


# FORM OF ORDER SHEET

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

Appeal No. 2058/2024

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

Muhammad Wakeel

S.A No: 2058/24

V/S

Government of KP & others

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**ADVOCATE**

-1-

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No. 2058 /2024

Muhammad Wakeel Son of Abdul Lateef Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Agla Gran

.....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 set-aside.

- 4-
- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees


**It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY). E&D/1-3 1-2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.**

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

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

**AFFIDAVIT:**

I Muhammad Wakeel Son of Abdul Lateef 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

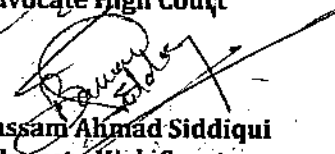
  
Deponent

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

C.M No \_\_\_\_\_ -P of 2024

In Ref to

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

MUHAMMAD WAKEEL  
VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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


**AFFIDAVIT:**

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

  
Deponent

Through

  
Appellant

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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



Personal Information of: **Mr MUHAMMAD WAKEEL s/w of ABDUL LATIF**

Personnel Number: 00218784 CNIC: 1350112916359 NTN:  
Date of Birth: 11.06.1973 Entry into Govt. Service: 30.04.1996 Length of Service: 27 Years 09 Months 003 Days

Employment Category: **Active/Temporary**

Designation: **PRIMARY SCHOOL HEAD TEACH** 60527427-DISTRICT GOVERNMENT KHYBER

DDO Code: **MA637-District Mansehra**

Payroll Section: 001 GPF Section: 001 Cash Center: 08  
GPF A/C No: **EDUMAD11475** GPF Internal: applied GPF Balance: **477,313.00 (provisional)**

Vendor Number:  
Pay and Allowances: Pay scale: **BPS For- 2022** Pay Scale Type: **Civil - BPS: 15** Pay Stage: **22**

Wage type	Amount	Wage type	Amount
0001 Basic Pay	67,480.00	1001 House Rent Allowance 45%	3,574.00
1210 Convey Allowance 2005	2,816.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All 2013	857.00	2199 Adhoc Relief Allow @ 10%	575.00
2316 Teaching Allowance 2021	3,224.00	2341 Dist. Rel All 15% 2022 KP	6,408.00
2347 Adhoc Rel All 15% 22 (PS17)	6,408.00	2378 Adhoc Relief All 2023 35%	22,923.00

Deductions - General

Wage type	Amount	Wage type	Amount
2015 GPF Subscription	-4,290.00	3501 Retirement Fund	-1,200.00
3609 Income Tax	-2,415.00	3990 Emp. Est. 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: 37,397.83 Recovered till JAN-2024: 15,977.00 Exempted: 9348.83 Recoverable: 12,072.05

Gross Pay (Rs.): 115,757.00 Deductions (Rs.): 8,646.00 Net Pay (Rs.): 107,117.00

Payee Name: **MUHAMMAD WAKEEL**

Account Number: **PLS 2077-4**

Bank Details: **NATIONAL BANK OF PAKISTAN: 230665 QABII HABIBULLAH GARHI HABIBULLAH, MANSEHRA**

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: **MANSEHRA**

City: **MANSEHRA**

Temp. Address:

City:

Domestic: **NW - Khyber Pakhtunkhwa**

Housing Status: **No Official**

Email: **wakeelmuhammad790@gmail.com**

**ATTESTED**

System generated document in accordance with APPM 46.12.91.50.199005/23.01.2023A-1D)

\* All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES02.02.2024/19-02-40)



APPROVED

DIRECTOR, PRIMARY MANAGER

Ministry of Education, Government of Nigeria

13/4/1996

DIRECTOR, PRIMARY MANAGER

Ministry of Education, Government of Nigeria

13/4/1996

DIRECTOR, PRIMARY MANAGER

Ministry of Education, Government of Nigeria

13/4/1996

DIRECTOR, PRIMARY MANAGER

Ministry of Education, Government of Nigeria

13/4/1996

DIRECTOR, PRIMARY MANAGER

Ministry of Education, Government of Nigeria

42 F.P.S. 1878

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DISTRICT MANSEHRA

**NOTIFICATION:**

In pursuance of Government of Khyber Pakhtunkhwa Elementary & Secondary Education Departmental Notification No SO (BSA)/1-18/E&SE/2012 and Finance Department Notification No SO(FR)/FO/10-22(E)/2010 Dated 16/07/2012 and subsequently Notification issued by the District Education Officer (Male) Mansehra Endst: No 7459-79 Notification PSHT Dated 30/05/2017, the following Primary School Head Teacher B-15 are adjusted against vacant post of PSHT (H-15) with the following terms & conditions given below with effect from the date of their taking over the charge:

S.N	S.L.No	NAME OF OFFICIAL	FROM	TO	REMARKS
1	1433	SHAHID ULL RAHMAN	GPS TARNALI	GPS GIAR SACHA	AV/Post
2	1600	ABID HUSSAIN	GPS BALAKOT	GPS NANKA GULDHAR	"do"
3	1733	MUHAMMAD DAQIUD	GPS RIAZ ABAD	GPS LASSAN NAWAR	"do"
4	1732	YALBH MUHAMMAD	GPS KHAKI	GPS SUKKIAN	"do"
5	1785	MUHAMMAD ASHRAF	GPS BATTAL BAI A	GPS BATTAL BALA	"do"
6	1803	ABDUL SALAM	GPS LABARKOT	GPS LAMA NAKA	"do"
7	1814	ASHTAR ZAMAN	GPS BAKLAT	GPS SERI HAJWAL	"do"
8	1817	MUHAMMAD IOBAL	GPS NARDOLI	GPS TRSRI	"do"
9	1819	SHAFEEZ UR REHMAN	GPS J KALSH	GPS BUTAN JARED	"do"
10	1821	JMER SALEH	GPS RASH SIKANDARA	GPS KHAN BALA	"do"
11	1822	BASHIR AHMED	GPS KHAY	GPS PATIAN	"do"
12	1823	KHIZER MENMOOD	GPS BHER KUND	GPS CHUNGARI	"do"
13	1824	MUHAMMAD YOUNIS	GPS KALO BASTI	GPS KALOO BASTI	"do"
14	1826	M BASHIR	GPS CHAMBORA	GPS DATTA	"do"
15	1827	LIQAT ALI	GPS M. M. POLI	GPS BATHALI	"do"
16	1829	RAJA NADEM NAZIR	GPS HUSSAIN	GPS KARAP	"do"
17	1831	NAZ MUHAMMAD	GPS SATTAR	GPS SARBORI	"do"
18	1832	BABAR HUSSAIN	GPS LABARKOT	GPS DAMI ZAMAL BAN	"do"
19	1833	MUHAMMAD SHAHID AWAN	GPS KOTKAY	GPS BATAKUNDI	"do"
20	1834	MUHAMMAD TEHMASIP	GPS GHODJA	GPS GHODJA	"do"
21	1836	SABIR HUSSAIN	GPS MASSA	GPS KORI KAGHAN	"do"
22	1836	MUSHTAQ AHMAD	GPS UTLA KAMAL BAN	GPS UTLA KAMALBAN	"do"
23	1843	SALAR KHAN	GPS KHAKI	GPS NEELBAN	"do"
24	1844	QUL MUHAMMAD	GPS BALDAR NO 1	GPS DHERI HALEEM	"do"
25	1848	TARIQ MEHMUD	GPS CHITTA BATTI	GPS KANARI	"do"
26	1850	FAZAL QAD	GPS MATIAL	GPS TRALA	"do"
27	1853	SAJID ALI KHAN	GPS ATTER SHEGHA	GPS ATTER SHEGHA	"do"
28	1854	BAHADAR KHAN	GPS GANIAN	GPS NAKHYALA	"do"
29	1855	MUHAMMAD NASEEM	GPS BASIAN	GPS SHOGRAM	"do"
30	1858	MUNIR AHMAD	GPS PATHAN CALONEY	GPS DHAMAN DHERI	"do"
31	1857	UAMIR KHAN	GPS OHODIAL	GPS JACHA NO 2	"do"
32	1858	MOHAMD ARIF	GPS OHODIAL	GPS SAIO ABAD	"do"
33	1860	MUHAMMAD JAMIL	GPS BAFFA DHORAH	GPS DHERI SHARKDOL	"do"
34	1862	AMJID HUSSAIN	GPS ICHRIAN	GPS JAGORI	"do"
35	1864	BABAR HUSSAIN	GPS HASSARI	GPS THANGAR JARED	"do"
36	1865	LIQAT ALI SAEED	GPS PHAGLA	GPS BHANDAR	"do"
37	1866	FAZAL ULL RAHN	GPS KALGAN	GPS DAGRA	"do"
38	1868	M. NAZIR	GPS DOGA	GPS MARDODAN	"do"
39	1869	ADWAR ULLAH	GPS TATOLI	GPS HOLA PATARIA	"do"
40	1871	SABIR HUSSAIN	GPS NARAN	GPS DHAMDAMA	"do"
41	1878	MUHAMMAD RAFAQAT	GPS ROH	GPS BELA MANOOR	"do"
42	1878	MUHAMMAD WAHEEL	GPS SHAHMORI	GPS AGLA GRAL	"do"
43	1891	MUHAMMAD IOBAL	GPS CHAN BAN	GPS CHAKLI SARAI	"do"
44	1892	ABDUL WAHEED	GPS SIAL	GPS NALLA HANGARI	"do"
45	1897	WAHEED IOBAL	GPS LANDAI	GPS CHAPRI KATHA	"do"
46	1898	SYED IOBAL HUSSAIN	GPS PHAGLA	GPS SHAHKOT	"do"
47	1893	RIAZ MUHAMMAD	GPS TERHARY	GPS TERHARY	"do"
48	1895	MUHAMMAD ILTAF	GPS MALOOKRA	GPS PHAGORA	"do"
49	1899	IMTIAZ ALI SHAH	GPS BAKRIAN	GPS BAKRIAN	"do"
50	1900	AQIL KHAN	GPS SUSALGALI	GPS PATIAN	"do"

**ATTESTED**

124	2085	ZAHED AHMAD	GPS MALOKRAA	GPS IDRE BAFIA	do
125	2087	MUHAMMAD AYYAZ	GPS SALBAR NO.1	GPS KHAKOO	do
126	2082	SHAKIL AHMAD	GPS NEW DARBAND	GPS CHAIRAN	do
127	2093	BASHIR HUSSAIN SHAH	GPS CHATTAR FLAIN	GPS ASHWAL	do

**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 service can be reverted at any time in case their performance is found unsatisfactory during probationary period. In case of misconduct they shall be proceeded under the E.S.D. Rules 2011.
4. Charge report should be submitted to all concerned.
5. Their Inter-se Seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an undertaking to this effect to be recorded in their service Book.

6/10/2017  
**DISTRICT EDUCATION OFFICER**  
 (MALE) MANSHERA

Encls No: 7480-92 Notification PS HR Dated 01/05/2017

1. Copy forwarded for information and necessary action to the  
The Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer Manshera.
3. District Monitoring Officer Manshera.
4. Deputy District Education Officer (Male), Manshera.
5. Sub-Divisional Education Officer (Male), Manshera/Dajal/Balako.
6. Office order file.

*(Signature)*  
**DISTRICT EDUCATION OFFICER**  
 (MALE) MANSHERA

OFFICE ORDER No. 235  
 DATED. 17/4-1996.

APPOINTMENTS.

Mr. Mohammad Waheed B/O: Ahmed LATIF  
 R/O Nasal, BPS Pat-Darwa The PTC Trained candidate in IF 62/  
 are hereby appointed against PTC post in BPS No.7 @ Ra. 1480-81-2695,  
 plus usual allowances admissible under the rules with effect from  
 their taking over charge in the interest of public service with  
 immediate effect.

TERMS AND CONDITIONS.

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

*gul -*  
 DISTRICT EDUCATION OFFICER  
 (MALE) PRIMARY MANSEHRA.

Order No. 3026-31 / Date: Mansehra the 17/4-1996.

Copy forwarded to the:-

1. Secretary to Government of NWFP, Education Department Peshawar.
2. Director of Primary Education NWFP, Peshawar.
3. District Accounts Officer Mansehra.
4. Sub-Divisional Education Officer (Male) Mansehra.
5. Candidate concerned.
6. Superintendent Local Office.

*A. Candia*  
 DISTRICT EDUCATION OFFICER,  
 (MALE) PRIMARY MANSEHRA.

**ATTESTED**

**ATTESTED**

**ATTESTED**

DEPUTY SECRETARY (POLICY)  
(W/ADMINISTRATIVE)

*[Signature]*



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
- 2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 4. The Principal Secretary to Government, 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 Districts of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Districts of Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 12. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Deputy Director (IT), EA Department, Administration Department with the request to the Section Officer (Admn), Administration Department.
- 14. The Section Officer (Admn), Administration Department.
- 15. arrange 20 gazette copies.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

COPIES NO & EVEN DATE

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

Notwithstanding to the powers conferred by section 26 of 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 amendment shall be made, namely:

NOTIFICATION

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGISTRATION-WING)

Annexure - B

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

ARRESTED

WPK441-2023 AZJUALAH VS GOVT OF NEGAL

Chief Officer (Policy)

(Site Management Team) (Policy)

Yours faithfully,

Copy forwarded to them:  
1. CEO Special Security (Legal, Establishment Department)  
2. PA to Additional Secretary (Legal), Establishment Department  
3. PS to Deputy Secretary (Policy), Establishment Department

Under Cover No & Date

ASB  
M  
2/6

2011, please

proceeded against under Khayat Publications Civil Service (Immunity & Discharge) Rules,  
of the competent authority or it is cease retention through different means shall be  
Further, these officers/employees who do not comply with promotion order  
civil service to accept promotion in every condition.

The basic rationale behind the decision of this rule is aimed at preventing a  
well served front (temporarily) but it is by adding to a single favorable position or to  
prevent those who tend to force promotion to evade posting/jumping or above lack of capacity  
to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every  
civil servant to accept promotion in every condition.

The basic rationale behind the decision of this rule is aimed at preventing a  
well served front (temporarily) but it is by adding to a single favorable position or to  
prevent those who tend to force promotion to evade posting/jumping or above lack of capacity  
to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every  
civil servant to accept promotion in every condition.

(2) of Rule-7 of Khayat Publications Civil Service (Appointment, Promotion and Transfer)  
Rules, 1989 stands deleted vide this departmental notification dated 08.08.2020; thus, no  
Apprehension (2023) dated 18.04.2023 on the subject noted above and to state that Sub-Title  
I was deleted in letter to your letter No. SGT/Immunity-MY/2023/27.

I was directed in letter to your letter No. SGT/Immunity-MY/2023/27.

To  
The Government of Bihar, Patna  
The Secretary & Secretary (Personnel Department)

Subject -  
STANDARD REGARDING VIOLATION OF RULE 28A IN THE  
KHYAT PUBLICATIONS CIVIL SERVICE (APPOINTMENT,  
PROMOTION AND TRANSFER) RULES, 1989

67.  
DIPLOMA IN POLITICAL SCIENCE  
No. 5110/2023/14/1-2/2023  
dated 04.04.2023



Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9223587)

No. SO (Primary-M)/E&SED/2-5/2023  
Dated Peshawar the 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

*[Handwritten Signature]*  
26/6/23

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

I am directed to refer to the subject noted above and to enclose here with  
a letter of Establishment Department letter No. SO (Policy)E&AD/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 (Estab.)  
E&SE Department in his office.

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

Encl: AA

*[Handwritten initials]*

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

Copy forwarded to the:

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

*[Handwritten initials]*

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

**ATTESTED**



75  
B/c

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

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER  
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION  
AND TRANSFER) RULES, 1909.

I am directed to refer to the subject noted above and to enclose here with a letter of  
Establishment Department Letter No. 50 (Policy)E&AD/1-3/2020 dated 06 June, 2023 and to state  
that the subject meeting is to be held on 06 July, 2023 at 11:00 AM in this department under the  
Chairmanship of Additional Secretary (Estab) E&SE Department in his office.

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

Encl AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALD)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALD)

WP4442-2023 AZIZULLAH VS GOVT CP POLI

ATTESTED

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

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  
D


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


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


3. After introductory 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-  
E&SE Department

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

**ATTESTED**

- 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

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

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

**ATTESTED**



No. 8145

Khyber Pakhtunkhwa, Peshawar

Office No. 31/EST/UG/General Cases

Dated: 23/07/2023

Phone: 091-9221344

Email: estab@kpk.gov.pk

To

The Section Officer (Primary-Male),  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa Peshawar.

Subject: MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No. SO (Primary-M) E&SED/3-1/ G.Ms/Minutes of the Meeting/PSTY/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(5) under Civil Servants (Appointment, Promotion & Transfer Rules 1989) 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. 0987 dated 14-07-2023.
  - Now it is obligatory upon the civil servant to accept promotion in every condition.
  - It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No. SO (Primary-M) E&SED/3-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-08-2020 categorically stated that there exists no provision in decision or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No. SO (Primary-M) E&SED/3-2/Appointment/2023 dated 13-08-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Union 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(5) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers below age-16 may be exempted of implications of the amendment in the rules if they provide their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Estab A-0)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Enclt: No.

Copy of the above to:-

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

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

**ATTESTED**

19  
-B/c-

DIRECTORATE OF ELEMENTARY & 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-TV) E&SED/S-1/G/121/ Minutes of meeting 1/31/2023 dated 20-7-2023 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, Promotions, Transfer Rule 1997) 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/turndown 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 6-06-2020 categorically stated that there exists no provision to decline /forgo 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 action please.

Copy of the above to;

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

Asst. Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTED



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

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

Annexure  
E

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

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

Dear Sir,  
I am directed to refer to your letter No. SO(Policy) EAAD/ 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, the said amendment may be reconsidered to the  
extent of lady teacher in primary schools.

  
(MUHAMMAD ISMAIL)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

- 1. Director ESSE Khyber Pakhtunkhwa.
- 2. PS to Secretary, ESSE Department Khyber Pakhtunkhwa.

  
SECTION OFFICER (PRIMARY MALE)  
28/8/23

Scanned with CamScanner

ATTESTED  


ATTESTED

1. Division E&SE Kyba Pethunbhuwa  
2. PS to Secretary, E&SE Department of Public Administration  
Copy forwarded to:  
(Mudamud Isary)  
Section Officer (Army)  
(Mud)

In this connection it is submitted that in some cases lady teachers of primary level who avail such promotion have to fore 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.

Dear Sir,  
I am directed to refer to your letter No. S/Army (P&A) (P&A) dated 1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(S) Kyba Pethunbhuwa 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 Kyba Pethunbhuwa Civil Servant (Efficiency and Discipline) Rule 2013.

SUBJECT: Guidance regarding deletion of Rule 7(S) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989).  
The Secretary to Government of Kyba Pethunbhuwa, Establishment and Administration Department,  
Pethunbhuwa.  
To  
No. S (Army-M) E&SE/PA-2/ Appointment-Rule/2023  
Pethunbhuwa Dated 13th August, 2023.

-B/c-  
-2-

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

TESTED

www.azizulham.com



- 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)

Ends. 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**

24

Annexure-6

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

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

Best Regards



Muhammad Wakeel Son of Abdul Lateef  
Resident of Tehsil & District Manshera



07.05.2024

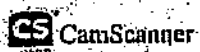


1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.O. 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 13-5-24  
 Number of 1  
 Copies 1  
 Urgent 1  
 Total 1  
 Name of 13-f-23  
 Date of 13-5-24  
 Date of receipt of copy 13-5-24



**ATTESTED**

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD WAKEEL  
Versus

Appellant

Government of KP & others

Respondents

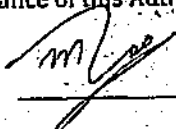
I (the Appellant)

do hereby appoint and retain

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


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

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



APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court



MUHAMMAD ADEEL BUTT  
Advocate High Court



BASSAM AHMAD SIDDIQUI  
Advocate High Court