


# FORM OF ORDER SHEET

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

Appeal No. 2088 /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 style="text-align: right;">By order of the Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A - NO 2088/24

Abdul Rasheed Mian

V/S

Government of KP & others

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2088 /2024

Abdul Rasheed Mian Son of Khan Muhammad Mian Resident of Tehsil & District Manshera  
Designation: Primary School Head Teacher at GPS Dheni Kamai Ban

.....Appellant

**V E R S U S**

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

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED**

PRAYER:

**ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.**

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

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.  
Copy of Monthly Salary account is annexed as Annexure A

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

**"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".**
5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**.
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. Copy of Letter dated 23-08-2023 is attached as Annexure E

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed. Copy of Representation against the said notification is annexed as Annexure G & H
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

**GROUND:-**

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely 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

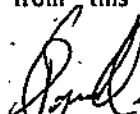
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

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

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


**AFFIDAVIT:**

I Abdul Rasheed Mian Son of Khan Muhammad Mian Resident of Tehsil & District Manshera do hereby solemnly affirm and 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


  
Deponent

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

CM No \_\_\_\_\_ -P of 2024

In Ref to

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

ABDUL RASHEED MIAN  
VERSUS

Secretary to Government of Khyber Pakhtunkhwa & others

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

Respectfully Submitted:-


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

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


  
Appellant


**AFFIDAVIT:**

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

  
Deponent

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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**Dist. Govt. KP-Provincial**  
**District Accounts Office Manshra**  
**Monthly Salary Statement (December-2023)**



Personal Information of Mr **ABDUL RASHEED MIAN** d/w/s of **KHAN MUHAMMAD MIAN**

Personnel Number: 00222415 CNIC: 1350113094917 NTN:  
 Date of Birth: 08.06.1969 Entry into Govt. Service: 17.09.1989 Length of Service: 34 Years 03 Months 016 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80627427-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6337-District Manshra

Payroll Section: 001

GPF Section: 001

Cash Center: 09

GPF A/C No: EDU 008016

GPF Interest applied

GPF Balance:

1,286,280.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 27

Wage type	Amount	Wage type	Amount
0001 Basic Pay	77,380.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2148 15% Adhoc Relief All-2013	979.00
2199 Adhoc Relief Allow @10%	673.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	7,405.00	2347 Adhoc Rel Al 15% 22(PS17)	7,406.00
2378 Adhoc Relief All 2023 35%	26,390.00		0.00

**Deductions - General**

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-3,879.00	3990 Emp. Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp	-600.00		0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 60,828.25 Recovered till DEC-2023: 22,349.00 Exempted: 15206.75 Recoverable: 23,272.50

Gross Pay (Rs.): 131,377.00 Deductions (Rs.): -10,104.00 Net Pay (Rs.): 121,273.00

Payee Name: ABDUL RASHEED MIAN

Account Number: CA 2249-7

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

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: abdulrasheedmian69@gmail.com

**ATTESTED**



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79 / 15**NOTIFICATION**

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

Sr	S.L.N	Name of Teacher	Present School	Urban Council	Adjusted School	Urban Council
1	1429	Ahmad Ali	GPS Shah Kot	Cocha	GPS Charsah	Behal
2	1426	Sayed Ibrahim	GPS Mohar Khurd	Sawan Mera	GPS Kangar Daga	Sawan Mera
3	1430	Muhammad Nawaz	GPS Chakri Bura	Lalman Muzah	GPS Chakri Bura	Lalman Muzah
4	1431	Muhammad Ghous	GPS Khat Branch	Bahra	GPS Bala Socha	Lalman Muzah
5	1432	Zakir Hussain	GPS Rih	Bahra	GPS Bahra	Bahra
6	1433	Muhammad Aslam	GPS Kaphar	Kaphar	GPS Sari Rajwal	Kaphar
7	1434	Muhammad Nazim	GPS Charsah	Charsah	GPS Paprang	Charsah
8	1435	Ahmadzeb	GPS Makhan Gub	Karori	GPS Makhan Gub	Karori
9	1437	Shahid Iqbal	GPS Tanwin	Charsah	GPS Hindhar	Bhogamang
10	1444	Muhammad Nazim	GPS Daura	Charsah	GPS Jabri Bazaray	Charsah
11	1445	Muhammad Rizal	GPS Tieda	Charsah	GPS Tarkhala	Hakal
12	1446	Muhammad Shafiq	GPS Handi Gub No 2	Sawan Mera	GPS Bandi Gub No 2	Sawan Mera
13	1447	Chen Ali Shah	GPS Kadi Pala	Charsah	GPS Larnal	Charsah
14	1448	Imam Muhammad	GPS Mandi Dauran	Charsah	GPS Mandi Dauran	Charsah
15	1449	Muhammad Ali	GPS Sun	Sun	GPS Banda Sachan	Sachan
16	1450	Uma Farooq	GPS Khat	Phura	GPS Ghazal	Phura
17	1451	Muhammad Iqbal	GPS Jabba Yaqub	Lalman Muzah	GPS Jabba Yaqub	Lalman Muzah
18	1450	Imam Muhammad	GPS Khudai	Lalman Muzah	GPS Khudai	Lalman Muzah
19	1451	Ishfaq Ahmad	GPS Saver	Hawari	GPS Chukana	Hawari
20	1452	Muhammad Khan	GPS Chen Gali	Kathal	GPS Banda Srdan	Kathal
21	1453	Ahmad Nawaz Khan	GPS Dharwad	Dharwad	GPS Sukandra	Makki Pira
22	1457	Muhammad Asif	GPS Hassan	Talaha	GPS Gutsal	Talaha
23	1458	Muhammad Hanayun	GPS Hassan Sher	Charsah	GPS Hassan Sher	Charsah
24	1460	Muhammad Baqar	GPS Bala Park	Munara	GPS Kund	Hawari
25	1473	Zakir Khan	GPS M. Zareen Shaher	Sachan	GPS Nadi Bala Pain	B/Shungli
26	1478	Muhammad Tariq	GPS Kangar Khola	Parkar	GPS Kangar Khola	Parkar
27	1477	Said Mahmood	GPS Kumar Duan	Charsah	GPS Pabian	Mohandani
28	1475	Amjad Ali	GPS Gudwal	Aitghhaha	GPS Karori	Karori
29	1479	Muhammad Sahrai	GPS Fiaz Abad	Pherina	GPS Bandi North	Pherina
30	1480	Umar Farooq	GPS Duta Main	Charsah	GPS Dadi Dal Bari	Bhogamang
31	1481	Dehwar Khan	GPS Charsah	Kathal	GPS Lamma Chakar	Kathal
32	1484	Sai Khair	GPS Soach	Kaphar	GPS Soch	Kaphar
33	1486	Zulfikar Khan	GPS Duta Mera	Charsah	GPS Basal	Bhogamang
34	1487	Abin Zah	GPS Ophra	Charsah	GPS Larnal Tari	Charsah
35	1488	Niaz Muhammad	GPS Ichran	Charsah	GPS Kamong Bala	Bahra
36	1489	Muhammad Harid	GPS Inayat Abad	Inayat Abad	GPS Kanda	Bahra
37	1491	Sana Ullah	GPS Jalob	Jalob	GPS Murad Abad	Jalob
38	1492	Chazi Khan	GPS JAM Pala	Sandhar	GPS Chakal Bala	B/Shungli
39	1502	Ahmad Iqbal Khan	GPS Lalman Thokral	Lalman Thokral	GPS Chakal Bala	B/Shungli
40	1503	Amjad Ali	GPS Chagan Bala	Charsah	GPS Chagan Bala	Charsah
41	1505	Nisar Ahmad	GPS Eshan	Dhodai	GPS Chinyari	Jalob
42	1500	Rashid Khan	GPS Kumar Duan	Mohandani	GPS Naka Jereed	Mohandani
43	1501	Amjad Muhammad	GPS Mansehra No 1	Charsah	GPS Chappri	B/Shungli
44	1510	Muhammad Iqbal	GPS Pasha Timbari	Sawan Mera	GPS Kal Dalbari	Sawan Mera
45	1512	Zulfiqar	GPS Eshan	Nalga Park	GPS Charsah	Nalga Park
46	1513	Ahmad Hanayun	GPS Awan Pind	Charsah	GPS Gutsal	Kaphar
47	1514	Shahid Ahmad	GPS Khat	Charsah	GPS Suna	Jalob
48	1515	Muhammad	GPS Khat	Charsah	GPS Nalga Park	Jalob

**ATTESTED**

1511	Zahir Khan	GPS Habakuk	Shamshera	GPS Lund Tari	Shamshera
1512	Muhammad Ail	GPS Jakes	Shamshera	GPS Deewar	Dabon
1524	Abdul Shakoor	GPS Ehsan	Chand	GPS Kohal	Kawal
1525	Muhammad Ralpo	GPS Chhara Chokul	Mansal	GPS Thunian	Kawal
1532	Ashraf Ahmed	GPS Mulhary	Balla	GPS Balkal	Balkal
1533	Mantra Khan	GPS Bedal Gran	Mohand	GPS Bedal Gran	Mohand
1534	Nuraid Amir	GPS Umar Band	Shamshera	GPS Pall Jarod	Mohand
1537	Muhammad Miskren	GPS Jibri Kalish	Shehal Hazudah	GPS Phogara	B/Shungli
1538	Aff Hussain Shah	GPS Jo Mars	Kamacholan	GPS Hamsherten	Hamsherten
1542	Imdad Ur Rahman	GPS Khala	Shamshera	GPS Pallan Dhar	Kawal
1543	Nisar Iqbal	GPS Khawon Sher	Shamshera	GPS Navon Sher	Bandi Shungli
1544	Chulaj Hussain	GPS Jamal Nal	Shamshera	GPS Jamal Meri	Kashan
1545	Abul Hussain	GPS Cchi No. 1	Shamshera	GPS Chhalol	Oghl
1548	Imdad Ahmad	GPS Ballo Kundi	Shamshera	GPS Guderl	Kaghan
1549	Haloo Ur Rehman	GPS Chhita Balla	Shamshera	GPS Dambol	C/Pain
1551	Muhammad Saadqur	GPS No Sum	Shamshera	GPS Sury	E/Shungli
1552	Sardar Bahadar	GPS Kalyal	Shamshera	GPS Mirza Gab	Phura
1553	Muhammad Sihar	GPS Kala	Shamshera	GPS Kala	Shamshera
1554	Jan Muhammad	GPS Kamaal	Shamshera	GPS Kamaal Meri	Phura
1555	Muhammad Sabir	GPS Riaz Abad	Shamshera	GPS Balzani	Shamshera
1556	Mian Muhammad Yousof	GPS Chhika	Shamshera	GPS Bangar	Hungri
1557	Sagheer Ahmad	GPS Paha	Bahal	GPS Jagg Payon	B/Shungli
1558	Nhan Bahadar	GPS Sankar	Nakka Pani	GPS Ghazkol	Nakka Pani
1559	Muhammad Alam	GPS Cchi No. 1	Ugha	GPS Hussain Banda	Oghl
1568	Ishfaq Mann	GPS Phura	Phura	GPS B. Khan Khal	Phura
1570	M. Farooq	GPS Japen	Ghaura	GPS Banda Manoor	Nangal
1572	Gul Shari	GPS Ghantian Bou	Dabon	GPS Phudal	Nakka Pani
1574	Kala Khan	GPS Madanlan	Phura	GPS Jhalan	Lasson Nawab
1575	Akhter Zaman	GPS Darband	Darband	GPS Merhan	Darband
1578	Muhammad Akram	GPS Sirota	Sawan Gera	GPS Sirota	Sawan Gera
1582	Mian Akbar Khosh	GPS Chani Dhanoo	Mehandi	GPS Dhar Kamal Ban	Kaghan
1584	Chafiq Ur Rehman	GPS Nakka Pani	Nakka Pani	GPS Nakka Pani	Nakka Pani
1585	Dadal Khan	GPS Nattal Khani	Shamshera	GPS Darra	Shamshera
1588	Muhammad Ail	GPS Koyra	Darband	GPS Harl Mura	Shamshera
1590	Muhammad Anwar	GPS Panthar	Shamshera	GPS Haddi Hri Wala	Mungli
1591	Baqil Zaman	GPS Dhar	Shamshera	GPS Sulfada Pain	Oghl
1592	Muhammad Ail	GPS Kuchl	Shamshera	GPS Mahiyala	Karol
1593	Uddar Muhammad	GPS Nuv Darband	Darband	GPS Dood Kol	Shamshera
1595	Ghulam Nabi	GPS Mand	Shamshera	GPS Dunge Sorl	Kaghan
1597	Nuraid Hussain	GPS Sathani	Shamshera	GPS Lohar Banda	Kaghan
1598	Muhammad Akbar	GPS Mian Gall	Phura	GPS Yamang	Phura
1600	Muhammad Khan	GPS Rasther	Nakka Pani	GPS Dikal Ghazkol	Nakka Pani
1601	Muhammad Akbar	GPS Rasther	Nakka Pani	GPS Angar Ban	Nakka Pani
1603	Ali Hussain	GPS Ghantian	Shamshera	GPS Chana Ghazkol	Phura
1607	Waqid Raza	GPS Symabul	Shamshera	GPS Shahool	Dabon
1608	Muhammad Imdad	GPS Bhulan	Shamshera	GPS Bal Bala	B/Shungli
1609	Muhammad Nasim	GPS Kishan	Shamshera	GPS Talas Lem Nala	Lakhol
1610	Muhammad Fayyaz Khan	GPS Chora Kellan	Dabon	GPS Ghontan	Dabon
1612	Habib Ur Rehman	GPS Tania	Tanda	GPS Dazum	Balkal
1615	Muhammad Haseeb	GPS Suntham	Shamshera	GPS Charangada	Katol
1617	Gul Faraz	GPS Abul Abad	Shamshera	GPS Berlan	Karol
1618	Dadi Muhammad Nawaz	GPS Gul Badal	Shamshera	GPS Narpoli	Shamshera
1619	Sultan Ul Ailgan	GPS Juggal	Shamshera	GPS Fambol	Shamshera
1620	Wazir Ur Rehman	GPS Bahal	Katol	GPS Kundra	Katol
1621	Imdad Ur Rehman	GPS Bherkund	Shamshera	GPS Khayala	Karol
1625	Sardar Ghazal	GPS Tinda Panjot	Katol	GPS Devil	Devil Jabar
1627	Muhammad Gulam	GPS Bona Mars	Tanda	GPS Jora Bala	B/Shungli
1629	Muhammad Sufian	GPS Kori Nawaz Anar	Dabon	GPS Kaban	Shamshera
1630	M. Farooq	GPS Barta	Shamshera	GPS Bhasan Phagal	Kaghan
1631	Nisar Ul Islam	GPS Kaly	Shamshera	GPS Sarl Bala	C/Pain
1632	Muhammad Shum	GPS Dera Dabakri	Bahal	GPS Lassa Darhan	Kawal
1633	Muhammad Yousof	GPS Chhikan	Karol	GPS Hayala Sarpas	Karol
1634	Muhammad Rashid	GPS Ghazkol	Geta	GPS Heryala Marsa	Dalla
1635	D. Muhammad	GPS Marsa	Gelal	GPS Sarl Kaghan	Kaghan
1636	Shahid Ali Khan	GPS Farley Pan	Shamshera	GPS Chamba	Shamshera
1637	Muhammad Haseeb	GPS Zafar Madan	Cy No 2	GPS Sarl Gola	Shamshera

**ATTESTED**

115	1634	Arshad Mahmood	GPS Dabran	Chowk	GPS Phagal	Kaghan
118	1635	Mohammad Fayaz	GPS Malhal	Chowk	GPS Kanchajri	Newrozabad
117	1636	Abd Ur Rehman	GPS Seri Mehar Gul	Chowk	GPS Seri Mehar Gul	Karoni
119	1630	Muhammad Shakeel	GPS Oastabad	Chowk	GPS Chapra Bata	Batal
116	1639	Syed Mubarriz Shah	GPS Malhal	Chowk	GPS Barcher	Batal
120	1640	Munir Ahmed	GPS Zameer	Chowk	GPS Pattian	B/Shangli

**TERMS AND CONDITIONS:-**

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

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

Endst: No.3981-4081 Notification PSHT Dated 14/03/2015

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

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

**ATTESTED**

O.O.No. 201  
Dated. 16-9-1989.

APPOINTMENT

As recommended by Mian Waliur Rahman M.P.A and approved by Muhammad Atiq Khan Chairman D.D.A.O Muzungu the following Candidates are hereby appointed as Primary Teacher in RPS-7 (Rs. 750/-PM fixed) plus usual allowances as admissible to them under the rules in the interest of public service with effect from the date of their taking over charge.

S.No.	Name, Father's name & address.	School where appointed.	Remarks.
1.	Mohd Farooq S/O Mohd Imail R/O Mong (akote).	RPS Naka Jared	Agst. V/PTO Post. -do-
2.	Mohd Miskeen S/O Ibrahim R/O tkah Cum Ghaniala.	GPS Ghanila.	-do-
3.	M. Abdul Hashid Mian S/O Khan R/O Khan R/O Jodhu.	GPS Proza.	-do-
4.	Rashid Khan S/O Asikur Rahman R/O Chhri.	OMU Chhri.	-do-
5.	Mr. Intiaz Ahmad S/O Jia Khan R/O Butta Kundi.	GPS Butta Kundi.	-do-
6.	Mr. Ghulam Nabi S/O Mohd Youqub R/O Mandi Cum Jiggol.	GPS Mandi Bala.	-do- <i>advised</i>
7.	Mr. Habibur Rahman S/O Bira R/O Dorra (Shohul).	GPS Kawai.	-do-
8.	Mian Mohd Hasoun S/O Mian Mahmood R/O Shahhtar (Garlat).	GPS Serian (Balukote).	-do-
9.	Mr. Aurangzeb S/O Nabiur Rahman R/O Muzungu.	GPS Bala Muzungu.	-do-
10.	Mohd Sadiq S/O Abdul Qayyum R/O Kanhian (Balakote).	GPS Songar.	-do-
11.	Mr. Ghulam Jan S/O Gul Zaman R/O Shungri (Balakote).	GPS Kawai.	-do-
12.	Mr. Anoyatur Rahman S/O Sardar Siddiq Rahman R/O Khulu.	GPS Khola.	-do-
13.	Mohammed Ahliq S/O Mohd Miskeen R/O Garlat.	GPS Jebri (B/Kote)	-do-

Contd: Page No... 2.....

AE - III

*lu*

19/5

*Abdul Rashid Mian at SNO 3 verified*

**ATTESTED**  
*Muzungu*  
19/5

- 1. On the report should be submitted to all concerned.
- 2. No TA/DA etc is allowed to any one.
- 3. They should not be handed over charge if their age is below 18 years and above than 25 years.
- 4. Their original certificate may be checked before handing over charge.
- 5. They should produce their own and health certificate from Medical Supdt: DHO. Hospital, Manshira.
- 6. The appointment is purely temporary & liable to be termination at any time without any reasons.
- 7. Other terms and condition is laid down in the service rules.

SA/-----  
 (MANSHIRA AINAD)  
 DISTRICT EDUCATION OFFICER  
 (MALP) MANSHIRA.

Order No. 11701-20 / 89 - III Dated M. 16-9- / 89.

Copy of the above is forwarded for information and  
 to the  
 Mr. M. S. ... O. Manshira.  
 Sub Divisional Education Officer (Malp) Manshira.  
 Headmaster Govt Middle School concerned.  
 Headteacher Govt Primary/Madua School Concerned.  
 Candidates concerned.  
 O.O. File.

*Manshira*  
 DEPUTY, 16/9/89  
 DISTRICT EDUCATION OFFICER  
 (MALP) MANSHIRA.

**ATTESTED**

**ATTESTED**

**ATTESTED**

DEPUTY SECRETARY (POLICY)  
(W/ADJUTANT)

*[Signature]*



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
- 2. The Sector Khyber Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 4. The Principal Secretary to Government, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 6. The Principal Secretaries in Khyber Pakhtunkhwa.
- 7. All Divisions of Attached Departments in Khyber Pakhtunkhwa.
- 8. All Heads of Autonomous Bodies in Khyber Pakhtunkhwa.
- 9. All Autonomous Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Peshawar High Court, Peshawar.
- 12. The Registrar, Peshawar District Court, Peshawar.
- 13. The Registrar, Peshawar District Court, Peshawar.
- 14. The Registrar, Peshawar District Court, Peshawar.
- 15. The Registrar, Peshawar District Court, Peshawar.
- 16. The Registrar, Peshawar District Court, Peshawar.
- 17. The Registrar, Peshawar District Court, Peshawar.
- 18. The Registrar, Peshawar District Court, Peshawar.
- 19. The Registrar, Peshawar District Court, Peshawar.
- 20. The Registrar, Peshawar District Court, Peshawar.

CHIEF SECRETARY  
GOVERNMENT OF THE KHAYDER PAKHTUNKHWA

REMARKS NO & EVEN DATE

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

**AMENDMENT**

In exercise of the powers conferred by section 25 of the Khyber Pakhtunkhwa Civil Servants Act No. XXVIII of 1973 (Khyber Pakhtunkhwa) is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Retention and Transfer) Rules, 1989, the following amendments shall be made, namely:

**NOTIFICATION**

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION-WING)

Annexure - B

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

**ATTENDED**

WFO4447-2023 AZIZULHAQ VS GOVT OF PAK

21.06.23  
2023/06/21

Section Officer (Policy)

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

Copy forwarded to them.  
Ranvir, D/over No of this

Section Officer (Policy)

Your faithfully,

2011, please.

3. Furthermore, those officers/employees 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 (Promotion & Transfer) Rules, 1989.

4. The basic rationale behind the deletion of this rule is aimed at preventing a prevalent practice of 'backdoor' promotion or to prevent those who lead to large number of vacancies or have lack of capacity to tackle their responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

5. The basic rationale behind the deletion of this rule is aimed at preventing a prevalent practice of 'backdoor' promotion or to prevent those who lead to large number of vacancies or have lack of capacity to tackle their responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

6. The basic rationale behind the deletion of this rule is aimed at preventing a prevalent practice of 'backdoor' promotion or to prevent those who lead to large number of vacancies or have lack of capacity to tackle their responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

7. The basic rationale behind the deletion of this rule is aimed at preventing a prevalent practice of 'backdoor' promotion or to prevent those who lead to large number of vacancies or have lack of capacity to tackle their responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

7. The Government of Khyber Pakhtunkhwa, Islamabad.  
The Secretary & Secretary (Legal), Establishment Department.

7. The Government of Khyber Pakhtunkhwa, Islamabad.  
The Secretary & Secretary (Legal), Establishment Department.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. EST/Policy/ADP/2023  
Dated Islamabad the 06, 2023

Amir Khan

14



15

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8223507)

File No (Primary-M)E&SED/2-6/2023  
Dated Peshawar the June 26<sup>th</sup> 2023

To

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

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

*[Handwritten signature]*  
26/6/23

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

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

Copy forwarded to the:

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

*[Handwritten initials]*

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

~~ALISTED~~

**ATTESTED**

WP 1443-2023 AZULUHAN VS GOVT CP PG43

SECTION OFFICER (PRIMARY MAIL)

1. PS to Secretary, EASB Department Khyber Pakhtunkhwa

Copy forwarded to the

(MUNHAMAD ISHAQ)  
SECTION OFFICER (PRIMARY MAIL)

Encl A1

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

Chairmanship of Additional Secretary (Encl) EASB Department in his office that the subject meeting is to be held on 06 July, 2023 at 11:00 AM in this department under the Establishment Department letter No. 50 (Policy)EASB/D-1-3/2020 dated 06 June, 2023 and to state

I am directed to refer to the subject noted above and to enclose herewith a letter of Guidance regarding Deletion of Rule 7(S) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Subject

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

All Primary Teacher's Association, KP

President

Aziz Ullah Khan President

Khyber Pakhtunkhwa, Peshawar

Elementary & Secondary Education Department

The Director

To

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

B/C

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


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

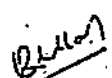
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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

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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

**ATTESTED**

- B/C -

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

A meeting regarding the subject matter was held on 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting

S/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 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**

Assistant Director (Ex-Officio)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa

Assistant Director (Ex-Officio)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa  
Date: 17/01/2023

Guides No. 2  
1. PA to Director Local Directorate  
2. Master Copy  
Copy of the above is to:

The case is submitted for perusal and necessary actions please.  
Departmental Committee.  
provided they find that the written report to the committee of the meeting of  
Teachers dated 12-06-2022 may be accepted as implications of the committee in the light of  
7(3) have affected negatively a large number of Female Teachers. Thus it is proposed that  
in view of the above, this office is of considered opinion that the decision of Rules  
been asked for submission of consolidated case.  
Chairman of Non-Attending Teachers' Association at his office this office has  
That in the light of the minutes of meeting dated 6-07-2022 held under the  
(Primary-4) S&SED/21/Report/2022 dated 13-06-2022.  
The same was received by this office from your good office with letter No.50  
civil servant to accept provision under every condition.  
that there exists no provision to decline or forgo provision. It is obligatory upon every  
That the Government of Khyber Pakhtunkhwa Establishment Department (Registration  
No.50 (Primary-4) S&SED/21/Report/2022 for necessary guidance.  
That your office forwarded the same to the quarter concerned vide letter  
provision.  
(ii) If it is the responsibility of the civil servant to either accept or turn down the offer of  
No.6987 dated 10-07-2022.  
That this office has already guidance from your good office in the following words vide letter  
dated 06-08-2022.  
The Government of Khyber Pakhtunkhwa Establishment Department (Registration (Reg)  
dated Rule 7(3) and the Civil Servant (Registration, Provision & Transfer Rules 1989)  
vide notification No. 608-WI (S&A) D/1-2/2020 dated 06-08-2022.  
person brief history about the background of the case as under:  
G. Akbar Khattak of the meeting/PT/2022 dated 10-07-2022 on the subject cited above and in  
I am directed to refer to the letter No.50 (Primary-4) S&SED/21-11

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

File No. 2154  
Date: 17/01/2023  
Email: establishment@pk.gov.pk



- B/c -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR  
(21-7-2023)

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

Subject: Minutes of Meeting

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

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1997) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No: 6987 dated 06-07-2023
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/discard the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline /forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

- Copy of the above to:
1. PA to Director Local Directorate
  2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTED

ATTESTED

WP443-2023 AZIZULHAQ VS GOVT OF POK

Scanned with CamScanner

SECTION OFFICER (PRIMARY MALE)

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

Copy forwarded to the:

SECTION OFFICER (PRIMARY MALE)

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

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

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 remote station with no residential or transport facility. Most of them are married with kids and elder father or mother-in-law who need care. In such cases, there are negative effects on service delivery.

1. 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 remote station with no residential or transport facility. Most of them are married with kids and elder father or mother-in-law who need care. In such cases, there are negative effects on service delivery.

1 am directed to refer to your letter No. SO(Policy)/EAD/1-3/2020 dated 06 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.

1 am directed to refer to your letter No. SO(Policy)/EAD/1-3/2020 dated 06 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.

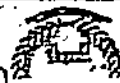
SUBJECT: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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

Annexure E

No. SO(Policy)-M/ESSED/2-1/Appointment-Rule /2023  
Peshawar Dated 23rd August, 2023

SECRETARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8221587)



10

**ATTESTED**

(Muzammil Ishaq)  
Section Officer (Primary)  
Muz.

1. Division E 5 SE Hyderabad  
2. PS to Secretary, E 5 SE Hyderabad

Copy forwarded to:

In this connection it is submitted that in some cases lady teachers of primary level who avail such promotion have to face serious inconvenience while they have to perform duties in the remotest stations with no residential/transport facilities. Most of them are married with kids and elder fathers of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

In this connection it is submitted that in some cases lady teachers of primary level who avail such promotion have to face serious inconvenience while they have to perform duties in the remotest stations with no residential/transport facilities. Most of them are married with kids and elder fathers of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(S) Hyderabad Rules (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 Hyderabad Rules (Appointment, Promotion and Transfer Rules 1989) Rule 2011.

I am directed to refer to your letter No. SO (Primary) (Rozary) /E 5 AD /1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(S) Hyderabad Rules (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 Hyderabad Rules (Appointment, Promotion and Transfer Rules 1989) Rule 2011.

Dear Sir,

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

The Secretary to Government of Hyderabad  
Establishment and Administration Department,  
Hyderabad.

To  
No. SO (Primary-M) E 5 SE D / 8-8/1-3/2020  
Appointment - Rule / 2023  
Hyderabad Dated 23rd August, 2023.

- 2 -  
- B/c -



Annexure - F



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

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


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

Dear Sir,  
I am directed to refer to your letter No. SO(Primary-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)

Encls: Of even No & date

Copy forwarded to the:-

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

ATTESTED

VERIFIED BY AZIZULLAH VS GOVT OF PK

24

- B/C -

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

To

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

Subject:

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Ends Of Even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

To,

Dated: 28-01-2024

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

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

Sir/ Madam:-

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

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

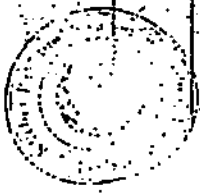
Best Regards



Abdul Rasheed Mian Son of Khan  
Muhammad Mian Resident of Tehsil &  
District Manshera



07.05.2024



1. Learned counsel for the appellant present.

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

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

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

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 10-5-24  
Number of 57  
Copies 57  
Hearings 57  
Total 57  
Name of 13-5-24  
Date of 17-5-24  
Date of 17-5-24

CS CamScanner

**ATTESTED**  
*[Handwritten signature]*

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**ABDUL RASHEED MIAN**

Appellant

Versus

Government of KP & others

Respondents.

**I (the Appellant)**

do hereby appoint and retain

**MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC**

**BASSAM AHMAD SIDDIQUI AHC**

**&**

**ASSOCIATES OF MUAZZAM LAW FIRM**

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

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



**APPELLANT**

**ACCEPTED**

**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court

**MUHAMMAD ADEEL BUTT**  
Advocate High Court

**BASSAM AHMAD SIDDIQUI**  
Advocate High Court