


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2060/2024

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

S.A No:- 2060/24

ABDUL WALI
V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2060 /2024

Abdul Wali Son of Abdullah Jan, PSHT
GPS Mathani, Tehsil & District Peshawar

.....Appellant

VERSUS

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".

- 5. That as per notification No. SD (Policy) /EDAD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020 is attached as Annexure B
- 6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or 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 affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be 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 appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

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

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

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

AFFIDAVIT:

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

J. Wali
Deponent

Through

J. Wali
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

Bassam Ahmad Siddiqui
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

ABDUL WALI
VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lls. 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

J. WALI
Deponent

Through

J. WALI
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Azeel Butt
Muhammad Azeel Butt
Advocate High Court

PHONE, NO. 75084

DISTRICT EDUCATION OFFICER,
(MALE) PESHAWAR.
HC. _____ / F.YO. _____ / PTC/

Dated: Pesh, the _____ / 1990

OFFICE ORDER:

On being relieved from Govt. Elementary College Peshawar at Bul Sahar Peshawar and whereas PTC Examination (Internal & External) result declared by the Registrar, Departmental Examination, Education Department (Schools) N.W.F.P. on 17-1-1990, the following candidates are hereby appointed as PTC Teachers in EPS, No. 7 of Rs. 750-31-1350 plus usual allowances as admissible under the rules on the following conditions with effect from the date of passing their PTC Examination or from the date they resume charge.

- I. That they shall submit the attested photo stat copies of the following certificates to Distt. Education Officer (Male) Peshawar and sub-Divl. Edu. Officer (Male) Peshawar & Nowshera.
 1. Domicile Certificate.
 2. Certificate/Degree (Academic/Professional).
 3. Character certificate.
 4. Original Medical Certificate of Physical fitness issued by Civil Surgeon Police Hospital Peshawar.
- II. That they will remain on probation for a period of one year from the date of resumption of duties during which they will be liable to termination to be reverted either to their original post or terminated without assigning any reason and without serving any notice.
- III. That their services are purely temporary and is subject to termination/Dismissal at any time without assigning any reason thereof but in case of resignation one month's prior notice or one month's pay in lieu thereof shall have to be forfeited/surrendered/or paid by the incumbent.
- IV. The appointment is subject to the verification of their antecedents from concerned D.S.P. within a month of being found fit for Government Service.
- V. The condition on being appointed, are liable to be posted anywhere in District Peshawar and they shall not be transferred from their place of posting before maturation of tenure of three years of their service.
- VI. Their seniority will be determined from the date of passing PTC examination.

If the above mentioned conditions are acceptable to him/them they should report for duty to the concerned Sub-Divisional Education Officers, within seven days of the issue of this order, failing which their appointment shall automatically be cancelled.

S.No.	Roll No.	Name	Parentage	Residence	Marks obtained in PTC Examination	Name of School where posted.	Remarks
1.	288	Sammar Gul	Fazal Gul	Vill: 8 P.O. Taru Jabba.	707	GPS, Jarooaba (NSR)	N.C.F.
2.	249	Syed Mohammad Arif Ali Shah	Mohammad Sabir Shah	Vill: 8 P.O. Akbarpura.	705	GPS, Chowki Trub (NSR)	N.C.F.
3.	237	Raj Mohammad	Khadaja Mohammed	Vill: Mohib Banda P.O. Pubbi (NSR).	704	GPS, Amen Kot (NSR)	N.C.F.
4.	338	Mir Aizal	Awal Ith	Vill: Kottir Pan P.O. Rashakai (NSR).	704	GPS, Koter Pan (NSR)	N.C.F.
5.	31	Umar Hayat	Ghulam Mohammed	Vill: 8 P.O. Azo Khail Pyn: 703.		GPS, Nowshera Cantt.	N.C. Next year

REVISED

S.No.	Roll No.	Name	Parentage	Residence	Marks obtained	Spec. of School, where posted.	Remarks
43.	301	Farooz Shah	Mohammed Iqbal	Vill: Sultanpur, Dist: P.C.	669	G.P.S, Haji Khan Killi	N.C.F.
44.	317	Imamullah	Mohammed Iqbal	Peshawar University	665	G.P.S, Haji Khan Killi	N.C.F.
45.	258	Syed Saadat Ali Shah	Syed Ajab Shah	Vill: 6 F.O. Khashti Poyan (Muzshir)	665	G.P.S, Khashti	N.C.F.
46.	326	Shahid Hussain	Shahshir Khan	Vill: Kundal Harat P.O. Terors Fair (Fishi)	667	G.P.S, Mehtab Karood	N.C.F.
47.	264	Mohammed Riaz	Shahab Khan	Vill: 6 F.O. Khashti	666	G.P.S, Khashti	N.C.F.
48.	258	Syed Imamullah Shah	Syed Qaim Shah	Vill: 6 F.O. Khashti	665	G.P.S, Khashti	N.C.F.
49.	258	Imamullah	Sauabir Khan	Vill: 6 F.O. Khashti	664	G.P.S, Behren Killi	N.C.F.
50.	277	Abdul Wali	Mohammed Jan	Vill: 6 F.O. Khashti	663	G.P.S, Nathani No. 2	N.C.F.
51.	258	Muhammad Shah	Muhammad Shah	Vill: 6 F.O. Khashti	661	G.P.S, Industrial Area	N.C.F.
52.	255	Amjad Ali	Shah Ali	Vill: 6 F.O. Khashti	660	G.P.S, Mehtab Karood	N.C.F.
53.	264	Muhammad Shah	Shah Ali	Vill: 6 F.O. Khashti	658	G.P.S, Mehtab Karood	N.C.F.
54.	264	Muhammad Shah	Shah Ali	Vill: 6 F.O. Khashti	658	G.P.S, Mehtab Karood	N.C.F.
55.	264	Muhammad Shah	Shah Ali	Vill: 6 F.O. Khashti	658	G.P.S, Mehtab Karood	N.C.F.
56.	264	Muhammad Shah	Shah Ali	Vill: 6 F.O. Khashti	658	G.P.S, Mehtab Karood	N.C.F.
57.	264	Muhammad Shah	Shah Ali	Vill: 6 F.O. Khashti	657	G.P.S, Mehtab Karood	N.C.F.
58.	264	Muhammad Shah	Shah Ali	Vill: 6 F.O. Khashti	656	G.P.S, Mehtab Karood	N.C.F.
59.	259	Muhammad Azim	Umar Beghesh	Vill: 6 F.O. Khashti	656	G.P.S, Mehtab Karood	N.C.F.
60.	365	Imam Ghal	Imam Ghal	Vill: 6 F.O. Khashti	656	G.P.S, Mehtab Karood	N.C.F.
61.	223	Muhammad Amin	Muhammad Amin	Vill: 6 F.O. Khashti	654	G.P.S, Mehtab Karood	N.C.F.
62.	225	Abdul Wahid	Abdul Wahid	Vill: 6 F.O. Khashti	654	G.P.S, Mehtab Karood	N.C.F.
63.	358	Shahidullah	Shahidullah	Vill: 6 F.O. Khashti	654	G.P.S, Mehtab Karood	N.C.F.

MISSING
 (Crossed out stamp)

S.NO.	Roll No.	Name	Parent's Name	Residence	Marks obtained in ITC Examination	Grade at School	Page-7 Remarks
104.	242	Muhammad Saif	Faqir Saif	Vill: B... Tary Jabb	718	75, 1st	Pass
105.	297	Muhammad Farid	Muhammad Farid	Vill: Mushk...	711	75, 1st	Pass
106.	323	Muhammad Saif	Ghulam Saif	Vill: ...	708	75, 1st	Pass
107.	307	Muhammad Saif	Muhammad Saif	Vill: ...	707	75, 1st	Pass
108.	287	Muhammad Saif	Muhammad Saif	Vill: ...	705	75, 1st	Pass

FILED

- ENDST. NO. 7570-7778 / (M/E) / ITC / Appointment /
- Copies forwarded to:
- 1:- Director of Education (Schools) H.F.P. Jishwar.
 - 2:- Director of Education (Schools) H.F.P. Jishwar.
 - 3:- I.S. Advisor to Chief Minister, Education H.F.P.
 - 4:- Sub-Div. Education Officer (Male) Jishwar.
 - 5:- Sub-Div. Education Officer (Male) Jishwar.
 - 6:- Candidates concerned.

Muhammad Saif
 (M/E) Jishwar
 DISTRICT EDUCATION OFFICER,
 (M/E) Jishwar
 Dated Jishwar the 28/2/1990.

Muhammad Saif
 District Education Officer,
 (M/E) Jishwar.
 20/2/90

Dist. Govt. KP-Princed
District Accounts Officer Peshawar Dist.
Monthly Salary Statement (May-2022)



Personal Information of Mr. ABDUL WALI & wife of ABDULLAH JAN
 Personnel Number: 00025340 C/O.C: 1730113478053
 Date of Birth: 06.11.1969 Entry into Govt. Service: 01.03.1990
 Length of Service: 34 Years 03 Months 001 Days
 NTN: 0

Employment Category: Advtc Temporary
 Designation: PRIMARY SCHOOL HEAD TEACH
 DDO Code: PW/667-District Peshawar

Payroll Section: 001
 CPF Section: 001
 CPF A/C No: IVEDU09500CSS CPF Interest applied
 Under Number: -
 Pay Scale: BPS For - 2022
 Pay Scale Type: Civil BPS: 15
 Pay Stage: 24
 Cash Control: 26
 CPF Balance: 107,659.00 (pentual)

Wage Type	Amount	Wage Type	Amount
0001 Basic Pay	71,440.00	1004 Home Rent Allow 43% K271	8,741.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	15% Advtc Rtdt AM-2013	950.00
2199 Advtc Rtdt Allow @ 10%	637.00	2148 Teaching Allowance 2021	3,224.00
2341 Degr. Rtdt All 15% 2022KP	6,807.00	2347 Advtc Rtdt All 15% 22(P517)	6,807.00
2378 Advtc Rtdt All 2022 35%	22,311.00		0.00

Wage Type	Amount	Wage Type	Amount
3015 CPF Subsidies	-1,390.00	3501 Beneficiary Fund	-1,300.00
3543 Provident Tax	-1,300.00	3509 Income Tax	-3,497.00
3990 Emp Bldg. Fund RPK	-135.00	4004 R. Benefits & Death Comp	-600.00

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax
 Payable: 54,731.88 Recovered in MAY-2022: 37,552.00 Escrowed: 1362.94 Recoverable: 3,496.94
 Gross Pay (Rs.): 127,213.88 Deductions (Rs.): -18,922.88 Net Pay (Rs.): 118,291.00

Payee Name: ABDUL WALI
 Account Number: 4160413652
 Bank: Bank National Bank of Pakistan, 28043 NAWAK BANDI NAWAK BANDI NAWAK BANDI
 Opening Balance: Available: Enclosed: Balance:

Permanent Address: SDEO II PESHAWAR
 City: Peshawar
 Temp. Address: District: NW - Khyber Pakhtunkhwa
 City: Peshawar
 Email: khyber123456@gmail.com
 Housing Status: No Official

~~NOTIFIED~~

System Generated document in accordance with APN (4.12.97) (11/2002) (4-10)
 * All amounts are in Pak Rupee
 - Errors & omissions excepted (SERVICES/DT/US/2022/02-04)

Annexure - B-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/18/2020

Policy No. AD/1-1/2020: In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

LIST: NO & EVEN DATE

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 (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

1267
06/18/2020

Wazirah Laiti
WAZIRAH LAITI
DEPUTY SECRETARY (POLICY)

ATTESTED

M. H. Khan
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

ATTACHED

WP4442-2023 AZIZULHAQ VS GOVT OF PAK

21.6.23

Secretary (Policy)

Secretary (Policy)

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

Copy forwarded to him.

Handwritten initials and numbers: 2/6, 2/6, 2/6

2011, please.

proceeded against under Khayr Paktunkhwa Civil Service (Efficiency & Discipline) Rules.

of the competent authority or by a valid promotion through different means shall be

3. Furthermore, those officers/officials who do not comply with promotion order

will screen to accept promotion in every condition.

to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every

prevent those who tend to forge promotion to evade posting/transfer or show lack of capability

will screen from promotion for being given by seeking a valid/legitimate justification as to

2. The basic rationale behind the deletion of the bill rule is aimed at preventing a

provided rules to decline or forge promotion.

rules, 1989 stands deleted with this department notification dated 04.08.2020; there, no

(5) of Rule-7 of Khayr Paktunkhwa Civil Service (Appointment, Promotion and Transfer)

7/2023 dated 14.01.2023 in the subject cited above and to state that Sub-Rule

1 and deleted in letter to your letter No. SOP/HRM-2023-127.

Subject: **QUARANTINE REGULATION, REGULATION OF TOUR VISIT IN THE**
ESTABLISHMENT AND CIVIL SERVICE (APPOINTMENT, PROMOTION AND TRANSFER)
REGULATION AND DISCIPLINE RULES, 1989.

The Government of Khayr Paktunkhwa
Secretary & Secondary Education Department.



GOVERNMENT OF KHAYR PAKTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SOP/HRM/127/2023
Dated Peshawar the 20th of June, 2023.

67

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223507)

No. SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 26th, 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, 1988.

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

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

Encl: AA

[Handwritten mark]

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

Copy forwarded to the:

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

[Handwritten mark]

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

ATTESTED

14
B/c
No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT CP PG43

~~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
①


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

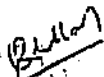
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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


(Mr. Fazal Wahid)
Deputy Director-I
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~~

16
- B/C -

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING DELETION OF RULE 7(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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ATTESTED

ATTESTED

W04442-2023 AZIZALAH VS GOVT CP P043

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

1. PA to Director
2. Master Copy

Copy of the above is to:-

Assistant Director (Exam-1)
Ministry of Secondary Education
Khyber Pakhtunkhwa
21/7/2023

The case is submitted for personal and necessary actions please.

Departmental Selection Committee.
provided they will their written request prior to conduction of the meeting of
Teachers Union. If it may be required of implications of the amendment in the rules bid
(7) have effect regarding a large number of female teachers. Thus it is proposed that

In view of the above, this office is of considered opinion that the deletion of rules
has been asked for submission of consolidated case.

Chairman of the Board of Secondary Education Khyber Pakhtunkhwa at his office this office has
That in the light of the minutes of meeting dated 6-07-2023 held under the
(Primary) No. 50/2023-2/A appointment dated 13-06-2023

The same was received by this office from your good office vide letter No. 50
civil servant in accept promotion under every condition.

that there exist no provision to decline or forgo promotion. It is obligatory upon every
(Wing) vide letter No. 50 (Policy) & A/D/1-17/20 dated 6-05-2023 categorically stand.

That the Government of Khyber Pakhtunkhwa Khyber Pakhtunkhwa Department (Regulation
No. 50 (Policy) & A/D/1-17/20 dated 6-05-2023 for necessary guidelines.

That you have office forwarded the same to the quarter concerned vide letter
provided.

(ii) If it is the obligation of the civil servant to either accept or turn down the offer of
Now it is obligatory upon the civil servant to accept promotion in every condition.

No. 6987 dated 16-02-2023.
That this office sought guidelines from your good office in the following words vide letter
vide notification No. 502-VI (E&A/D/1-17/20 dated 06-08-2020

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing)
dated 16/10/21 in the Civil Service (Appointment, promotion & Transfer) Rules 1989)

G. Miscellaneous of the Ministry No. 50/2023 dated 19-07-2023 on the subject cited above and to
I am directed to refer to the letter No. 50/2023-2/A appointment dated 13-06-2023

Subject: - MINUTES OF THE MEETING

The Section Officer (Primary-High),
Ministry of Secondary Education Department,
Khyber Pakhtunkhwa, Peshawar.

To

Phone 091-92221144
Email: education@pkb.gov.pk

No. 8145



Khyber Pakhtunkhwa, Peshawar

ATTESTED

WPK-11-2023 AZIZULAH VS GOVT CP P043

- 2. Master Copy
 - 1. PA to Director Local Directorate
- Copy of the above for:
 Ahmad Director
 Elementary & Secondary Education
 Wilayah Persekutuan

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

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

no provision to decline/for promotion. It is obligatory upon every civil servant to accept promotion under every condition. That the government of KP-ED (Regulation Wily) vide letter No. SD (Policy) E&AD/1-3/2020 dated 6-06-2023 accordingly stated that there exists

That your good office forwarded the same to quarters concerned vide letter No. SD (Promotion) E&AD/2-2/Appointment-2023 for necessary guidance. That you good office forwarded the same to quarters concerned office of promotion.

(ii) It is obligatory upon civil servant to accept promotion. That this office sought guidance from your good office in the following vide notification No. SD-P/VI(E&AD)-1-3/2020 dated 06-08-2020. That government of KP Establishment department (Regulation Wily) dated rule 7(S) in Civil Servant (Appointment, Promotion, Transfer Rule 199)

present brief history, above background of case as under. I am directed to refer to letter No. SD (Promotion) E&AD/5-1/6484/Minister of meeting 13/7/2023 on subject cited above and to

Dear Sir, I am directed to refer to letter No. SD (Promotion) E&AD/5-1/6484/Minister of meeting 13/7/2023 on subject cited above and to

Subject: Minutes of Meeting
 WPK, Peshawar
 Elementary & Secondary Education Department
 Section Officer (Primary-Male)
 (21-7-2023)
 RESUBMITTED



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

No. SO(Policy-M)EBSED/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Dear Sir,

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

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

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


(MUHAMMAD ISMAIL)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
23/8/23

Scanned with CamScanner

WP443-2023 AZIZULLAH VS GOVT CP PG43

~~ATTESTED~~

- B/c -

No. 5 (Primary - M) E&SE/18-2/
 Appointment - Rule/2023
 Peshawar, Dated: 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. SA (Policy) / ELAD /
 1-3/2020 dated 8th June 2022 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
 teacher of primary level who avail such promotion have to
 face serious inconvenience while they have to perform duties
 in the remotest stations with no residential/transport facilities.
 Most of them are married with kids and elder father of
 Mother-in-law who need care. In such cases there are negative
 effects on service delivery.
 In view of above, the said amendment may be reconsidered to
 the extent of lady teacher in primary schools.

Copy forwarded to;

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

(Muhammad Ishaq)
 Section Officer (Primary
 Male)

ATTESTED

Annexure - F



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

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 rendered to your good office vide this department letter of
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,


Section Officer (Policy)

Endst. Of even No & date:

Copy forwarded to the:-

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

~~ATTESTED~~

WP/142-2023 AZIZULLAH VS GOVT OF PK

- 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)

Encls. Of even No & date

Copy forwarded to the:-

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

Section officer (Policy)

ATTESTED

Annexure - G

To,

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

Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, 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&AD/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

Dated 1/04/2024


J. WALI
 ABDUL WALI
 SON OF
 ABDULLAH JAN
 PSHT

~~ATTESTED~~

WP442-2023 AZULIAH VS GOVT OF PCA

Handwritten signature and date: 08/17/23

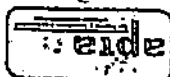
Main body of handwritten text in Arabic script, appearing to be a legal document or affidavit.

Handwritten signature and date: 08/17/23

Annexure - H

APTA Housat
GOVL Primary School No.4
Gubbaher Poshwar City

Atty. General
Khyber Pakhtunkhwa



President
0 0333-0110000
0333-0110000@gmail.com
Peshawar

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/comment. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comment as well as preliminary hearing on 10.06.2024 before S.B. P.D 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]
13-6-24

Date of Presentation of Application 13-6-24
 Number of 1
 Copies 1
 Original 1
 Total 1
 Name of 13-6-24
 Date of 13-6-24
 Date of Receipt of Copy 13-6-24

~~ATTESTED~~

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ABDUL WALI
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.

ABDUL WALI

APPELLANT

ACCEPTED

[Signature]
MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

[Signature]
MUHAMMAD ADEEL BUTT
Advocate High Court

[Signature]
BASSAM AHMAD SIDDIQUI
Advocate High Court