


FORM OF ORDER SHEET

Court of _____

Appeal No. 2050 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 30.10.2024. 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

Muhammad Riaz

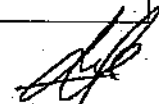
S.A No: 2050/24

V/S

Government of KP & others

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2450 /2024

Muhammad Riaz Son of Dur-e-Aman Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Shat Pura

.....Appellant

V E R S U S

- 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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, 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/1-312020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

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

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.
Copy of Monthly Salary account 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 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 appellants 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:-

GROUNDS:-

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

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

It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the Impugned Notification bearing No. SO (POLICY) E&D/1-3 1-2020 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.

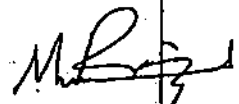
It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

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



Appellant

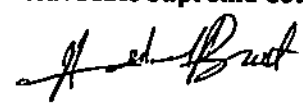
AFFIDAVIT:

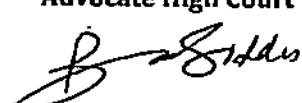
I Muhammad Riaz Son of Dur-e-Aman Resident of Tehsil & District Manshera that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

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

CM No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

MUHAMMAD RIAZ
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 IIs. 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

Muhammad Riaz
Deponent

Through

Muhammad Riaz
Appellant

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

-6-

Dist. Govt. KP-Provincial
District Accounts Office Manshra
Monthly Salary Statement (December-2023)



Personal Information of Mr MUHAMMAD RIYAZ d/w/s of DUR E AMAN

Personnel Number: 00223675 CNIC: 1350422401855 NTN:
 Date of Birth: 15.04.1972 Entry into Govt. Service: 27.02.1993 Length of Service: 30 Years 10 Months 006 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80667882-DISTRICT GOVERNMENT KHYBE

DDO Code: MA8339-Oghi District Mansehra

Payroll Section: 001 GPF Section: 001 Cash Center: 06

GPF A/C No: EDUMA9354 GPF Interest applied GPF Balance: 1,268,125.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 25

Wage type		Amount	Wage type		Amount
0001	Basic Pay	73,420.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	1058	Incentive Allowance 20%	1,000.00
2148	15% Adhoc Relief All-2013	950.00	2109	Adhoc Relief Allow @10%	650.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	7,000.00
2347	Adhoc Rel AI 15% 22(PS17)	7,007.00	2378	Adhoc Relief All 2023 35%	25,004.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-3,393.00	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

Deductions - Income Tax

Payable: 53,047.75 Recovered till DEC-2023: 19,431.00 Exempted: 13261.45 Recoverable: 20,355.30

Gross Pay (Rs.): 126,190.00 Deductions: (Rs.): -9,618.00 Net Pay: (Rs.): 116,572.00

Payee Name: MUHAMMAD RIYAZ

Account Number: PLS 3125-0

Bank Details: NATIONAL BANK OF PAKISTAN, 231349 SHERGARH SHERGARH, MANSEHRA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: riazpsh72@gmail.com

ALLESYELU

System generated document in accordance with APPN 4.0.12.9(50399005/22.12.2023/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/31.12.2023/17:42:49)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY HANSEHRA.

OFFICE ORDER NO 4/GB-I
DATED 27/2/1993.

APPOINTMENT.

Consequent upon their selection on merit, the following PTC Trained candidates are hereby appointed in BPS(No-7) Rs. 1095/60/1995 Plus usual allowances as admissible under the rules with effect from the date of their taking over charge against the Vacant posts in the school given against their names in the interest of Public Service.

S. NO.	NAME & FATHER'S NAME	RESIDENCE	SCHOOL WHERE APPOINTED	REMARKS
1	WAJID ALI S/O M. MUHAMMAD RAFIQUE	R/O MAIRA JIYA	GPS BANDA DADA (K.D)	AGA: VAC: POST
2	IFTIKHAR HUSSAIN SH: S/O MAQBOOL SH:	R/O NAKOTE	GPS NAKIAN JARED	AGA: VAC: POST
3	MUHAMMAD HAROON S/O ABDUL QAYYUM	R/O JABRI B/KOTE	GPS DHANI DHANO	AGA: VAC: POST
4	MUHAMMAD ELAZ S/O DURI AMAN	R/O THAKRIAL	GPS SHATPURA	AGA: VAC: POST
5	WAHEED UR REHMAN S/O MEHDI ZAMAN	R/O MONG	MSQ: SHAKHWAL	AGA: VAC: POST
6	MUHAMMAD ARIF S/O MUHAMMAD HAMAYUN	R/O BAJNA	GMS SHAH DAG (K.D)	AGA: VAC: POST
7	MUHAMMAD MISKEEN S/O ABDUL QAYYUM	R/O NARYALA	GPS RAMKOTE	AGA: VAC: POST
8	ASIF JAVED S/O ABDUL RASHID	R/O SANDASAR	GPS FAQER ABAD	AGA: VAC: POST
9	ZUBAIR S/O BAZ MUHAMMAD	R/O BAJMORI	MSQ: KHANJAR	AGA: VAC: POST
10	ABDUL HANEED S/O AHMAD DIN	R/O GARHALA	MSQ: BELA MANOOR	AGA: VAC: POST
11	MUHAMMAD SALEEM S/O ABDUL QADUS	R/O BANAR KHAN	OGPS DODAM (K.D)	AGA: VAC: POST
12	MUHAMMAD SAEED S/O GHULAN SARWAR	R/O KASHMIR PANI	MSQ: MAR KHAREEN (K.D)	AGA: VAC: POST
13	LAL KHAN S/O ABDUL REHMAN	R/O CHAKLI SARAI	MSQ: SOOR MALE (K.D)	AGA: VAC: POST
14	SHABIR HUSSAIN S/O MUHAMMAD AMIN	R/O ICHRIAN	GPS SOOR ASHARAI (K.D)	AGA: VAC: POST
15	MUHAMMAD RIAZ S/O MAQBOOL UR REHMAN	R/O SERI KHARYAL	GPS GARHI MADAKHEL (KD)	AGA: VAC: POST
16	SARDAR S/O MUHAMMAD UMAR	R/O TARAKHAR	MSQ: PURANA BHOGARMONG	AGA: VAC: POST
17	MUHAMMAD AJMAL S/O JAMAL DIN	R/O NAMBAL	MSQ: BANDI BALA	AGA: VAC: POST
18	ZULFIQAR AHMAD S/O ABDUL REHMAN	R/O MANGLOOR	GPS CHANBAR	AGA: VAC: POST
19	MERAJ AHMAD S/O MUHAMMAD ILYAS	R/O BEHALI	GPS PATYAN	AGA: VAC: POST
20	MUHAMMAD SAEED S/O KALOO KHAN	R/O DOGA	MSQ: NARAN	AGA: VAC: POST
21	MUHAMMAD ASHRIF S/O MUHAMMAD	R/O SEHKI BALA	MSQ: LARI BALA	AGA: VAC: POST
22	MUHAMMAD IQBAL S/O MUHAMMAD SIN	R/O SHINKIARI	MSQ: BELA PARA	AGA: VAC: POST
23	JHSAN-UL-HAQ S/O ZIA-UL-HAQ	R/O BATKARAR	GPS BAIDA	AGA: VAC: POST
24	MUHAMMAD ZABAIR S/O ABDUL JAMIL	R/O TARAKHAR	GPS DOONG	AGA: VAC: POST
25	ABDUL REHMAN S/O GHULAN YOUSAF	R/O NEHR KOTE	GPS KOHALI	AGA: VAC: POST
26	RIAZ AHMAD KHAN S/O MUHAMMAD ARBAM	R/O CHAPPAR GRAN	MSQ: KHATTER	AGA: VAC: POST
27	NASEEB KHAN S/O MUHAMMAD MISKEEN	R/O KHABAL PAEEN	MSQ: LASSA	AGA: VAC: POST
28	LIAGAT ALI S/O TAJ MUHAMMAD	R/O MANGLOOR	GMS BHANGIAN	AGA: VAC: POST
29	NAZIR MUHAMMAD S/O AZIZ MUHAMMAD	R/O STNJLIALA	GPS KHARYALA	AGA: VAC: POST
30	IMTIAZ HUSSAIN SHAH S/O AZAM SHAH	R/O BAI BALA	GPS SANJ	AGA: VAC: POST
1	RASHID AHMAD S/O MUHAMMAD AYUOB	R/O TANOL BANDA	GPS NAMSHERA	AGA: VAC: POST
2	MUHAMMAD KHALID S/O ABDUL KHALIQ	R/O SHANAI BALA	GPS DHARYAL	AGA: VAC: POST
3	MUHAMMAD SALEEM S/O MUHAMMAD ILYAS	R/O BANIAN	GPS PHALKOTE	AGA: VAC: POST
4	MUHAMMAD RIAZ S/O AHMAD GUL	R/O POODNIAL	GPS POODNIAL	AGA: VAC: POST
5	MUSHTAQ AHMAD S/O ALAMGHIR	R/O ARGHASHORI	MSQ: PHAGORA	AGA: VAC: POST
6	FAREED KHAN S/O MISKEEN KHAN	R/O CHALUNDRIAN	MSQ: POORIAN	AGA: VAC: POST
7	MURAD KHAN GHULAN NABI	R/O BAFFA KHURD	GPS NIKA PANT	AGA: VAC: POST
8	SAMIULLAH S/O NARAD KHAN	R/O KOSHGRAN	GPS GAMIAN SERT	AGA: VAC: POST
9	KHALID FAROOQ S/O ABDULLAH	R/O KARORI	GPS CHAMIYAL	AGA: VAC: POST
10	SHAR NAWAZ S/O FAZAL UR REHAMN	R/O PHULRAH	GPS BEER BAT	AGA: VAC: POST
11	MUHAMMAD YUNIS S/O MUHAMMAD AKBAR	R/O GALI BADRAL	GPS SHUNGLI	AGA: VAC: POST
12	S. AEDUS SALAM S/O AURANGZEB	R/O GHANOOD	GPS BAYAN	AGA: VAC: POST
13	LIAGAT ALI S/O MUHAMMAD ARFAN	R/O SHANAT BALA	GPS BAGAN BELA	AGA: VAC: POST
14	ANWAR KAHN S/O MUHAMMAD MISKEEN	R/O BAFFA	GPS MANDA GUSHA	AGA: VAC: POST
15	SHAR NAWAZ S/O HAFEEZ ULLAH	R/O SHERGARH	GPS CHINKOT	AGA: VAC: POST

Cod


Attested
ATTESTED

-8- P-2


NO.	NAME, FATHER'S NAME	RESIDENCE	SCHOOL WHERE APPOINTED	REMARKS
46	HAR NAHAZ S/O AZIZ GUL	R/O BANKOTE	MSQ: HAJI GAMAR	AGA: VAC: POST
47	JAVEED AHMAD S/O ABDUL HAJEED	R/O GJDRAI	GPS BATTANGI (BATT:)	AGA: VAC: POST
48	JAMIL KHAN S/O HARAD KHAN	R/O AJHERA	GPS BATTANGI (BATT:)	AGA: VAC: POST
49	DAKHTIAR S/O ABDUL HAJIAD	R/O BATTAGRAM	GPS GARANG	AGA: VAC: POST
50	ABDUL HARI S/O ABDUL HAKEEM	R/O BAZARBAW	GPS BATTANGI (HOTT:)	AGA: VAC: POST
51	BEKHTIAR KHAN S/O QAZI AHMAD	R/O BIARI	GPS GANGWAL	AGA: VAC: POST
52	MUHAMMAD NASEEM S/O MUHAMMAD USMAN	R/O TIKRI	GPS JABBA GANGWAL	AGA: VAC: POST
53	HANIF SAID S/O HAKEEM SAID	R/O KANISAR	GPS DOKAL GHAZIKOTE	AGA: VAC: POST
54	ZAMID USSEIN S/O SHILLAI RARAH	R/O SHINKIARI	GPS MAKRIHA	AGA: VAC: POST
55	ABDUL HASHTO S/O MUHAMMAD FERDI KHAN	R/O KHAWARI	GPS GAJNA	AGA: VAC: POST
56	MUSHARIF KHAN S/O MEH SAMAD KHAN	R/O SHINKIARI	GPS SARI MEH GUL	AGA: VAC: POST
57	IFTIKHAR AHMAD S/O MUHAMMAD AARIF	R/O SHINKIARI	GPS NANA ANON	AGA: VAC: POST
58	TARIQ MEHMOOD S/O MUHAMMAD ASHRAF	R/O GHAZIKOTE	GPS GHAZIKOTE	AGA: VAC: POST

TERMS & CONDITIONS

1. They should submit their charge report to all concerned
2. Their appointment is purely ^{on} temporary basis and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their ^{original} Professional and academic certificate/documents.
4. Their original Professional and academic certificates should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
5. No one should be handed over charge if he is below 18 years and above 25 years.
6. Their pay will not be drawn till they produce their age and health certificate by the medical Superintendent District Head Quarter Hospital Mansehra.
7. The Candidates who obtained their professional Qualifications from the colleges/Universities other than Govt: Elementary Colleges in NWFP will be appointed according to their merit order after the verification of their professional Qualification from the concerned issuing Agencies.
8. They will be Governed under prescribed services rule framed by the Government of NWFP.


 (SHAQAT HUSSAIN)
 DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MANSEHRA.

Adst: No. 1601-61/GB/G.1/93 Dated Mansehra the 27/2/1993.
 Copy of the above is forwarded to the:-
 1. Sub Divisional Education Officer (Male) Primary Mansehra.
 2. District Accounts Officer Mansehra.
 3. All the candidates concerned.


 DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MANSEHRA.

ATTESTED

ATTESTED

ATTESTED

DEPUTY SECRETARY (POLICY)
(MAJID AH LALJI)

[Signature]



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
- 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. The Principal Commissioners in Khyber Pakhtunkhwa.
- 7. All Divisions 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 Public Service Commission, 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.
- 16. The Section Officer (Admn), Administration Department.
- 17. The Section Officer (Admn), Administration Department.
- 18. The Section Officer (Admn), Administration Department.
- 19. The Section Officer (Admn), Administration Department.
- 20. The Section Officer (Admn), Administration Department.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

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

in exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION-WING)

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/08/2020

In exercise of the powers conferred by section 26 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of B) 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

(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

-11-

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)/E&AD/1-2/2020
Dated Peshawar the June 06, 2023.

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Primary-M)/E&AD/2-
2/A appointment/2023 dated 19.04.2023 on the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 06.09.2020; thus, no
provision exists to decline or forgo promotion.

The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from temptation for illicit 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 Services (Efficiency & Discipline) Rules,
2011, please.

Yours faithfully,
(Asst. Secretary (Policy))
Section Officer (Policy)

ASSE
7/6

Encl. Of even No & date

Copy forwarded to:-

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.

2023
21/6/23

Section Officer (Policy)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.891-8223587)

No.RO (Primary-M)/E&SED/2-6/2023
Lalod Peshawar Dtd. June 26th, 2023

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

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

[Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten initials]

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

Copy forwarded to the:

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

[Handwritten initials]

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

ATTESTED

-13-

B/c

No SO (Primary-M)/B&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(S) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1999.

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 MALI)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALI)

WP4442-2023 AZIZULLAH VS GOVT CP PS43

4
ATTESTED

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

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	NAME	DESIGNATION
1	Mr. Fazal Waheed	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammed 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 Waheed)
Deputy Director
E&SE Department


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED

-15-
-B/C-

**MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING DELETION OF RULE 7(9) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION
& TRANSFER RULES 1989).**

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

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

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

3. After 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

ATTESTED

10-14-2023 AZDUALAH VA GOVT CP P043

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

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

Copy of the above is for:

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

17/12/2023

The file is submitted for perusal and necessary orders please.

Departmental Promotion Committee. Provided they, with their written refusal prior to conclusion of the meeting of Teachers hold the file may be exempted of implications in the rates of the (75) have offered directly a huge number of Female Teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the inclusion of Bales been asked for submission of consolidated case.

Chief Minister of Khyber Pakhtunkhwa Secretary Establishment at his office, has that in the light of the minutes of meeting held 6-07-2023 held under the (Promotion) E&SAD/1-1720 dated 12-06-2023.

The same was received by this office from your good office with letter No.50 (Civil Servant) to accept promotion under every condition. That there exist no provision in decline or forgo promotion. It is obligatory upon every (Wing) vide letter No.50 (Policy) E&AD/1-1720 dated 6-06-2023 correspondingly stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Promotion) E&SAD/1-1720) 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.

(i) Now it is obligatory upon the civil servant to accept promotion in every condition. No.6887 dated 15-07-2023.

That this office sought guidance from your good office in the following words vide letter vide notification No. 502-WI (E&AD)/1-1720 dated 05-08-2020.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) dated notification No. 502-WI (E&AD)/1-1720 dated 05-08-2020.

I am directed to refer to the letter No.50 (Promotion) E&SAD/1-1720 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

Subject: - MINUTES OF THE MEETING
Khyber Pakhtunkhwa
Ministry & Secondary Education Department



No. 8145

Khyber Pakhtunkhwa, Peshawar
Phone: 091-911111
Email: chiefminister@kpk.gov.pk

ATTESTED

WP4443-2023 AZIZULHAQ VS GOVT OF PAK

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

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

consolidated case.
ment of his office. This office has been asked for submission of
held under the chairmanship of Hon. Additional Secretary, Establish
That in light of the minutes of the meeting dated 6-07-2023

no provision to declare foreign promotion, it is obligatory upon every civil
servant to accept promotion under any condition.
That the government of KP-ED (Regulation wing) vide letter No. SO (R&P)
E4AD/1-2/2020 dated 6-06-2023 correspondingly stated that there exists

That your good office forwarded the same to quorate concerned
vide letter No. SO (R&P) E4SED/2-2/11/2023 for necessary
guidance.

That this office sought guidance from your good office in the following
vide notification No. SO R-VI (E4AD) 1-3/2020 dated 06-08-2020.
dated rule 7(S) in Civil Servants (Appointment, Promotion, Transfer & Retire)
That Government of KP Establishment department (Regulation wing)
present brief history, about background of case as under:

Minutes of meeting 18/1/2023 dated 10-7-2023 on subject cited above and to
I am directed to refer to letter No. SO R&P (M) E4SED/5-1/6/2023/

Subject: Minutes of Meeting

KPK, Peshawar

Section Officer (R&P) (R&P) (M) E4SED/5-1/6/2023/

PESHAWAR
121-7-2023

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

-B/C-

-17-



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

No. SO(Primary-M)E&SED/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Dear Sir,

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

2. In this connection it is submitted that in some cases lady teacher of primary
level who avail such promotions have to face serious inconvenience while they have to
perform duties in the remotest station with no residential or transport facility. Most of
them are married with kids and elder father or mother-in-law who need care. In such
cases, there are negative effects on service delivery.

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

~~ATTESTED~~

ATTESTED

(Muhammad Ishaq)
Section Officer (Army)
(Male)

1. Director E & SE Kyber Pakhtunkhwa
2. PS to Secretary, E & SE Department
Copy forwarded to;

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

9. Also directed to refer to your letter No. SA/Army (Policy) /E&AD /1-3/2020 dated 8th June 2023 and to state that after deletion of Rule 7(S) Kyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) or 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 Kyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2012.

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

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

No. SA (Army-M) E&SE/D/19-21
Appointment-Rule/2023
Peshawar Dated 23rd August, 2023.

-B/c-

-14-

Annexure - F



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

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

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

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date.

Copy forwarded to the:-

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

DELETED

WP-442-2023 AZIZULLAH VS GOVT OF PK

20-

-21-

- 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)

Enclst. 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)

WP4442-2023 AZIZULLAH VS GOVT OF PK43

ATTESTED

-22-

Annexure "G"

To,

Dated: 28-01-2024

- 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

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.

Best Regards



Muhammad Riaz Son of Dur-e-Aman
Resident of Tehsil & District Manshera

07.05.2024



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

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

[Handwritten signature]

Date of Presentation of Application 10-5-24
 Number of 5/1
 Copies 5/1
 Urgent 5/1
 Total 5/1
 Name of 18-6-24
 Date of 17-6-24
 Date of receipt of copy 17-6-24

[Handwritten signature]
ATTESTED

- 25 -

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD RIAZ

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