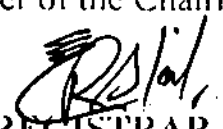


# FORM OF ORDER SHEET

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

Appeal No. 2057/2024

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**

Sadaqat Hussain

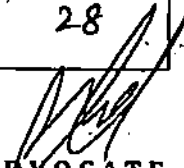
V/S

S.A No:-2057/24

Government of KP F. others

**INDEX**

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-11
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	12-13
5.	Copy of Impugned Letter dated June 06th, 2023	C.	14-16
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	17-20
7.	Copy of Letter dated 23-08-2023	E.	21-22
8.	Copy of Impugned letter dated 07-09-202	F.	23-24
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	25, 26 27
10.	Wakalat Nama		28

  
ADVOCATE

-1-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2057 /2024

Sadaqat Hussain Son of Ghulam Hassan Khan Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Boli

.....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:-

**GROUND:-**

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


- 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 Sadaqat Hussain Son of Ghulam Hassan Khan 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

Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Azeel Butt  
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

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

In Ref to

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

SADHQA HUSSAINI

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted-

1. That the instant application may be treated as part and parcel of service appeal of the appellant

2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.

3. That there is likelihood success of the appellant in the IIs. And if the notification bearing No. SO (Policy) EAD/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) EAD/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 content of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honorable Court

Through

Muhammad Hussain Butt  
Advocate Supreme Court  
Muhammad Ahsan Butt  
Advocate High Court

Opponent

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



Personal Information of Mr SADAQAT HUSSAIN d/w/s of GHULAM HASSAN KHAN

Personnel Number: 00220518 CNIC: 1350113157229 NTN:  
Date of Birth: 13.04.1967 Entry into Govt. Service: 26.03.1992 Length of Service: 31 Years 10 Months 007 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: 08

GPF A/C No: EDUMA008582 GPF Interest applied GPF Balance: 399,541.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 23

Wage type	Amount	Wage type	Amount
0001 Basic Pay	69,460.00	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	2148 15% Adhoc Relief All-2013	915.00
2199 Adhoc Relief Allow @10%	614.00	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
2378 Adhoc Relief All 2023 35%	23,618.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-2,716.00	3990 Emp. Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp:	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 42,211.69 Recovered till JAN-2024: 18,082.00 Exempted: 10552.39 Recoverable: 13,577.30

Gross Pay (Rs.): 118,966.00 Deductions: (Rs.): -8,941.00 Net Pay: (Rs.): 110,025.00

Payee Name: SADAQAT HUSSAIN

Account Number: PLS 7255-5

Bank Details: ALLIED BANK LIMITED, 250003 BALAKOT BALAKOT, MANSEHRA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: sadaqathussain@gmail.com

~~ACCEPTED~~





Office of the  
District Education Officer  
(Male) Muzshra  
Phone # 0997-306272

PSHT - 15

ترقی پانڈوال اسٹڈنٹ ٹیچرز

NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(B&A)/1-18/E&SE/2012 Dated 11/07/2012 and Finance Department Endst.No.SO (FR)/FD/10-22 (B) 2010 dated 16-07-2012, the following Senior Primary School Teachers SPST B-14 are hereby promoted to the post of PSHT B-15 (8500-700-29500) plus usual allowances as admissible under the rules in regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect. Note:- The adjustment of newly promoted PSHT is at the disposal of SDEO (M) against newly upgraded post notified under above mentioned Notification No.

1033350288980 سید نور حسین شاہ ATA ضلع ہالہ

TOTAL NO OF SANCTIONED POST OF SPST	993
SHARE OF PROMOTION FOR PSHT	937
PROMOTED TO THE POST OF PSHT	922
DEFERRED	15

Sl. #	NAME OF OFFICIAL	NAME OF PRESENT SCHOOL	D/BIRTH	REMARKS
1	MUHAMMAD NAZIR	LISKOT	01/01/54	✓
2	SALJAD AHMED	GPS Tanwal Banda	04/04/55	✓
3	MUHAMMAD TAYYAB	GPS SOBRIAN	20/02/54	✓
4	ANWAR SULTAN	GPS BAINA MERA	08/03/53	✓
5	M.Ajab Shah	GPS Ranja	04/04/54	✓
6	ABDUR RAUF	GMPS KALDLA	14/08/54	✓
7	Syed Pir Zaman Shah	GPS AGLA GRAN	01/01/57	✓
8	MUHAMMAD IQBAL	GPS TARWAI	02/01/54	✓
9	MUHAMMAD IMRAN	GPS SARI MUNGUN	25/04/54	✓
10	MUHAMMAD JAVED	GPS ZAFFAR MAIDAN	10/05/53	✓
11	Rizza Muhammad	GPS Laxman Nawab	02/01/58	✓
12	ZAR FARAIZ KHAN	GPS BAILIAN	15/08/53	✓
13	Muhammud Khalid	GPS SAVER	03/04/54	✓
14	MUHAMMAD JABIR	GPS BAILA TANDA	03/11/55	✓
15	Abdul Kabeel	GPS Baimong	02/02/57	✓
16	Awwal Khan	GPS Bhogermong	08/02/53	✓
17	Syed Muzammil Sh	GPS RAJWAL	03/02/53	✓
18	MUHAMMAD FAROOQ	GPS SHAHKOT	10/02/54	✓
19	Noor Zaman	GPS SMOCH	28/12/54	✓
20	Muhammud Ashraf	GPS BAGNO	02/01/58	✓
21	Abdur Rahman	GPS Tadar	05/04/68	✓
22	Guloraz	GPS vhhino Village	13/12/55	✓
23	S Ashiq Hussain Shah	GPS .urnala	30/04/55	✓

ATTESTED

19  
23

سہارا 1198  
T6948

03335028898

ترقی مہارت  
سرگودھا میں  
ATA ضلع مالیر

738	1154	Syed Ghazal Hussain	GPS RAJWAL BALA	01/04/71
739	1158	MUHAMMAD ANWAR	GPS BAGWAI	27/11/71
740	1157	M ANWAR SHAH	GPS CHITTY OHERI	15/04/72
741	1160	Sabir Hussain Shah	GPS Othmanori	02/01/03
742	1160	MUHAMMAD IFTKHAR	GPS SHADOOR KATHAR	10/02/50
743	1101	SHABIR HUSSAIN	GMPS GAJWA	03/11/50
744	1102	Fazal Ull Islam	GPS Jagori	10/10/70
745	1184	ALAM ZEB	GPS Davally	20/03/72
746	1186	KHANI ZAMAN	GMPS KARMI DARRAH	03/01/05
747	1188	Abdul Wahed	GMPS Chandora	13/09/05
748	1170	ANWAR KHAN	GPS SANDA SAR	28/04/68
749	1174	Mirza Arshad Zaman	GPS BUDI DA NAKA	01/02/69
750	1173	SHAHID JAMIL	GPS JABRI MANSEHRA NO.1	01/03/69
751	1170	MUHAMMAD NAEEM	GPS KHATTA AMLOON	01/04/69
752	1177	MUHAMMAD ISRAR	GPS GARLAT	10/04/69
753	1178	SAIN MUHAMMAD	GPS GHOUTER	16/04/69
754	1179	Muhammad Iqbal	GPS QANDAR	10/07/69
755	1101	ALAM ZEB	GPS DADHAL	09/10/69
756	1182	ARSHAD FAROOQ	GMPS KANIAT	15/11/69
757	1184	MUHAMMAD YOUSAF	GPS KHARYALA	00/02/70
758	1186	HAQ NAWAZ	GPS LEHLAN	25/04/70
759	1187	AHMED NAWAZ	GPS DAKKAN DIDAK	09/08/70
760	1188	Sarraz	GMPS KHAT SAMUNDAR KHAN	08/04/71
761	1189	ALTAH HUSSAIN	GPS PORE	03/03/72
762	1191	Muhammad Humayoun	GPS Mora Hafjam	03/04/72
763	1192	Azhar Hussain	GPS PATLANG	12/01/73
764	1193	AHMAD NAWAZ	GPS MURAD PUR	10/02/73
765	1104	MUHAMMAD SALEEM	GPS CHITTA BATTA	26/03/73
766	1188	ISHFAQ AHMAD	GPS MANGHRA	04/04/73
767	1106	WAQAR AHMED	GPS KHAIR ABAD	08/04/74
768	1197	SAJID KHAN	GPS HASSARI	20/03/57
769	1198	SADQAT HUSSAIN	GPS BOLI	13/04/87
770	1200	MUHAMMAD RIAZ	GPS NOR SUM	28/03/68
771	1201	MUHAMMAD SHAFEE	GPS KALISH	14/11/68
772	1204	Muhammad Hussain	GPS Sakar NO1	01/06/69
773	1205	ABDUR RAUF	GPS DARRAH BALA KOT	20/12/69
774	1206	MHAMMAD NISAR	GPS MARI SHAH WALI	01/01/70
775	1207	MUHAMMAD FAROOQ	GPS JABBI NO.1	27/01/70
776	1208	M ASIF	GPS NARBEER	01/01/71
777	1210	M. Izzat Ull Haq	GPS Karoy	01/03/71
778	1211	MUHAMMAD IQBAL	GPS AFZAL ABAD GIDDER PUR	10/03/71
779	1213	LIQAT HUSSAIN	GMPS KASCI TARANNA	01/04/71

ATTESTED

23  
23

1409	AURANGZEB	GPS KEN GALI	01/03/68
1410	Khurshid Abd	GMPS Bagh Gagan	18/11/64
1411	Muhammad Hanif	GMPS BUJIA	02/02/68
1412	Muhammad Ishaq	GPS Shinkari	01/12/66
1415	Muhammad Anjad	GPS Mara Hajjam	25/05/69
1417	KHURSHID ANWAR	GPS MALOOKRA	15/03/70
1418	Mohamad Sajid	GPS Toptr	30/12/70
1419	ANWAR ZAIB KHAM	GPS KHABAL BALA	02/02/71
1420	MUHAMMAD SALEEM	GMPS LUNG	01/03/72
1421	MUHAMMAD SAJID Khan	GPS MALIK PUR	03/01/73
1422	MAZIR	GPS DOSIRI	15/03/73
1423	IFTEKHAR ASHRAF	GPS Banda	01/02/70
1425	MUHAMMAD BASHIR	GPS BAJNA	15/08/74
1426	Muhammad Sardar	GPS Mohar	04/04/69
1427	NIJAZ AHMED	GPS SARWAI	15/08/70
1428	MUHAMMAD ASHRAF	GPS BARAR KOT	01/05/71
1429	Wakulash	GPS Bajna Mara	01/12/55

**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 his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to of concerned.
5. Their intenc Security on lower post will remain intact.
6. No TA/DA allowed for joining his duty.
7. They will give an under taking to this effect o be recorded in their service Book.

Sd/-  
**(UMER KHAN KUNDI)**  
 DISTRICT EDUCATION OFFICER  
 (MALE) MANSEHRA

Encls: No 17/1-650 Dated 25/2-2013.

- Copy forwarded for information and necessary action to the:
1. The Director, Board Khyber Pakhtun Khwa, Peshawar.
  2. District Account Officer Manshra.
  3. Deputy District Education Officer (Male) Manshra.
  4. Sub Divisional Education Officer (Male) Manshra.
  5. Official Concerned.
  6. M/File.

**DISTRICT EDUCATION OFFICER**  
 (MALE) MANSEHRA

**ATTESTED**

-9- 102/8/92

OFFICE OF THE EDUCATION OFFICER (MALE) PRIMARY MANSEHRA.  
APPOINTMENT. Office Order No 9 / dated 24.3.92.

Consequent upon their selection on merit, the following PTC trained candidates are hereby appointed in BPS 7 Rs. 1095-60-1995 plus usual allowances as admissible under the rules with effect from the date of their taking over charge the against the newly created posts in the schools given against their names each in the interest of public service.

S.NO	NAME OF CANDIDATE, FATHER NAME AND RESIDENCE.	NAME OF SCHOOL WHERE APPOINTED	REMARKS.
1.	Fazalul Islam S/O Ahmad Khan R/O Kotly Paean.	GPS Bisala Dadar	Against Newly created post.
2.	Israrul Haq S/O Hazrat Mousaf R/O Kotly Paean.	GPS Kulharay west	vice Mohd Ayub retired from service.
3.	Mohammad Fiaz S/O Fazalur Rehman R/O Kot Ballah	GPS Torawara(Oghi)	Against newly created post.
4.	Anwar Khan S/O Behram Khan R/O Paras	GPS Naran	--do--
5.	Mohammad Ijaz S/O Noor Mohammad R/O Channial(Mansehra)	Msq: School Ogra	--do--
6.	Azizur Rehman S/O Mohammad Arfan R/O Pairan	Msq: School Moh: Nog: Perani	--do--
7.	Mohammad Yousaf S/O Mahmood Khan R/O Karori Hala	GPS Gidda	Against newly created Add; post.
8.	Mohammad Tariq S/O Amir Rashid R/O Jabbi (B/Kote)	GPS Haryaya	vice Mohd Iqbal Retired.
9.	Sajjad Ahmad S/O Mohammad Ayub R/O Batkarar (B/Kote)	GPS G. Village	Against newly created AD:post.
10.	Dost Mohammad S/O Malang Khan R/O Tikri (Pattagram)	GPS Gurati B/Gram	Against vacant post.
11.	Shahid K Jamil S/O Mohammad Younis R/O Kotkey	GPS Pano Dheri	Against Newly Addl: post.
12.	M.Ghuliam S/O Mohammad Yusuf Shohal Najaf Khan	Msq: Street Pira	Against newly created post.
13.	Mohammad Rifaqat S/O Mohammed Zarin R/O Kot Ballah	GPS Hussain Banda (Orh)	newly created post.
14.	Mohammad Ishtiaq S/O Mohammad Younis R/O Haryala.	Msq: School Bela	--do--
15.	Raja Babu Jehangir S/O Raja Babu Sultan R/O Behali.	Mutr: Raj	--do--
16.	Haq Nawaz S/O Khalilur Rehman R/O Hari Mera	Msq: School Khakoo Gidda	--do--

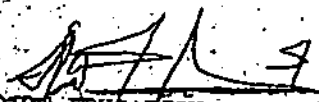
Contd: Page

ATTESTED

82. Mohd. Rauf S/O Abdulla S/O Chzeran (Allai) GPS, Garang. Against vacant P.O. post.
83. Ahmad Nawaz S/O Mohd Rafique GPS, Tanawal Banda. Against newly created P.O. post.
84. Q. Mohd Ishaq S/O Q. Fazle Rabbi GPS, Sarkhali-Banda. (B.Gram) Against v/post.
85. Sajidullah S/O Saqrattullah Mosque School R/O Ghangwal Allai. Dheri Ghangwal. -do-
86. Bijjad Ahmad S/O Abdur Rashid GPS, Lama Chakkar R/O Tareri (G.Sullah.) (Khabal) Against newly created P.O. Post.
87. Mohd Rehman S/O Barkati Khan GPS, Pakka Pashto. Against vacant post.
88. Sultan Azim S/O Amir Khawaja GPS, Jangri Pashto. R/O Paimal Sharif -do-
89. Mohd Siraj S/O Taj Mohd Mosque School R/O Qalandar Abed. Kharlali (Behali) Against newly created P.O. Post.
90. Munir Ahmad S/O Mohd Jaroon GPS, Thawwan Vice M. Shafiqat Rehman R/O Shohal Najif Khan. Proceeded on L/Leave.
91. Mohd Ilyas S/O Mohd Ayub GPS, Bela Daulat Khan Against newly crt; P.O. Post.
92. Azizur Rehman S/O Jayatullah Mosque School R/O Jareed Balakote. Aaida Jareed. -do-
93. Saider Zaman S/O Khani Zaman Mosque School R/O Shohal Mazullah. Jabbi Urban Vice Ghulam Jailani Died.
94. Mohd Rashid S/O Ghulam Jailani GPS, Toba. Against vacant post.
95. S. Qayum Shah S/O Maroof Shah G+3B, Kalota. R/O Pirhari S/Gram. -do-
96. Amanullah S/O Mohd Issail Mosque School R/O Bessian. Doga. Vice Mr. Imjid Proceeded on Long leave.
97. Mohd Farooq S/O Mohd Jan GPS, Pakka Jareed. R/O Ghanoori. Against newly created P.O. Post.
98. Mohd Zahid S/O Abdul Qayum Mosque School R/O Khashian. Jabba Yaqoob. -do-
99. Mohd Idrees S/O Abdul Haq GPS, Hessa. R/O Dakan Doga. -do-
100. Khalid Khan S/O Muzaf ar Khan G+3, Beri (arbora) R/O Batti arbora. -do-
101. Attullah S/O Hazrat Yousaf. GPS, Khala Dat. R/O Sherkool Battal. (Battal) -do-
102. Saadqat Hussain S/O Ghulam Hussain GPS, Sarra, Balakote. R/O Taranna (Sh. Najif) Balakote. Vice M. Mushtaq sel; Govt. Edu.
103. Sabibur Rehman S/O Jumna Khan Mosque School, R/O Jareed Dango Jareed. Against newly created P.O. post.
104. Khalid Mahmood S/O Halid Khan Mosque School R/O Jareed. Paras Gram. -do-
105. Fakhriz Zaman S/O Ahmad G+3, Null Pashto. R/O Banda Khunzaran. (B.Gram) Against vacant post.
106. Amjad Hussain S/O Mohd Younis GPS, Ghannian (Oghl) R/O Bessa. 300. 1:164.5.... Against newly crt; P.O. post.

**ATTACHED**

If original professional and academic certificates should be checked thoroughly before handing over the charge and should not handed over charge if the original certificates are not found correct.  
their pay will not be drawn till they produce their age and health certificates issued by the Medical Superintendent DHQ Mansehra. They will be Governed under prescribed services rules of Govt of N.V.F.P.



DISTRICT EDUCATION OFFICER (M).  
PRIMARY MANSEHRA.

1911-2074

Dist. No. \_\_\_\_\_ / GB/Spetts/350. Dated Mansehra the 24/3 /92.

- Copy of the above forwarded to the:-  
1. Sub-Divisional Education Officer (M) Muzeril, Mansehra & Battagram.  
2. All the candidates concerned.  
3. O.O. File.



DISTRICT EDUCATION OFFICER (M).  
PRIMARY MANSEHRA.

~~TESTED~~

Annexure - B -

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated: 10/11/2020

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

EXIST. NO & EVEN DATE

Copy 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.



ATTESTED

(WAJID AH LATHI)  
DEPUTY SECRETARY (POLICY)

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

MP-4447-2022 AZIZULHAKIM VS GOVT OF P.O.A

(Asst. Director (Policy))

(Asst. Director (Tech. Support))

Yours faithfully,

- 1. For Special Secretary (Legal), Establishment Department.
- 2. For Additional Secretary (Legal), Establishment Department.
- 3. For Deputy Secretary (Policy), Establishment Department.

Copy forwarded to the:

2/16  
HSE  
M

Further, these officers shall also do not comply with promotion order of the competent authority or any to avoid promotion through different means shall be proceeded against under Righter Promotions Civil Service (Prevention of Obstruction) Rules, 2011, please.

The state includes within the ambit of the law also be directed or preventing a will ensure that compliance for which may be seeking to a large measure of participation or to prevent) does not lead to any persons to evade paying/warfare or other lack of capacity or to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

2. The state includes within the ambit of the law also be directed or preventing a will ensure that compliance for which may be seeking to a large measure of participation or to prevent) does not lead to any persons to evade paying/warfare or other lack of capacity or to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

3. The state includes within the ambit of the law also be directed or preventing a will ensure that compliance for which may be seeking to a large measure of participation or to prevent) does not lead to any persons to evade paying/warfare or other lack of capacity or to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

4. The state includes within the ambit of the law also be directed or preventing a will ensure that compliance for which may be seeking to a large measure of participation or to prevent) does not lead to any persons to evade paying/warfare or other lack of capacity or to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

Annexure - C

6.7  
ESTABLISHMENT DEPARTMENT  
No. EST/Policy/116/2022  
Dated: Perimur the date 06, 2022



The Government of Kerala, Department of Establishment & Secondary Education, Perimur.

Subject: -  
GUYANESH WIDARANGA DEPARTMENT OF HUMAN RESOURCES IN THE  
KAYAMNANGUR CIVIL SERVICE (PREVENTION OF OBSTRUCTION)  
REGULATION AND TRANSFER RULES, 1959

-15-

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**  
**CIVIL SECRETARIAT PESHAWAR**  
(Phone No.001-0223507)

No. SO (Primary) MVE&SED/2-8/2023  
Lahor Peshawar (No. June 25<sup>th</sup> 2023)

To

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

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

26/6/23

**Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) 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. 60 (Policy) EBAD/1-3/2020 dated 06 June, 2023 and to state that the subject meeting is to be held on 08 July, 2023 at 11:00 AM in this department under the Chairmanship of Additional Secretary (E&SE) Department in his office.

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

Encl: AA

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

Copy forwarded to the:

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

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

**ATTACHED**

16-  
B/c  
No SO (Primary-M)/E&SB/2-6/2023  
Dated Peshawar the June 25<sup>th</sup> 2023

To

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(3) IN THE KHYBER  
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION  
AND TRANSFER) RULES, 1989.

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALI)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALI)

~~REQUESTED~~

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 71 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.

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. Rafiqat 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. Rafiqat Ullah)  
General Secretary APTA  
Peshawar

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

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

ATTESTED

-18-

-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(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1999).**

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)

**TESTED**  


~~ATTESTED~~

VP-1443-2023 AZIZULAH VS GOVT OF PAK

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

1. PA to Director Local Director  
2. Master Copy

Copy of the above is to:

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

17/11/2023

The copy is submitted for perusal and necessary actions please.

Department of Education Committee.  
provided they, upon their written request prior to the meeting of  
Teachers Union (TU) may be exempted of implications of the committee in the meeting of  
(TU) have offered 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 HOD  
been asked for resolution of considered case.  
Chairman of Khyber Pakhtunkhwa Education Establishment at his office. The  
that in the light of the minutes of meeting dated 6-07-2023 held under the  
Primary No. 55502/1/A/primary/2023 dated 12-06-2023.  
The same was received by this office from your good office with letter No. 50  
civil servant to accept provision under every condition.  
that there will be no provision in decline or force provision. It is obligatory upon every  
that the Government of Khyber Pakhtunkhwa Establishment Department (Registration  
No. 50 (Primary-4) 55502/1/A/primary/2023 for necessary guidance.  
that your good office forwarded the same in the quarter concerned with letter  
provision.  
(ii) It is the prerogative of the civil servant to either accept or turn down the offer of  
(i) Now it is obligatory upon the civil servant to accept provision in every condition.  
No. 50 dated 16-07-2023.  
That this office through guidance from your good office in the following words vide letter  
dated 16-07-2023.  
No. 508-VI (EAD/VI-17020 dated 06-08-2023.  
The Government of Khyber Pakhtunkhwa Establishment Department (Registration (Wing)  
dated Rule 71, in the Civil Service (Appointment, promotion & Transfer Rules 1989)  
vide letter No. 508-VI (EAD/VI-17020 dated 06-08-2023.  
I am directed to refer to the letter No. 50 (Primary-4) 55502-11  
dated 16-07-2023 on the subject cited above and to  
present brief history about the background of the case as under:

Subject: - MINUTES OF THE MEETING

The Senior Officer (Primary-4),  
Ministry of Secondary Education Department,  
Khyber Pakhtunkhwa



Phone No. 9711141  
Email: chief@khyber.gov.pk  
Dr. Javed Iqbal  
Khyber Pakhtunkhwa  
No. 8145

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR  
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/60/Bu/ Minutes of meeting PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under.

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1997) vide notification No. No. SOR-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. 6983 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 quinter 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 6-06-2020 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Additional Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

~~RECEIVED~~

~~APPROVED~~

WPK443-2023 AZIZULHAQ VS GOVT OF PKD

Scanned with CamScanner

SECTION OFFICER (PRIMARY MALE)

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

Copy forwarded to the:

SECTION OFFICER (PRIMARY MALE)

- In view of the above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.
- In this connection it is submitted that in some cases lady teacher of primary level who are all such provisions have to face serious inconvenience while they have to perform duties in the remote station with no residential or transport facility. Most of them are married with kids and either father or mother-in-law who feed care. In such cases, there are negative effects on service delivery.
- In view of the above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

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

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

(No. SOP/Primary-M) (EBSE)/2-Appointment-Rule 7/2023  
Peshawar Dated 23rd August, 2023

Annexure E

ELDERLY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8221977)





- B/c -

No. 50 (Primary - M) E&SE D / 3-A /  
Department - Rule / 2023  
Peshawar Dated 29th August, 2023.

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

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

Dear Sir,

I am directed to refer to your letter No. 50 (Primary) (Policy) / E&AD  
/ 1-3 / 2023 dated 6th June 2023 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means, shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

In this connection it is submitted that in some cases lady  
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)  
Sector officer (Primary  
Male)

REQUESTED

Annexure - F



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

ATTESTED

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

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

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

Yours faithfully,  
  
Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

WPM 143-2023 AZIZULLAH VS GOVT OF PK

23-

-24-

-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)

Endat. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

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

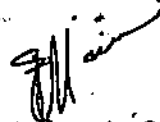
**REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) E&AD/1-3/2020 DATED 06/08/2020 COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA 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) /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 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



Sadaqat Hussain Son of Ghulam Hassan Khan  
Resident of Tehsil & District Manshera

~~ATTACHED~~

WPA442-2002-AZZIZIYAH VA COURT OF HONOR

08/17/83  
~~Handwritten signature~~  
Handwritten text in Arabic script

Handwritten text in Arabic script, appearing to be a formal statement or report.

Handwritten signature and text at the bottom of the main body.

Annexure - H

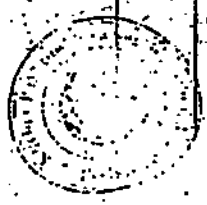
APTA House  
Govt. Primary School, Hoda  
Durrani, Faisalabad City



Ministry of Education, Government of Punjab

President  
Vice President  
Secretary  
Treasurer  
Member Secretary  
Member Treasurer  
Member Secretary  
Member Treasurer

07.05.2024



1. Learned counsel for the appellant present.

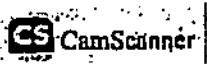
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.J. P.P given to learned counsel for the appellant.

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 13-5-24  
 Number of 1  
 Copies 1  
 Urgent 1  
 Total 1  
 Name of 13-5-24  
 Date of 13-5-24  
 Date of Receipt of Copy 13-5-24



~~ATTESTED~~

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

SADQAT HOSSAIN

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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

  
APPELLANT

ACCEPTED

  
MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court

  
MUHAMMAD ADEEL BUTT  
Advocate High Court

  
BASSAM AHMAD SIDDIQUI  
Advocate High Court