


FORM OF ORDER SHEET

Court of _____

Appeal No. 2054/2024

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

C.M.No _____-P of 2024

In Ref to

Service Appeal No 2054 2024

Attq ur Rehman

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2054 /2024

Attiq ur Rehman Son of Qazi Maqbool ur Rehman, PSHT (BPS-15)

Nimbal, PO Sher Ghar, Tehsil Aogi, District, Mansehra

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020.
Copy of Impugned notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forego 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:-

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/1-3/2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

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

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

AFFIDAVIT:

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

[Signature]
Deponent

[Signature]
Appellant

Through

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Attiq ur Rehman

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

AFFIDAVIT

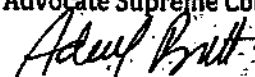
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

6

Dist. Govt. KP-Provincial
District Accounts Office Mansehra
Monthly Salary Statement (January-2023)



Personal Information of Mr ATTIQ UR REHMAN d/w/s of MAQBOOL UR REHMAN

Personnel Number: 00218925 CNIC: 1350405999493 NTN:
 Date of Birth: 15.02.1974 Entry into Govt. Service: 12.11.1994 Length of Service: 28 Years 02 Months 021 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80667882-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6139-Oghi District Mansehra

Payroll Section: 001

GPF Section: 001

Cash Center: 06

GPF A/C No:

GPF Interest applied

GPF Balance:

309,904.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 22

Wage type	Amount	Wage type	Amount
0001 Basic Pay	67,480.00	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	1968 Incentive Allowance 20%	1,000.00
2148 15% Adhoc Relief All-2013	857.00	2199 Adhoc Relief Allow @10%	637.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	6,607.00
2347 Adhoc Rel Al 15% 22(PS17)	6,608.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-2,890.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-831.00	3990 Emp. Edu. Fund KPK	-125.00
4004 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	560,000.00	-40,000.00	520,000.00

Deductions - Income Tax

Payable: 13,052.44 Recovered till JAN-2023: 5,633.00 Exempted: 3262.99 Recoverable: 4,154.45

Gross Pay (Rs.): 94,333.00 Deductions: (Rs.): -45,646.00 Net Pay: (Rs.): 48,687.00

Payee Name: ATTIQ UR REHMAN

Account Number: PLS 5588-9

Bank Details: NATIONAL BANK OF PAKISTAN, 230617 OGH1 OGH1, MANSEHRA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: atqurrehmanpsht@gmail.com

*System generated document in accordance with APPM 4.6.12.9(50399903/23.01.2023/v3.0)
 All amounts are in Pak Rupees
 * Errors & omissions excluded (SRD/IT/PCB) 03 2023/18-14*

TESTED

CamScanner

OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA

OFFICE ORDER NO. 93
DATED 13-11-1994

APPOINTMENT

Consequent upon their selection on merit, the following PTC Trained candidates are hereby appointed in EPS No. 7 @ Rs. 1480-81-2695 plus usual allowances as admissible under the Rules w.e.f the date of their taking over charge against the newly created/vacant posts in the schools given in against their names in the interest of Public Service.

S.NO	NAME & FATHER'S NAME	RESIDENCE	PLACE OF POSTING	REMARKS
1.	S. Halang Shah S/O S. Akbar Shah	Milli (Kund)	GPS Garhi A/Zai	A:V/post.
2.	Umar Zareen S/O Muhammad Zar Dour	Mera	GPS Manja Kote	do
3.	Gul Sharir Balga S/O S. Haroon Shah	Zunglay (A-2)	GPS Binbal	do
4.	Sher Heider S/O Aurangzeb	Japeet	Kand Bala	do
5.	Hussain Ahmad S/O Azizur Rehman	Choon M.K.	GPS Bartooni	do
6.	Muhammad Naeem S/O Muhammad Younis Khan	Sareri	GPS Kotkay	do
7.	Muhammad Shehoib S/O Azizur Rehman	Choon M.K.	GPS Choon M.K.	do
8.	Sahib Zada S/O Muhammad Sadiq	Gawandla	GPS Nadray	do
9.	Sardar Babadar Shah S/O Noor Ahmad Shah	Zunglay AB	GPS Beteala	do
10.	Aftab Muhammad S/O Faiz Muhammad Khan	Kamsisar	GPS Dare Mera	do
11.	Insanullah S/O Wahidullah	Zunglay	GPS Chira Kote	do
12.	Muhammad Saleem S/O Haz Muhammad	Kamsisar	GPS Salemani	do
13.	Tanweer Ahmad S/O Muhammad Khan	Karai (Behali)	GPS Kuchar	do
14.	Muhammad Saeed Ahmad S/O Azizur Rehman	Dats	GPS Kandar Tawara	do
15.	Ashar Bilal S/O Ghulam Mustafa	Negaxi	GPS Zungia K.D	do
16.	Muhammad Tufail S/O Abdul Ghani	Potha	GPS Chamba Kilagay	do
17.	Sadiq Rehman S/O Shafiqur Rahman	Karer	GPS Doba KD	do
18.	Ashid Haseem S/O Muhammad Naeem	Bala Kote	GPS Balyani	do
19.	Masharuf Haq S/O Arzal Haq	Banda Balala	GPS Darbani	do
20.	Muhammad Rashid S/O Ghulam Sarwar	Chakia	GPS Darbani	do
21.	Muhammad Iftikhar S/O Fazalur Rehman	Miasian	GPS Sachka	do
22.	Qaiser Naeem S/O Ghulam Jan	Chakia	GPS Lashora	do
23.	Naeem Ejaz S/O Muhammad Iqbal	Chahandi	GPS Zeeza Rai	do
24.	Muhammad Ejaz S/O Abdur Rashid	Banda Balala	GPS Zeeza Rai	do
25.	Iftikhar Hussain Shah S/O S. Maqbool Sh	Nakote	GPS Asrara	do
26.	Latifur Rehman S/O Muhammad Yousuf	Hari Mera	GPS Phag Ban	do
27.	Sultana Harifeen S/O M. Mazafar Iqbal	Hari Mera	GPS Phag Ban	do
28.	Ibadur Rehman S/O Gul Faras	Kotli Payeen	GPS Mohri Bala	do
29.	Muhammad Saleem S/O Mazafar Khan	Baffa	GPS Geri Kandow	do
30.	Mashar Hussain S/O Muhammad Nareof	Tarangri Bala	GPS Kessay Shatal	do
31.	Iftikhar Ahmad S/O Muhammad Fareed	Dhedial	GPS Banda Dada	do
32.	Iftikhar Ahmad S/O Muhammad Irfan	Shinklari	GPS Gurey Asharay	do
33.	Akhtar Saeed S/O Muhammad Saeed	Nakote	GPS Shaloon	do
34.	Akhtar Zeb S/O Abdul Qayum	Kotli Bala	GPS Karns	do
35.	Shakirullah S/O Shafi Ullah	Baffa	GPS Soorban	do

Contd: Page No. 2.....

ATTENDED

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- 36. Tajwar Sultan S/O Ghulam Nabi Tarangri Bela GPS Mere K.K. Ag:V/post.
- 37. Muhammad Naseem S/O Muhammad Farid Shenai Bela GPS Shingel Dhar --do--
- 38. Faisal Rabi S/O Ghulam Samdani Baffa GPS Daddam --do--
- 39. Muhammad Shafiqat S/O Muhammad Miskin Dhodial GPS Dheroo --do--
- 40. Muhammad Shakil S/O Ghulam Farid Dhodial Mosq:Kaleesh KD --do--
- 41. Chan Zeb S/O Khan Wali Khan Dheri Mosq:Abu Shanaye --do--
- 42. Habibur Rehman S/O Khalilur Rehman Tanda Mosq:Nambal --do--
- 43. Bashir Ahmed S/O Ghulam Hassan Hafiz Bandi Mosq:Abu M.Khal --do--
- 44. Muhammad Akbar S/O Muhammad Sabir Batang Mosq:Jiggal --do--
- 45. Gul Farez S/O Sarfaraz Khawajgeh Mosq:Salbay H.Z --do--
- 46. Noorul Islem S/O M:Shahir Ahmad Koray Mosq:Geestay KD --do--
- 47. Shaukat Ali S/O Abbas Khan Kotli Payeen Mosq:Mere A/Zai --do--
- 48. Anjam Saood S/O Saoodur Rehman Nokote Mosq:Gurmal --do--
- 49. Niaz Ali Shah S/O Ali Akbar Shah Dadar Mosq:Ohawang --do--
- 50. Muhammad Farooq S/O Ghulam Rabbani Balokote Mosq: Seri Tota --do--
- 51. Neseer Ahmed S/O Basheer Ahmed Kashtara HPS:Gali Ghanool --do--
- 52. Muhammad Naseem S/O Muhammad Yusuf Patlang Mosq:Kotkay Manoor --do--
- 53. Sabir Hussain S/O Bas Gul Sangar HPS:GPS Lohar Banda --do--
- 54. Muhammad Rafique S/O Ghulam Nabi Ghanool GPS Andradi --do--
- 55. Muhammad Arshid Farooq S/O Ali Asghar Khan Jabbi GPS Shokiran B --do--
- 56. Inad Hussain S/O Yar Ali Sangar GPS Mohandri Villi --do--
- 57. S. Ishaq Hussain Shah S/O Ali Asghar Shah Talhette GPS Badalgran --do--
- 58. Muhammad Irfan S/O Mir Zaman Kumbhara
- 59. Mushtaq Ahmad S/O Abdullah Sangar GPS Bela Manoor --do--
- 60. S. Ibadat Shah S/O S.Umar Shah Keshish GPS Buttian Manoor --do--
- 61. Liaqat Hussain Shah S/O Ghazi Shah Kanbooh GPS Naka Jared --do--
- 62. Arshid Mehmood S/O Muhammad Alam Garlat GPS Dhanoo --do--
- 63. Muhammad Sharif S/O Muhammad Usud Bawer GPS Ohoshal --do--
- 64. Sansur Rehman S/O Habibur Rehman Shohal Marallah GPS Shattien --do--
- 65. Zahid Jamil S/O Masoodur Rehman Patseri GPS Kunda --do--
- 66. Muhammad Mushtaq S/O Ghulam Serwar Bhoonja GPS Harva --do--
- 67. Khurshid Anwar S/O Ghulam Din Arban GPS Buddi Da Neke --do--
- 68. Dil Muhammad S/O Sharab Khan Seri Garlat GPS Buddi Da Neke --do--
- 69. Munir Ahmad S/O Abdur Rashid Shohal Marallah GPS Gali Dhanoo --do--
- 70. Hakim Khan S/O Shah Zulleh Ohajar Payeen GPS Chijri Payeen --do--
- 71. Muhammad Fiaz S/O Aftar Khan Ghalian Mosq: Jilal Absd --do--
- 72. Sardar Behadar S/O Haroon Khan Sachan Kalan GPS Surtanj --do--
- 73. S.Nadim Hussain Shah S/O Zafar Ali X Shah Bai Bela GPS Dana Sharkool --do--
- 74. Nasir Mehmood S/O Abdul Wadood Khan Keri GPS Jabbar --do--
- 75. Nasir Mehmood S/O Muhammad Ismail Kang GPS Ayan --do--
- 76. Sheh Newaz S/O Dolet Khan Shahdora GPS Malookra --do--
- 77. Wazirur Rehman S/O Muhammad Shafee Kunder GPS Mohri --do--
- 78. Muhammad Fiaz S/O Muhammad Newaz Busbala GPS Mohri --do--

(.....Contd: Page.No.....3.....)

ATTESTED

			A.V/Post.
79.	Muhammed Naqeer S/O Muhammed Aslam Khan Banda	Gissach	GPS. Sundi
80.	Muhammed Iqbal S/O Abdullah Jan	Bankote	GPS Bhandar.
81.	Mazhar Hussain S/O Ittikhar Hussain Shamara		GPS Bhandar.
82.	Wajid Rana S/O Muhammad Rana	Malega	GPS Chugari
83.	Muhammed Shakeel S/O Muhammed Sulaman Tarkher		GPS Chugari
84.	Muhammed Nawaz S/O Muhammed Jamshed Gali Badral	MaqrDoga	Miangant
85.	Niaz Muhammad S/O Behram	Battlay	Maq: Kali Gatti
86.	Abdur Rashid S/O Rehmat Ullah	Sher garh	Maq:Kharee Ahmad Abad
87.	Gul Faraz S/O Muhammed Yunis	Shergarh	Maq:Ohitta Batta(Shergarh)
88.	Muhammed Khurshid S/O Shah Zaman	Gul Dheri	Maq:Badral
89.	Shahid Shujaaz Zaman S/O Sher Muhammed Kotshre		GPS Mera Khairas
90.	Muhammed Riaz S/O Ghulam Jan	Ran Kote	Maq:Shamal Bandi
91.	Muhammed Riaz S/O Abdur Razaq	Bhato, Bandi	Maq:Abbi Behn.
92.	Muhammed Yunis S/O Khalilur Rehman Sert Jhand		Maq:Salaye Smangai
93.	S.Amin Shah S/O Rehmat Shah	New Darband	Maq:Neal Balle Bala
94.	Muhammed Irfan S/O Ali Akbar	Kala Mera	Maq:Kangroorian
95.	Attiquir Rehman S/O Maqboolur Rehman Nambal		Maq:Milkhawani
96.	Muhammed Saqeer S/O Taj Muhammad Khajamber		Maq:Khajamber

TERMS AND CONDITIONS

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional certificates/documents. Their original Academic & Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 30 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age & Health certificate from Medical Superintendent D.H.Q Hospital Manshara.
6. They will be governed under prescribed service rules framed by the Govt. of N.W.F.P.

(MUHAMMAD SHAH)

I/O DISTRICT EDUCATION OFFICER, (MALE) PRIMARY MANSHERA.

Encl: No 2201-2301/GB(G/I Volated Manshara the 13/7/94 /1994.

Copy forwarded to the:-

1. Secretary to Govt. of NWFP Education Department Peshawar.
2. Director Primary Education NWFP (Hayatabad) Peshawar.
3. District Accounts Officer Manshara.
4. Sub Divisional Education Officer (Male), Manshara.
- 5-100. All the candidates concerned.
101. Superintendent local office.

I/O DISTRICT EDUCATION OFFICER, (MALE) PRIMARY MANSHERA.

ATTESTED

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/8/2020

Subject: E&A/DI-3/2020 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 (5) shall be deleted.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

LIST NO & EVEN DATE

Copies forwarded to:-

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

(Signature)
(WAJDAH US TIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)
ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED
WP 4447-2023 AZIZULHAQ VS GOVT OF POK

21.6.23
2023
21.6.23

Section Officer (Policy)

Section Officer (Policy)

- 1. P3 to Special Secretary (Legal, Establishment Department)
- 2. P4 to Additional Secretary (Legal, Establishment Department)
- 3. P5 to Deputy Secretary (Policy, Establishment Department)

Copy forwarded to the
Rtd. Officer No. 4447

ASST
21.6.23

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

The basic rationale behind the debarment rule is aimed at preventing a general firm's temptation for which may be a single debarment position or to prevent those who lead to large promotion to evade going/amounts or above lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion to every condition.

1. - you directed to refer to Govt Order No. SOP/Policy/HR/MS/2023 dated 18.01.2023 on the subject noted above and to state that Govt Order No. 1079 stands deleted with the operational notification dated 04.08.2020; thus, no provision exists to debar or large promotion.

Subject: QUANTUM REWARD POSITION OF LUMP SUM IN THE GOVERNMENT OF KHYBER PAKHTUNKHWA CIVIL SERVICES (EFFICIENCY & DISCIPLINE) RULES, 2011.

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SOP/Policy/HR/MS/2023
Dated February the 16th 2023



Annexure - C

13

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8221587)

No. SO (Primary-MVE&SED)-6/2023
Lahor Peshawar Dte. June 28th, 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, 1988.

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 mark]

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

Copy forwarded to the:

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

[Handwritten mark]

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

ATTESTED

14
B/c

No 50 (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 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, 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&AO/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)

WP442-2023 AZIZULLAH VS GOVT CF 0043

ATTESTED

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DEFECTION OF RULE 71(3) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1949).

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


Annexure
01


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. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

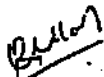
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

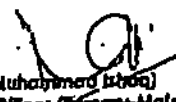
3. After thorough discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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


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


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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

~~ATTESTED~~

16
- 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(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. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2.	Mr. Aziz Ullah	Provincial President All Primary Teachers Association: Khyber Pakhtunkhwa
3.	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4.	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED



ATTESTED

WP 443-2023 AZZULYAN VS GOVT CP 904

Assistant Director (Exam-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Assistant Director (Exam-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

21/7/2023

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

Copy of the above is as:

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee
provided they submit their written request prior to conclusion of the meeting of
Teachers below 175-16 may be exempted of implications of the amendments in the rules that
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 this
been asked for submission of consolidated case.
Chairman/Member of the Additional Secretary Establishment at his office this office has
That in the light of the minutes of meeting dated 6-07-2023 held under the
(Priority-4) EASEC/21/epointments/2023 dated 12-05-2023
The same was received by this office from your good office with letter No.50
civil service to accept promotion under every condition.
that there exist no provision to decline or forgo promotion. It is obligatory upon every
When vide letter No.50 (Priority) E.A.D/1-2020 dated 6-06-2023 citing the
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
No.50 (Priority-4) EASEC/21/epointments/2023 for necessary guidance.
That your office forwarded the same to the quarter concerned vide letter
promotion.
(ii) It is the prerogative of the civil service to either accept or turn down the offer of
(iii) Now it is obligatory upon the civil service to accept promotion in every condition.
No.6987 dated 04-07-2023
That this office might guide your good office in the following words vide letter
vide notification No. SOR-VI (E.A.D)/1-2020 dated 08-08-2020.
That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Type)
dated Rule 75) in the Civil Service (Appointment, promotion & Transfer Rules 1985)
I am directed to refer to the letter No.50 (Priority-4) EASEC/21-
C.A/ix/minutes of the meeting/NS/77023 dated 10-07-2023 on the subject cited above and to
present brief history about the background of the case as under:

MINUTES OF THE MEETING

The Section Officer (Priority-4),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa

To



No. 8145

Khyber Pakhtunkhwa, Peshawar
Date: 21-7-2023
Email: estab@kpk.gov.pk | gov.pk.com

ATTESTED

MP440-2023 AZIZULAH VS GOVT OF PAK

2. Master Copy
1. Pt to Director Local Directorate
Copy of the above to:
Harold Director
Elementary & Secondary Education
Ministry Islamabad

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 effected negatively a huge

consolidated case:
In view of the above, this office has been asked for submission of
report at 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 accept promotion under any condition
sent to accept promotion under any condition.
EQAD/1-3/2020 dated 6-06-2023 accordingly stated that there exists
that the government of KP-ED (Regulation wing) vide letter No. SD (Regu)
EQAD/1-3/2020 dated 6-06-2023 accordingly stated that there exists

guidance.
vide letter No. SD (Regu) EQAD/1-3/2020 dated 6-06-2023 for necessary
That your good office forwarded the same to quante concerned
offer of promotion.
(i) BTR is prerogative of civil servant to offer accept/turn down the
(ii) Now it is obligatory upon civil servant to accept promotion.

That this office sought guidance from your good office in the following
vide notification No. No. SDP-VI (EQAD) 1-3/2020 dated 08-08-2020.
dated rule 7(S) in Civil Servant (Appointment, Promotion, Transfer & Reti)
That Government of KP, Establishment department (Regulation wing)
present brief history about background of case as under:
Minutes of meeting 18/7/2023 dated 30-7-2023 on subject cited above and to
I am directed to refer to letter No. (SD) Regu-M) EQAD/1-3/2020

Dear Sir,
Subject: Minutes of Meeting
Section Officer (Primary Male),
Elementary & Secondary Education Department
KPK, Peshawar

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
Peshawar
(21-7-2023)

-B/C-



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

No. SO(Priary-M)ESED/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 1988).

Dear Sir,

I am directed to refer to your letter No. SO(Policy) EBAD/ 1-2/2020 dated 06th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1988) it has been intimated that these 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.


 MUTHASIBULLAH KHAN
 SECTION OFFICER (PRIMARY SALL)

Copy forwarded to the:

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


 SECTION OFFICER (PRIMARY SALL)
 26/8/23

Scanned with CamScanner

WS4442-2023 AZIZULLAH VS GOVT OF PKO

ATTACHED

- B/c -

- 2 -

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

To

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

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

Dear Sir,

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

In this connection it is submitted that in some cases lady
 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.

Copy forwarded to;

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

(Muhammad Ishaq)
 Section Officer (Primary
 Male)

ATTESTED

Annexure - F



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

ATTESTED

WP-6443-2023 AZEEL UL HAQ VS GOVT OF PK-13

21

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-MVE&SED/2-
2/Appointmegt-Rule/2023 dated 23.08.2023 on the subject noted above and to state that
necessary guidance has already been rendered to your good office vide this department letter of
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

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 rendered 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-If), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

Section Officer (Policy)

ATTESIEU

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/1-3/20, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SO (Policy) E&AD/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 SO-R-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&AD/1-3-1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

Dated 19/02/2024



ATTIQ UR REHMAN
SON OF
QAZI MAQBDOOL UR REHMAN
PSHT

~~ATTESTED~~

WPA4443-2033 AZZULIAN VA GOVT CE 2004

Handwritten signature and date: 8/17/03

Main body of handwritten text, likely a certificate or affidavit, written in Arabic script.

Annexure - H

APTA Hassan
Govt. Primary School Near
Outboard Fisheries City



Kilber Pahlunhama

1st Lt. (Retd.)
President
0 023-01428
022000173@ymail.com
11/11/2003

07/05/2024



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

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-6-24
 Number of 1
 Copy to S/P
 Urgent SI
 Total SI
 Name of SI
 Date of 13-6-24
 Date of delivery of copy 17-6-24

ATTESTED
[Handwritten signature]

VAKALAT NAMA**BEFORE THE SERVICE TRIBUNAL PESHAWAR**ATTIQ UR REHMAN
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)


do hereby appoint and retain

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

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

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



APPELLANT
ACCEPTED

MUHAMMAD MUAZZAM BUTT
 Advocate Supreme Court


MUHAMMAD ADEEL BUTT
 Advocate High Court


BASSAM AHMAD SIDDIQUI
 Advocate High Court