


FORM OF ORDER SHEET

Court of _____

Appeal No. 2093/2024

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. 2093/2024
Muhammad Riaz

V/S.

Government of KP & others

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2093 /2024

Muhammad Riaz Son of Ahmad Gul Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Poodniai

.....Appellant

V E R S U S

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020.
Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition.
Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action.
Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUND:-

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

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the 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.

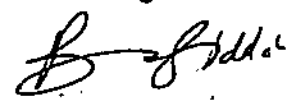
Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

AFFIDAVIT:

I Muhammad Riaz Son of Ahmad Gul 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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

**MUHAMMAD RIAZ
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 lis. And if the notification bearing No. So (Policy) E&D/1-3/2020 Dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 is not suspended the appellant would suffer irreparable loss.
4. That valuable rights of the appellant is involved in the case.

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


AFFIDAVIT:

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


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

6

Manshra

S#: 2

P Sec:001 Month:August 2023
MA6145 -Government Primary Schools
GOVERNMENT PRIMARY SCHOOL

Pers #: 00225272 Buckle:
Name: MUHAMMAD RIAZ
PRIMARY SCHOOL HEAD TEACH
CNIC No.1350422082257
GPF Interest Applied
15 Active Permanent

NIN:
GPF #: EDUMA009335
Old #: 12392492867

MA6145 -3

PAYS AND ALLOWANCES:

2341-Dispr. Red All 15% 2022KP	6,208.00
2347-Adhoc Rel Al 15% 22 (PS17)	6,209.00
2378-Adhoc Relief All 2023 35%	22,232.00

Gross Pay and Allowances

111,727.00

DEDUCTIONS:

GPF Balance 1171,029.00

Subrc:

Total Deductions

6,225.00

105,502.00

D.O.B
10.12.1973

30 Years 05 Months 017 Days

LFP Quota:
NATIONAL BANK OF PAKISTAN BRANCH MANSHERA
PLS 7801-0

ATTESTED

APPOINTMENT.

Consequent upon their selection on merit, the following PTC Trained candidates are hereby appointed in BPS(No-7) Rs. 1095/60/1995 Plus usual allowances as admissible under the rules with effect from the date of their taking over charge against the Vacant posts in the school given against their names in the interest of Public Service.

S. NO.	NAME & FATHER'S NAME	RESIDENCE	SCHOOL WHERE APPOINTED	REMARKS
1	WAJID ALI S/O M. MUHAMMAD RAFIQUE	R/O MAIRA JIYA	GPS BANDA DADA (K.D)	AGA: VAC: POST
2	IFTIKHAR HUSSAIN SH: S/O MAQBOOL SH:	R/O NAKOTE	GPS NAKIAN JARED	AGA: VAC: POST
3	MUHAMMAD HAROON S/O ABDUL QAYYUM	R/O JABRI B/KOTE	GPS DHANI DHANO	AGA: VAC: POST
4	MUHAMMAD BIAZ S/O DURI AMAN	R/O THAKRIAL	GPS SHATPURA	AGA: VAC: POST
5	WAHED UR REHMAN S/O MEHDI ZAMAN	R/O MONG	MSQ: SHAKHWAL	AGA: VAC: POST
6	MUHAMMAD ARIF S/O MUHAMMAD HAMAYUN	R/O RAJNA	GMS SHAH DAG (K.D)	AGA: VAC: POST
7	MUHAMMAD MISKEEN S/O ABDUL QAYYUM	R/O NARYALA	GPS RAMKOTE	AGA: VAC: POST
8	ASIF JAVED S/O ABDUL RASHID	R/O SANDABAR	GPS FAQER ABAD	AGA: VAC: POST
9	ZUBAIR S/O BAZ MUHAMMAD	R/O BAJMORI	MSQ: KHANJAR	AGA: VAC: POST
10	ABDUL HAMEED S/O AHMAD DIN	R/O GARHALA	MSQ: BELA MANOOR	AGA: VAC: POST
11	MUHAMMAD SALEEM S/O ABDUL QADUS	R/O BANAR KHAN	OGPS DODAM (K.D)	AGA: VAC: POST
12	MUHAMMAD SAEED S/O GHULAM SARWAR	R/O KASHMIR PANI	MSQ: MAR KHAREEN (K.D)	AGA: VAC: POST
13	LAL KHAN S/O ABDUL REHMAN	R/O CHARAI SARAI	MSQ: SOOR MALE (K.D)	AGA: VAC: POST
14	SHABIR HUSSAIN S/O MUHAMMAD AMIN	R/O ICHRIAN	GPS SOOR ASHARAI (K.D)	AGA: VAC: POST
15	MUHAMMAD BIAZ S/O MAQBOOL UR REHMAN	R/O SERI KHARYALAG	GPS GABHI MADAKHEL (K.D)	AGA: VAC: POST
16	SARDAR S/O MUHAMMAD UMAR	R/O TARAKHAR	MSQ: PURANA BROGARWONG	AGA: VAC: POST
17	MUHAMMAD AJMAL S/O JAMAL DIN	R/O NAMBAL	MSQ: BANDI BALA	AGA: VAC: POST
18	ZULFIQAR AHMAD S/O ABDUL REHMAN	R/O MANGLOOR	GPS CHAMBAR	AGA: VAC: POST
19	MERAJ AHMAD S/O MUHAMMAD ILYAS	R/O BEHALI	GPS PATYAN	AGA: VAC: POST
20	MUHAMMAD SAEED S/O KALOO KHAN	R/O DOGA	MSQ: NARAN	AGA: VAC: POST
21	MUHAMMAD ASHRIF S/O SHEH MUHAMMAD	R/O SEHRI BALA	MSQ: LARI BALA	AGA: VAC: POST
22	MUHAMMAD IQBAL S/O MUHAMMAD BIN	R/O SHINKIARI	MSQ: BELA PABA	AGA: VAC: POST
23	IHSAN-UL-HAQ S/O ZIA-UL-HAQ	R/O BATKABAR	GPS BAI DA	AGA: VAC: POST
24	MUHAMMAD ZABAIR S/O ABDUL JAMIL	R/O TARAKHAR	GPS DOONG	AGA: VAC: POST
25	ABDUL REHMAN S/O GHULAM YOUSAF	R/O NEHR KOTE	GPS KOHALI	AGA: VAC: POST
26	BIAZ AHMAD KHAN S/O MUHAMMAD ARBAM	R/O CRAPPAR GRAM	MSQ: KHATER	AGA: VAC: POST
27	NASKEB KHAN S/O MUHAMMAD MISKEEN	R/O KHABAL PAEEN	MSQ: LASSA	AGA: VAC: POST
28	LIAQAT ALI S/O TAJ MUHAMMAD	R/O MANGLOOR	GMS BHANGIAN	AGA: VAC: POST
29	NAZIR MUHAMMAD S/O AZIZ MUHAMMAD	R/O SINJIALA	GPS KHARYALA	AGA: VAC: POST
30	IMTIAZ HUSSAIN SHAH S/O AZAM SHAH	R/O BAI BALA	GPS SANJ	AGA: VAC: POST
31	RASHID AHMAD S/O MUHAMMAD AYOUB	R/O TANOL BANDA	GPS NAMSHERRA	AGA: VAC: POST
32	MUHAMMAD KHALID S/O ABDUL KHALIQ	R/O SHANAI BALA	GPS DHARYAL	AGA: VAC: POST
33	MUHAMMAD SALEEM S/O MUHAMMAD ILYAS	R/O BANIAN	GPS PHALKOTE	AGA: VAC: POST
34	MUHAMMAD BIAZ S/O AHMAD GUL	R/O POODNIAL	GPS POODNIAL	AGA: VAC: POST
35	MUSHTAQ AHMAD S/O ALANGHIR	R/O ARGHASHORI	MSQ: PHAGORA	AGA: VAC: POST
36	FARZED KHAN S/O MISKEEN KHAN	R/O CHALUNDRIAN	MSQ: POORIAN	AGA: VAC: POST
37	MURAD KHAN GHULAM NABI	R/O RAFFA KHURD	GPS NIKA PANI	AGA: VAC: POST
38	SAMIULLAH S/O MARAD KHAN	R/O KOSHGRAN	GPS GANTIAN SERI	AGA: VAC: POST
39	KHALID FAROOQ S/O ABDULLAH	R/O KARORI	GPS CHAMIVAL	AGA: VAC: POST
40	SHAH NAWAZ S/O FAZAL UR REHAMN	R/O PHULRAH	GPS BEER BAT	AGA: VAC: POST
1	MUHAMMAD YUNIS S/O MUHAMMAD AKBAR	R/O GALI BADBAL	GPS SHUNGLI	AGA: VAC: POST
2	S. ABDUS SALAM S/O AURANGZEB	R/O GHANCOOL	GPS BAYAN	AGA: VAC: POST
3	LIAQAT ALI S/O MUHAMMAD ARFAN	R/O SHANAI BALA	GPS BACAN BECA	AGA: VAC: POST
4	ANWAR KAHN S/O MUHAMMAD MISKEEN	R/O RAFFA	GPS MANDA DODAM	AGA: VAC: POST
5	SHAH NAWAZ S/O HAFEEZ ULLAH	R/O SHERGARH	GPS CHINKOT	AGA: VAC: POST

OFFICE OF THE SUPERINTENDENT OF EDUCATION (MADRAS STATE)

TRANSFER/ADJUSTMENT

The following P.T.O. teachers, as they have been appointed, are hereby transferred/adjusted on their own pay and grade in the interest of public service.

Sr No	Name of teacher	From	To
1	Naseeb Khan P.T.O.	G.P.S. Lasser	G.P.S. Kankote
2	Mohd. Nisrin P.T.O.	G.P.S. Kankote	G.P.S. Lasser
3	Mohd. Karam P.T.O.	G.P.S. Shunji	G.P.S. Kankote
4	Mohd. Bhan P.T.O.	G.P.S. Poodan	G.P.S. Kankote
5	Nazir Mohd P.T.O.	G.P.S. Kankote	G.P.S. Lasser

NOTES: 1. NO TA/DA ARE ALLOWED TO ANY ONE.

2. Charge Report should be submitted to P.T.O. concerned.

FOR DISTRICT OFFICE
(M) MADRAS

ORDER DATED 27.2.93
BY THE SUPERINTENDENT OF EDUCATION

IN THE INTEREST OF PUBLIC SERVICE

HEAD, DISTRICT OFFICE, MADRAS

1/0 P.T.O. OFFICE

OFFICE FILE NO.

SUB. DIVISION (MADRAS STATE)

APPROVED

PROMOTION ORDER PSHI (M) B-15

9

886	1292	MUHAMMAD IQBAL	GPS BANDA SHEKHAN	MALIK PUR	BAFFA	GPS RACHARI
887	1294	ABDUL SATTAR	GPS DARA BALAKOT	BALAKOT	BALAKOT	GPS NAKA KAWAI
888	1300	M ISHTIAQ	GPS LOHAR BANDA NO.2	CITY NO 4	MANSEHRA	GPS SINGALI
889	1309	MUHAMMAD RIAZ	GPS SAWAN BANDI	PAIRAN	MANSEHRA	GPS BATKARAR
890	1325	MUHAMMAD SIDDIQUE	GPS BAFA MERA NO.1	BAFFA	BAFFA	GPS JABI
891	1331	NASEER AHMED	GPS BAFFA MARA NO 1	BAFFA	BAFFA	GPS PANJOOL
892	1337	MUHAMMAD YOUNAS	GPS CHITTA BATTA	SANDASAR	MANSEHRA	GPS CHIN KOT
893	1338	MUHAMMAD NAWAZ	GMPS BAN KOTI	SHAIKAT ABAD	BAFFA	GPS BATI ARBORA
894	1348	M BANARAS	GPS HUSSANIAN	BEHALI	MANSEHRA	GPS CHAKAL BALA
895	1349	ARIF HUSSAIN	GPS TREADA	SHAIKAT ABAD	BAFFA	GPS NAWANSHER
896	1350	ABDUR REHEEM	GMPS DATA	DATTA	MANSEHRA	GPS CHAPARI
897	1351	MOHAMMAD SADAQAT	GPS BHER KUND MERA	BHERKUND	BAFFA	GPS HILL KOT
898	1354	SAKHAWAT	GMPS HARAYALLA	DATTA	MANSEHRA	GPS JEEGI
899	1355	SAJID HUSSAIN	GPS NARRAH	GARLAT	BALAKOT	GPS PULDRAN
900	1359	MUHAMMAD MUSHAL	GMPS AHMAD ABAD	MANSEHRA DEH	MANSEHRA	GPS BATDOGA
901	1363	ABDUL RASHEED	GMPS GHARIB ABAD	MANSEHRA DEH	MANSEHRA	GPS GIDDU BAGLA
902	1376	MURAD KHAN	GMPS FARID ABAD BAFFA	BAFFA	BAFFA	GPS JABORI
903	1380	MUHAMMAD SAEED	GPS RANJA	CHATTAR PLAIN	PHULRA	GPS SHOAI BANDI
904	1395	MUHAMMAD RIAZ	GPS KALGAN	LABORKOT	MANSEHRA	GPS KARKA SYDAN
905	1411	MUHAMMAD HANIF	GMPS BUJIA	DATTA	MANSEHRA	GPS MALKANA
906	1420	MUHAMMAD SALEEM	GMPS LUNG	INAYAT ABAD	BAFFA	GPS SERI GALI
907	1425	MUHAMMAD BASHIR	GPS BAJNA	TANDA	BAFFA	GPS HARIAN BALA

Note:

Their Promotion is considered from the date of Promotion i.e 25/02/2013.

TERMS & CONDITIONS.

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.

~~ATTESTED~~

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

Subject: (E&AD)-3/2020: In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

EXIST. NO & EVEN DATE

Copy 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.
- All Section Officers in Establishment & Administration Department.
The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
The Caretaker, Administration Department.



(Signature)
WAJIAH LATIF
DEPUTY SECRETARY (POLICY)

ATTESTED

Attested

ATTESTED

11

**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



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

No. SO (Primary-M/E&SED/2-6/2023
 Dated Peshawar (ho. June 26th 2023

To

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

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

[Handwritten Signature]
 26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(B) 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 Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

ATTESTED

~~ATTACHED~~

WP442-2023 AZIZULLAH VS GOVT OF POK

SECTION OFFICER (PRIMARY MALD)

1. PS to Secretary, E&S&D Department Khyber Pakhtunkhwa.

Copy forwarded to/for

SECTION OFFICER (PRIMARY MALD)
(MUHAMMAD ISHAQ)

Encl: 01

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.

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. 50 (Policy) E&S&D/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&S&D Department in his office.

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

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar
Aziz Ullah Khan President
President
All Primary Teacher's Association, KP

To

No 50 (Primary-M)/E&S&D/2-6/2023
Dated Peshawar the June 25th 2023

B/C

14

15

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

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


Annexure
D


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. Balaqal 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.

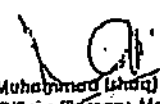
3. After thorough discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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. Balaqal Ullah)
General Secretary APTA
Peshawar


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

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

WP4447-2023 AZIZULLAH VS GOVT CP P043


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(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

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

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

3. After 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)

ATTESTED

~~ALISTED~~

MS443-2023 AZZILAH VS GOVT OF PC 13

- 2. Master Copy
 - 1. PA to Director Local Director
- Copy of the above to:
 Richard Director
 Elementary & Secondary Education
 Menteri Pendidikan

The case is submitted for period and necessary action please.

In view of the above, 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 at his office. This office has been asked for submission of consolidated case.

That your good office forwarded the same to a quote concerned officer of promotion. (iii) It is perogative of civil servant to either accept/turn down the (ii) Now it is obligatory upon civil servant to accept promotion. no provision to decline for promotion. It is obligatory upon every civil servant to accept promotion under any condition.

That the government of KP-ED (Regulation) vide letter No. SO (Pub) EQAD/1-2/2020 dated 6-06-2023 accordingly stated that there exists no provision to decline for promotion. It is obligatory upon every civil servant to accept promotion under any condition.

That this office sought guidance from your good office in the following vide notification No. W. SO R-VI (EQAD) 1-3/2020 dated 06-08-2020. added rule 7(S) in Civil Servants (Appointment, Promotion, Transfer, etc) 1997. That Government of KP Education department (Regulation) (Wing) present brief history, about background of case as under:

I am directed to refer to letter No. (SO) Hony-M) EQAD/5-1/6981/ Minutes of meeting/PT/2023 dated 30-7-2023 on subject cited above and to

Subject: Minutes of Meeting
 KPR, Pishawar.
 Section Officer (Primary Male),
 Elementary & Secondary Education Department
 PESHAWAR
 (21-7-2023)

- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPR



No. 8145

Khyber Pakhtunkhwa, Peshawar

Minister of Education, Government of Punjab, Peshawar

Minister of Education, Government of Punjab, Peshawar

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

Subject: - MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No. SO/Primary-K&S/EDS-11/G.Mix/Min/10 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(3) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) wide notification No. SO-R-VI (E&AD)/1-2020 dated 06-08-2020.

That this office sought guidance from your good office in the following words wide letter No. 6987 dated 06-02-2023.

(i) Now if the eligibility upon the civil servant to accept promotion in every condition, (ii) If the eligible of the civil servant to other accept or turn down the offer of promotion.

That your office forwarded the same to the quarter concerned wide letter No. SO (Primary-K) E&S/ED-2/1/1/2023 for necessary guidance.

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) wide letter No. SO (Rule) E&AD/1-2020 dated 06-06-2023 categorically stated that there shall be provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

The same was received by this office from your good office wide letter No. SO (Primary-K) E&S/ED-2/1/1/2023 dated 12-06-2023.

That in the light of the minutes of meeting dated 07-07-2023 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 decision of Rules 7(5) have applied regarding a large number of female Teachers. That it is proposed that Teachers below 75-16 may be exempted of implications of the amendment in the rules bid provided they submit their written request prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa
17/07/2023

Encls. No. Copy of the above is to:-

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

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa

WP-4442-2023 AZIZULAH VS GOVT OF POK

ATTESTED



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

No. SO(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. SO(Policy)/ EBAD/ 1-3/2020 dated
05th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil
Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those
officers/ officials who do not comply with promotion order of the competent authority or
try to evade promotion through different means shall be proceed under Khyber
Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.


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

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


(MUHAMMAD ISMAIL)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

ATTESTED

~~ATTACHED~~

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

Copy forwarded to:
 (Muhammad Ishaq)
 Section Officer (Primary)
 (Male)

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. 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(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who don't 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 2013.

I am directed to refer to your letter No. S/primary (policy)/E&AD

Dear Sir,

SUBJECT: - Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)

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

To

No. 50 (Primary-M) E&SE/PA-01/ Appointment-Rule/2023
 Peshawar Dated 23rd August, 2023.

- B/c -
 - 2 -

Annexure - F



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

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

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

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

RECEIVED

WP-442-2023 AZIZULLAH VS GOVT OF PK-13

- B/C -

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)E&AD/1-3/2023
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 tendered to your good office vide this department letter of even
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

23

Annexure - G

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

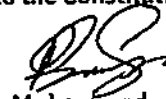
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

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

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

Best Regards



Muhammad Riaz Son of Ahmad Gul
Resident of Tehsil & District Manshera

ATTESTED

WP4442-2023 AZIZULHAQ VS GOVT OF PAJANG

Handwritten signature and date 17/8/23

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

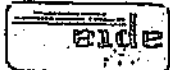
Handwritten signature and date at the bottom of the main text block.

Annexure - H

Handwritten text below the annexure label.

APTA Huzoor
Qadri Primary Bahawal Nook,
Gulabgar Poshanwar City.

Khyber Pakhtunkhwa



APTA Huzoor
Qadri Primary Bahawal Nook,
Gulabgar Poshanwar City.

APPEALED

CS CamScanner

Date of Presentation of Application: 10-05-23
 Name of Applicant: Mr. Muhammad Akbar Khan
 Designation: Member (I)
 Date of Birth: 13-08-2023
 Date of Retirement: 17-06-2024

[Signature]
 Member (I)

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

1. Learned counsel for the appellant present.
 2. Let a pre-admission notice be issued in 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 SJA. Let given to learned counsel for the appellant.
 3. 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.



07.05.2024

58

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD RIAZ
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

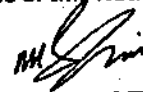
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court