


FORM OF ORDER SHEET

Court of _____

Appeal No. 2073/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 30.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

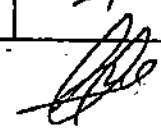
A No. 2073/2024
Liaqat Hussain

V/S

Government of KP & others

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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2073 /2024

Liaqat Hussain Son of Ghulam Hassan Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at Kassi Taranna

.....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

P R A Y E R:

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:-

GROUNDS:-

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

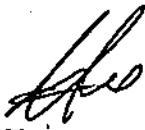
AFFIDAVIT:


I Liaqat Hussain Son of Ghulam Hassan 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

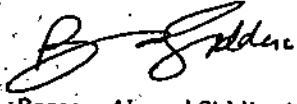

Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

BEFORE THE SERVICE TRIBUNAL, KHAYBER PAKHTUNKHWA

CM No. _____ of 2024

In Ref to

Service Appeal No. _____ /2024

LIQDAR HOSSAIN

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, WIDE 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 U.S. 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, Wide 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, Wide Letter Dated 06/06/2023, may kindly be suspended till the final disposal of the main appeal in hand.

Through

Muhammad Hussain Butt
Advocate Supreme Court
Muhammad Adil Butt
Advocate High Court

APPELLANT
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 Honorable Court
Dependent

-6-

Dist. Govt. NWFP-Provincial
District Accounts Office Manshra
Monthly Salary Statement (February-2024)



Personal Information of Mr. LIAQAT HUSSAIN d/w/s of GHULAM HUSSAIN

Personnel Number: 00222724 CNIC: 1350112935947 NTN:
 Date of Birth: 01.04.1971 Entry into Govt. Service: 26.03.1992 Length of Service: 31 Years 11 Months 005 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80627427-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6337-District Manshra

Payroll Section: 001

GPF Section: 001

Cash Center: 09

GPF A/C No: EDUMA8001

Interest Applied: Yes

GPF Balance: 849,832.00

Vendor Number:

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 23

Wage type	Amount	Wage type	Amount
0001 Basic Pay	69,460.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All-2013	880.00	2199 Adhoc Relief Allow @10%	614.00
2316 Teaching Allowance 2021	3,224.00	2341 Disp. Red All 15% 2022 KP	6,607.00
2347 Adhoc Rel Al 15% 22(PS17)	6,608.00	2378 Adhoc Relief All 2023 35%	23,618.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-2,709.00	3990 Emp. Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	450,000.00	-12,500.00	-150,000.00

Deductions - Income Tax

Payable: 42,099.13 Recovered till February-2024: 20,742.00 Exempted: 10524.01 Recoverable: 10,833.12

Gross Pay (Rs.): 118,891.00 Deductions: (Rs.): -21,434.00 Net Pay: (Rs.): 97,457.00

Payee Name: LIAQAT HUSSAIN

Account Number: PLS 9529-4

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

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

ATTESTED

1/10 = 15

7794

12131 PSHT - 15



Office of the District Education Officer (Male) Manshra Phone 0997-106272

ترقی پائے والے اساتذہ کو مبارک

NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(B&A)/1-18/E&SE/2012 Dated 11/07/2012 and Finance, Department Eads:No.SO (FR)/FD/10-22 (B) /2010 dated 16-07-2012, the following Senior Primary School Teachers SPST B-14 are hereby promoted to the post of PSHT B-15 (8500-700-29500) plus usual allowances as admissible under the rules on a regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with immediate effect. Note: The adjustment of newly promoted PSHT is at the disposal of SDEO (M) against newly upgraded post notified under above mentioned Notification No.

033350288980

سید محمد حسین شاہ، آٹا، ضلع مانسہرہ

TOTAL NO OF SANCTIONED POST OF SPST	993
SHARE OF PROMOTION FOR PSHT	937
PROMOTED TO THE POST OF PSHT	722
DEFERRED	15

Sl. #	SL #	NAME OF OFFICIAL	NAME OF PRESENT SCHOOL	D/BIRTH	REMARKS
1	4	MUHAMMAD NAZIR	HISKOT	01/01/54	✓
2	5	SAJJAD AHMED	GPS Tanawal Banda	04/04/55	✓
3	6	MUHAMMAD TAYYAB	GPS SOBRIAN	20/02/54	✓
4	7	ANWAR SULTAN	GPS BAJNA MERA	08/05/53	✓
5	8	MAJAB Shah	GPS Ranja	04/04/54	✓
6	9	ABDUR RAUF	GMPS KADLA	14/08/54	✓
7	10	Syed Pir Zaman Shah	GPS AGLA GRAN	01/01/57	✓
8	11	MUHAMMAD IQBAL	GPS TARWAI	02/01/54	✓
9	12	MUHAMMAD IMRAN	GPS SARI MUNGUN	23/04/54	✓
10	13	MUHAMMAD JAVED	GPS ZAFFAR MAIDAN	10/05/55	✓
11	14	Raza Muhammad	GPS Lussan Nawab	02/01/58	✓
12	18	ZAR FARAZ KHAN	GPS BAILAN	15/08/53	✓
13	18	Muhammed Khalid	GPS SAVER	03/04/54	✓
14	20	MUHAMMAD JABIR	GPS BAILA TANDA	03/11/55	✓
15	21	Abdul Kaleel	GPS Basimang	02/02/57	✓
16	23	Awwal Khan	GPS Bhogsmang	08/02/53	✓
17	25	Syed Muzammal Sh	GPS RAJWAL	05/02/55	✓
18	28	MUHAMMAD FAROOQ	GPS SHARKOT	10/02/54	✓
19	27	Noor Zaman	GPS SAOCH	26/12/54	✓
20	28	Muhammad Ashraf	GPS BAGNO	02/01/58	✓
21	29	Abdur Rahman	GPS Nadar	05/04/50	✓
22	30	Gulforaz	GPS white Village	15/12/55	✓
23	34	S Ashiq Hussain Shah	GPS amain	30/04/55	✓

ATTESTED

19
23

Phone # 0997-306272

03335028898

ترقی مہارت
سرگودھا میں
ATA ضلع ماہیہ

738	1154	Syed Shekhat Hussain	GPS RAJWAL BALA	01/04/71
739	1156	MUHAMMAD-ANWAR	GPS DAGWAI	27/11/71
740	1157	M ANWAR SHAH	GPS CHITT DHERU	15/04/72
741	1160	Sabir Hussain Shah	GPS Dhambor	02/01/03
742	1180	MUHAMMAD-IFTIKHAR	GPS GHADOOR KATHAR	10/08/60
743	1101	SHADIR HUSSAIN	GMPS DAJWA	03/11/60
744	1102	Fazal Uj Islam	GPS Jageri	10/10/70
745	1164	ALAM ZEB	GPS Davally	20/03/72
746	1188	KHANI ZAMAN	GMPS KARMI DARRAH	03/01/65
747	1168	Abdul Wahed	GMPS Chandora	13/02/65
748	1170	ARWAR KHAN	GPS SANDA BAR	28/04/68
749	1174	Mirza Arshad Zaman	GPS DUDI DA HAKA	01/02/69
750	1176	SHAHID JAMIL	GPS JABRI MANSEHRA NO.1	01/03/69
751	1178	MUHAMMAD NAEEM	GPS KHATTA AMLOON	01/04/69
752	1177	MUHAMMAD ISRAR	GPS GARLAT	10/04/60
753	1170	SAIN MUHAMMAD	GPS GHOUTER	15/04/69
754	1170	Muhammad iqbal	GPS DANDAR	10/07/60
755	1107	ALAM ZEB	GPS BADHAL	00/10/69
756	1182	ARSHAD FAROOQ	GMPS KARIAT	15/11/69
757	1184	MUHAMMAD YOUSAF	GPS KHARYALA	00/02/70
758	1186	HAD NAWAZ	GPS LEHLAN	25/04/70
759	1187	AHMED NAWAZ	GPS DAKKAN DIDAKI	00/08/70
760	1188	Sarfaraz	GMPS KHAT SAMUNDAR KHAN	00/04/71
761	1189	ALYAF HUSSAIN	GPS PORE	03/03/72
762	1191	Muhammad Kumayoun	GPS Mera Hajjam	03/04/72
763	1192	Azhar Hussain	GPS PATLANG	12/01/73
764	1193	AHMAD NAWAZ	GPS MURAD PUR	10/02/73
765	1184	MUHAMMAD SALEEM	GPS CHITTA BATTA	28/03/73
766	1188	ISHFAQ AHMAD	GPS MANSEHRA	04/04/73
767	1186	WAQAR AHMED	GPS, KHAIR ABAD	06/04/74
768	1197	SAJID KHAN	GPS HASSARI	20/03/67
769	1108	SADQAT HUSSAIN	GPS BOLI	13/04/67
770	1200	MUHAMMAD RIJAZ	GPS NOR SUM	20/03/68
771	1201	MUHAMMAD SHAFEE	GPS KADUSH	14/11/68
772	1204	Muhammad Hussain	GPS SAHAR NO1	01/08/69
773	1205	ABDUR RAUF	GPS DARRAH BALA KOT	20/12/69
774	1206	MHAMMAD NISAR	GPS MARI SHAH WALI	01/01/70
775	1207	MUHAMMAD FAROOQ	GPS JABBI NO.1	27/01/70
776	1208	M ASIF	GPS NARBEER	01/01/71
777	1210	M. Iqbal Uj Haq	GPS Koriy	01/03/71
778	1211	MUHAMMAD IQBAL	GPS APZAL ABAD GIDDER PUR	10/03/71
779	1213	LIQAT HUSSAIN	GMPS KASSI TARANNA	01/04/71

ATTESTED

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23

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1409	AURANGZEB	GPS KEN GALI	01/03/58	
1410	Khursheed	GMPS Bagh G...	18/11/84	
1411	Muhammad Hanif	GMPS BUJIA	02/02/66	
1412	Mohamed Usman	GPS Shinkari	01/12/66	
1415	Muhammad Amjad	GPS Mara Hajjam	25/05/69	
1417	KHURSHIED ANWAR	GPS MALOOKRA	15/03/70	
1418	Mohamed Sajad	GPS Tipper	30/12/70	
1419	ANWAR ZAIB KHAM	GPS KHABAL BALA	02/02/71	
1420	MUHAMMAD SALEEM	GMPS LUNG	01/03/72	
1421	MUHAMMAD SAJID Khan	GPS MALIK PUR	03/01/73	
1422	M.AZIR	GPS DOSIRI	15/03/73	
1423	IFTEKHAR ASHRAF	GPS Banda	01/02/70	
1425	MUHAMMAD BASHIR	GPS BAJNA	15/08/74	
1426	Muhammad Sordar	GPS Mohar	04/04/89	
1427	NAZ AHMED	GPS SARWAI	15/08/70	
1428	MUHAMMAD ASHRAF	GPS BARAR KOT	01/05/71	
616	Wahidullah	GPS Bajna Mara	01/12/56	X

TERMS AND CONDITIONS:-

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

Sd/-
(UMER KHAN KUNDI)
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No 1711-650 Dated 25/2-2013.

Copy forwarded for information and necessary action to the:

1. The Director, B&SE Khyber Pakhtun Khwa, Peshawar.
2. District Account Officer Manshra.
3. Deputy District Education Officer (Male) Manshra.
4. Sub Divisional Education Officer (Male) Manshra.
5. Official Concerned.
6. M/File.

TESTED
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

OFFICE OF THE DISTRICT EDUCATION OFFICER (M.A.E) PRINCIPAL MANAGER
Office Order No. 9 / dated 24.5.92

Consequent upon their selection on merit, the following P.T.O. trained candidates are hereby appointed in BPS 7 posts with effect from the date of their taking over charge the newly created posts in the schools given against their names each in the interest of public service.

S.NO	NAME OF CANDIDATE, FATHER NAME AND RESIDENCE.	NAME OF SCHOOL WHERE APPOINTED	REMARKS.
1.	Fazalul Islam S/O Ahmad Khan R/O Kotly Paen	GPS Bisala Dadar	Against Newly created post.
2.	Israrul Haq S/O Hazrat Mousaf R/O Kotly Paen	GPS Kulharay west	vice Mohd Ayub retired from service.
3.	Mohammad Fiaz S/O Fazalur Rehman R/O Kot Ballah	GPS Tarawara (Oghi)	Against newly created post.
4.	Anwar Khan S/O Behram Khan R/O Paras	GPS Naran	--do--
5.	Mohammad Ijaz S/O Noor Mohammad R/O Channial (Mansehra)	Msq: School Ogra	--do--
6.	Azizur Rehman S/O Mohammad Arfan R/O Pairan	Msq: School Moh: Nog: Parani	--do--
7.	Mohammad Yousaf S/O Mahmood Khan R/O Karori Hala	GPS	Against newly created Add; post.
8.	Mohammad Tariq S/O Akbar Rashid R/O Jabbi (B/Kote)	GPS Khararya	vice Mohd Ijab Retired.
9.	Sajjad Ahmad S/O Mohammad Ayub R/O Batkarar (B/Kote)	GPS Gama Village	Against newly created AD: post.
10.	Dost Mohammad S/O Malang Khan R/O Tikri (Battagram)	GPS Gurati B/Gram	Against vacant post.
11.	Shahid K Jamil S/O Mohammad Younis R/O Kotkay	GPS Pano Dheri	Against Newly Addl: post.
12.	M. Ghulam S/O Mohammad Yusuf Shohal Najaf Khan	Msq: Street Pira	Against newly created post.
13.	Mohammad Razaqat S/O Mohammad Zarin R/O Kot Ballah	GPS Bassein Banda (Orb)	newly created post.
14.	Mohammad Ishtiaq S/O Mohammad Younis R/O Haryala	Msq: School Bala	--do--
15.	Raja Babu Jehangir S/O Raja Babu Sultan R/O Behali.	Mutran GPS P. Raj	--do--
16.	Haq Nawaz S/O Khalilur Rehman R/O Hari Mera	Msq: School Khakoo Gidda	--do--

Contd: Page

ADTESTED

17. Bashir Mohammad S/O Noor Mohd
R/O Battagram. GPS, Nehr. Against V/Post.
18. Alam Zeb S/O Sher Zaman
R/O Trari(Nambal) Mosque School
Kharyala. Against New; Cret;
P/O Post.
19. Mohd Azim S/O Abdul Qayum
R/O Icherian. Mosque School
Para Ziarat. Against N/Created
Addl; Post.
20. Saifdar Zaman S/O Mohd Umar
R/O Bandi Gargwal(Palsala). Mosque School
Bandi Karwai. Against Newly Cret;
P/O Post.
21. Alam Zeb S/O Jehanzeb
R/O Khanpa Mera Shinkiar. GPS, Nehr.
(Shinkiar). Against Newly Cret;
P/O Post.
22. Sarfarez S/O Marifatullah
R/O Jucacha Balakote. GPS, Jouchha
(Hassa) Against Newly
Created post.
23. Mohd Hameyun S/O Mohd Maroof
R/O Shahkooki. Mosque School
Jangar. Against Newly
Created post.
24. Mohd Arshad S/O Mohd Arfan
R/O Bandi Duddkote. GPS, Gandoor. Against newly
Created post.
25. Mohd Iftikhar S/O Mohd Shafi
R/O Shadoor. GPS, Abbas Banda (Ughi). Against Newly
Cret; Addl; post.
26. Mohd Amin S/O Ali Zaman
R/O More Taffa Kalan. Mosque School
Icherian(S. Mera). Against newly
Cret; post.
27. Liaqat Hussain S/O Ghulam Hassan,
R/O Trenna (Balakote). GPS, Sever Satbani. Against newly
Cret; addl; post.
28. Shahzad Meqsood S/O Meqsood Ahmad
R/O Lohar Banda. GPS, Lohar Banda. Vice C. r. Abdus
Salam P/O Retired.
29. Shah Rafiq S/O Shah Farid
R/O Khairabad. Mosque School
Nambilian(Oghra). Against newly Cret;
P/O post.
30. Shabeer Ahmad S/O Ali Zaman
R/O Balakote. GPS, Ghari Habibullah. Vice C. r. Noor Elahi
Retired from Serv.
31. Shabeer Hussain S/O Mohd Ayub
R/O Patseri. GPS, Kayan(Jahhori). Against Newly
Cret; addl; post.
32. Mohd Asif S/O Mir Afzal
R/O Poiran. Mosque School
Gallal(Oghra). Against Newly
Cret; post.
33. Shah Jehan S/O Mohd Haroon
R/O Banwali Battagram. GPS, Dhundara. Transi V/Post.
34. Nawab S/O Mohd Dawood R/O
Indarwali Battagram. GPS, Dhundara. -do-
35. Shakil Ahmed S/O Gulab Khan
R/O Danna Shohal. GPS, Mullah Jalhar. Against newly
Created addl; post;
36. Babu Fervez S/O Abdul Tazir
R/O Khairabad E. Gram. GPS, Sualtai. Transi V/Post.
37. Abdul Waheed S/O Mehmatalah
R/O Danni Balakote. GPS, Jiskote. Against newly Cret;
addl; post.
- 48.

CONT: ON PAGE... 3).....

ATTESTED

ATTESTED

ATTESTED

DEPUTY SECRETARY POLICY
(WALIDAH LATIF)

[Signature]



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
- 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. The Principal Secretaries 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 Public Service Commission, Peshawar.
- 12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Deputy Director (IT), BSA Department.
- 14. All Section Officers in Establishment & Administration Department.
- 15. The Section Officer (Admn), Administration Department.
- 16. The Section Officer (Admin), Administration Department.
- 17. The Section Officer (Admn), Administration Department.
- 18. The Section Officer (Admn), Administration Department.
- 19. The Section Officer (Admn), Administration Department.
- 20. The Section Officer (Admn), Administration Department.

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 is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following amendments shall be made, namely:

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

NOTIFICATION

Dated Peshawar, the 06/8/2020

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION/INCO)

Annex-1-B

-14-

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.091-0223587)

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

To

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

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

[Handwritten signature]
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(6) 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. SD (Policy)ESAD/1-3/2020 dated
06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)
E&SE Department in his office.

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

Encl: AA

[Handwritten initials]

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

Copy forwarded to the:

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

[Handwritten initials]

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

[Large handwritten signature]
ATTACHED

-17-
B/c

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

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

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

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. 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 (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 DEFECTION OF RULE 7(1) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Annexure
①


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


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

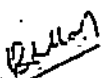
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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

~~ATTESTED~~

- 19 -

- 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(S) 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 threadbare discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit & 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

Khyber Pakhtunkhwa, Peshawar

Office No. 14/SST/MG/General Cases

Dated: 22/07/2023

Phone: 011-9721144

Email: estab@kpk.gov.pk

To: The Section Officer (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(Pri-Male)E&S/ED/1-1/G.A/Min/10/16 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 1929) vide notification No. No. SOR-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.6087 dated 16-02-2023.
 - Now it is obligatory upon the civil servant to accept Promotion in every condition.
 - It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No.SO (Pri-Male) E&S/ED/1-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-08-2020 categorically stated that there exists no 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 vide letter No.SO (Pri-Male) E&S/ED/1-2/Appointment/2023 dated 12-06-2023.
- That in the light of the minutes of 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 Rule 7(3) have effected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPE-16 may be exempted of implications of the amendment in the rules (old) provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

[Signature]
Assistant Director (E&AD-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

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

Assistant Director (E&AD-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED
[Signature]

RECEIVED

WP4447-2023 AZIZULAH VS GOVT OF PAK

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

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

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

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

That your good office forwarded the case to a/units concerned
vide letter No. SO (Promotion) EG/ED/2-2/11/2023 for necessary
guidance.
offer of promotion.
(U) Now it is obligatory upon civil servant to accept promotion
(U) Now it is obligatory upon civil servant to accept promotion.

That this office sought guidance from your good office in the following
vide notification No. No. SOP-VI (EG/ED) 1-3/2020 dated 06-08-2020.
dated rule 7(S) in civil servants (Appointment, Promotion, Transfer & Retiree)
That Government of KP Establishment department (Regulation Wing)
present brief history, about background of case as under:

Minutes of meeting (PST/2023) dated 10-7-2023 on subject cited above and to
I am directed to refer to letter No. (SO. Promog-17) EG/ED/5-1/6/2023/
Dear Sir, I am directed to refer to letter No. (SO. Promog-17) EG/ED/5-1/6/2023/
Subject: Minutes of Meeting

KPR, Peshawar
Elementary & Secondary Education Department
Section Officer (Promog-17) (Male)
Peshawar (21-7-2023)

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPR

-2/-
-B/C-



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

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

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

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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

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WP4442-2023 AZIZULLAH VS GOVT CF PG43

ATTESTED

ATTENDED

1. Director, E & SE Kyba Panchayath
2. PS to Secretary, E & SE Kyba Panchayath
Copy forwarded to,
Section Officer (Income)
(Municipal School)
WPAAS-2023 KIBPA Panchayath

Dear Sir,
I am directed to refer to your letter No. S/Income (Policy) (E&AD) 1-3/2023 dated 6th June 2023 and to state that after deletion of Rule 7(5) Kyba Panchayath (Amendment) Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Kyba Panchayath (Amendment) Promotion and Transfer Rules 1989) it has been intimated that In this connection it is submitted that in some cases locally teachers of primary level who avail such promotion have to face serious inconvenience while they have to perform duties in the remotest stations with no residential/transport facilities. Most of them are married with kids and elder fathers of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of above, the said amendment may be reconsidered to the extent of local teacher in primary schools.

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

The Secretary to Government of Kyba Panchayath,
Establishment and Administration Department,
Peshawar.

No. S/Income-M) (E&AD) 1-3/2023
Appointment - Rule/2023
Peshawar Dated 29th August, 2023

-B/c-

Annexure - F



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

To

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

Subject:-

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

ATTESTED

WP-442-2023 AZHILAH VS GOVT OF PK

-24-

-28-

-B/C-

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

To

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

Subject

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No. & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

-26-

Annexure "4"

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


Liaqat Hussain Son of Ghulam Hassan
Resident of Tehsil & District Manshera

ATTACHED

WP4443-2023 AZZULIANA VS GOVT CR 1043

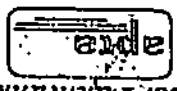
Handwritten signature and date: 08/11/23

Main body of handwritten text, likely a letter or affidavit, written in Arabic script.

Handwritten signature and date: 08/11/23

Annexure - H

APTA House
Govt Primary School No. 4
Gulbarga, Karnataka 585 001



Kulbarga, Karnataka

President
0223-041468
@omnib.com

07.05.2024



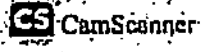
- 1. Learned counsel for the appellant present.
- 2. I.e. a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.D. 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

Date of Presentation of Application 10-6-24
 Number of 1
 Copies 1
 Uperon 1
 Total 1
 Name of 13-6-24
 Date of 12-6-24
 Date of delivery of copy 12-6-24



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ATTESTER

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

LIQAT HUSSAIN

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC
BASSAM AHMAD SIDDIQUI AHC
&
ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court