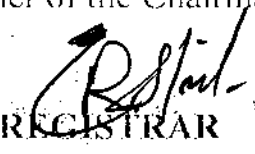


FORM OF ORDER SHEET

Court of _____

Appeal No. 2001 /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- 2001/24

SANA

V/S

Government of KP & others

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3.	Copy of Monthly Salary account	A.	6-10
4.	Copy of notification No. SD. (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	11-12
5.	Copy of Impugned Letter dated June 06th, 2023	C.	13-15
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	16-19
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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2001 /2024

Sana Daughter of Jan Muhammad, SPST (BPS-14)

GPPS Shabqadar, Tehsil & District Charsadda

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

GROUND:-

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

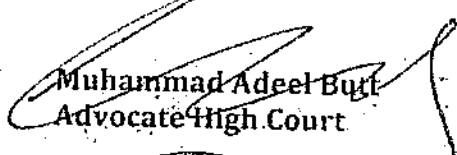
I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

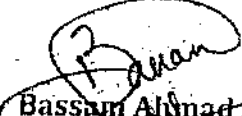

Deponent


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 PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

SANA

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

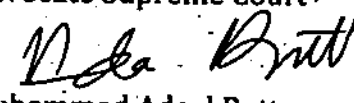
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification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

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


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

AFFIDAVIT

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


Deponent

**Dist. Govt. KP-Provincial
District Accounts Office Charsadda
Monthly Salary Statement (June-2024)**

Personal Information of Mr SANA d/w/s of HAJI MOHAMMAD

Personnel Number: 00655129 CNIC: 171010175-1261 NTN:
Date of Birth: 16.09.1986 Entry into Govt. Service: 11.08.2011 Length of Service: 12 Years BDA

Employment Category: Active Temporary
Designation: SENIOR PRIMARY SCHOOL TEA 80589349-DISTRICT GOVERNMENT KHYBI

DDO Code: CA6253-Govt. Primary School (Female) Shaheed District Charsadda
Payroll Section: 001 GPF Section: 001 Cash Center: 5

GPF A C No: GPF Interest applied GPF Balance: 467,784.00
Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Sta

Wage type	Amount	Wage type	Amount
0001 Basic Pay	38,190.00	1001 House Rent Allowance 45%	1,718.70
1210 Convey Allowance 2015	2,856.00	1300 Medical Allowance	2,500.00
2118 15% Adhoc Relief All-2013	425.00	2199 Adhoc Relief Allow @10%	2,297.00
2316 Teaching Allowance 2021	3,036.00	2341 Disor. Red All-15% 2022KP	346.00
2317 Adhoc Rel All 15% 22(PS17)	3,506.00	2378 Adhoc Relief All 2023 35%	2,761.00

Deductions - General

Wage type	Amount	Wage type	Amount
3011 GPF Subscription	-3,900.00	3501 Benevolent Fund	21,200.00
5009 Income Tax	-261.00	3990 Emp. Edu. Fund KPK	1,350.00
1001 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax


Payable: 6,417.30 Recovered till JUN-2024: 4,836.00 Exempted: 1611.30 Recoverable: 0.00

Gross Pay (Rs.): 69,389.00 Deductions: (Rs.): -6,096.00 Net Pay: (Rs.): 63,293.00

Payee Name: SANA
Account Number: 10017900028203
Bank Details: HABIB BANK LIMITED, 21601 SHAHQADAR, CHARADDA, SHAHQADAR, CHARADDA, CHARADDA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: SS Domicile: Housing Status: No Official
Temp. Address: City: Email: sanakhanji2020@gmail.com


DISTRICT ACCOUNTS OFFICER
CHARSADDA

Statement generated in accordance with AFPM 1612/968/1921 25.06.2024 (3.01)
All amounts are in Pak Rupees
Errors & omissions excepted (SERVICES 07/07/2021 21-08/09)

ATTN

OFFICE OF THE EXECUTIVE DISTRICT OFFICER(E&SE)CHARSADDA.

ORDER.

Consequent upon the acceptance of her appeal, recommendations of Departmental Selection Committee and in continuation of this officer's appointment order of PTC candidates dated 3/5/2011, Miss. Sana D/O Jan Muhammad resident MC-II Shabqadar District Charsadda is hereby appointed as PST in BPS-7 plus usual allowances as admissible under the rules against the vacant post at GGPS, Pehlwan Qilla from the date of her taking over charge on the following Terms and conditions

TERMS & CONDITIONS.

1. The appointment is made purely on temporary basis and is liable to termination at any time without assigning any reason or note.
2. Her services will be governed by the existing rules & regulation of Govt. of Khyber Pakhtoonkhwa and by such rules and orders as may be issued by the Govt. from time to time for the category of the Govt. servant to which he belongs.
3. She will produce Health and Age Certificate from the Medical Superintendent concerned.
4. She should report for duty within fifteen days after the receipt of this order otherwise this appointment will be considered as cancelled.
5. In case of resignation, one month prior notice will have to be given by him or forfeit one month pay to Government.
6. Charge reports should be submitted to all concerned.
7. No TA/DA etc is allowed.
8. Her services will be on regular basis but non pensionable as per existing rules/policies of the Government.

Note:- The DDO concerned is directed not to draw his salary till the verification of all the related documents from the concerned quarters otherwise DDO will be held personally responsible for any consequences.

(Attaullah Khan)
Executive District Officer
(E&SE) Charsadda.

No. 10676-80 Dated Charsadda the 17/1/2011.

Copy for information and necessary action to the:-

1. District Accounts Officer Charsadda.
2. Dy: District Officer (Female) E&SE Charsadda.
2. Head Teacher concerned..
3. Official concerned.
4. Office file.

Executive District Officer
(E&SE) Charsadda.

Government of Pakistan
Ministry of Education
Charsadda Branch (1435)

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADEA.

Email: - emischarsadda.deof@yahoo.com

OFFICE ORDER

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No SO (PE) / 5/SSRC/Meeting /2012/Teaching Cadre dated 13th November ,2012, the following PSTs are hereby promoted to 1 Post of Sr.PST BPS-14 plus usual allowances as admissible under the rules on regular basis under the existi policy of the Provincial Government , on the terms and conditions given below with immediate effect and furth they are posted in the schools noted against each given below.

S.No	Name of Teacher	Present Place of Posting	New Place of Posting	Remarks
1	KISHWAR MINHAJ	GGPS TANGI BARAZAI NO 1	GGPS TANGI BARAZAI NO 1	AVP
2	TAUHEED BEGUM	GGCMS NAZO KILLI	GGCMS NAZO KILLI	AVP
3	SAMINA PARVEEN	GGPS MAIN ISSA	GGPS MAIN ISSA	AVP
4	RANA	GGCMS TAUHEED ABAD NISSATA	GGCMS TAUHEED ABAD NISSATA	AVP
5	FARAH NAZ	GGPS MERZAI	GGPS HAJI ZAI	AVP
6	FARAHNDA JARBEN	GGPS SHEKPAYAN	GGPS SHERPAYAN	AVP
7	KHALIDA BEGUM	GGPS MAIN SAHIB GARI	GGPS MAIN SAHIB GARI	AVP
8	ROBINA BEGUM	GGPS HAKEEM SHAH KORONA	GGPS HAKEEM SHAH KORONA	AVP
9	MUKHSANTUL IBRAR	GGPS HARYANA	GGPS HARYANA	AVP
10	ASIA BEGUM	GGPS SHIEKH MALI NISATTA	GGPS SHIEKH MALI NISATTA	AVP
11	SHEHZADI NOREEN	GGPS MIRZA DHERI	GGPS MIRZA DHERI	AVP
12	NAZIA HAQ	GGPS SHEKHO SARDHERI	GGPS SHEKHO SARDHERI	AVP
13	SALMA PARVEEZ	GGPS TARNAB NO -02	GGPS TARNAB NO -02	AVP
14	MUSSRAT	GGPS KODINAKA	GGPS KODINAKA	AVP
15	NAVEEDA USMAN	GGPS MARCHAKI KORONA	GGPS MARCHAKI KORONA	AVP
16	MEHNAZ GUL	GGPS FAQIR ABAD MAJOKI	GGPS STATION KORONA CHARSADEA	AVP
17	NABEELA GUL	GGPS TANGI BARAZAI NO 01	GGPS ALI SHAH QILLA	AVP
18	RABEHAT	GGPS SHARA	GGPS RAHMAT ULLAH KHAN	AVP
19	NIFAZ	GGPS ZAIM KARGHAN	GGPS ZAIM KARGHAN	AVP
20	SAILA QAZI	GGPS DAGI GHULAM QADAR	GGPS DAGI GHULAM QADAR	AVP
21	IRSHAD BEUGM	GGPS AZIZ KHEL CHARSADEA	GGPS MERA PRANG	AVP
22	FARHA NAZ	GGPS SAFO BARI BAND	GGPS SAFO BARI BAND	AVP
23	NADIA KHAN	GGPS MARGHAN	GGPS MARGHAN	AVP
24	FARHANA SAMAD	GGPS SHEIKH KILLI	GGPS SHEIKH KILLI	AVP
25	NADIA IJAZ	GGPS UMAR ABAD NO 02 CHARSADEA	GGPS UMAR ABAD NO 02 CHARSADEA	AVP
26	SUMBAL ZAHOR	GGCMS TEHBANA DHERI	GGCMS TEHBANA DHERI	AVP
27	SALMA BEGUM	GGPS MARCHAKI	GGPS MARCHAKI	A.V.P.
28	NAEEMA GUL	GGPS GUJRANO KILLI	GGPS GUJRANO KILLI	AVP
29	NAUSHEEN BEGUM	GGPS NAN KILLI	GGPS NAN KILLI	AVP
30	TAHIRA SHAMS	GGPS FAQIR KILLI WARDAGA	GGPS FAQIR KILLI WARDAGA	AVP
31	KAIFUL WARA	GGPS GANJI DAG	GGPS GANJI DAG	AVP

TESTED

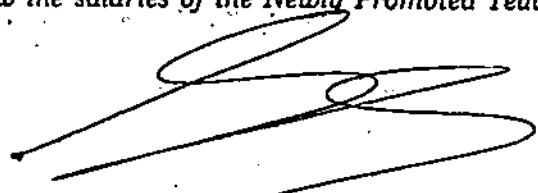
A.No	Name of Teacher	Present Place of Posting	New Place of Posting	Remarks
35	FAIZA BEGUM	GGPS RASHAKAI BANDA	GGPS RASHAKAI BANDA	AVP
36	NASEEM IKRAM	GGPS GULBAHAR KULADHER	GGPS GULBAHAR KULADHER	AVP
37	FATIMA	GGPS GHALJI KORONA	GGPS GHALJI KORONA	AVP
38	YASMIN BIBI	GGPS IBRAHIM ZAI	GGPS IBRAHIM ZAI	AVP
39	NASEEM	GGPS FAQIR KILLI WARDAGA	GGPS METO KILLI	AVP
40	SAIMA ZAKIR	GGPS AMIR ZEB KILLI	GGPS PALATO KILLI	AVP
41	SALOON	GGPS IJARA AMAN ULLAH	GGPS FARMAN ABAD	AVP
42	AMBREEN FERAZ	GGPS SHEIKH KILLI	GGPS SHEIKH KILLI	AVP
43	NAGINA BIBI	GGPS SARKI PULL	GGPS SARKI PULL	AVP
44	NAYAB	GGPS BATAGRAM NO.1	GGPS BATAGRAM NO.1	AVP
45	SADIA	GGPS RAJJAR	GGPS RAJJAR	AVP
46	MUSINA NAZ	GGPS AMBADHER	GGPS AMBADHER	AVP
47	ALIA BEGUM	GGPS MIAN SAHIB GHARI	GGPS SHERPAO BABGAN	AVP
48	SANA	GGPS RASHAKAI BANDA	GGPS SHABQADAR	AVP
49	GHAZALA YASMIN	GGPS HASSAN ZAI	GGPS MULA KHEL	AVP
50	ALIA MEHREEN	GGPS NUSRAT ZAI	GGPS GHULJI KORONA	AVP
51	NAJLA SHAH	GGPS SAHRA KOROONA	GGPS SAHRA KOROONA	AVP
52	NEELAM BEGUM	GGPS ZIAM QILLA	GGPS ZIAM QILLA	AVP
53	AMBREEN RAZA	GGPS GHURAMBAK	GGPS GHURAMBAK	AVP
54	SAFIA BIBI	GGPS MALAK ABAD	GGPS MALAK ABAD	AVP
55	RAHAM BIBI	GGPS KOTAK TARNAB	GGPS KOTAK TARNAB	AVP
56	SAIMA NAZ	GGPS NUSRAT ZAI	GGPS NUSRAT ZAI	AVP
57	SAIMA SIRBILAND	GGPS HUKMAT KHAN KOROONA	GGPS HUKMAT KHAN KOROONA	AVP
58	AYESHA KHAN	GGPS BAKROO BABA	GGPS BAKROO BABA	AVP
59	JAWAIRIA	GGPS JAMAT	GGPS JAMAT	AVP
60	SHAZIA HAYAT	GGPS SANIZO SHAH	GGPS BEHRAM DHERI	AVP
61	SHABEENA KHATON	GGCMS SHEIKH ABAD RAJJAR	GGCMS SHEIKH ABAD RAJJAR	AVP
62	ROMI GUL	GGPS UMAR KHAN GHAZGI	GGPS UMAR KHAN GHAZGI	A.V.P
63	BIBI AZRA GUL	GGCMS SHEIKH ABAD RAJJAR	GGPS KHAN ABAD	AVP
64	NEELAM	GGPS STATION KOROONA CHARSADDA.	GGPS STATION KOROONA CHARSADDA	AVP
65	FARIDA ILYAS	GGPS CHATY SHAI TARNAB	GGPS CHATY SHAI TARNAB	AVP
66	NABEELA	GGPS MALANGI KURONA	GGPS MALANGI KURONA	AVP
67	RAHEELA TABASSUM	GGPS SARAWAR ABAD UMARZAI	GGPS AWAIS KILLI	AVP
68	HINA GUL	GGPS QAZI KHEL JADEED	GGPS QAZI KHEL JADEED	AVP
69	KHUDIA BIBI	GGPS MIAN KALLY NO 3	GGPS KODAI SHABQADAR	AVP
70	HINA ANWAR	GGPS CHITRAL MOAS KALLY	GGPS CHITRAL MOAS KALLY	AVP
71	SAFIA	GGPS NAWAN KALLY	GGPS NAWAN KALLY	AVP
72	DEEBA BEGUM	GGPS BATTAGRAM NO 1	GGPS BATTAGRAM NO 03	AVP
73	BAITUL HARAM	GGPS NAWAN KALLY	GGPS NAWAN KALLY	AVP

ATTENDED

No	Name of Teacher	Present Place of Posting	New Place of Posting	Remarks
199	SHUHRAT	GGPS LANDAKI TANGI	GGPS LANDAKI TANGI	AVP
200	SHAKEELA NAZ	GGPS AMIR ABAD DHAKKI	GGPS AMIR ABAD DHAKKI	AVP
201	SOBIA BEGUM	GGPS TOTHAKAI TANGI	GGPS TOTHAKAI TANGI	AVP
202	LUBNA FAZAL GUL	GGPS LANDAKI	GGPS LANDAKI	AVP
203	UZMA BEGUM	GGCMS DHAKKI	GGPS ISMAT ABAD TANGI	AVP
204	SHAZIBA NADAR	GGPS ZAIM KOCHIAN	GGPS SADAR KILLI	AVP
205	SAMEENA GUL	GGPS TAJI KORRONA	GGPS TAJI KORRONA	AVP
206	ZUHRA RASHEED	GGPS GHULU KILLI TANGI	GGPS GHULU KILLI TANGI	AVP
207	SAIRA BEGUM	GGPS PIRAN TANGI	GGPS PALAY TANGI	AVP
208	BASWAR BIBI	GGPS PALAY TANGI	GGPS MUSLIM ABAD SHAKOOR	AVP
209	KALSOOM	GGPS RAHMAN UDDIN BANDA	GGPS RAHMAN UDDIN BANDA	AVP
210	NABEELA HANIF	GGPS SHAD KILLI NO 2	GGPS SHAD KILLI NO 2	AVP

TERMS & CONDITIONS.

1. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
2. Their services can be terminated at any time, in case her performance is found unsatisfactory during probationary Period, in case of misconduct, they shall be preceded under the rules framed from time to time.
3. Charge report should be submitted to all concerned.
4. Their inter - Se- Seniority on lower post will remain intact.
5. No TA/DA is allowed for joining her duty.
6. They will give on under taking to be recorded in their services book to the effect that if any over payment is made to the in light this order will be recovered and if she is wrongly promoted he will be reversed.
7. Before handing over charge once again their documents may be checked. If they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.
8. The DDOs Concerned is directed to Draw the salaries of the Newly Promoted Teachers as Per Rules & Policy.



(Mst: SURRIYA BEGUM)
DISTRICT EDUCATION OFFICER
(FEMALE) CHARSADDA.

10411-10633

~~SECRET~~
SPST

Endstt No. _____ / Promotion ~~to~~ EST B-1₂ to ~~POST~~ B-1₂ Dated Charsadda the 27/1/2022.

- Copy forwarded for information to the:
1. PA to the Director, E&SE Khyber Pakhtunkhwa Peshawar.
 2. Deputy Commissioner Charsadda.
 3. District Accounts officer Charsadda.
 4. District Monitoring Officer Charsadda.
 5. Principal/ Head Mistress School Concerned.
 6. SDEO (F) Charsadda & Tangi and Shabqadar with the remarks to draw their salaries as per rules & policy and to directed SDEO(f) charsadda to draw salaries of the surplus (SPST) teachers of subdivision Shabqadar for the purpose of pay only they will perform their duties at their own sub-division.
 7. B&AO Local Office.
 8. ADEO (Estbb) Secy : Local Office.
 9. ADEO (Estbb) Pry : Local Office.
 10. Assistant Programmer EMIS Local Office.
 11. Official Concerned.
 12. M/File.

ATTESTED

27/1/22

- 11 -
Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

Subsidiary E&A/11-3/2020 In exercise of the powers conferred by section 25 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

INDEX NO & EVEN DATE

Copy is forwarded to:-

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



Waqar Latif
(WAQAR LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED

-12-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to:-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)I&AD/I-3/2020
Dated Peshawar the June 06, 2023

62

To: The 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(Memory-M)/M&SUD/2-
2/Appointment/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 with this department notification dated 06.08.2020; thus, no
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from temptation for ill-gain by sticking to a single lucrative post/position or to
prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity
to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every
civil servant to accept promotion in every condition.

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.

Yours faithfully,

Issa Hakeem Khan
Section Officer (Polcy)

ASSE
7/6

Encl. Of even No & date

Copy forwarded to the:-

1. PS to Special Secretary (Reg), Establishment Department.
2. P/A Additional Secretary (Reg-II), Establishment Department.
3. PS to Deputy Secretary (Polcy), Establishment Department.

Section Officer (Polcy)

ATTESTED

-14-

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 26th, 2023

To

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

Aziz Ullah Khan
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 (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

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

Copy forwarded to the:

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

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

ATTESTED

-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.

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)


ATTESTED

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

Annexure
①


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

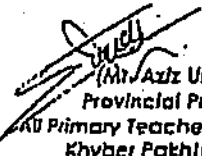
Sl No	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

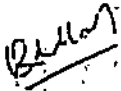
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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

ATTESTED

-17-
-B/C-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING OF 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 & SECONDARY EDUCATION, KPK

PESHAWAR
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir,

I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G/M/12/ Minutes of meeting PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:-

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

In view of the above, this office is of considered opinion that the deletion of Rules 7(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

Attestd Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

ATTESTED

ATTESTED

WP4442-2023 AZIZULLAH VS GOVT OF POK

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa

- 1. PA to Director Local Directorate.
- 2. Master Copy.

Copy of the above is in:

Encl: No.

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa

17/07/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee. provided they submit their written refusal prior to conclusion of the meeting of Teachers below. D.P.S-16 may be exempted of implications of the amendment in the rules bid (3) have affected negatively a huge number of female teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the deletion of Rules been asked for liberalization of consolidated case.

Chairman/Member of the Additional Secretary Establishment at his office this office has. Titled in the minutes of meeting dated 6-07-2023 held under the (Primary-4) E&SED/2-1/Appointment/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.50 (Primary-4) E&SED/2-1/Appointment/2023 dated 12-06-2023.

That there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.50 (Policy) E&AD/1-1/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

No.50 (Primary-4) E&SED/2-1/Appointment/2023 for necessary guidance.

That your good office forwarded the same to the quarter concerned vide letter (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.

Now it is obligatory upon the civil servant to accept promotion in every condition. No.50 dated 06-02-2023.

That this office should guide your good office in the following words vide letter dated 06-08-2020. No. 50R-VI (E&AD)/1-1/2020 dated 06-08-2020.

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(2) in the Civil Service (Appointment, promotion & Transfer Rules 1989) vide notification No. 50R-VI (E&AD)/1-1/2020 dated 06-08-2020.

I am directed to refer to the letter No.50 (Primary-4) E&SED/2-1/Appointment/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

MINUTES OF THE MEETING

The Section Officer (Primary-4/5),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa Faisalpur.

Subject: -
Dear Sir,

Email: estab@khyberpaktunkhwa.gov.pk

Khyber Pakhtunkhwa, Faisalpur

Phone: 09-9233344

No. 8145



~~ATTESTED~~

WP4442-2023 AZIZULAH VS GOVT OF PG43

Scanned with ComScanner

SECTION OFFICER (PRIMARY MALE)
28/8/23

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

Copy forwarded to the:

SECTION OFFICER (PRIMARY MALE)
(MUNAHADU ISMAIL)

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

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.

1. I am directed to refer to your letter No. SO(Policy)/ERAD/1-3/2020 dated 07/07/2022 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.

For Sir,

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

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

Annexure E

No. SO(Policy-M)ERSE/D/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

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



-B/C-

No. 50 (Primary - M) E & SE / 8-2 /
Appointment - Rule / 2023

Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. 50 (Policy) / E & AD
(Primary) / 1-3 / 2020 dated 8th June 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) 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(5) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

ATTESTED

WP#42-2023 AZIZULLAH VS GOVT OF PG

-23-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

~~ATTESTED~~

Annexure - G

To.

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

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

Sir/ Madam:-

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

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

Dated ___/0_/2024



SANA D/O
JAN MUHAMMAD
SPST

Khyber Pakhtunkhwa

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Gulbaha Peshawar City

آل پرائمری ٹیچرز ایسوسی ایشن (ایٹا) خیبر پختونخوا

Annexure - A

ہجرتی و بطوری و سیکوریٹی کمیٹی چیئر پختونخوا
ہجرتی آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
ہجرتی ہاؤس

گزارش ہے کہ پروفیسر ہر ادارے میں ہوتے ہیں اور کہ سرکاری ادارے کی خواہش ہوتی ہے پروفیسر کا ایک قانون اور کہتا کہ جو ادارے ایک اگر کسی
پروفیسر کے تحت ایک دن پروفیسر نہ ہیں تو وہ ہر ادارے میں ہونا چاہئے۔ چار سال تک پروفیسر نہیں ملے سکتے تھے۔ چار سال تک پروفیسر نہیں مل سکتے تھے
پروفیسر اس قانون میں ترقی کی دعوت دی گئی چار سال والی بات تھی کہ اگر ایک ادارے میں پروفیسر نہ ہیں تو وہ دوسرے سال مل سکتے ہیں
لیکن اب ایک وقت پہلے ایک اور نوٹیفکیشن آیا ہے
جس کے مطابق اب ہر ادارے میں پروفیسر نہ ہونے کے اگر نہیں ہیں تو اس کے خلاف ای سی ڈی کے مطابق کارروائی کرنے کا کہا گیا ہے
اور اس میں آئی ٹی نوٹیفکیشن، جی ڈی ایس ایف کے خلاف کارروائی ہے۔ سب کے دور دورہ اور پہلی ملاقات میں خاص کر نواکھن اساتذہ کو اپنی مشکلات کا
سامنا کرنا پڑے گا
جبکہ عام حالات میں بھی زبردستی پروفیسر اور دوسرے جی ڈی ایس ایف کے خلاف کارروائی کی جائے گی۔ کیونکہ خیبر پختونخوا میں بدقسمتی سے غلامی و شہنشاہی
کی ہوتی ہے ایسے حالات میں یہ نیا نوٹیفکیشن جی ڈی ایس ایف کی گائیڈ لائنوں کے خلاف ہی لیا گیا ہے۔ جو بدقسمتی اور جی ڈی ایس ایف کے خلاف ہے
اس میں اس کے خلاف کارروائی چاہی جائے تاکہ اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
زبردستی پروفیسر بننے کی بجائے ان کو ترقی سے لینے دیا جائے
اور پروفیسر نہ لینے کی صورت میں ہاتھ باندھنا چاہئے لیکن یہ زبردستی نہ کی جائے
اس سلسلے میں آپ ہیلڈ آر جیل ڈیوٹی (DPO) لی آئی اور کہ ایک قسم کی مراسلہ جاری کیا جائے تاکہ اطلاع میں آپ سب / لیٹیل پرائمری اساتذہ کو ذہنی
البتہ اور تازہ نگ سے چلایا جائے
کیونکہ نوٹیفکیشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر تازہ کر کے مسلسل شروع ہو چکا ہے
لہذا ہم یہ توقع دیکھتے ہیں کہ آپ صاحبان کوئی ایکشن لیٹر نوٹس ہر کے پرائمری اساتذہ خصوصاً لیٹیل پرائمری اساتذہ کو اس ذہنی البتہ سے بہت واگن کے

شکریہ

Handwritten signature and date: 28/7/23


میرزا اللہ خان سوہانی مسودہ
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا


ATTESTED

07.05.2024



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


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


 13/5/24

Date of Presentation of Application 12-5-24
 Number of 5/1
 Copies 5/1
 Uperal 5/1
 Total 5/1
 Name of 5/1
 Date of 12-5-24
 Date of delivery of copy 12-5-24

ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SANA

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain.

MUHAMMAD MUAZZAM BUTT ASC; MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court