


FORM OF ORDER SHEET

Court of _____

Appeal No. 2063 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
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  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A No-2063/24

SAEEDA BIBI
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 2063 /2024

Saeeda Bibi wife of Ghani Rehman, SPST (BPS-14)
 GPPS Palas (Gahai), Tehsil & District Swabi

.....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/ /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 SUBMITTED:

1. That the k.p.s. Schools Department appointed the Appellant as Senior Primary School 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) /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. 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:-

GROUNDS:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be 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 06/00/2020 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.

Saeeda Bibi
Deponent

Through

Saeeda Bibi
Appellant

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

Bassam Aliqad 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

**SAEEDA BIBI
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 IIs. 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.

Saeeda Bibi
Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

Adaal Butt
Muhammad Adeel Butt
Advocate High Court

AFFIDAVIT

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

Saeeda Bibi
Deponent

Dist. Govt. KP-Provincial
District Accounts Office Swabi
Monthly Salary Statement (July-2024)



Personal Information of Miss SAEEDA BEGUM d/w/s of RAHMAN SHAH

Personnel Number: 00233470 CNIC: 1620208724011 NTN: 0
Date of Birth: 01.04.1980 Entry into Govt. Service: 31.12.1999 Length of Service: 24 Years 07 Months 002 Days

Employment Category: Active Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80649100-DISTRICT GOVERNMENT KHYBE

DDO Code: SU6304-Government Primary Schools (Female) Razzar Swabi

Payroll Section: 003 GPF Section: 001 Cash Center: 09

GPF A/C No: GPF Interest applied GPF Balance: 465,698.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 19

Wage type	Amount	Wage type	Amount
0001 Basic Pay	55,590.00	1001 House Rent Allowance 45%	3,321.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All-2013	675.00	2199 Adhoc Relief Allow @10%	456.00
2316 Teaching Allowance 2021	3,036.00	2341 Dispr. Red All 15% 2022KP	5,261.00
2347 Adhoc Rel Al 15% 22(PS17)	5,261.00	2378 Adhoc Relief All 2023 35%	18,847.00
2393 Adhoc Relief All 2024 25%	13,897.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-3,900.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-3,079.00	3990 Emp. Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6305	GPF Loan Principal Instal	350,000.00	-9,723.00	174,986.00

Deductions - Income Tax

Payable: 49,260.68 Recovered till JUL-2024: 3,079.00 Exempted: 12314.88 Recoverable: 33,866.80

Gross Pay (Rs.): 110,700.00 Deductions: (Rs.): -18,637.00 Net Pay: (Rs.): 92,063.00

Payee Name: SAEEDA BEGUM

Account Number: 570-4

Bank Details: ALLIED BANK LIMITED, 250118 ISMAILA BRANCH ISMAILA BRANCH, SWABI

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: ISMAILA SWABI

City: SWABI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: saeedabibi811@gmail.com

ATTESTED

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PRIMARY SWABI.A P P O I N T M E N T.

Consequent upon the approval of the Departmental Committee the District Education Officer (Female) Primary Swabi is pleased to appoint the following Trained P.T.C. Candidates at the Schools noted against their names in BPS:7 (No:1483-01-2(95) Plus usual allowances as admissible under the Rules purely on the basis of Merit and accordance with the prescribed Policy/Rules Regulation and instructions of the concerned authorities on the Terms and conditions, appended herewith:-

S.No.	Name/Father's Name & Home Address:	Date of Birth:	Score	School where Posted G.P.S.I	Remarks.
1.	Tilawat Begum D/O Habibullah Vill: 2 D/O Dagal.	12.12.76	41.64	Yousaf Shsh Banda	A.V.P.
2.	Rohina Darwish D/O Darwish Khan V&PO Kalu Khan.	15.2.77	41.55	Gajai	-do-
3.	Farhat D/O Hader Khan V&PO Haneri Payan.	4.3.75	41.28	Chunai	-do-
4.	Farida Begum D/O Hazrat Nabi V&PO Yur Hussain.	1.2.79	41.24	Kohgar	-do-
5.	Gul Naz D/O Sher Wahab V&PO Haneri Payan.	12.12.76	40.93	Seknilai	-do-
6.	Zovia Begum D/O Shafaraz Khan V&PO Sheikh Jumu.	1.4.72	40.71	Shangar Mangal Chai	-do-
7.	Riasat Razu D/O Razu Khan V&PO Nawna Killi.	2.4.74	40.42	Haik Dilawar Khan Bante.	-do-
8.	Sheema Tabassum D/O Mohd Sher V&PO V&PO Tarakai.	1.3.78	40.28	Qadre-	-do-
9.	Shagufta Haleem D/O Abdul Haleem V&PO Kalu Khan.	1.1.72	40.24	Mangal Chai-3	-do-
10.	Sadqat D/O Ghunoha Gul V&PO Baxuagal.	15.3.76	39.99	hakhtar Godar	-do-
11.	Asia Begum D/O Mohd Zahid V&PO Tarakai.	31.7.77	39.80	Bori Ohanai	-do-
12.	Tahmina D/O Abdullah Jan V&PO Shora Ghud.	5.6.74	39.73	Boon Ehoon	-do-
13.	Waliat Ilyas D/O Mohd Ilyas V&PO Sheikh Jumu.	1.3.77	39.70	Dagai Gadoon	-do-
14.	Millat Zori D/O Adil Shah V&PO Swabi.	1.1.74	39.35	Khowna Abad	-do-
15.	Samina Dilber D/O Dilber Khan V&PO Topi.	7.10.77	39.08	Talai	-do-
16.	Parveen Begum D/O Faqir Gul V&PO Bard China	1.1.76	38.81	Gaboani	-do-
17.	Shaknoz Bibi D/O Khan Ghali V&PO Nawna Killi	12.1.75	38.73	Sonalai Banda	-do-
18.	Furqat D/O Said Qurish V&PO Yur Hussain.	1.1.73	38.50	Abdul Baqi Banda	-do-
19.	Shuhrot Ara D/O Mohabat Khan V&PO Dagal.	3.3.79	38.44	Belanai Kandow	-do-
20.	Azeela Hayat D/O Mohd Hayat V&PO Dagal.	2.2.77	38.34	Panawal	-do-
21.	Farzana Tabassum D/O Mohd Sher V&PO Tarakai.	14.6.77	38.17	Gultan Abad Qadra	-do-

ATTESTED

No.	Name/Father's Name and Home Address	Date of Birth	Score	School Where Passed G.P.S.	Remarks
22.	Maharaja G-1 D/O G. Said Vill: & P.O. Kulabot.	01.1.77	38.11	G.P.S., Gul Abad (G).	A.V.P.
23.	Zubra Begum D/O Mansoor Ahmad Vill: & P.O. Ismaila.	26.10.78	37.31	" Shingrai (G).	-do-
24.	Shahoon Begum D/O Munir Ahmad Vill: & P.O. Marghuz.	01.4.80.	37.79	" Learin (G).	-do-
25.	Shakila D/O Sultan Mohd: Vill: & P.O. Dagi.	01.4.79.	37.62	" Naghband (G).	-do-
26.	Lilum Naz D/O Faqir Mohd: Vill: & P.O. Maneri Bala.	10.11.73.	37.60	" Aro Banda (G).	-do-
27.	Muheed Kausar D/O Mohd: Badshah Vill: & P.O. Zarabi.	25.02.79.	37.42	" Sarkai Payan (G).	-do-
28.	Zia-Ul-Nich D/O Mohd: Sardar Vill: & P.O. Dodhar.	29.08.79.	37.35	" Sara Daira (G).	-do-
29.	S: Shabhan Gul D/O S: Waqaf Ali Shah Vill: & P.O. Ismaila.	26.3.78	37.10	" Rahim Dad Banda.	-do-
30.	Anjum Ara D/O Pir Mohd: Vill: & P.O. Kalabot.	11.5.72.	36.07	" Chilyar Banda.	-do-
31.	Jeham Ara D/O Fazli Akbar Vill: & P.O. Dagi.	22.4.79	36.98	" Kot (Gabal).	-do-
32.	Shahida D/O Umar Khitab Vill: & P.O. Dagi.	01.1.80	36.93	" Palas (Gabal).	-do-
33.	Fatima Bibi D/O Raziq Dad Vill: & P.O. Marghuz.	15.3.81	36.84	" Nowel Garhi Bala (G).	-do-
34.	Farzana Wasal D/O Wasal Khan Vill: & P.O. Parnoli.	19.6.73	36.63	" Dewel Garhi Payan (G).	-do-
35.	Aamir Ara D/O Said Bahadar Vill: & P.O. Minu.	19.3.79	36.60	" Dalori Bala (G).	-do-
36.	Margua Shahoan D/O Mohd: Siraj Vill: & P.O. Kalu Khan.	21.9.69	36.26	" Kund (G).	-do-
37.	Bibi Halima D/O Raziq Dad Vill: & P.O. Marghuz.	01.4.80	36.02	" Shalmani (G).	-do-
38.	Humaira Maqsood D/O Maqsood Ali Vill: & P.O. Kunda.	04.9.79	35.89	" No: 2 Haro Banda.	-do-
39.	Aanila Naz D/O Saifur Rehman Vill: & P.O. Maneri Bala.	01.1.77	35.64	" Seri Utman Sai	-do-
40.	Fatima Begum D/O Mohd: Yqunis Vill: & P.O. Yaqoobi.	04.2.78	35.45	" Check Bukalai.	-do-
41.	Aqila Naz D/O Shah Nuzar Khan Vill: & P.O. Thead Koi.	01.1.80	35.24	" No: 2 Haro Banda.	-do-
42.	Bifaqat Begum D/O Fuzal Mohd: Vill: & P.O. Ismaila.	12.4.78	34.56	" Sher Aman Banda.	-do-
43.	Fauzia Munavar D/O Munavar Khan Vill: & P.O. Dagi.	05.5.78	34.71	" Anwar Shah Banda.	-do-
44.	Ghazala D/O Mohd: Saadullah Vill: & P.O. Zarabi.	01.1.79	34.02	" Hian Nazr Abad (Tekoil).	-do-
45.	Noorina Begum D/O Jamil Khan Vill: & P.O. Dodhar.	18.10.75	33.94	" Sarkai Payan (G).	-do-
46.	Rashida D/O Wazir Mohammad Vill: & P.O. Kulabot.	30.9.80	33.89	" Sutkathor No: 1.	-do-
47.	Dokhwaan Bilqi D/O Mohd: Saeed Vill: & P.O. ...	28.4.78	33.75	" Seri Naghband.	-do-
48.	Humaira Begum D/O Khan Zada Vill: & P.O. ...	19.6.80	33.11	" Panawol (G).	-do-

Contd: Page No. 03.

ATTESTED

(Form No. 15)

No.	Name/Father's Name and Home Address	Date of Birth	Score	School Where Posted G.P.S.	Remarks
49.	Farkhandu Gul D/O Mohd. Nabi Vill: P.O. Kolarat.	11-3-20	33.70	G.P.S. Sori Naghond.	A.V.P.
50.	Wahooja D/O Mir Muhammad. Vill: P.O. Salje Khan.	01-1-73	33.65	" Channal(G).	-do-
51.	Sadiqa Bibi D/O Maud: Shah. Vill: P.O. Nawab Killa.	05.9.20	33.57	" Eotkathor HQ.2.	-do-
52.	Snoola Bibi D/O Rahman Shah. Vill: P.O. Ismaila.	01-4-60	33.50	" Palas (Gaba).	-do-
53.	Shagufta Naz D/O Noor Jamal. Vill: P.O. Ismaila.	10.2.79	33.23	" Sunnati Janda.	-do-
54.	Razi Shikaz D/O Ranaq Zaman. Vill: P.O. Dabjan.	12.79	32.88	" Sori Hamaqat.	-do-
55.	Rozina D/O Taj Mehd. Vill: P.O. Kolu Khan.	15.3.20	32.74	" Hian Noor Abad Takail.	-do-
56.	Munhadia D/O Munira Khan. Vill: P.O. Kachaki.	26.2.20	32.60	" Sori Koli Puyan.	-do-

TERMS & CONDITIONS.

- These appointments are purely on temporary basis and liable to termination at any time without assigning any reasons and without any notice.
- Medical Certificate of Physical fitness from the concerned Medical Supdt. She will not take over charge if her age is below 18 or above 43 years.
- They should join the post within 14 days of issue of this order failing which the appointment will stand cancelled.
- In case of resignation, they will have to submit 14 days prior notice. After tendering resignation, they will not leave their jobs until the acceptance of their resignation by the Competent Authority nor shall be granted any leave. In case they leave their jobs without the acceptance of their resignation, they will be treated as absconers and disciplinary action will be initiated against them.
- The SDEO's/ASDEO's must check and verify their original documents. If any forgery is detected, the case be registered with the Police for legal action. The SDEO's/ASDEO's concerned will be held responsible for any lapse in this regard.
- Charge reports should be submitted to all concerned.
- No T.A/D.A. etc is allowed.
- An undertaking should be obtained from master and Degree holder (PTC etc); they will serve the Department for at least five years until they are selected for the Public Service Commission for any post.
- The Candidates selected from their own Union Council will have to stay at least seven years and will not try for Transfer etc.
- The Candidates of these Schools which are closed due Winter Vacation should take over Charge wof. 01.03.2000 i.e. the date of opening the Schools.
- The Candidates appointed in these Schools which are not closed due to Winter Vacation should take over Charge wof. 01.02.2000

(MSR. NAGIA SHAFIQ)
DISTRICT EDUCATION OFFICER
(PENCILS) P. IHARY S U A B I.

Encl: No. 453-226 / F.No. I-AE/ Apptt./ PTC (P)/ SWB/ Dated Swabi the 31.12.99

Copy forwarded for information and necessary action to:

1. Director Primary Education N.W.F.P. Dabgari Garden, Peshawar please.
2. District Account Officer Distt. Swabi.
3. Medical Superintendent Distt. Head Quarter Hospital Swabi.
4. S. SDEO (P) SWABI/LANORE.
5. A.D.E.O. (Accounts) Local Office
7. All the above named Candidates on Home address.

Afsul/zoia.

(MSR. NAGIA SHAFIQ)
DISTRICT EDUCATION OFFICER
(PENCILS) PRIMARY SWABI.

ATTESTED

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

NOTIFICATION

Dated Peshawar the 06/18/2020

In exercise of the powers conferred by section 25 of the

Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of

1973, Peshawar) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber

Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

SERIAL NO & EVEN DATE

- 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 Chief Minister, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 6. All Development Commissioners in Khyber Pakhtunkhwa.
- 7. All District Attached Departments in Khyber Pakhtunkhwa.
- 8. All District Commissioners in Khyber Pakhtunkhwa.
- 9. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 10. The Registrar, Peshawar High Court, Peshawar.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 12. The Secretary, Khyber Pakhtunkhwa E&A Department.
- 13. The Deputy Director (IT), E&A Department.
- 14. All Section Officers in Establishment & Administration Department with the request to arrange 20 gazette copies.
- 15. The Section Officer (Admin), Administration Department.



ATTESTED

(WALIDAH LATIF)
DEPUTY SECRETARY (POLICY)

4-11-2020

ATTESTED

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

{ANDS}: & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~

ATTESTED

WPA447:2023 AZHJLWAM AS GOVT OF POK

21.08.23
2023

Section Officer (Policy)

Section Officer (Policy)

- 1. pg to Special Secretary (Reg), Establishment Department.
- 2. OA to Additional Secretary (Reg-III), Establishment Department.
- 3. PS to Deputy Secretary (Policy), Establishment Department.

Copy forwarded to Hon. Member, Government of Punjab & date

7/6
7/6

2011, please.

proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, of the competent authority, or try to evade promotion through different means shall be

Further, those officers/officials who do not comply with promotion order civil servant to accept promotion in every condition.

to, lack higher responsibilities in case of promotion. Therefore, it is obligatory upon every general those who tend to forge promotion to evade posting/transfer or show lack of capacity civil servant from temptation for high rank by seeking in a single narrative justification or to

The basic rationale behind the deletion of the 13th rule is aimed at preventing a provided exists to decline or forge promotion.

1. I am directed in refer to your letter No. SO/Primary-Mgmt/2023-24 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (13) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1999 stands deleted vide this departmental notification dated 06.08.2020; that, no

Subject: CHALLENGE REGARDING DELETION OF RULE 7(13) IN THE CIVIL SERVICE (GENERAL) REGULATIONS, 1999

To: The Government of Punjab & Secretary, Information Department.



GOVERNMENT OF PUNJAB
ESTABLISHMENT DEPARTMENT
No. SO/Policy/2023-24
Dated: 06.08.2023

67

Annexure - C

12

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

No. SO (Primary-MVE&SED)-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

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 06 July, 2023 at 11:00 AM in this department under the Chairmanship of Additional Secretary (E&AD) 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)

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)

WP4443-2023 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).

Annexure
①


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

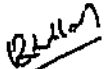
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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. Rafiqul Ullah)
General Secretary APTA
Peshawar


(Muhammad Ishaq)
Section Officer (Primary-1st) E&SE Department

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


ATTESTED

16

- B/C -

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(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 thorough discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

TESTED

~~ATTESTED~~

W4442-2023 AZIZULLAH VS GOVT OF POKS

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa

17/07/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.
Provided they submit their written report prior to completion of the meeting of
Teachers below 175. It may be required of implications of the amendments in the rules that
7(3) have affected negatively a huge number of female teachers. Thus it is proposed that

In view of the above, this office is of considered opinion that the deletion of rules
hasn't affected the promotion of candidates in the case.

Chairman/Member of the Additional Secretary Establishment at his office this office has
That in the light of the minutes of meeting dated 6-07-2023 held under the
(Priority-4) E&S/D/2-1/prop/estab/2023 dated 12-04-2023.

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

that there exists no provision in decision of 1970 promotion. It is obligatory upon every
Wing) vide letter No.50 (Policy) E&S/D/1-1/2020 dated 6-06-2023 categorically stated
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation

No.50 (Priority-6) E&S/D/2-1/prop/estab/2023 for necessary guidance.
That your good office forwarded the same in the quarter concerned vide letter
promotion.

(ii) It is the prerogative 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 06-07-2023.

That this office sought guidance from your good office in the following words vide letter
vide notification No. SOR-VI (E&S/D/1-1/2020 dated 06-08-2020.

dated Rule 7(3) in the Civil Services (Appointment, Promotion & Transfer Rules 1970)
The Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing)

I am directed to refer to the letter No.50 (Priority-4) E&S/D/1-1/2023 dated 10-07-2023 on the subject cited above and in
CA/17/2023 dated 10-07-2023 on the subject cited above and in
present brief history about the background of the case as under:

Subject - MINUTES OF THE MEETING

The Section Officer (Priority-Head)
Elementary & Secondary Education Department
Khyber Pakhtunkhwa Province.

No. 8145
F.No. 1155/2023
Khyber Pakhtunkhwa, Peshawar
Date: 21-7-2023
Frank: estab@pk.gov.pk

Encl: No. _____
Copy of the above is in:-
1. PA to Director, Local Directorate.
2. Master Copy.

~~ATTESTED~~

WPK447-2023 AZIZULAH VS GOVT OF PK

- 2. Master Copy
 - 1. RA to Director Local Directorate
- Copy of the case to:
 Assistant Director
 Elementary & Secondary Education
 Khyber Pakhtunkhwa

The case is submitted for perusal and necessary action please.

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

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

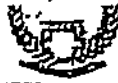
That the government of KP-ED (Registration Wing) vide letter No. SO (Policy) E&AD/1-2/2020 dated 6-06-2023 categorically stated that there exists no provision to declare/forge promotion, it is obligatory upon every civil servant to accept promotion under any condition.

That your good office forwarded the case to a/writer concerned vide letter No. SO (Promotion) E&SED/2-2/Appointment-2023 for necessary guidance.

That this office sought guidance from your good office in the following vide notification No. No. SO-R-VI(E&AD)1-3/2020 dated 08-08-2020. Deleted rule 7(S) in Civil Servants (Promotion, Transfer & Retention) Rules 1999 of the Government of KP Establishment department (Registration Wing) present brief history, about background of case as under:

Minutes of meeting 13/1/2021 dated 10-7-2023 on subject cited above and to Dear Sir, I am directed to refer to letter No. (SO) Promog-M/E&SED/5-1/6/2021/

Suggested - Minutes of Meeting
 KPK, Peshawar
 Elementary & Secondary Education Department
 Section Officer (Promog-M) (KPK)
 Peshawar
 (21-7-2023)



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

No. 50(Policy-M)E&SED/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. 50(Policy)/ E&AD/ 1-3/2020 dated 09th 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 SHAUQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

ATTESTED

- B/c -

No. 50 (Primary - M) E&SE/D/2-A/
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. 50 (Primary) (Policy) /E&AD
/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 extend 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(5) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

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

Yours faithfully,

Section Officer (Policy)

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/147-2023-4222/LAL VS GOVT OF

22

- B/C -

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

To

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2- 2/Appointment-
Rule/2023 dated 23.08.2023 on the subject noted above and to state that necessary
guidance has already been 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.

Section Officer (Policy)

ATTESTED

23

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&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 and against the fundamental principles of natural justice.

Dated 16/02/2024

Saeeda Bibi
SAEEDA BIBI
WIFE OF
GHANI REHMAN
SPST

~~ARRESTED~~

WP4442-2017 AZIZULHAN VS GOVT OF PENJ

8/17/23
~~[Signature]~~
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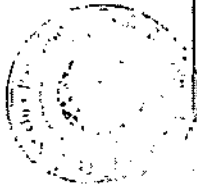
Annexure - H

APTA HANURI
Govt. Primary School No.4
Suburban Peshawar City

Khyber Pakhtunkhwa
epta

President
0211-014148
0211-014148
0211-014148

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 because S.B P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

Muhammad Akbar Khan
Member (I)

Date of Presentation of Application 10-6-23
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of 13-6-23
 Date of 17-6-23
 Date of delivery of copy 17-6-23

ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SAEEDA BIBI
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.

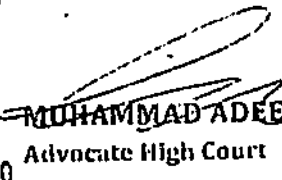
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

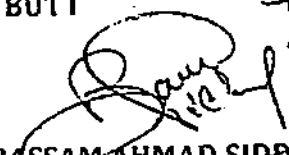
Saeeda Bibi

APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court