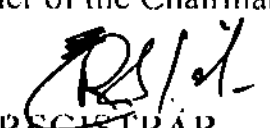


# FORM OF ORDER SHEET

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

Appeal No. 2004 /2024

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

S.A # 2004/2024

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

MIAN MUHAMMAD ZAHID  
V/S

Government of KP & others

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ADVOCATE  
M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2004 /2024

Mian Muhammad Zahid Son of Muhammad Said, SPST  
GPS Zaryab Colony, 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 of 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 setaside.

- 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.
- e. 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.

*Zahid*  
Deponent

*Zahid*  
Appellant

Through

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

CM No. \_\_\_\_\_ P of 2024

In Ref to

Service Appeal No. \_\_\_\_\_ /2024

MIAN MUHAMMAD ZAHID  
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 06/08/2023 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 Honourable Court

*Zahid*  
Deponent

Through

*Zahid*  
Appellant

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

6

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



Personal Information of Mr MIAN MUHAMMAD ZAHID d/w/s of MUHAMMAD SAJID  
 Personnel Number: 00376161 CNIC: 1730112558675 NTN:  
 Date of Birth: 20.03.1974 Entry into Govt. Service: 22.01.2007 Length of Service: 17 Years 00 Months 011 Days

Employment Category: Vocational Temporary  
 Designation: SENIOR PRIMARY SCHOOL TEA 80696670-DISTRICT GOVERNMENT KHYBE;  
 DDO Code: PW6574-Sub: Divisional Education Officer (Male) Town I Peshawar  
 Payroll Section: 003 GPF Section: 001 Cash Center: 20  
 GPF A/C No: V I P 29 GPF Interest applied GPF Balance: 506,008.00 (provisional)  
 Vendor Number: -  
 Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 13

Wage type		Amount	Wage type		Amount
0001	Basic Pay	45,150.00	1210	Convey Allowance 2005	2,856.00
1300	Medical Allowance	1,500.00	1897	Housing Subsidy Allowance	11,040.00
2148	15% Adhoc Relief All-2013	500.00	2199	Adhoc Relief Allow @10%	340.00
2316	Teaching Allowance 2021	3,036.00	2341	Dispr. Red All 15% 2022KP	4,207.00
2347	Adhoc Rel Al 15% 22(PS17)	4,207.00	2378	Adhoc Relief All 2023 35%	15,193.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-506.00	3990	Emp. Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	-232,000.00	-6,466.00	-12,156.00

Deductions - Income Tax  
 Payable: 7,879.18 Recovered till JAN-2024: 3,362.00 Exempted: 1969.33 Recoverable: 2,527.85

Gross Pay (Rs.): 88,029.00 Deductions: (Rs.): -12,807.00 Net Pay: (Rs.): - 75,222.00

Payee Name: MIAN MUHAMMAD ZAHID  
 Account Number: 07110103299393  
 Bank Details: MEEZAN BANK LIMITED, 420/11 DALAZAK ROAD Peshawar DALAZAK ROAD Peshawar, Peshawar

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: City: P District: Housing Status: No Official  
 Temp. Address: City: Email: mianzahidpst@gmail.com

**ATTESTED**

9



## OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS &amp; LITERACY PESHAWAR

## APPOINTMENT

Consequent upon the selection by the Departmental selection committee the following PST (PTC) trained Male candidates are hereby appointed on regular basis in BPS 07 (Rs. 2655-140-8755) plus usual allowances, as admissible under the rules from the date of their taking over charge in the school noted against each their name on the following terms and conditions:

OPEN MALE 25%							
S.NO	APPL. NO.	NAME, FATHER NAME AND ADDRESS.	POSITIO N IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS
1	456	Haseeb Nawaz S/O Nisar Mohammadr/o Moh: Katta Kehel VII & PO Suleman Khel PO Badaber Peshawar	1	23/3/1988	62.11	GPS SHAHAB KHEL	Against Newly post
2	601	Ejaz Ahmed Khan Khalil S/O Mumtaz Ahmad Khan Khalil r/o Palosi Ataza PO University of Peshawar	2	31/1/1978	61.87	GPS RAF SHAHEEN CAMP	Against Newly post
3	1032	Hafizur Rehman S/O Khalil ur Rehman r/o Moh: Babra Gharl Umar Miana Peshawar	3	1/9/1983	61.11	GPS Gharl Khewa Qulwul	Against Newly post
4	736	Rehmat Gul S/O Akhtar Gul r/o C/S Yakatqol Moh: Shaikh Amir Abad Col: Peshawar	4	16/2/1979	60.68	GPS WAZIR BAGH PESH NO.1	Against Newly post
5	58	Masood Ahmad S/O Sultan Mohammadr/o Moh: New Gharl St: # 2 Bakshi Pull Chd Rd Pesh	5	16/9/1974	60.13	GPS LARANA	Against Newly post
6	314	Imran Khan S/O Mohammad Nawaz r/o H, # T-1800 School St: # 4 PO Ashrafia Col: Pesh	6	18/2/1984	60.01	GPS AFGHAN COLONY NO.1	Against Newly post
7	798	Ibrar Ahmad S/O Mohammad Chaman r/o VIII: Putwar, Pawan PO Mathra Peshawar	7	15/4/1974	59.99	GPS NEEZAWARI	Against Newly post
8	965	Ghulam Hussain S/O Ghulam Mohammad r/o Village Gharl Hamza Nahaq Peshawar	8	10/1/1972	59.89	GPS GARH HAMZA	Against Newly post

*[Signature]*  
 Executive District Officer  
 Schools & Literacy Peshawar

NO	APPL NO	NAME, FATHER NAME AND ADDRESS	POSITIO N IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS
2	408	Shakrullah S/O H. Muhammadullah r/o Sardar Khulid Jan Col: st # 1 Peshawar	5	3/7/1970	53.08	GPS AFGHAN COLONY NO. 1	Against Newly post
3	1088/A	Mohammad Ali Khan S/O Haji Mohammad Akbar Khan r/o Friend Street Ithad Colony Peshawar	6	16/2/1972	51.08	GPS AFGHAN COLONY NO. 1	Against Newly post
4	494	Umar Khan S/O Mumtaz Ahmad r/o Street No. 8/10 Afghan Colony Peshawar	7	22/1/1980	50.15	GPS AFGHAN COLONY NO. 1	Against Newly post
5	1088/A	Arifullah S/O Mohammad Ziaul Haq r/o Street # 3A Sardar Ahmad Jan Colony Peshawar	8	8/4/1977	49.89	GPS AFGHAN COLONY NO. 1	Against Newly post
6	1730	Hayat Gul S/O Redi Gul r/o Street No. 4 Ithad Colony Ring Road Peshawar	9	20/1/1974	46.22	GPS AFGHAN COLONY NO. 1	Against Newly post
4-MAHALI TARI-2							
7	25	Asif Khan S/O Nawar Khan r/o Dalazak Road H. # 11 Street No 3 Moh Gul Abad Colony No 2 Peshawar	3	25/2/1980	54.33	GPS ZARYAB COLONY NO. 4	Against Newly post
8	424	Sher Alam S/O Qudrat Ullah r/o H. # 1, St. # 1 M.C Colony Dalazak Rd Peshawar	4	13/10/1977	53.35	GPS ZARYAB COLONY NO. 4	Against Newly post
9	117	Mian Mohammad Zahid S/O Mohammad Sajid r/o Gharib Abad # 2 Near Army Supply Centre Peshawar	5	20/3/1974	51.77	GPS ZARYAB COLONY NO. 4	Against Newly post
10	942	Fida Hussain S/O Sardar Khan r/o Gul Abad # 1 Dalazak Road Peshawar	6	1/11/1974	51.49	GPS ZARYAB COLONY NO. 4	Against Newly post
SHAHEEN MUSLIM TOWN-2							
11	395	Qadeem Nasir S/O Munawar Khan r/o H. # G-13 Moh. Imran Abad Shaheen Muslim Town Peshawar	7	14/1/1977	54.72	GPS SHAH DAND	Against Vacant post

*Head Master*  
G.R.S. Moh. Imran Abad  
Peshawar

ATTESTED

24

S.NO.	APPL. NO.	NAME, FATHER NAME AND ADDRESS.	POSITION IN UC	D/O BIRTH	TOTAL SCORE	POSTED AT	REMARKS.
5	450	Saleem Noman S/O Mohammad Aslam r/o H # 2652 Moh: Malik Shahzad Peshawar	8	16/12/1980	43.68	GPS WAZIR BAGH PESH NO.1	Against Newly post
6	856	Zafar Ali S/O Abdul Qayum r/o Sardar Ghari Peshawar.	9	6/2/1980	43.07	GPS PAF SHAHEEN CAMP	Against Newly post

**TERMS & CONDITIONS:-**

1. They will be governed by such rules and regulation as may prescribed by the Govt. from time to time for category of the Govt. servants to which they belong.
2. Their services will be liable to termination at any time with out any notice. In case of resignation one month prior notice should be given by the official / teacher concerned other wise one month pay / allowances will be forfeited in lieu thereof in to the Govt. treasury.
3. They should take over charge of their post with in fifteen (15) days after issue of this Notification / order otherwise the offer of appointment should stand cancelled automatically.
4. Their appointments are purely temporary and liable to termination / reverted at any stage without assigning any notice / reason.
5. Their service will be liable to termination at any stage if their certificates / Degrees / testimonials & Domicile etc. found fake and they will be handed over to the police.
6. Their original certificates / Degrees should be checked and verified from the concerned Boards / University etc. by the DDO (Male) concerned before handing over charge being a DDO & the candidates having qualification BSC/ETC may be considered as EPS-05 (Rs.2415-115-5865) plus usual allowances as admissible under the rules.
7. Their salary may not be drawn till the complete verification of certificates / Degrees etc.
8. Their declaration of Assets should be obtained and kept in safe custody by the DDO concerned.
9. They are required to produced Health & age certificate from the civil surgeon concerned before their taking over charge.
10. Charge report should be submitted to all concerned
11. No TADA etc. is allowed being 1st appointment
12. They should not apply for transfer at any stage.
13. All the candidates appointed on regular basis to a services or post in the prescribed manner after the commencement of the said act shall for all intents & purpose be civil servant except for the purpose of pension or gratuity. such a civil servant shall in lieu of pension and gratuity be entitled to receive such amount contributed by them towards the contributory provident funds along with the contribution made by the Govt. to his account in the said fund in the prescribed manner.
14. They are entitled to get the benefits of regular employees except pension / gratuity.
15. The above Candidates will be entitled for C.P.Fund for which the Govt. and Civil servant will pay 10% as contributory fund.

ATTESTED

Annexure-I-B-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/18/2020

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.
- (The Deputy Director (IT), E&A Department  
All Section Officers in Establishment & Administration Department  
The Section Officer (Admin), Administration Department with the request to  
arrange 20 gazette copies.  
The Caretaker, Administration Department.



*(Signature)*  
(WAJDAH-LE-TIP)  
DEPUTY SECRETARY (POLICY)

ATTESTED

*(Signature)*

*(Signature)*

11

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF  
DEPUTY SECRETARY (POLICY)

  
ATTESTED

ATTESTED

WPKMAY-2023 AZULIAN VS GOVT OF PAK

Section Officer (Policy)

(Jasa Ballyamand Khan)  
Section Officer (Policy)

- 1. For Special Security (SS) Establishment Department.
- 2. For Additional Security (AS), Establishment Department.
- 3. For Deputy Security (DS), Establishment Department.

Copy forwarded to Dept. of Even No. & Date

2011: please

proceeded against under Khayr Paktunkhwa Civil Services (Efficiency & Discipline) Rules.

of the competent authority or by to evade promotion through different means shall be

Further, those officers/employees who do not comply with promotion order

will screen to occur promotion in every condition.

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

prevent those who tend to forge promotion to evade posting/transfer or show lack of capacity

will several from promotion for their who by seeking to a single favorable position or to

The better rule is aimed at preventing a

provision exists to decline or forge promotion.

rules, (2019) stands deleted vide this departmental notification dated 06.08.2020) that, no

(3) of Rule 7 of Khayr Paktunkhwa Civil Services (Appointment, Promotion and Transfer)

Notification dated 18.02.2023 on the subject noted above and to state that Sub-Rule

I am directed to refer to your letter No. SO/Prmry-MYKAWP/23

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

Subject: **MANAGER - ESTABLISHMENT DEPARTMENT OF P.W. IN THE**  
**MINISTRY OF EDUCATION, CIVIL SERVICES, ESTABLISHMENT AND TRAINING**  
**DEPARTMENT, ISLAMABAD.**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. PWD/EST/AD/1-2023  
Dated Islamabad the 08.08.2023



Annexure - C

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

No.RO (Primary-MYESED/2-8/2023  
Dated Peshawar (ho. June 28<sup>th</sup> 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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 (Estab)  
E&SE Department in his office.

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

Encl: AA

*[Handwritten mark]*

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

Copy forwarded to the:

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

*[Handwritten mark]*

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

~~TESTED~~

B/c 14

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

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

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

Subject: **GUIDANCE REGARDING DELETION OF RULE 7(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. 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 (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)

WP4443-2023 AZIZULLAH VS GOVT CP PG43

~~ATTACHED~~



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

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

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

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

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

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

(Mr. Fozal Waheed)  
Deputy Director-  
E&SE Department

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

(Mr. Rafiqul Ullah)  
General Secretary APTA  
Peshawar

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

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

ATTESTED

Annexure

11

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

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

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

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

~~ATTESTED~~

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. (SD Primary-M) E&SED/5-1/6122/ 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 PP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1971) vide notification No. No. SR-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) If it is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quanta concerned vide letter No. SD (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SD (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 action please.

- Copy of the above to:
1. PA to Director Local Directorate
  2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

~~ATTENDED~~

~~ATTACHED~~

14442-2023 AZIZULAH VS GOVT OF POKH

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

17/01/2023  
Assistant Director (Ex-Officio)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa

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

Copy of the above is to:-

The case is submitted for perusal and necessary actions please.

Department of Promotion Committee  
provided they submit their written request for to condition of the meeting of  
Teachers below 15-16 may be exempted of implications of the amendment in the rules (b/d)

75) 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 decision of Rules  
been asked for submission of consolidated case.

Chairman, Ministry of Education, Government of Khyber Pakhtunkhwa  
This in the light of the minutes of meeting dated 6-07-2022 held under the  
(Primary) (SSE/2-1/Appointment/2022) dated 12-06-2022.

The same was received by this office from your good office vide letter No.ED  
civil servant to accept promotion under every condition.  
that there exists no provision to decline or reject promotion. It is obligatory upon every

Wing) vide letter No.ED/1-1/2020 dated 6-06-2022 categorically stated  
The Government of Khyber Pakhtunkhwa Department (Regulation  
No.ED (Primary) (SSE/2-1/Appointment/2022) for necessary guidance.

That your good office forwarded the same to the quarter concerned vide letter  
promotions.  
(ii) If the acceptance of the civil servant to either accept or turn down the offer of

Now it is obligatory upon the civil servant to accept promotion in every condition  
No.6987 dated 06-07-2022.  
That this office sought guidance from your good office in the following words vide letter

vide notification No. 508-VI (S&AD)/1-2/2020 dated 06-08-2020.  
dated Rule 75) in the Civil Service (Appointment, Promotion & Transfer Rules 1959)  
The Government of Khyber Pakhtunkhwa Department (Regulation (Wing)

I am directed to refer to the letter No.ED/Primary-408A52/11  
A.M.R./Ministry of the letter/PST/2022 dated 10-07-2022 on the subject cited above and to  
present brief history about the background of the case as under:

Subject: MINUTES OF THE MEETING  
The Section Officer (Primary-Grade)  
Ministry of Secondary Education Department  
Khyber Pakhtunkhwa

Phone No. 0922111  
English: azizulaha@pkshs.com





19  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9221587)

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

Annexure  
E

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

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

Dear Sir,

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

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 E&SE Khyber Pakhtunkhwa.
2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

  
SECTION OFFICER (PRIMARY MALE)  
20/8/23

Scanned with CamScanner

ATTESTED

~~ATTACHED~~

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

Copy forwarded to:  
(Muhammad Ishaq)  
Section Officer (Primary)  
(Male)

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

Our servant (Efficiency and Discipline) Rule 2012 of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2012.

These officers/officials who don't 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 2012.

1/3/2020 dated 8th June 2023 and to state that after deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who don't 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 2012.

Dear Sir,  
I am directed to refer to your letter No. SO/10022/2023 dated 1/3/2020 and to state that after deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who don't 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 2012.

SUBJECT: Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989).

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

To  
The Secretary to Government of Khyber Pakhtunkhwa  
Establishment and Administration Department,  
Peshawar.  
Dated, 23rd August, 2023.  
No. SO (Primary-M) E&SE/18-81/2023  
Appointment - Rule/2023  
20

Annexure - F



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

ATTESTED

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/Appointmeq-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.

WPM 413-2023-1001 AZIZULLAH VS GOVT OF PK-23

21

22

- B/C -

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

To

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

Subject -

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encl: Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

~~ATTACHED~~



23  
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. 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. 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 1/04/2024

~~ATTESTED~~

Zahid

MIAN MUHAMMAD ZAHID  
SON OF  
MUHAMMAD SAID  
SPST

~~ATTESTED~~

MS-4412-2022 AZIZILAH VA GOVT OF PAJANG

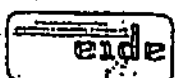
08/11/2023  
~~Signature~~  
Date

Handwritten text in Arabic script, appearing to be a formal declaration or statement. The text is arranged in several lines, with some words appearing to be repeated or emphasized. The script is dense and difficult to read due to the image quality.

H-Annexure

Handwritten text in Arabic script, possibly a signature or title.

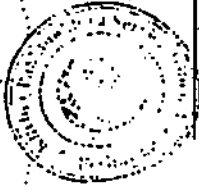
APTA Haveli  
Govt. Primary School Naka,  
Dudhaker, Peshawar City.



Khanber, Pajanturkha

APTA  
D-0233, D-1452  
Peshawar  
District, Peshawar

07.05.2024



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

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

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 10-6-24  
 Number of 1-P  
 Copying 17  
 Urgent 17  
 Total 34  
 Name of 13-6-24  
 Date of 17-6-24  
 Date of delivery of copy 17-6-24

CS CamScanner

~~ATTESTED~~

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

MIAN MUHAMMAD ZAHID  
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.

*Zahid*

APPELLANT

ACCEPTED

*[Signature]*  
MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court

*[Signature]*  
MUHAMMAD ADEEL BUTT  
Advocate High Court

*[Signature]*  
BASSAM AHMAD SIDDIQUI  
Advocate High Court