.

I am directed to refer to letter No. (SO) Policy-M/1/E&AD/1-3/6987/2023 dated 10-7-2023 on subject cited above and to present brief history about background of case as under:
Subject: Minutes of Meeting
KPK, Fisheries
Elementary & Secondary Education Department
Section Officer (Policy Wing)
KPK, Fisheries

Directorate of Elementary & Secondary Education, KPK
Peshawar
(21-7-2023)
-B/C-
18

~~ATTESTED~~

W/44423-2023 AZZALAH VA GOVT CP FOCI

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

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

17/07/2023

1. PA to Director Local Directorate
2. Master Copy

Copy of the above is to:-

The same is submitted for perusal and necessary actions please.

Departmental Promotion Committee.
provided they submit their written request prior to conduction of the meeting of
Teachers below. It may be exempted of implications of the amendments in the rules and

7(2) have effect. In view of the above, this office is of considered opinion that the deletion of Rules
in view of the above, this office is of considered opinion that the deletion of Rules
has been asked for in the notification of considered case.

That in the light of the minutes of meeting dated 6-07-2023 held under the
Chairmanship of Additional Secretary Establishment at his office this office has
(Primary-10) 52520/2-Appointments/2023 dated 12-05-2023.

The same were received by this office from your good office with letter No.50
civil service to accept promotion under every condition.

That your office forwarded the same to the quarter concerned vide letter
No.50 (Primary-1) 52520/2-Appointments/2023 for necessary guidance.

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
When) vide letter No.50 (Policy) 52520/1-2/2020 dated 6-06-2023 categorically stated
that there shall be no provision to decline or forgo promotion. It is obligatory upon every

provision.
(ii) It is the prerogative of the civil service to either accept or turn down the offer of
No.6987 dated 04-07-2023.

That this office would be guided by your good office in the following words vide letter
vide notification No. No. 50-R-11 (R&A/D)/1-2/2020 dated 06-08-2020.

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Amendment))
dated Rule 7(1) on the Civil Service (Appointment, promotion & Transfer Rules 1989)

present brief history of the subject cited above and in the background of the case as under.

I am directed to refer to the letter No.50 (Primary-10) 52520/2-11
Q.A. Minister of the Health/1572023 dated 10-07-2023 on the subject cited above and to

Subject: MINUTES OF THE MEETING

The Section Officer (Primary-10),
Ministry & Secondary Education Department,
Khyber Pakhtunkhwa

Dear Sir,

Phone: 091-111-1111
Email: khyber@khyber.gov.pk

Khyber Pakhtunkhwa
Date: 17/07/2023





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 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)/ EBAD/ 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 of mother-in-law who need care. In such cases, there are negative effects on service delivery.

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


 (MUHAMMAD ISHAQ)
 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

~~TESTED~~

~~NOTESTED~~

2. PS to Secretary, E & SE Department, Khyber Pakhtunkhwa
1. Division E & SE Khyber Pakhtunkhwa
Copy forwarded to:
(Muhammad Ishaq)
Section Officer (Primary)
(Muz)

In this connection it is submitted that in some cases lady teachers of primary level who avail such promotion have to fore serious inconvenience while they have to perform duties in the remotest stations with no residential/transports 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.

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

SUBJECT: Guidance regarding deletion of Rule 7(S) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989).
The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department, Peshawar.

To
No. S.O. (Primary-M) E&SE D/8-8/
Appointment - Rule/2023
Peshawar Dated 13rd August 2023
-8/c-
21

Annexure - F



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(Policy)E&AD/1-3/2020
Dated Peshawar the September 07, 2023

To

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

Subject:-

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

Dear Sir,

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-
2/Appointment-Rule/2023 dated 23.08.2023 on the subject noted above and to state that
necessary guidance has already been 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.

RECEIVED

WP4472-2023 AZHARULAH VS GOVT OF PK43

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

Yours faithfully,

Section Officer (Policy)

Ends Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

~~ATTESTED~~

Annexure - G

To,

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

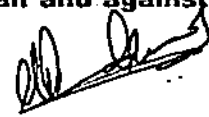
Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020 DATED 06/08/2020 COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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

Sir/ Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SI (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 19/02/2024


QAZI IMTIAZ AHMAD
~~TESTER~~ SON OF
IJAZ HOSSAIN
SPST

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/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.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 10-6-23
 Number of 12
 Copies 12
 Urgent 12
 Total 12
 Name of 13-6-23
 Date of 13-6-23
 Date of Delivery of copy 13-6-23

CS CamScanner

~~ATTESTED~~

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

QAZI IMTIAZ AHMAD
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC


BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM


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

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



APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court