


FORM OF ORDER SHEET

Court of _____

Appeal No. 2084 /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  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A No 2084/24

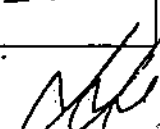
Muhammad Arif

V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-10
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	11-12
5.	Copy of Impugned Letter dated June 06th, 2023	C.	13-15
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	16-19
7.	Copy of Letter dated 23-08-2023	E.	20-21
8.	Copy of Impugned letter dated 07-09-202	F.	22-23
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	24 25-26
10.	Wakalat Nama		27


ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2084 /2024

Muhammad Arif Son of Muhammad Hamayoun Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GMS Shah Dag

.....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

- 3 -

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 appellants have not so far been redressed. Copy of Representation against the said notification is annexed as Annexure G & H
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUNDS:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellants 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/appellants 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 appellants 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 appellants 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 set aside.

- 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 Muhammad Arif Son of Muhammad Hamayoun 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 KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

MUHAMMAD ARIF
VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

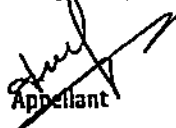
In view of the reasons, it is humbly requested that the notification bearing No. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.


AFFIDAVIT:

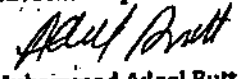
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

6

Dist. Govt. KP-Provincial
District Accounts Office Mansehra
Monthly Salary Statement (January-2024)



Personal Information of Mr MUHAMMAD ARIF d/w/s of MUHAMMAD HAMAYUN

Personnel Number: 00220471 CNIC: 1350304938911 NTN:
 Date of Birth: 04.04.1971 Entry into Govt. Service: 01.03.1993 Length of Service: 30 Years 11 Months 001 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80990949-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6373-Mansehra

Payroll Section: 001

GPF Section: 001

Cash Center: 7

GPF A/C No: EDUMA009358

GPF Interest applied

GPF Balance:

1,204,050.00 (provisional)

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
1505 Charge Allowance	40.00	2148 15% Adhoc Relief All-2013	915.00
2199 Adhoc Relief Allow @10%	614.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All: 15% 2022KP	6,607.00	2347 Adhoc Rel A/ 15% 22(PS17)	6,608.00
2378 Adhoc Relief All 2023 35%	23,618.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-2,716.00	3990 Emp.Edu. Fund KPK	-135.00
1004 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 42,211.69 Recovered till JAN-2024: 18,082.00 Exempted: 10552.39 Recoverable: 13,577.30

Gross Pay (Rs.): 118,966.00 Deductions: (Rs.): -8,941.00 Net Pay: (Rs.): 110,025.00

Payee Name: MUHAMMAD ARIF

Account Number: 4700210000044

Bank Details: ASKARI BANK LIMITED, 100170 Shinkiarl Mansehra Shinkiarl Mansehra, Mansehra

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

Email: a03349270688@gmail.com

City:

ATTESTED

System generated document in accordance with APPM 4.6.12.9(50399005/25.01.2024/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/02.02.2024/19:41:54)



Office of the
District Education Officer,
(Male) Manshera

DECLARATION

In pursuance of Government of Punjab Public Service Commission (PPSC) No. 10000/2017 /10000/2017 and subsequently Notifications issued by the District Education Officer (Male) Manshera under No. 1711-250 dated 2017, there on hold is stayed by Office Order No 1066-1071 dated 10/01/2017, it is read under even No, date and condition.

The following Primary School Head Teacher (I-15) are objected against newly upgraded Primary School Head Teacher in immediate effect.

S.L. No	The Teachers of I-15 who already occupied the post in the same school				
23	ANWAR KHAN	GPS BHOGERMANG	BHOGARMANG	DHODIAL	GPS BHOGERMANG
29	ABDUL RAHMAN	GPS DADAR	BHOGARMANG	DHODIAL	GPS DADAR
333	MUHAMMAD FAROOQ	GPS BASOL	BHOGARMANG	DHODIAL	GPS BASOL
335	MUHAMMAD ASIF	GPS GRANTHALI	BHOGARMANG	DHODIAL	GPS GRANTHALI
624	AURANGZEB	GPS BHOGERMANG	BHOGARMANG	DHODIAL	GPS BHOGERMANG
833	NOOR HUSSAIN	GPS SULBANDI	BHOGARMANG	DHODIAL	GPS SULBANDI
78	AZIZ UR RAHMAN	GPS CHUNGARI	DEVLI JABAR	DHODIAL	GPS CHUNGARI
101	GHULAM SADIQ	GPS PANJOL BALA	DEVLI JABAR	DHODIAL	GPS PANJOL BALA
104	SHOUKAT ALI SHAH	GPS NALLA JABBAR	DEVLI JABAR	DHODIAL	GPS NALLA JABBAR
102	JEHANZEB	GPS CHILYANI	DEVLI JABAR	DHODIAL	GPS CHILYANI
184	MUHAMMAD RAFIQ	GPS TRADA	DEVLI JABAR	DHODIAL	GPS TRADA
208	SAEED AHMAD	GPS BELLA JABBAR	DEVLI JABAR	DHODIAL	GPS BELLA JABBAR
537	MOTABER SHAH	GPS KERI SYEDAN	DEVLI JABAR	DHODIAL	GPS KERI SYEDAN
845	ANWAR ZEB	GPS CHOTA PAYEEN	DEVLI JABAR	DHODIAL	GPS CHOTA PAYEEN
1021	MUKHTIAR HUSSAIN / SHAH	GPS JABBAR	DEVLI JABAR	DHODIAL	GPS JABBAR
1028	SHABBIH HUSSIAN	GPS JABBAR GALI	DEVLI JABAR	DHODIAL	GPS JABBAR GALI
1031	MUHAMMAD LAZ	GPS SUKIAN	DEVLI JABAR	DHODIAL	GPS SUKIAN
34	B ASHIC HUSSIAN SHAH	GPS TARNAIN	DHODIAL	DHODIAL	GPS TARNAIN
38	MUHAMMAD SADIQ	GPS DULLA MAIRA	DHODIAL	DHODIAL	GPS DULLA MAIRA
121	AURANGZEB	GPS SHATAY NO 2	DHODIAL	DHODIAL	GPS SHATARY NO 2

RECEIVED
DISTRICT EDUCATION OFFICE
MANSHERA

ATTESTED

INFORMATION ON THE GPS PROGRAM

21	153	AHJUL WANJOO	GPS BHATAY KOTI	DHODIAL	DHODIAL	GPS BH
22	348	MUHAMMAD ANWAR	GPS QINVAL	DHODIAL	DHODIAL	GPS QINTWA
23	433	MUHAMMAD RIZWAN	GPS DHODIAL	DHODIAL	DHODIAL	GPS DHODIAL
24	730	MUHAMMAD AKMAL	GPS SHANAI BALA	DHODIAL	DHODIAL	GPS SHANAI BALA
25	837	WAQAR AHMAD	GPS DHANMANO	DHODIAL	DHODIAL	GPS DHANMANO
26	80	M ANWAR KHAN	GPS MAHTAL	JABORI	DHODIAL	GPS MAHTAL
27	108	GULISTAN KHAN	GPS BANDA GEBUCH	JABORI	DHODIAL	GPS BANDA GEBUCH
28	189	MUHAMMAD DAUD	GPS NIKKI MOHRI	JABORI	DHODIAL	GPS NIKKI MOHRI
29	571	WAQAR MUSA	GPS GALI KHATAR	JABORI	DHODIAL	GPS GALI KHATAR
30	573	MUHAMMAD SHAFI	GPS DABAR KATHA	JABORI	DHODIAL	GPS DABAR KATHA
31	1015	DILAWAR KHAN	GPS DAGRA	JABORI	DHODIAL	GPS DAGRA
32	156	ISHTIQ AHMAD	GPS BEERAN PATTI	SACHAN KALAN	DHODIAL	GPS BEERAN PATTI
33	303	AHMAD NAWAZ	GPS BANDA SACHA	SACHAN KALAN	DHODIAL	GPS BANDA SACHA
34	471	INAM UL HAQ	GPS GORI KALAN	SACHAN KALAN	DHODIAL	GPS GORI KALAN
35	501	GHULAM MUSTABA	GPS KERI NAWAZ ABAD	SACHAN KALAN	DHODIAL	GPS KERI NAWAZ ABAD
36	572	PARVEZ	GPS KODAR	SACHAN KALAN	DHODIAL	GPS KODAR
37	710	MUHAMMAD RIAZ	GPS SACHA KALAN	SACHAN KALAN	DHODIAL	GPS SACHA KALAN
38	850	SHAHZADA QAISAR FREEDON	GPS GIAR SACHA	SACHAN KALAN	DHODIAL	GPS GIAR SACHA
39	229	SHOUKAT HUSSAIN	GPS MAKRIHA BALA	SHINKIARI	DHODIAL	GPS MAKRIHA BALA
40	414	UMMER FAROOQ SHAH	GPS HAJI BELA	SHINKIARI	DHODIAL	GPS HAJI BELA
41	744	SULTAN AHMAD	GPS MAKRIHA MIANA	SHINKIARI	DHODIAL	GPS MAKRIHA MIANA
42	784	NOOR MUHAMMAD	GPS SHINKIARI	SHINKIARI	DHODIAL	GPS SHINKIARI
43	1004	FADIR HUSSAIN	GPS MM SHAH	SHINKIARI	DHODIAL	GPS MM SHAH
44	157	MUHAMMAD ARIF	GPS BEDADI	SHINKIARI	DHODIAL	GPS BEDADI
45	465	DR. DAR HUSSAIN	GPS TUMBAH	SUM	DHODIAL	GPS TUMBAH
46	474	NAZ ALI KHAN	GPS DHARYAL	SUM	DHODIAL	GPS DHARYAL
47	483	TABEER HUSSAIN	GPS SUM	SUM	DHODIAL	GPS SUM
48	644	MUHAMMAD ASLAM KHAN	GPS KULEGAH	SUM	DHODIAL	GPS KULEGAH

ATTESTED

PROMOTION ORDER (M) 11-13

4. Charge report should be submitted to all concerned with in a week of issuance of this order.
5. Their inter-seniority on lower post will remain intact.
6. They will give an under taking to be recorded in their service book to the effect that if any over payment made to him in light of this order will be recovered and if he is wrongly promoted he will be reversed.
7. Checking & verification of all the documents shall be ensure by the DDO concerned.
8. Necessary entries to this effect should be recorded in their Service/Book.
9. No TADA is allowed for joining their duty.

Sd/-
 (SYED SALAHUD-DIN SHAH)
 DISTRICT EDUCATION OFFICER
 (MALE) MANSIHRA

Ends: No 3101-392-1/Estt: (M) Promotion: Primary School Head Teacher (M) Dated 30/5/2013.

Copy forwarded for information and necessary action to the:-

1. PS to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director E&SE Department Khyber Pakhtunkhwa Peshawar.
3. ASNEO (M) Circle, 1 Belakot, 2 Paghan, 3 Phudruk, 4 Oghi, 5 Shergar, 6 Manshra, 7 Battal, 8 Baffit, 5 Dhodial.
4. District Accounts Officer Manshra.
5. Dy. District Officer Finance & Planning Manshra.
6. B&AO local office.
7. Officials concerned.

[Signature]
 SUB DIVISIONAL EDUCATION OFFICER
 (MALE) MANSEHRA

~~ATTESTED~~

[Faint stamp]

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY HANSEHRA

OFFICE ORDER NO. 4/GB-I
DATED 27/2/1995

APPOINTMENT

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

S. NO.	NAME & FATHER'S NAME	RESIDENCE	SCHOOL WHERE APPOINTED	REMARKS
1	WAJID ALI S/O M. MUHAMMAD RARIQUE	R/O MAHAJIYA	GPS BANDA DADA (K.D)	AGA: VAC: POST
2	IFTIKHAR HUSSAIN SH: S/O MAQBOOL SH: R/O NAROTE	R/O NAROTE	GPS NAKIAN JARED	AGA: VAC: POST
3	MUHAMMAD HAROON S/O ABDUL QAYYUM	R/O JABRI B/KOTE	GPS DHANI DHANO	AGA: VAC: POST
4	MUHAMMAD RIAZ S/O DUBI AMAN	R/O THAKRIAL	GPS SHATPURA	AGA: VAC: POST
5	HAHEED UR REHMAN S/O MEHDI ZAMAN	R/O HONG	MSQ SHAKHWAL	AGA: VAC: POST
6	MUHAMMAD ARIF S/O MUHAMMAD HAMAYUN	R/O BAJNA	GMS SHAH DAG (K.D)	AGA: VAC: POST
7	MUHAMMAD MISKEEN S/O ABDUL QAYYUM	R/O NABYALA	GPS BAKKOTE	AGA: VAC: POST
8	ASIF JAVED S/O ABDUL RASHID	R/O SANDASAR	GPS PAQSER ABAD	AGA: VAC: POST
9	ZUBAIR S/O BAZ MUHAMMAD	R/O BAJMORI	MSQ KHANJAR	AGA: VAC: POST
10	ABDUL HAMEED S/O AHMAD DIN	R/O GARHALA	MSQ BELA HANODR	AGA: VAC: POST
11	MUHAMMAD SALEEM S/O ABDUL QADUS	R/O BAHAR KHAN	(OOPS DODAM (K.D)	AGA: VAC: POST
12	MUHAMMAD SAIED S/O GHULAM SARWAR	R/O KASHMIR PANI	MSQ MAH KHAREEN (K.D)	AGA: VAC: POST
13	LAL KHAN S/O ABDUL REHMAN	R/O CHARLI SARAI	MSQ SOOR MALE (K.D)	AGA: VAC: POST
14	SHABIR HUSSAIN S/O MUHAMMAD AMIN	R/O TOHRIAN	GPS SOOR ABHARRI (K.D)	AGA: VAC: POST
15	MUHAMMAD RIAZ S/O MAQBOOL UR REHMAN	R/O SERI KHARYALA	GPS GARHI MADARHEL (K.D)	AGA: VAC: POST
16	SARDAR S/O MUHAMMAD UMAR	R/O TARAKHAR	MSQ PURANA BHOGARMONG	AGA: VAC: POST
17	MUHAMMAD AJMAL S/O JAMAL DIN	R/O NAMBAL	MSQ BANDI BALA	AGA: VAC: POST
18	ZULFIQAR AHMAD S/O ABDUL REHMAN	R/O MANGLOOR	GPS CHAMBAR	AGA: VAC: POST
19	HERAJ AHMAD S/O MUHAMMAD ILYAS	R/O BEHALI	GPS PATYAN	AGA: VAC: POST
20	MUHAMMAD SAIED S/O KALOO KHAN	R/O DOGA	MSQ NARAN	AGA: VAC: POST
21	MUHAMMAD ASHRAF S/O SHER MUHAMMAD	R/O SEHKI BALA	MSQ LAHI BALA	AGA: VAC: POST
22	MUHAMMAD IQBAL S/O MUHAMMAD BIN	R/O SHINKIARI	MSQ BELA PARA	AGA: VAC: POST
23	THSAN-UL-HAQ S/O ZIA-UL-HAQ	R/O BATKABAR	GPS BAIDA	AGA: VAC: POST
24	MUHAMMAD ZABAIR S/O ABDUL JAMIL	R/O TARAKHAR	GPS DOONG	AGA: VAC: POST
25	ABDUL REHMAN S/O GHULAM YOUSAF	R/O NEHR KOTE	GPS KOHALI	AGA: VAC: POST
26	RIAZ AHMAD KHAN S/O MUHAMMAD AKBAR	R/O CHAPPAR GRAN	MSQ KHAITER	AGA: VAC: POST
27	NASEEB KHAN S/O MUHAMMAD MISKEEN	R/O KHABAL PASEN	MSQ LASSA	AGA: VAC: POST
28	LIQAT ALI S/O TAJ MUHAMMAD	R/O HANGLOOR	GMS BHANGIAN	AGA: VAC: POST
29	NAZIR MUHAMMAD S/O AZIZ MUHAMMAD	R/O SINJLIALA	GPS KHARYALA	AGA: VAC: POST
10	INTIAZ HUSSAIN SHAH S/O AZAM SHAH	R/O BAI BALA	GPS SANJ	AGA: VAC: POST
11	RASHID AHMAD S/O MUHAMMAD AYOUB	R/O TANOL BANDA	GPS NANSHERA	AGA: VAC: POST
12	MUHAMMAD KHALID S/O ABDUL KHALIQ	R/O SHANAI BALA	GPS DHARYAL	AGA: VAC: POST
13	MUHAMMAD SALEEM S/O MUHAMMAD ILYAS	R/O BANTAN	GPS PHALKOTE	AGA: VAC: POST
14	MUHAMMAD RIAZ S/O AHMAD GUL	R/O POODNIAL	GPS POODNIAL	AGA: VAC: POST
15	MUSHTAQ AHMAD S/O ALAMGHIR	R/O ARGHASHORI	MSQ PHAGORA	AGA: VAC: POST
16	HAHEED KHAN S/O MISKEEN KHAN	R/O CHALUNDRIAN	MSQ POORIAN	AGA: VAC: POST
17	MARAD KHAN GHULAM NABI	R/O BAFFA KHURD	GPS NIKA PANI	AGA: VAC: POST
18	ABDULLAH S/O MARAD KHAN	R/O KOSHGRAN	GPS GAMIAN SERI	AGA: VAC: POST
19	ABDUL PAROOR S/O ABDULLAH	R/O KARORI	GPS CHAMIYAL	AGA: VAC: POST
20	MUHAMMAD RIAZ S/O FAZAL UR REHMAN	R/O PHULRAH	GPS BEER BAT	AGA: VAC: POST
21	MUHAMMAD SAIED S/O MUHAMMAD AKBAR	R/O GALI BADRAL	GPS SHUNGLI	AGA: VAC: POST
22	MUHAMMAD SAIED S/O AURANGZEB	R/O GHANOOD	GPS BAYAN	AGA: VAC: POST
23	MUHAMMAD RIAZ S/O MUHAMMAD ARFAN	R/O SHANAI BALA	GPS RAQAN BILA	AGA: VAC: POST
24	MUHAMMAD SAIED S/O MUHAMMAD MISKEEN	R/O BAFFA	GPS MANDA GUCHA	AGA: VAC: POST
25	MUHAMMAD SAIED S/O MUHAMMAD MISKEEN	R/O BAFFA	GPS MANDA GUCHA	AGA: VAC: POST
26	SHAH NAWAZ S/O HAFEEZ ULLAH	R/O SHERGARH	GPS CHINKOT	AGA: VAC: POST

cod

TESTED
Contd. p-2

ATTESTED

ATTESTED



DEPUTY SECRETARY POLICE
(WAZIRI KHAN)

- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
- 2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Government, Khyber Pakhtunkhwa.
- 4. The Principal Secretary to Government, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 6. The Principal Secretaries in Khyber Pakhtunkhwa.
- 7. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, 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 (Admn), Administration Department.
- 16. The Caraker, Administration Department.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

AMENDMENT

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

in exercise of the powers conferred by section 26 of the Government of Khyber Pakhtunkhwa Act No. XVII of 1973 (Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1988, the following amendments shall be made, namely:

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION)

Annexure - B

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)**

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

13
Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. 50(Polcy)/EAD/1/2020
Dated Peshawar the June 06, 2020

62

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

Subject: GUIDANCE REGARDING DIRECTION 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. 50(Polcy-MY)TAS/12/2/ Appointment/2020 dated 18.04.2020 on the subject cited above and to state that Sub-Rule (3) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2019; that, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from temptation for (with) gain by sticking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of eagerness 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 Servants (Discipline & Discharge) Rules, 2011, please.

Yours faithfully,
(Ijaz Nadeem Khan)
Secretary (Policy)

AS/E
7/6

- Encl. 01 over No & date
Copy forwarded to the:-
1. PS to Special Secretary (Reg), Establishment Department.
2. PA to Additional Secretary (Reg-1), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

06/06/20
21/6/20

Section Officer (Policy)

ATTESTED

14

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-0223507)

No.60 (Primary-M)/E&SE02-6/2023
Dated Peshawar lhc. June 26th.2023

To,

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(B) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1988.

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. 60 (Policy)EBAD/1-3/2020 dated 06 June, 2023 and to state that the subject meeting is to be held on 08 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 deputa a representative of your respective Department to attend the meeting on a date, time & venue as mentioned above, please.

Encl: AA

ac
NA
(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

ac
NA
SECTION OFFICER (PRIMARY MALE)
26/6/23

75
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 Khon 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, 1989.

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the

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

SECTION OFFICER (PRIMARY MALE)

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 715 IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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


Annexure
D


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

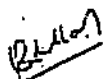
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After the opening 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

APPROVED

17
-B/C-

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

A meeting regarding the subject matter was held on 05-07-2023 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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ACCEPTED



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.50(P/Primary-405&SED/1-11/G.Misc/Min/UG of the Meeting/ST/2023 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) deleted Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1980) vide notification No. No. 50R-VI (E&AD)/1-1/2020 dated 08-08-2020.
 - That this office sought guidance from your good office in the following words vide letter No.0987 dated 16-03-2023.
 - (i) Now it is obligatory upon the civil servant to accept promotion in every condition.
 - (ii) 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.50 (Primary-M) E&SED/1-11/Appointment/2023 for necessary guidance.
 - That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.50 (Policy) E&AD/1-1/2020 dated 6-06-2023 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.50 (Primary-M) E&SED/1-11/Appointment/2023 dated 13-06-2023.
 - 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 affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DF-16 may be exempted of implications of the amendment in the rules (b) 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 (Extd M-1)
 Elementary & Secondary Education
 Khyber Pakhtunkhwa

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

Assistant Director (Extd M-1)
 Elementary & Secondary Education
 Khyber Pakhtunkhwa

ARRESTED

ATTESTED

WPK442-2023 AZIZULAH VS GOVT OF PAK

Asst. Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

Please:
The case is submitted for perusal 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.

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

no provision to declare (for) promotion. It is obligatory upon every civil
servant to accept promotion under any condition.
That the government of KP-ED (Regulation Wing) vide letter No. SO (Public)
EQ/AD/1-3/2020 dated 6-06-2023 accordingly stated that there exists

That your good office forwarded the same to a/upte concerned
vide letter No. SO (Promotion) EQ/ED/1-2/11/11/2023 for necessary
guidance.

That this office sought guidance from your good office in the following
vide notification No. No. SOP-VI(E&AD)1-3/2020 dated 06-08-2020.
dated rule 9(S) in Civil Servant (Appointment Promotion, Transfer & Retiree)

That government of KP Establishment department (Regulation Wing)
present by meeting dated 30-7-2023 on subject cited above and to
Minister of meeting dated 30-7-2023 on subject cited above and to

I am directed to refer to letter No. (SO) Hony-11/E&AD/1-3/6/2021/
Dear Sir, I am directed to refer to letter No. (SO) Hony-11/E&AD/1-3/6/2021/
Subject: Minutes of Meeting
(KPK) Pakistan
Section Officer (Range-Male)
Elementary & Secondary Education Department

Section Officer (Range-Male)
Elementary & Secondary Education Department
KPK
PESHAWAR
(21-7-2023)

-B/C-

To:

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK



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

No. SO(Policy-M)E&SE/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 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 E&SE Khyber Pakhtunkhwa,
- 2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner


ATTESTED

ATTESTED

(Muhammad Ishaq)
Section Officer (Army)
(Male)

Department of Education
Government of Punjab
Lahore

1. Director EG SE Khyber Pakhtunkhwa
2. PS to Secretary, EG SE

Copy forwarded to:
In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.
Mother-in-law who need care. In such cases there are negative effects on service delivery.
Most of them are married with kids and elder father of in the remotest stations with no residential/transport facilities. fore seems inconvenience while they have to perform duties. teacher of primary level who avail such promotion have to In this connection it is submitted that in some cases lady different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011. of the competent authority or try to evade promotion through those officers/officials who do not comply with promotion order Promotion and Transfer Rules 1989) it has been intimated that deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 6th June 2023 and to state that after I am directed to refer to your letter No. SO (Army) (EAD) (Army) dated 1-3/2020 dated 6th June 2023 and to state that after

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

The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department, Peshawar.
No. SO (Army-M) E3SD/18-8/1 Appointment-Rule/2023
Reference Dated 23rd August, 2023.

- 2 -
- B/C -

Annexure - F



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

22

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 23.06.2023 on the subject noted above and to state that
necessary guidance has already been rendered to your good office vide this department letter of
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

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

~~ATTACHED~~

WP442-2023 AZIZULLAH VS GOVT OF PK

23

- 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)

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

Section Officer (Policy)

WP4442-2023 AZIZULLAH VS GOVT OF PK

ATTESTED

To,

Dated: 22-01-2024

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

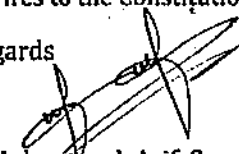
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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

Sir/ Madam:-

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

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

Best Regards


Muhammad Arif Son of Muhammad Hamayoun
Resident of Tehsil & District Manshera

~~TESTED~~

APR 11 2003 10:00 AM

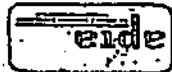
Handwritten signature and date: 08/11/03

Main body of handwritten text in Arabic script, appearing to be a letter or report.

Handwritten signature and date: 08/11/03

Annexure - H

APTA House, Govt. Primary School, New...



Rajab Rakhimov

President, APTA House, Govt. Primary School, New...

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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 hence 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 (S)

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-6-24
 Number of 1
 Copies 1
 Report 1
 Total 1
 Name of 13-6-24
 Date of 10-6-24
 Date of 10-6-24

ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD ARIF
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&


ASSOCIATES OF MUAZZAM LAW FIRM

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

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


APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court