


# FORM OF ORDER SHEET

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

Appeal No. 2056/2024

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**

Khurshid Anwar

V/S

S. ANO:- 2056/24

Government of KP & others

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ADVOCATE

-1-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2056 /2024

Khurshid Anwar Son of Ghulam Din Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Pati Jareed

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


- 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 appellants 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.**

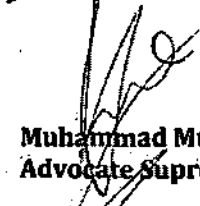
**Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.**

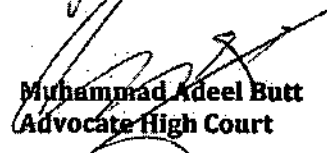
**AFFIDAVIT:**  
I Khurshid Anwar Son of Ghulam Din Resident of Tehsil & District Manshera that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


  
Deponent

Through

  
Appellant

  
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

**KHURSHID KHAN**  
**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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


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

**AFFIDAVIT:**

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

  
Respondent

Through

  
Appellant  
  
Muhammad Muazzam Butt  
Advocate Supreme Court

Muhammad Adeel Butt  
Advocate High Court

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

6



Personal Information of Mr KHURSHID ANWAR d/w/s of GHULAM DIN

Personnel Number: 00223061 CNIC: 1350113322789 NTN:  
Date of Birth: 02.04.1969 Entry into Govt. Service: 03.06.1990 Length of Service: 33 Years 07 Months 030 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80627427-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6337-District Mansehra

Payroll Section: 001 GPF Section: 001 Cash Center: 09

GPF A/C No: EDUMA008009 GPF Interest applied GPF Balance: 956,172.00 (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
2148 15% Adhoc Relief All-2013	918.00	2199 Adhoc Relief Allow @10%	659.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	7,006.00
2347 Adhoc Rel Al 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	-3,292.00	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
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Deductions - Income Tax

Payable: 51,439.69 Recovered till JAN-2024: 22,120.00 Exempted: 12859.89 Recoverable: 16,459.80

Gross Pay (Rs.): 125,118.00 Deductions: (Rs.): -9,517.00 Net Pay: (Rs.): 115,601.00

Payee Name: KHURSHID ANWAR

Account Number: PLS 185-8

Bank Details: NATIONAL BANK OF PAKISTAN, 230574 MAIN BRANCH BALAKOT MAIN BRANCH BALAKOT, BALAKOT

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: khurshidanwarpst1969@gmail.com

**ATTESTED**

System generated document in accordance with APPM 4.6.12.9(S0399005/25.01.2024/v3.0)

\* All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES/02.02.2024/19:42:51)





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**NOTIFICATION.**

In pursuance of Government of Khyber Pakhtunkhwa Peshawar Notification No SO(B&A)/1-10/E&S/2012 and Finance Department Notification No SO(FR)/FD/10-22(E)/2010 Dated 16/07/2012, and subsequently Notification issued by the District Education Officer (Male) Mansehra Endst: No 3000-125 Notification PSHT Dated 27/02/2015 the following Primary School Head Teachers B15 are adjusted against vacant post of PSHT (B-15) with the following terms & conditions given below with effect from their taking over the charge.

S. No.	S. No.	Name of Teacher	Present School	Union Council	Adjusted School	Union Council
1	1470	Ahmad Ali	GPS Shah Kot	Chah	GPS Chahach	Behol
2	1476	Sajid Iqbal	GPS Mohar Khurd	Sawan Mera	GPS Kangar Doga	Sawan Mera
3	1430	Muhammad Saqib	GPS Chakli Hyat	Layyan Nawab	GPS Chakli Hyat	Layyan Nawab
4	1431	Muhammad Usman	GPS Nath Chak	Chah	GPS Bala Saha	Layyan Nawab
5	1432	Zahid Hussain	GPS Reh	Chah	GPS Baitan	Baitan
6	1433	Muhammad Aslam	GPS Kaphar	Kaphar	GPS Sri Rajwal	Kaphar
7	1434	Muhammad Manzoor	GPS Ghannat	Chah	GPS Puroop	Ghannat
8	1436	Ahmad Ali	GPS Malkhan Gali	Karol	GPS Malkhan Gali	Karol
9	1437	Shahid Raza	GPS Tamran	Chah	GPS Khandar	Bhoparmang
10	1444	Muhammad Nazim	GPS Dhorm	Chah	GPS Jabri Bazargay	Doga
11	1445	Muhammad Rizq	GPS Tugh	Chah	GPS Terhaduta	Hakot
12	1446	Muhammad Shauqat	GPS Bandi Gulo No 2	Sawan Mera	GPS Bandi Gulo No 2	Sawan Mera
13	1447	Chah Ali Shah	GPS Nadi Bala	Chah	GPS Larna	Chah
14	1470	Jam Muhammad	GPS Mori Dhamala	Chah	GPS Mori Dhamala	Chah
15	1449	Chah Muhammad	GPS Sum	Sum	GPS Danda Sachan	Sachan
16	1450	Chah Muhammad	GPS Khoran	Phara	GPS Ghazikot	Phara
17	1451	Muhammad Iqbal	GPS Jabba Yaqub	Layyan Nawab	GPS Jabba Yaqub	Layyan Nawab
18	1452	Muhammad Hussain	GPS Khudai	Layyan Nawab	GPS Khudai	Layyan Nawab
19	1453	Muhammad Ahmad	GPS Saver	Chah	GPS Chahana	Chah
20	1454	Muhammad Khan	GPS Chah Gali	Chah	GPS Banda Sydan	Kathal
21	1455	Muhammad Khan	GPS Dherhad	Dherhad	GPS Sikandra	Mak Pur
22	1457	Muhammad Asif	GPS Hassan	Tahata	GPS Gutsal	Tahata
23	1458	Muhammad Hamayun	GPS Nawab Sher	Bandi Shung	GPS Nawab Sher	Bandi Shung
24	1459	Muhammad Hussain	GPS Dala Patis	Chah	GPS Kund	Chah
25	1473	Zahid Khan	GPS M. Zameen Shahwal	Sandhar	GPS Neel Bala Pain	B/Shung
26	1476	Muhammad Tariq	GPS Kangar Khola	Phara	GPS Kangar Khola	Phara
27	1477	Chah Muhammad	GPS Kaur Doga	Chah	GPS Pailan	Mohandan
28	1478	Chah Muhammad	GPS Gudwal	Chah	GPS Karol	Karol
29	1479	Muhammad Sabir	GPS Fhat Abad	Phahing	GPS Bandi Karth	Phahing
30	1480	Umair Farooq	GPS Dala Maki	Chah	GPS Dadi Dal Bani	Bhoparmang
31	1481	Dewan Khan	GPS Chahga	Kathal	GPS Lamma Chah	Kathal
32	1484	Sajid Khan	GPS Saha	Kaphar	GPS Soch	Kaphar
33	1486	Zulfan Khan	GPS Dala Maki	Dhohal	GPS Basti	Bhoparmang
34	1487	Ali Zeh	GPS Qhva	Chah	GPS Lund Tnd	Sherparth
35	1488	Muhammad Ahmad	GPS Kharan	Chah	GPS Kamong Bala	Baitan
36	1489	Muhammad Haseeb	GPS Inayat Abad	Inayat Abad	GPS Kamong Bala	Baitan
37	1491	Sajid Ali	GPS Jabor	Jabor	GPS Mirad Abad	Jabor
38	1492	Chah Khan	GPS M.M. Patis	Sandhar	GPS Chahul Bala	B/Shung
39	1502	Chah Iqbal Khan	GPS Layyan Tughal	Layyan Tughal	GPS Chahul Bala	B/Shung
40	1503	Chah Ali	GPS Chahga Bani	Chah	GPS Chahul Bala	B/Shung
41	1505	Nisar Ahmad	GPS Baitan	Dhohal	GPS Chahga	Jabor
42	1506	Rashid Khan	GPS Kaur Doga	Mohandan	GPS Naka Javed	Mohandan
43	1507	Amjad Nisar	GPS Mansehra No 1	Chah	GPS Chahul	B/Shung
44	1510	Muhammad Khan	GPS Pakha Timora	Sum	GPS Kof Dalbar	Sum
45	1512	Ali Chah	GPS Chahga	Chah	GPS Chahga	Nabha Pari
46	1513	Chah Muhammad	GPS Chahga	Chah	GPS Chahga	Kaphar
47	1514	Chah Muhammad	GPS Chahga	Chah	GPS Chahga	Jabor
48	1516	Chah Muhammad	GPS Chahga	Chah	GPS Chahga	Jabor

**ATTESTED**

1511	Zahir Khan	GPS Indokan	Shimoli	GPS Lund Yars	Shimoli
1512	Muhammad Ali	GPS Jaski	Chakwal	GPS Doodwar	Doboi
1513	Azizul Shakoor	GPS Ehalan	Chakwal	GPS Kohat	Kowat
1514	Muhammad Razaque	GPS Chajra Chardal	Muzaffar	GPS Thunlan	Nowal
1515	Ashraf Ahmad	GPS Buhary	Balla	GPS Bakul	Batal
1516	Mansha Khan	GPS Eadal Gran	Mohandi	GPS Badal Gan	Mohandi
1517	Nizam ad Amira	GPS Ghoor Banu	Chakwal	GPS Padi Jand	Mohandi
1518	Muhammad Maskeen	GPS Jabal Kalaji	Shimoli Hazudah	GPS Phogara	B/Shangli
1519	Arif Hussain Shah	GPS Jp Mera	Karnahalan	GPS Hamsharan	Hamsharan
1520	Inayat Ur Rahman	GPS Khala	Chakwal	GPS Paitan Dhad	Kawal
1521	Muzir Iqbal	GPS Laman (Sh)	Chakwal	GPS Nawon Sher	Randi Sherga
1522	Chudat Hussain	GPS Jamal Hali	Chakwal	GPS Jamal Meri	Kaghan
1523	Atal Hussain	GPS Cgm No. 1	Chakwal	GPS Chakol	Ophi
1524	Imdad Atamal	GPS Bala Kund	Chakwal	GPS Guldari	Kaghan
1525	Hafiz Ur Rehman	GPS Chahli Bala	Sandhar	GPS Gumbod	C/Chan
1526	Muhammad Saadoun	GPS No. Sun	Shakal Maratan	GPS Suri	E/Shangli
1527	Sardar Rehman	GPS Kakral	Phura	GPS Mirza Gab	Phura
1528	Muhammad Sabir	GPS Kala	Shangri	GPS Kala	Shangri
1529	Jam Ullah	GPS Kijral	Phura	GPS Kamar Mui	Phura
1530	Muhammad Sultan	GPS Ras Ahd	Phurina	GPS Bakural	Shangri
1531	Mian Muhammad Yousof	GPS Chakka	Muzaffar	GPS Daggar	Muzaffar
1532	Saghoor Ahmad	GPS P. Zha	Doboi	GPS Jagi Poyon	B/Shangli
1533	Khan Habibullah	GPS Bhalu	Chakwal	GPS Ghazika	Nakla Pani
1534	Muhammad Ameer	GPS Cym No. 1	Uphi	GPS Hussain Banda	Ophi
1535	Imdad Mian	GPS Phara	Phura	GPS B. Khan Khad	Phura
1536	M. Faran	GPS Jipen	Gulshan	GPS Danda Manoor	Honzai
1537	Qazi Shah	GPS Ghandan Sen	Darbund	GPS Poudar	Nakla Pani
1538	Kaba Khan	GPS Madanban	Phura	GPS Jhokan	Lasson Nawab
1539	Akhtar Zaman	GPS Darband	Darbund	GPS Merhan	Darbund
1540	Muhammad Akram	GPS Sogre	Chakwal	GPS Sogre	Sangar Mera
1541	Mian Akbar Fazlwan	GPS Chani Dhanoo	Chakwal	GPS Ghazi Kamal Ban	Kaghan
1542	Shafiq Ur Rahman	GPS Nakla Pani	Nakla Pani	GPS Nakla Pani	Nakla Pani
1543	Dawal Khan	GPS Nazim Khan	Shangri	GPS Darra	Shangri
1544	Muhammad Arif	GPS Kizra	Darbund	GPS Hari Maira	Shangri
1545	Muhammad Anwar	GPS Phakhar	Phura	GPS Khadi Han Wata	Hangol
1546	Qazi Zaman	GPS Dhara	Phura	GPS Sullada Pain	Ophi
1547	Muhammad Aali	GPS Jhal	Shangri	GPS Makhyata	Karon
1548	Uddar Muhammad	GPS Now Darband	Darbund	GPS Dood Kol	Shangri
1549	Ghulam Nabi	GPS Marai	Phura	GPS Gony Sari	Kaghan
1550	Muhammad Hussain	GPS Sandari	Sulhara	GPS Lohar Banda	Kaghan
1551	Muhammad Akmal	GPS Mian Gali	Phura	GPS Tarnag	Phura
1552	Muhammad Khan	GPS Brother	Nakla Pani	GPS Dokal Ghazika	Nakla Pani
1553	Muhammad Aftab	GPS Ibrahim	Nakla Pani	GPS Anam Basin	Nakla Pani
1554	Ali Hassan	GPS Golan	Phurina	GPS Chona Ghazika	Phura
1555	Wajid Hazi	GPS Symahol	Kaghan	GPS Shahdol	Doboi
1556	Muhammad Imdad	GPS Rialan	Phura	GPS Bal Bala	B/Shangli
1557	Ashraf Nazam	GPS Kriblan	Laharol	GPS Yalwan Law Nala	Laharol
1558	Muhammad Farooq Khan	GPS Chona Kaban	Doboi	GPS Ghandan	Doboi
1559	Hafiz Ur Rehman	GPS Tania	Tanja	GPS Doodan	Batal
1560	Muhammad Hussain	GPS Sumdara	Shangri	GPS Charamgoda	Katna
1561	Gul Faraz	GPS Akal Abad	Shakal Abad	GPS Berlan	Kemari
1562	Qazi Muhammad Nawaz	GPS Gali Radal	Shangri	GPS Narool	Shangri
1563	Sultan Q. Aileen	GPS Jhagan	Phura	GPS Rambol	Shangri
1564	Wazir Ur Rehman	GPS Sakol	Katna	GPS Kundra	Katna
1565	Lafiz Ur Rehman	GPS Sherkand	Phurina	GPS Kharyata	Karol
1566	Sahar Daggar	GPS Tinda Panyal	Phura	GPS Den II	David Jabar
1567	Muhammad Qasim	GPS Bama Mera	Tanja	GPS Jora Bala	B/Shangli
1568	Hafiz Mahomed	GPS Auri Nawaz Ameer	Doboi	GPS Kaban	Sachan
1569	M. Farooq	GPS Bala	Sachan	GPS Ghasan Phagol	Kaghan
1570	Muhammad Shariq	GPS Kozai	Kaghan	GPS Sal Bala	C/Chan
1571	Muhammad Yousaf	GPS Dera Batak	Batal	GPS Lasso Darband	Karol
1572	Muhammad Rashid	GPS Chakal	Karol	GPS Mirza Sherga	Karol
1573	Qazi Muhammad	GPS Ghazika	Chakwal	GPS Hovala Mera	Uatta
1574	Qazi Muhammad	GPS Haza	Chakwal	GPS Sari Kaghan	Kaghan
1575	Shahid Ali Khan	GPS Poley Pan	Chakwal	GPS Chondan	Chakwal
1576	Muhammad Nabeen	GPS Zafar Mergon	Chakwal	GPS Sari Gona	Shangri

ATTESTED

116	1634	Arshad Mahmood	GPS Dablon	Channal	GPS Phagal	Kaghan
117	1635	Mohamd Fayaz	GPS Mathi	2524	GPS Kanchaji	Nawazabad
118	1636	Aliq Ur Rehman	GPS Serf Mehar C.	2526	GPS Serf Mehar Gul	Karon
119	1638	Muhammad Shakeel	GPS Dablon	2528	GPS Chapra Bala	Battal
120	1639	Syed Mahmood Shah	GPS Bahwan	2530	GPS Barchor	Balkhan
121	1640	Murid Ahmed	GPS Zampal	2532	GPS Pabian	B/Srangal

**TERMS AND CONDITIONS:-**

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct he shall be proceeded under the E&D Rules 2011, framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter se Seniority on lower post will remain intact.
6. No TADA is allowed for joining his duty.
7. They will give an under taking to this effect to be recorded in their service Book.

Sd/-  
**DISTRICT EDUCATION OFFICER**  
**(MALE) MANSEHRA**

Encls: No.3961-4081 Notification PSHT Dated 14/03/2015

- Copy forwarded for information and necessary action to the:-
1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
  2. The Deputy Commissioner Mansehra
  3. The District Monitoring Officer (MU) Mansehra
  4. District Accounts Officer Mansehra.
  5. Deputy District Education Officer (Male) Mansehra.
  6. Sub Divisional Education Officer (Male) Mansehra.
  7. All ASDEO (M) Concerned
  8. Office order file.

*[Signature]*  
**DY: DISTRICT EDUCATION OFFICER**  
**(MALE) MANSEHRA**

14/3/15

*[Handwritten mark]*

**ATTESTED**

10

01/10/1990

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

O.O.No. 90

Dated.            /1990.

APPOINTMENT.

As recommended by Mian Waliur Rehman M.P.A. WFPF, and Mohammed Afsar Khan Chairman D.D.A.O Mansehra Mr. Khurshid Anwar S/O Ghulam Din B/O Harben (Bhanjia) is hereby appointed as Primary School Teacher in the leave vacancy of Mr. Sefiullah PTC GPS Hundi Harben in EPS-7 (Rs. 750/- PM fixed) plus usual allowances as admissible to him under the rules with the following terms & conditions.

1. Charge report should be submitted to all concerned
2. No. TA/DA etc is allowed.
3. He should produce his age & health certificate from the Medical Supt: DHO Hospital Mansehra.
4. He should not be handed over charge if his age is below 18 years and above 25 years.
5. His original certificate may be checked before handing over charge.
6. The appointment on leave vacancy is purely temporary & liable to be termination at any time without any reasons.

Sd/-  
(KHURSHID AHMAD)  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA.

Endst: No. 9000-4-1A-III Dated. 2/6 /1990.

Copy forwarded to the:-

1. Mian Waliur Rehman M.P.A.
2. Mohammad Afsar Khan Chairman DDAC Mansehra.
3. Sub. Divisional Edu: Officer (Male) Mansehra.
4. Headteacher GPS Hundi Harben.
5. Candidate concerned.

W  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA.

2/6  
**ATTESTED**

**ATTESTED**

**ATTESTED**

DEPUTY SECRETARY POLICE  
(WAZIRAN I'ALAM)

*Handwritten signature*



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. The Principal Secretaries in Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
12. The Secretary, (IT), E&A Department.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration Department with the request to the Section Officer (Admn), 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 exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act No. XVIII of 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:

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

**NOTIFICATION**

Date: Peshawar, the 06/08/2020

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGISTRATION)

Annexure - B

12

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)**

**NOTIFICATION**

Dated Peshawar the, 06/08/2020

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

**AMENDMENT**

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

**CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

**(ANDS): & EVEN DATE**

**Copy is forwarded to :-**

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

**(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)**

**ATTESTED**

**RECEIVED**

WP-444-2023 AZIZULAH VS GOVT OF PAK

Section Officer (Policy)

Miss Hadiyah (Policy)

Your Sincerely,

Copy forwarded to the:  
1. P-2 Special Bureau (Legal) Government Department  
2. P-4 to Additional Secretary (Legal II), Government Department  
3. P-5 to Deputy Secretary (Legal), Government Department

Respectfully,  
2011, please.

The basic rationale behind the decision of the said rule is that the promotion order provided under the Civil Service Rules, 1973 is subject to the condition that the promotion order shall be issued only if the candidate is found to be qualified for the post. The Government of Punjab is not bound to promote any candidate if it is not found to be qualified for the post. The Government of Punjab is not bound to promote any candidate if it is not found to be qualified for the post. The Government of Punjab is not bound to promote any candidate if it is not found to be qualified for the post.

**THE GOVERNMENT OF PUNJAB**  
SECRETARY TO GOVERNMENT  
CIVIL SUPPLY AND STORES DEPARTMENT  
LAHORE

**GOVERNMENT OF PUNJAB**  
SECRETARY TO GOVERNMENT  
CIVIL SUPPLY AND STORES DEPARTMENT  
LAHORE



Annexure - C

4

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9221507)

No.60 (Primary-MYE&SED/2-8/2023  
Dated Peshawar lhc. June 26<sup>th</sup> 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(5) IN THE KHYBER  
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION  
& TRANSFER) RULES, 1988.

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

2. You are, therefore, requested to deputise 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&S Department Khyber Pakhtunkhwa.

*[Handwritten mark]*

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

**ATTESTED**



**ATTESTED**

WP443-2023 AZIZULLAH VS GOVT OF PKD

SECTION OFFICER (PRIMARY MAIL)

1. PS to Secretary, B&S Department, Government of Punjab, Pakistan.

Copy forwarded to the

[MUNIMAD ISHAQ]  
SECTION OFFICER (PRIMARY MAIL)

Encl: AA

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.

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

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

The Director  
Elementary & Secondary Education Department  
Kyber Pakhtunkhwa, Peshawar

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

To

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

B/C

**ATTENDED**

WPA43-2023 AZIZULAH VA GOVT OF POK

(Abdullah)  
Additional Secretary (Establishment)  
EASE Department

(Muhammad Usman)  
Section Officer (Primary-Male)  
EASE Department

(Mr. Razaq Ullah)  
General Secretary APFA  
Fellowship

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

(Mr. Fozal Wajid)  
Deputy Director  
EASE Department

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

2. The meeting started with a resolution from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the team regarding agenda item in detail. After live/online discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/considered case for onward submission to Establishment Department for further necessary action.

Sl No	NAME	DESIGNATION
1	Mr. Fozal Wajid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association
3	Mr. Razaq Ullah	General Secretary APFA Fellowship
4	Muhammad Usman	Section Officer (Primary) EASE Department CIVI Section Officer (Fellowship) Fellowship

*Anwar*

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.

**MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHAYBER PAKHTUNKHWA REGARDING DELETION OF NAME FROM THE CIVIL SERVANT LATROINMENT PROMOTION & TRANSFER RULES 1987.**

- 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) EBSE 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  
EBSE Department \_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa \_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar \_\_\_\_\_

(Muhammad Ishaq)  
Section Officer (Primary-Male)  
EBSE Department \_\_\_\_\_

(Abdullah)  
Additional Secretary (Establishment)

**ATTESTED**

**ATTESTED**

10-14-2013 AZDMLAH VS GOVT CP P04

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

Assistant Director (Exhibit-1)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa  
17/10/13

Exhibits No. \_\_\_\_\_  
Copy of the above to be  
1. PA to Director Local Directorate  
2. Master Copy

The case is submitted for perusal and necessary actions please.  
Departmental Committee.  
provided they might their written report when in connection of the meeting of  
Teachers holding No. 16 may be exempted of implications of the committee in the order that  
7(2) have offered directly a large number of Female Teachers. Thus it is proposed that  
in view of the above, this office is of considered opinion that the deletion of Rules  
has been asked for submission of consolidated case.  
Chairman/Minister of Education, Khyber Pakhtunkhwa at his office this office has  
That in the light of the order of meeting dated 6-07-2013 held under the  
(Primary-4) S.A.D/1-17010 dated 12-06-2013  
The room was vacated by this office from your good office vide letter No.50  
civil service promotion under every condition.  
that there will be no provision to decline or forgo promotion. It is obligatory upon every  
(Wing) vide letter No.50 (Policy) S.A.D/1-17010 dated 6-06-2013 accordingly stand  
That the Government of Khyber Pakhtunkhwa Department (Regulation)  
No.50 (Primary-4) S.A.D/1-17010 dated 12-06-2013 for necessary guidelines.  
That your good office forwarded the same to the quarter concerned vide letter  
No.50 (Primary-4) S.A.D/1-17010 dated 12-06-2013 for necessary guidelines.  
(ii) If it is not possible of this civil service to either accept or turn down the offer of  
promotion.  
(i) Now it is obligatory upon the civil service to accept promotion in every condition.  
No.50 dated 06-02-2013.  
That this office would be guided from your good office in the following words vide letter  
No.50 dated 06-02-2013.  
The Government of Khyber Pakhtunkhwa Department (Regulation) Wing  
dated Rule 7(2) and the Civil Service (Appointment, promotion & Transfer Rules 1980)  
vide regulation No. 50 (Policy) S.A.D/1-17010 dated 06-06-2013.  
That this office would be guided from your good office in the following words vide letter  
No.50 dated 06-02-2013.  
I am directed to refer to the letter No.50/Primary-4-06-2013-11  
Chairman/Minister of the Meeting/17010 dated 10-07-2013 on the subject cited above and to  
present this history about the background of the case as under:

The Section Officer (Primary-4),  
Ministry of Secondary Education Department,  
Khyber Pakhtunkhwa  
Subject - MINUTES OF THE MEETING  
Dear Sir,



18/5  
No. 8145  
Francis of 11114  
Email: chief@khyber.gov.pk

-B/C-

## DIRECTORATE OF ELEMENTARY &amp; SECONDARY EDUCATION, KPK

To:

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

PESHAWAR  
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/6024/Minutes of meeting/ST/2023 dated 30-7-2023 on subject cited above and to present brief history, about background of case as under:-

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1989) vide notification No. No. SOP-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment-2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forfe promotion. It is obligatory upon every civil servant to accept promotion under any condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have affected negatively a huge members of female teachers.

The case is submitted for perusal and necessary actions please.

Copy of the above to:

1. PA to Director Local Directorate
2. Master Copy

Attested Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTED



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

No. 50(Policy-M)EBS/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> August, 2023

Annexure  
E

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

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

Dear Sir,

I am directed to refer to your letter No. 50(Policy)/EBAD/ 1-3/2020 dated 06<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

  
MUHAMMAD (ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
28/8/23

Scanned with CamScanner

**ATTESTED**  


**ATTENDED**

2 PS to Secretary, E & SE Department, Kyber Paktunkhwa  
1 Director E & SE Kyber Paktunkhwa  
Copy forwarded to:  
(Muhammad Ishaq)  
Sector Officer (Primary)  
(Muz)

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 fathers of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

9 am directed to refer to your letter No. S (Primary) (P) 13/2020 dated 24/06/2020 and to state that after deletion of Rule 7(S) Kyber Paktunkhwa 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 Kyber Paktunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

Dear Sir,  
9 am directed to refer to your letter No. S (Primary) (P) 13/2020 dated 24/06/2020 and to state that after deletion of Rule 7(S) Kyber Paktunkhwa 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 Kyber Paktunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

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

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

To  
No. S (Primary-M) E&SE D/18-21  
Appointment - Rule/2023  
Reference Dated 20th August, 2023

- 2 -  
- b/c -

Annexure - F



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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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-MVE&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-II), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

ATTESTED

986612-2023 AZIZULLAH US GOVT OF PK



25

- B/c -

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

To

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

Subject -

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encl. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

To,

Dated: 22-01-2024

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

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

Best Regards

  
Khurshid Anwar Son of Ghulam Din  
Resident of Tehsil & District Manshera

**ATTESTED**

WP 143-2023 AZIZULHAN VS DOVT CE 1043

Handwritten signature and date: 08/11/23

Main body of handwritten text in Urdu script, appearing to be a legal document or affidavit.

Handwritten signature and date: 08/11/23

Annevere - H

Handwritten text in Urdu script, possibly a name or title.

APTA House  
Civil Primary School Road  
Dudhgarh Faisalabad City



Khyber Pakhtunkhwa

President  
District Council  
Faisalabad

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 (S)

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 12-5-24  
 Number of Copies 5  
 Report 17  
 Name of 13-5-24  
 Date of 17-5-24  
 Date of each copy 17-5-24

**ATTESTED**  
*[Handwritten signature]*



# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**KHURSHID KHAN**  
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT A.S.C. MUHAMMAD ADEEL BUTT A.H.C.

BASSAM AHMAD SIDDIQUI A.H.C

&

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