


FORM OF ORDER SHEET

Court of _____

Appeal No. 2095/2024

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</p> <p style="text-align: center;"> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A No = 2095/24

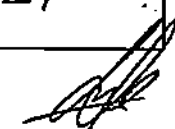
Fareed Khan

V/S

Government of KP & others

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ADVOCATE

- 1 -

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2095 /2024

Fareed Khan Son of Muhammad Maskeen Khan Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at MSQ Pooriyan

.....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.

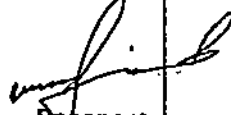
It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

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

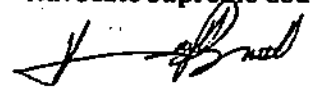
AFFIDAVIT:

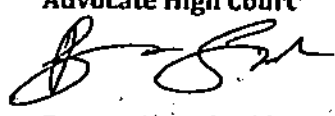
I Fareed Khan Son of Muhammad Maskeen Khan Resident of Tehsil & District Manshera that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

Through


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

Fareed Khan
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

[Signature]
Deponent

Through

[Signature]
Appellant

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court

PAID

FEDERAL BUREAU OF INVESTIGATION
 DIRECTORATE OF INVESTIGATION
 400 ...
 WASHINGTON, D.C. 20535

TO: **MR. FARIED KHAN**
 FROM: **MR. ...**
 SUBJECT: **...**

PAY TO THE ORDER OF: **...**
 AMOUNT: **...**

BANK OF AMERICA NATIONAL BANK OF AMERICA
 ACCOUNT NUMBER: **...**

DATE: **...**
 PLACE: **...**

Item	Description	Principal amount	Interest	Total
0001	Basic Pay	69,600.00		69,600.00
1210	Cost of Living Allowance	2,850.00		2,850.00
1300	Medical Allowance	40.00		40.00
2148	15% Adm. Exp. Allow.	614.00		614.00
2318	Teaching Allowance	6,607.00		6,607.00
2341	Dist. Bd. Allow.	23,618.00		23,618.00
2378	Adm. Bd. Allow.	6,607.00		6,607.00
3015	CPF Subsidy	4,290.00		4,290.00
3020	Income Tax	-2,716.00		-2,716.00
4004	B. Benefit & Death Cont.	-600.00		-600.00
				100,000.00

PAY TO THE ORDER OF: **...**
 AMOUNT: **...**

BANK OF AMERICA NATIONAL BANK OF AMERICA
 ACCOUNT NUMBER: **...**

DATE: **...**
 PLACE: **...**

FEDERAL BUREAU OF INVESTIGATION
 DIRECTORATE OF INVESTIGATION
 400 ...
 WASHINGTON, D.C. 20535

Mr. Faried Khan
 Director
 Directorate of Investigation
 Federal Bureau of Investigation
 Washington, D.C. 20535

Mr. ...
 ...
 ...

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY HANSEHRA.

OFFICE ORDER NO. 4/08-1
DATED 27/2/1995.

APPOINTMENT.

Consequent upon their selection on merit, the following PTC Trained candidates are hereby appointed in EPS (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	HAJID ALI S/O M. MUHAMMAD RAFIQUE	R/O HAIBA JIYA	GPS BANDA DADA (K.D)	AGA: VAC: POST
2	IFTIKHAR HUSSAIN SH: S/O MASOOL SH:	R/O KAROTE	GPS NAKIAN JAREZ	AGA: VAC: POST
3	MUHAMMAD HAROON S/O ABDUL QAYYUM	R/O JABRI B/KOTE	GPS DHANI UHARD	AGA: VAC: POST
4	MUHAMMAD RIAZ S/O BURT AMAN	R/O THARRIAL	GPS SHATPURA	AGA: VAC: POST
5	LAMBED UR BEHMAN S/O MEHDI ZAMAN	R/O MOHO	MSQ: GHAKHNAI	AGA: VAC: POST
6	MUHAMMAD ARIF S/O MUHAMMAD HAMAYUN	R/O BAJNA	GPS SIAH DAO (K.D)	AGA: VAC: POST
7	MUHAMMAD MISKEEN S/O ABDUL QAYYUM	R/O HARYALA	GPS KANEOTE	AGA: VAC: POST
8	ASIF JAVED S/O ABDUL RASHID	R/O GANDASAR	GPS FAGER ABAD	AGA: VAC: POST
9	SHAFIQ S/O BAZ MUHAMMAD	R/O BAJMORI	MSQ: NHAJAN	AGA: VAC: POST
10	ABDUL HAMID S/O AHMAD DIN	R/O GARRALA	MSQ: BELA MANDOR	AGA: VAC: POST
11	MUHAMMAD SALEEM S/O ABDUL QADUS	R/O BAHAR KHAN	(GPS DODAN (K.D)	AGA: VAC: POST
12	MUHAMMAD SAIED S/O GHULAM SARWAR	R/O BASIDIR PANI	MSQ: MAR KHARREN (K.D)	AGA: VAC: POST
13	MUHAMMAD SAIED S/O ABDUL QADUS	R/O CHARLI SARAI	MSQ: BOOR MALE (K.D)	AGA: VAC: POST
14	SHAFIQ HUSAIN S/O MUHAMMAD AMIN	R/O ICHRIAN	GPS SOOR ASHARAI (K.D)	AGA: VAC: POST
15	MUHAMMAD RIAZ S/O MASOOL UR REHMAN	R/O BERRI KARYALAGPS	GAHBI MADARHEL (K.D)	AGA: VAC: POST
16	MUHAMMAD SAIED S/O ABDUL QADUS	R/O TARAKHAR	MSQ: PUNANA BHODGAMONG	AGA: VAC: POST
17	MUHAMMAD AHMAD S/O JARAL DIN	R/O HANBAL	MSQ: BANDI BALA	AGA: VAC: POST
18	MUHAMMAD AHMAD S/O ABDUL REHMAN	R/O HANGLOOB	GPS CHANBAR	AGA: VAC: POST
19	MUHAMMAD AHMAD S/O ABDUL QADUS	R/O GHIALI	GPS PATYAN	AGA: VAC: POST
20	MUHAMMAD SAIED S/O ABDUL QADUS	R/O DOCA	MSQ: NARAN	AGA: VAC: POST
21	MUHAMMAD AHMAD S/O ABDUL REHMAN	R/O BERRI BALA	MSQ: LAHI BALA	AGA: VAC: POST
22	MUHAMMAD ISMAIL S/O MUHAMMAD DIN	R/O SHIRIARI	MSQ: BELA PARA	AGA: VAC: POST
23	MUHAMMAD SAIED S/O ABDUL QADUS	R/O BATKABAR	GPS BAIDA	AGA: VAC: POST
24	MUHAMMAD SAIED S/O ABDUL QADUS	R/O TARAKHAR	GPS DOONG	AGA: VAC: POST
25	MUHAMMAD SAIED S/O ABDUL QADUS	R/O KERR KOTE	GPS KORALI	AGA: VAC: POST
26	RIAZ AHMAD KHAN S/O MUHAMMAD AFRAM	R/O GHARPAR QRAN	MSQ: KHATTER	AGA: VAC: POST
27	MUHAMMAD KHAN S/O MUHAMMAD MISKEEN	R/O KHATLAL PAREN	MSQ: LASSA	AGA: VAC: POST
28	MUHAMMAD AHMAD S/O ABDUL QADUS	R/O HANGLOOB	GPS BHANGIAN	AGA: VAC: POST
29	MUHAMMAD AHMAD S/O ABDUL QADUS	R/O BINJIALA	GPS KHARYALA	AGA: VAC: POST
30	IMTIAZ HUSSAIN KHAN S/O AZAM SHAH	R/O RAI BALA	GPS SANJ	AGA: VAC: POST
31	RASHID AHMAD S/O MUHAMMAD AYOUB	R/O TANOL BANDA	GPS HANSHERA	AGA: VAC: POST
32	MUHAMMAD KHALID S/O ABDUL MALIQ	R/O SHARAI-BALA	GPS DHARYAL	AGA: VAC: POST
33	MUHAMMAD SALEEM S/O MUHAMMAD ILYAS	R/O BASTAN	GPS PHALROTE	AGA: VAC: POST
34	MUHAMMAD RIAZ S/O AHMAD QUL	R/O MOODHIAL	GPS MOODHIAL	AGA: VAC: POST
35	MUHAMMAD AHMAD S/O ALAMGIR	R/O ARGHARFORI	MSQ: PHAGORA	AGA: VAC: POST
36	FARID KHAN S/O MISKEEN KHAN	R/O CHALUERTIAN	MSQ: POORIAN	AGA: VAC: POST
37	MUHAMMAD KHAN GHULAM RAB	R/O BAPPA KHURD	GPS NIKA PANI	AGA: VAC: POST
38	MUHAMMAD SAIED S/O ABDUL QADUS	R/O KOSHGHAN	GPS GANTIAN SERI	AGA: VAC: POST
39	MUHAMMAD SAIED S/O ABDUL QADUS	R/O KARORI	GPS CHANIAL	AGA: VAC: POST
40	MUHAMMAD SAIED S/O ABDUL QADUS	R/O GHULRAH	GPS DEER BAT	AGA: VAC: POST
41	MUHAMMAD YUNUS S/O MUHAMMAD ARDAR	R/O GALI BADRAL	GPS SHUNOLI	AGA: VAC: POST
42	MUHAMMAD SAIED S/O ABDUL QADUS	R/O GHATOL	GPS NAYAN	AGA: VAC: POST
43	MUHAMMAD SAIED S/O ABDUL QADUS	R/O SHARAI BALA	GPS RAGAN BELA	AGA: VAC: POST
44	MUHAMMAD SAIED S/O ABDUL QADUS	R/O DAPPA	GPS WANDA GUOHA	AGA: VAC: POST
45	MUHAMMAD SAIED S/O ABDUL QADUS	R/O SHERRANI	GPS CHIKOT	AGA: VAC: POST

ATTESTED Contd. p-2

NO.	NAME, FATHER'S NAME	RESIDENCE	SCHOOL WHERE APPOINTED	REMARKS
47	HAG HAWAZ S/O AZIZ GUL	R/O, BAKADTE	MSQ:HAJI QAMAR	AGA:VAC:POST
47	JAVEED AHMAD S/O ABDUL HAJEED	R/O GIDRAI	GPS BATTANGI (BATT.)	AGA:VAC:POST
48	JAMIL KHAN S/O HADAD KHAN	R/O AJAERA	GPS BATTANGI (BATT.)	AGA:VAC:POST
49	BAKHTIAR S/O ABDUL WAMID	R/O BATTAGRAM	GPS BARANG	AGA:VAC:POST
50	ABDUL BARI S/O ABDUL HAKEEM	R/O BAZARDAY	GPS BATTANGI (BATT.)	AGA:VAC:POST
51	BEKHTIAR KHAN S/O QAZI AHMAD	R/O BIARI	GPS GANGWAL	AGA:VAC:POST
52	MUHAMMAD NASEEM S/O MUHAMMAD USMAN	R/O TIKRI	GPS JABBA GANGWAL	AGA:VAC:POST
53	HANIF SAID S/O HAKEEM SAID	R/O KAMISAR	GPS DORAL GHAZIKOTE	AGA:VAC:POST
54	ZAHID HUSSAIN S/O GHULAM RAHMAN	R/O SHINKIARI	GPS HAKRIHA	AGA:VAC:POST
55	ABDUL RASHID S/O MUHAMMAD FERAZ KHAN KHANARI	R/O KHANARI	GPS DAINA	AGA:VAC:POST
56	MUSARAF KHAN S/O MERR SAMAD KHAN	R/O SHANKIARI	GPS SERT NEHR GUL	AGA:VAC:POST
57	IFTIKHAR AHMAD S/O MUHAMMAD YARFEN	R/O SHINKIARI	GPS NAWAN BK.H	AGA:VAC:POST
58	TARIQ MEHMOOD S/O MUHAMMAD ASHRAF	R/O GHAZIKOTE	GPS GHAZIKOTE	AGA:VAC:POST

TERMS & CONDITIONS

1. They should submit their charge report to all concerned
2. Their appointment is purely temporary basis and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their *original* Professional and academic certificate/documents.
4. Their original Professional and academic certificates should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
5. No one should be handed over charge if he is below 18 years and above 25 years.
6. Their pay will not be drawn till they produce their age and health certificate by the medical Superintendent District Head Quarter Hospital Mansehra.
7. The Candidates who obtained their professional Qualifications from the colleges/Universities other than Govt. Elementary Colleges in NWFP will be appointed according to their merit order after the verification of their professional Qualification from the concerned issuing Agencies.
8. They will be Governed under prescribed services rule framed by the Government of NWFP.

[Signature]
 (SHARQAT HUSSAIN)
 DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MANSEHRA.

ndat: No. 1601-61/GB/G.1/93 Dated Mansehra the 27/2/1993.
 Copy of the above is forwarded to the:-
 -2. Sub Divisional Education Officer (Male) Primary Mansehra.
 District Accounts Officer Mansehra.
 -61. All the candidates concerned.

[Signature]
 DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MANSEHRA.

ATTESTED

ATTESTED

ATTESTED

DEPUTY SECRETARY POLICE
(WALIDAH LATIF)

[Handwritten signature]



- Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning Dept.
1. Development Department, Khyber Pakhtunkhwa.
 2. The Chief 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. The Principal Secretaries to Government, Khyber Pakhtunkhwa.
 7. The Principal Secretaries to Government, Khyber Pakhtunkhwa.
 8. The Principal Secretaries to Government, Khyber Pakhtunkhwa.
 9. The Principal Secretaries to Government, Khyber Pakhtunkhwa.
 10. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 12. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 13. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 14. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 15. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 16. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 17. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 18. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 19. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
 20. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

AMENDMENT

In exercise of the powers conferred by section 26 of the Government of Khyber Pakhtunkhwa Act No. XVIII of 1973 (Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, the following amendments shall be made, namely:

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
REGISTRATION WING

Annexure - 1 - B

9

**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

10

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. 50(Polcy)M/AD/1-3/2020
(dated Peshawar the June 06, 2021)

62

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

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

Dear Sir,
I am directed to refer to your letter No. 50(Primary-MY/14-88/22-
2/Appointment/2021 dated 18.04.2021 on the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of this rule is aimed at preventing a
civil servant from temptation for ill-gain by seeking to a single lucrative post/position or to
prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity
to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every
civil servant to accept promotion in every condition.

3. 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 Service (Efficiency & Discipline) Rules,
2011, please.

Yours faithfully,

(Signature)
Section Officer (Polcy)

ASSE
7/6

Recd. Of even No & date
Copy forwarded to them:

1. PS to Special Secretary (Acg), Establishment Department.
2. PA to Additional Secretary (Acg-II), Establishment Department.
3. CS to Deputy Secretary (Polcy), Establishment Department.

(Signature)

delivered to
2021-06-23
21/6/21

(Signature)
Section Officer (Polcy)

APPEARED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Form No.091-0223587)

No.50 (Primary-M)/E&SED/2-6/2023
Lahor Peshawar the June 26th 2023

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

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

[Handwritten Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten mark]

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

Copy forwarded to the:

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

[Handwritten mark]

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

ATTESTED

12
B/c
No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~

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

Annexure
D


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


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

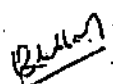
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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. Razaqul Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED

14
- 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#	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




No. 8145

Phone 051-3221111

Email: education@punjab.gov.pk

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

Subject: MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No. SO/Primary-40/5452/11
G.M/S/Ministry of the Education dated 10-07-2021 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(2) in the Civil Service (Appointment, Promotion & Transfer Rules 1989)
vide letter No. SO (Reg) 54/AD/1-17020 dated 06-08-2020
That this office sought guidance from your good office in the following words vide letter
No. 6087 dated 09-02-2021.
(i) Now if the promotional upon the civil servant to either accept or turn down the offer of
promotion.
(ii) That your good office forwarded the same to the quarter concerned vide letter
No. SO (Primary-40) 5452/1-17020 dated 06-08-2020 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
Wing) vide letter No. SO (Reg) 54/AD/1-17020 dated 06-08-2020 categorically stated
that there shall be no provision to decline or forego promotion. It is obligatory upon every
civil servant to accept promotion under every condition.
The same was received by this office from your good office vide letter No. SO
(Primary-40) 5452/1-17020 dated 12-08-2021.
That in the light of the matter of meeting held 6-07-2021 held under the
Chairmanship of Hon. Additional Secretary Establishment of 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 this
7(2) have affected negatively a huge number of female Teachers. Thus it is proposed that
1/5-16 may be exempted of applications of the amendments in the rules laid
Teachers below. Their written refusal after to conduction of the meeting of
Departmental Promotion Committee.

The case is submitted for perusal and necessary orders please.

Assistant Director (Grade A-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa
17/07/2021

Copy of the above is to:-

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

Assistant Director (Grade A-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

WP4442-2021 AZIZULHAQ VS GOVT CP PSC

ATTESTED

15

- 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/5-1/60/2023/Minut of meeting/EST/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, etc 1997) vide notification No. No. SOP-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-09-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. So (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. So (Policy) E&AD/1-3/2020 dated 6-06-2020 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under 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 action please.

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

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

~~APPESTED~~



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

No. SO(Policy-M)E&SED/2-2/Appointment-Rules /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,

1. I am directed to refer to your letter No. 50(Policy)/EBAD/1-3/2020 dated 06th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

WP4447-2023 AZIZULLAH VS GOVT OF PK 43

ATTESTED

ATTESTED

1. Director E.G. SE Kyber Pakhtunkhwa
2. PS for Secretary, E.G. SE Department of Education, Government of Kyber 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 older fathers of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

Dear Sir,

I am directed to refer to your letter No. SA (Primary) / E.G. AD / 1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(S) Kyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer Rules 1989) or 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 Kyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2012.

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

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

No. SA (Primary-M) / E.G. SE / 1-3/2023
Appointment - Rule / 2023
Peshawar Dated 23rd August, 2023

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)

Encl. Of even No & date

Copy forwarded to the:-

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

DELETED

www.khyber.gov.pk

20

- 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(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)

Encl: Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

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



Fared Khan Son of Muhammad Maskeen Khan
Resident of Tehsil & District Manshera

ACCEPTED

APR 12 2023 AZIZULHAQ VA GOVT OF POK

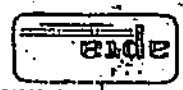
88/11/83
[Signature]

Handwritten text in Urdu script, appearing to be a formal declaration or agreement.

Handwritten signature or name in Urdu script.

Anneaux - H

APTA House
Govt. Primary School Road,
Gulshan-e-Faisal, Faisalabad City.



Khyber Pakhtunkhwa

121-11111 Khaw
Peshawar
0331-3511118
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0331-3511150

07.05.2024



1. Learned counsel for the appellant present.

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

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

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

[Handwritten signature]
13/5/24

Date of Presentation of Application	12-5-24
Number of	
Copies	5/1
Urgent	
Total	5/1
Name of	
Date of	13-5-24
Date of Release of copy	12-5-24

[Handwritten signature]
ALTESLU

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

FAREED KHAN
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.

[Signature]

APPELLANT

ACCEPTED

[Signature]
MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

[Signature]
MUHAMMAD ADEEL BUTT
Advocate High Court

[Signature]
BASSAM AHMAD SIDDIQUI
Advocate High Court