


FORM OF ORDER SHEET

Court of _____

Appeal No. 2083 /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 - 2083 / 24

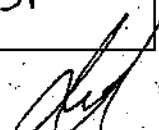
Sajjad Ahmad

V/S

Government of KP & others

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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2083 /2024

Sajjad Ahmad Son of Abdur Rasheed Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Katha Doh Bandi

.....Appellant

V E R S U S

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

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

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 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 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 Sajjad Ahmad Son of Abdur Rasheed 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

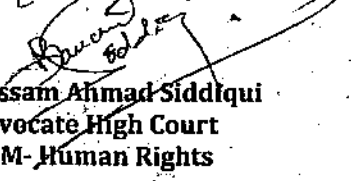

Deponent


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

**SAJJAD AHMAD
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.

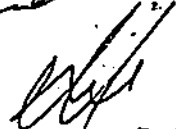
AFFIDAVIT:

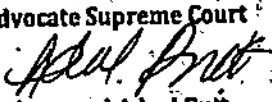
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

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



Personal Information of Mr SAJJAD AHMED d/w/s of ABDUR RASHID

Personnel Number: 00224663 CNIC: 135011354487 NTN:
 Date of Birth: 05.11.1972 Entry into Govt. Service: 26.03.1992 Length of Service: 31 Years 09 Months 007 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACHER S0627427-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6337-District Mansehra

Payroll Section: 001 GPF Section: 001 Cash Center: 06

GPF A C No: EDUNIA07477 GPF Interest applied GPF Balance: 1,031,210.00 (provisional)

Vendor Number:

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 22

Wage type	Amount	Wage type	Amount
0001 Basic Pay	67,480.00	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	880.00
2199 Adhoc Relief Allow 9 10%	591.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All-15% 2022KP	6,408.00	2347 Adhoc Rel Al 15% 22(PS17)	6,408.00
2378 Adhoc Relief All 2023 35%	22,925.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	1,200.00	3501 Benevolent Fund	1,200.00
3609 Income Tax	2,422.00	3990 Emp. Edu. Fund KPK	135.00
401M R. Benefits & Death Comp.	600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 37,516.38 Recovered till DEC-2023: 13,607.00 Exempted: 9378.76 Recoverable: 14,530.62

Gross Pay (Rs.): 115,836.00 Deductions: (Rs.): 8,647.00 Net Pay: (Rs.): 107,189.00

Payee Name: SAJJAD AHMED

Account Number: 1699-7

Bank Details: ALLIED BANK LIMITED, 25/082 G.HABIBULLAH G.HABIBULLAH, MANSEHRA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Marital Status: No Official

Temp. Address:

City:

Email: sajjad117146@gmail.com

ATTESTED

PROMOTION ORDER (PS/PT(M) B-15



Office of the
District Education Officer
(Male) Mansehra

NOTIFICATION

In pursuance of Government of Khyber Pakhtun Khwa Peshawar Notification No SO(B&A) /1-18/E&SE /2012 Dated 11/07/2012 and subsequently Notification issued by the District Education Officer (Male) Mansehra Endstr: No.1711-850 dated 25/02/2013, later on held in abeyance by Office Order No 3066-3071 dated 30.03.2013, is revised under even No, date and condition.

The following Primary School Head Teacher B-15 are adjusted against newly upgraded Primary School Head Teacher Post with immediate effect

S.#	S.L.#	The Teachers of B-15 who already occupied the post in the same school				
1	23	AWWAL KHAN	GPS BHOGERMANG	BHOGARMANG	DHODIAL	GPS BHOGRMANG
2	29	ABDUR RAHMAN	GPS DADAR	BHOGARMANG	DHODIAL	GPS DADAR
3	333	MUHAMMAD FAROOQ	GPS BASOL	BHOGARMANG	DHODIAL	GPS BASOL
4	375	MUHAMMAD ASIF	GPS GRANTHALI	BHOGARMANG	DHODIAL	GPS GRANTHALI
5	624	AURANZEB	GPS BHOGERMANG	BHOGARMANG	DHODIAL	GPS BHOGERMANG
6	933	NOOR HUSSAIN	GPS SULBANDI	BHOGARMANG	DHODIAL	GPS SULBANDI
7	78	AZIZ UR RAHMAN	GPS CHUNGARI	DEVLI JABAR	DHODIAL	GPS CHUNGARI
8	101	GHULAM SADIQ	GPS PANJOO BALA	DEVLI JABAR	DHODIAL	GPS PANJOO BALA
9	104	SHOUKAT ACI SHAH	GPS NALLA JABBAR	DEVLI JABAR	DHODIAL	GPS NALLA JABBAR
10	102	JEHANZEB	GPS CHILYANI	DEVLI JABAR	DHODIAL	GPS CHILYANI
11	184	MUHAMMAD RAFIQ	GPS TRADA	DEVLI JABAR	DHODIAL	GPS TRADA
12	208	SAEED AHMAD	GPS BELLA JABBAR	DEVLI JABAR	DHODIAL	GPS BELLA JABBAR
13	537	MOTABER SHAH	GPS KERI SYEDAN	DEVLI JABAR	DHODIAL	GPS KERI SYEDAN
14	845	ANWAR ZEB	GPS CHOTA PAYEEN	DEVLI JABAR	DHODIAL	GPS CHOTA PAYEEN
15	1021	MUKHTIAR HUSSAIN SHAH	GPS JABBAR	DEVLI JABAR	DHODIAL	GPS JABBAR
16	1028	SHABBIR HUSSIAN	GPS JABBAR GALI	DEVLI JABAR	DHODIAL	GPS JABBAR GALI
17	1031	MUHAMMAD IJAZ	GPS SUKIAN	DEVLI JABAR	DHODIAL	GPS SUKIAN
18	34	SASHIQ HUSSIAN SHAH	GPS TARNAIN	DHODIAL	DHODIAL	GPS TARNAIN
19	39	MUHAMMAD SADIQ	GPS DULLA MAIRA	DHODIAL	DHODIAL	GPS DULLA MAIRA
20	121	AURANZEB	GPS SHATAY NO2	DHODIAL	DHODIAL	GPS SHATARY NO 2

Handwritten signature in Urdu

ATTESTED

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PROMOTION ORDER PSHI (M) B-15

469	792	M. ISHFAQ	GPS PORE	GHARI HABIB ULLAH	BALAKOT	GPS PORE
470	991	ISHTIAQ AHMED SHAH	GPS BAGAL CHAR BALA	GHARI HABIB ULLAH	BALAKOT	GPS BAGAL CHAR BALA
471	1071	M. ABDUL KARIM	GPS DANA N JAN	GHARI HABIB ULLAH	BALAKOT	GPS DANA MUHAMMAD JAN
472	1219	SAJJAD AHMED	GPS KATHA DOBANDI	GHARI HABIB ULLAH	BALAKOT	GPS KATHA DOBANDI
473	1297	MUHAMMAD HANIF	GPS GORAY PHYER	GHARI HABIB ULLAH	BALAKOT	GPS GORAY PHYER
474	1428	MUHAMMAD ASHRAF	GPS BARAR KOT	GHARI HABIB ULLAH	BALAKOT	GPS BARARKOT
475	162	MUHAMMAD RIAZ	GPS BISSIAN	KARNOL	BALAKOT	GPS BISSIAN
476	167	MUHAMMAD AKRAM	GPS DOGHA	KARNOL	BALAKOT	GPS DOGHA
477	231	ABDUL WAHID	GPS JAGHEER	KARNOL	BALAKOT	GPS JAGHEER
478	309	SABIR HUSSAIN	GPS BURAJ	KARNOL	BALAKOT	GPS BURAJ
479	357	SHAH NAWAZ KHAN	GPS DANNA JAGIR NO.1	KARNOL	BALAKOT	DANNA JAGIR NO. 1
480	384	MUHAMMAD FAROOQ	GPS KARNOL	KARNOL	BALAKOT	GPS KARNOL
481	541	MUHAMMAD YAQOOB	GPS MURDUDA	KARNOL	BALAKOT	GPS MURDUDA
482	594	MUHAMMAD TARIQ	GPS LOWER BHURAJ	KARNOL	BALAKOT	GPS LOWER BHURAJ
483	598	ABDUL QAYYUM	GPS TRADA BANDI	KARNOL	BALAKOT	GPS TRADA BANDI
484	618	S. MASOOD UL HAQ	GPS BANDA BALOLA	KARNOL	BALAKOT	GPS BANDA BALOLA
485	652	MUHAMMAD KHALID	GPS DANDA JAGIR NO.2	KARNOL	BALAKOT	GPS DANDA JAGIR NO. 2
486	892	M. SABIR	GPS KHAIR ABAD	KARNOL	BALAKOT	GPS KHAIR ABAD
487	903	FAKHAR/ULJAZ SHAH	GPS LASHAKIRA	KARNOL	BALAKOT	GPS LASHAKIRA
488	936	M. NAZEER	GPS SERI KHER ABAD	KARNOL	BALAKOT	GPS SERI KHER ABAD
489	956	M. RAFIQUE	GPS SIAAL	KARNOL	BALAKOT	GPS SIAAL
490	977	ABDUL GHANI	GPS BANNI KARNOL	KARNOL	BALAKOT	GPS BANNI KARNOL
491	1129	MUHAMMAD ISHAQ	GPS DAKKAN DIDAKI	KARNOL	BALAKOT	GPS DAKKAN DIDAKI
492	1196	WAQAR AHMED	GPS HUNDA DANA	KARNOL	BALAKOT	GPS HUNDA DANA
493	1231	MUHAMMAD MANZoor	GPS DANA DOGA	KARNOL	BALAKOT	GPS DANA DOGA
494	1250	M. YOUSUF	GPS BAGA	KARNOL	BALAKOT	GPS BAGA
495	92	MUHAMMAD FARID	GPS KANGRAN	SHOHAL MAZULLAH	BALAKOT	GPS KANGRAN
496	158	MEHBOOB UR REHMAN	GPS KHANGARI	SHOHAL MAZULLAH	BALAKOT	GPS KHANGARI

APPROVED

PROMOTION ORDER (M) 8-13

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

Note:

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

TERMS & CONDITIONS.

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

ATTACHED

PROMOTION ORDER PSH/1 (M) B-15

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 is 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) MANSEHRA

Eandst: No 3101-3921/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. ASDEO (M) Circle , 1 Balakot, 2 Kaghan, 3 Phulrah, 4 Oghi, 5 Shergar, 6 Mansehra, 7 Battal, 8 Baffa, 9 Dhodial.
4. District Accounts Officer Mansehra.
5. Dy: District Officer Finance & Planning Mansehra.
6. B&AO local office.
7. Officials concerned.

[Signature]
 SUB DIVISIONAL EDUCATION OFFICER
 (MALE) MANSEHRA

30/5/13

ATTESTED

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

Office Order No 9 / dated 24.3.92.

APPOINTMENT.

Consequent upon their selection on merit, the following PIC trained candidates are hereby appointed in BPS 7 Rs. 1095-60-1995 plus usual allowances as admissible under the rules with effect from the date of their taking over charge the against 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 Paeen	GPS Bisala Dadar	Against Newly created post.
2.	Israrul Haq S/O Hazrat Mousaf R/O Kotly Paeen	GPS Kulharay west	vice Mohd Ayub retired from service.
3.	Mohammad Fiaz S/O Fazalur Rehman R/O Kot Ballah	GPS Tarewara(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: Noghazi Pareni	--do--
7.	Mohammad Yousaf S/O Mahmood Khan R/O Karori Nala	GPS Kajla	Against newly created Add; post.
8.	Mohammad Tariq S/O Abdur Rashid R/O Jabbi (B/Kote)	GPS Makarya	vice Mohd Ajab Retired.
9.	Sajjad Ahmad S/O Mohammad Ayub R/O Batkarar (B/Kote)	GPS Ogh Village	Against newly created AD:post.
10.	Dost Mohammad S/O Malang Khan R/O Tikri (Battagram)	GPS Gujati B/Gram	Against vacant post.
11.	Shahid K Jamil S/O Mohammed Younas R/O Kotkay.	GPS Pao Dheri	Against Newly Addl: post.
12.	M.Ghulam S/O Mohammad Yusuf Shohal Najaf Khan	Msq: Sret Pira	Against newly created post.
13.	Mohammad Rafiqat S/O Mohammad Zarin R/O Kot Ballah	GPS Assain Banda (Ogh)	newly created post.
14.	Mohammad Ishtiaq S/O Mohammad Younis R/O Beryala	Msq: School Bela	--do--
15.	Raja Babu Jehangir S/O Raja Babu Sultan R/O Behali.	Mutram. GPS Bricaj	--do--
16.	Haq Nawaz S/O Khalilur Rehman R/O Hari Mera	Msq: School Khakoo Gidder ur.	--do--

Contd: Page 2.

ATTESTED

- 82. Mohd Rauf S/O Abdul Qayum GPS, Garang. Against vacant p/c post;
R/O Cheeran(Allai)
- 83. Ahmad Nawaz S/O Mohd Rafique GPS, Tanawal Banda. Against newly created
R/O Malikpur. P/O post.
- 84. Q. Mohd Isheq S/O Q. Fazle Rabbi GPS, Sarkhali-
R/O Colony Battagram. Banda. (B. Gram) Against v/post.
- 85. Sajidullah S/O Hazratullah Mosque School
R/O Ghangwal Allai. Dhari Ghangwal. -do-
- 86. Sajjad Ahmad S/O Abdur Rashid GPS, Lama Chakkar. Against newly created
R/O Tareri (G. Nullah.) (Khabal) P/O Post.
- 87. Mohd Rehman S/O Barketi Khan GPS, Pakka Pashto. Against vacant post.
R/O Rabbat(Allai)
- 88. Sultan Azim S/O Amir Khawaja GPS, Jangri Pashto. -do-
R/O Paimal Sharif
- 89. Mohd Siraj S/O Taj Mohd Mosque School
Tehar Khan and Qalander Abad. Kharlali (Behali) Against newly created
P/O Post.
- 90. Munir Ahmad S/O Mohd Baroon GPS, Tharwan Vice M. Shafiqat Rehman
R/O Shohal Najif Khan. Proceeded on L/Leave.
- 91. Mohd Ilyas S/O Mohd Ayub GPS, Bela Daulat Khan. Against newly created
R/O Battagram. P/O Post.
- 92. Azizur Rehman S/O Bayatullah Mosque School
R/O Jareed Balakote. Haida Jareedi -do-
- 93. Saider Zaman S/O Khani Zaman Mosque School Vice Ghulam Jailani
Shohel Mazullah. Jahbi Arban Died.
- 94. Mohd Rashid S/O Ghulam Jailani GPS, Teba. Against vacant post.
R/O Trend.
- 95. S. Qayum Shah S/O Maroof Shah GPS, Kalota. -do-
R/O Pirhara S/Gram.
- 96. Amanullah S/O Mohd Ismail Mosque School Vice Mr. Amjid Proceeded
R/O Bessian. Dogah. on Long Leave.
- 98. Mohd Farooq S/O Mohd Jan GPS, Nakka Jareed. Against newly created
R/O Ghanool. P/O post.
- 98. Mohd Zahid S/O Abdul Qayum Mosque School
R/O Kashian. Jabba Yaqoob. -do-
- 99. Mohd Idrees S/O Abdul Haq GPS, Hassa. -do-
R/O Dakan Dogah.
- 100. Khalid Khan S/O Muzaffar Khan GPS, Seri (Arbora) -do-
R/O Batti Arbora.
- 101. Attullah S/O Hazrat Yousaf. GPS, Khala Bat. -do-
R/O Sharkool Battal. (Battal)
- 102. Saddaqt Hussain S/O Ghulam Hussain Vice M. Mushtaq sel;
R/O Taranna (Sh; Najif) GPS, Sarra Balakote. for M. Edu;
- 103. Habibur Rehman S/O Jumna Khan Mosque School, Danoo Jareed. Against newly created
R/O Jareed. P/O post.
- 104. Khalid Mehmood S/O Walided Khan Mosque School Paras Gran. -do-
R/O Jareed.
- 105. Fakhruz Zaman S/O Ahmad GPS, Null Pashto. Against vacant post.
R/O Banda Khunzadgan. (B. Gram)
- 105. Amjid Hussain S/O Mohd Younis GPS, Ghannian (Oghi) Against newly created
R/O Hassa. P/O post.

CONT: ON PAGE...6...

ATTESTED

Head Office

Page No 8.

148. Noorud Din S/O Alaf Din Kalas Bhangan GPS Badwar(B/Kote) vice Shakil Ahmad on long leave.
149. Sirajuddin ~~Mohammad~~ S/O Mohammad Sharif R/O Mera Amjad Ali Msa: School-Sundar Mera Amjad Ali Against Newly created PTC post.
150. Mohammad Saeed S/O Mirza Mohammad Arfan R/O Ghanool GPS Bagrian (Oghi) ---do---
151. Ashfaq Ahmad S/O Mohammad Yousaf Msa: School Mandiar R/O Mera Amjad Ali ---do---
152. Attaurehman S/O Saifullah R/O @ Pore G.H.Ullah GPS Sarwai Sh: Mazullah Additional Post.
153. Mohammad Rehman S/O Attaurehman R/O Rasheng Alai GPS Bateela Against vacant post.
154. N Raja Mohammad Intiaz S/O R. Abdur Rashid R/O Trari GPS Jiskote Oghi Against Additional post
155. Altaf Hussain S/O Safiullah R/O Pore G.H.Ullah GPS Miana Gali Against Newly created post.
156. Mohammed Arif S/O Mohammad Rafique R/O Garlat GPS Oghi Centre Additional post.
157. Ikhlaq Hussain Shah S/O Noor Ahmad Shah R/O Manda Jigan GPS Bagan Bala G.H.Ullah vice Javed on study leave.
158. Said Nawab S/O Mohammed Khan R/O Mera Mada Khail K.D Msa: School Trara Made Khail K.D Against newly created post.
159. Mohammad Saleem S/O Mohammad Ibrahim R/O Jhajja G.H.Ullah GPS Zoonglay K.D Against Newly created post.
160. Abdus Sattar R/O Faiz Mohammad R/O Shinkiar GPS Miana Gali ---do---
161. Inayatullah S/O Said Ahmad R/O Pashto GPS Para Pashto vacant post.

NOTE. The occupant of the post, if any should vacate the post and take over charge in the school from where he has been posted/adjusted against any one of the above mentioned newly created posts.

TERMS AND CONDITIONS:-

1. They should submit their charge reports to all the concerned.
2. Their appointment is purely temporary and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their professional and academic certificates/documents.
4. Their pay will be drawn after the verification of their professional and academic certificates from the concerned issuing agency/organisation if found correct.

CONTD: PAGE 9.

APPROVED


- 5. Their original professional and academic certificates should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
- 6. Their pay will not be drawn till they produce their age and health certificates issued by the Medical Superintendent DRQ Mansehra.
- 7. They will be Governed under proscribed services rules of Govt of N.W.F.P.


 DISTRICT EDUCATION OFFICER(M),
 PRIMARY MANSEHRA.

Endst: No. 1911-2074 /GB/Adopt: /P.O. Dated Mansehra the 24/3 /92.

Copy of the above forwarded to the:-

- 1.2. Sub-Divisional Education Officer (M) Melsia Mansehra & Battagram
- 3. All the candidates concerned.
- 64. O.O. File.


 DISTRICT EDUCATION OFFICER(M),
 MANSEHRA.

ATTESTED

15
Annexure - B -

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

NOTIFICATION

Dated Peshawar, the 06/8/2020

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

AMENDMENT

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

**CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

LIST: NO & EVEN DATE

Copies 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 (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

18/8/20
24/8/20

(Signature)
**(WAJIDAH LATIF)
DEPUTY SECRETARY (POLICY)**

ATTESTED

ATTESTED

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) 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~~

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)18&AD/1-3/2020
Dated Peshawar the June 06, 2021

62

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(A) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES 1982.

Dear Sir,
I am directed to refer to your letter No. SO(Primary-MVA:SU12/21-Appointment/2021) dated 18.04.2021 on the subject cited above and to state that Sub-Rule (A) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1982 stands deleted vide this department notification dated 06.08.2020. Thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from temptation for illicit 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 capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

3. Furthermore, those officers/staffs 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.

Yours faithfully,

(Section Officer (Policy))

ASSE
7/6

Encls. Of avon No & date

Copy forwarded to:-

1. PS to Special Secretary (Reg) Establishment Department.
2. PS to Additional Secretary (Reg-4), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

21.6.21

Section Officer (Policy)

ATTESTED



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

No. SO (Primary) 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(5) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
& TRANSFER) RULES, 1969.

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

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

Encl: AA

[Handwritten initials]

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

Copy forwarded to the:

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

[Handwritten initials]

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

AFFECTED

19
B/c
No SO (Primary-M)/BASED/2-6/2023
Dated Peshawar the June 25th 2023

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

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

WP4442-2023 AZIZULLAH VS GOVT OF PK43

ATTESTED

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

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
01

Sl	NAME	DESIGNATION
1	Mr. Fozal 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. Fozal Wahid)
Deputy Director-
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

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

ATTESTED

-B/C-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING DELETION OF RULE 7(S) 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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Rifaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

~~ATTESTED~~

~~REGISTERED~~

VS 1442-2023 AZDULAH VS GOVT CP POC

Assistant Director (Ex-14)
Ministry & Secondary Education
Khyber Pakhtunkhwa

1. PA in Director Local Directorate
2. Master Copy

Build No. Copy of the above is in:

Assistant Director (Ex-14)
Ministry & Secondary Education
Khyber Pakhtunkhwa

12/17/2023

This case is submitted for perusal and necessary actions please.

Departmental Committee provided they, and, their written request for to conduct of the meeting of Teachers below 16 may be engaged of implications of the amendment in the rules that (2) have affected negatively a huge number of female Teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the decision of Rules been asked for submission of consolidated case.

Chairman of Hon. Provincial Secretary Establishment at his office this office has that in the light of the minutes of meeting dated 6-07-2023 held under the (Primary-6) 455207-24 appointment/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.50 civil servant to accept promotion under every condition.

that there will be no provision to decline or reject promotion. It is obligatory upon every (W) vide letter No.50 (Policy) 45401-1/2020 dated 6-06-2023 categorically stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-6) 455207-24 appointment/2023 for necessary guidance.

That your good office forwarded the same to the quarter concerned vide letter promotion.

(ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.

No.2987 dated 16-07-2023.

That the office should guide from your good office in the following words vide letter vide letter No. 50-N-VI (544D)/1-2/2020 dated 05-06-2020.

dated Rule 7C in the Civil Service (Appointment, Promotion & Transfer Rules 1989) that Government of Khyber Pakhtunkhwa Establishment Department (Regulation (W) Government of the (Regulation) 572023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

Subject: MINUTES OF THE MEETING
Khyber Pakhtunkhwa
Ministry & Secondary Education Department
The Senior Officer (Primary-14)



Phone No. 091121144 Email: ehs@kpk.gov.pk

Ministry & Secondary Education, Peshawar
Date: 12/17/2023

22

~~ATTACHED~~

WPA443-2023 AZZILAH VA GOVT CP P043

Howard Director
Elmendorf & Secondary Education
Physical Education

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

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 affected 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
Department at his office. This office has been asked for submission of

That the government of KP-ED (Regulation Wing) vide letter No. SO (Reg) 1-2/2020 dated 6-06-2023 accordingly stated that there shall
no provision to during/for promotion, it is obligatory upon every civil
servant to accept promotion under any condition.

That your good office forwarded the same to a/units concerned
vide letter No. SO (Reg) 1-2/2020 dated 6-06-2023 for necessary
guidance.

That the office sought guidance from your good office in the following
vide notification No. SO SR-VI (E&D) 1-3/2020 dated 06-08-2020.
(1) Now it is obligatory upon civil servant to accept promotion
(2) If preventive of civil servant to other except/during the
offer of promotion.

That Government of KP Establishment department (Regulation Wing) dated rule 7(S) in Civil Service (Appointment, Promotion, Transfer & etc) 1974
present brief history, about background of case as under.

Minutes of meeting 13/1/2023 dated 10-7-2023 on subject cited above and to
Dear Sir, I am directed to refer to letter No. SO (Reg) 1-2/2020 dated 10-7-2023 on subject cited above and to

Subject: Minutes of Meeting
KPR, Pishowar.
Elmendorf & Secondary Education Department
Section Officer (Primary Male)
To:

DIRECTORATE OF ELMENTARY & SECONDARY EDUCATION, KPR
FISHUWAR
(21-7-2023)

-B/C-

ALLEGED

WP443-2023 AZIZULAH VS GOVT OF PCAD

Scanned with CamScanner

SECTION OFFICER (PRIMARY/MALE)

[Signature]
28/8/23

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

Copy forwarded to the:

SECTION OFFICER (PRIMARY/MALE)

[Signature]

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

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

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the 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.

1. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the 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.

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

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

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

Annexure E

SO(Policy)-M/ESSED/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

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

~~ATTACHED~~

1. Director E & SE Kyber Pakhtunkhwa
2. PS to Secretary, E & SE Department, Government of Kyber Pakhtunkhwa
Copy forwarded to:
(Muhammad Ishaq)
Section Officer (Army)
(Male)

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

Dear Sir,
I am directed to refer to your letter No. SO (Army) (Peshawar) (E&AD) 1-3/2000 dated 6th June 2003 and to state that after deletion of Rule 7(S) Kyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Kyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

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

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

To
No. SO (Army-M) E&SE D/8-8/1
Appointment - Rule/2011
Peshawar Dated 29th August, 2003.

- 2 -

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Annexure - F



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

~~REQUESTED~~

26

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

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

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

WP442-2023 ABUSULAM VS GOVT OF PK

27

- 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-II), Establishment Department
3. PS to Deputy Secretary (Policy), Establishment Department

Section Officer (Policy)

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/1-3/2020, DATED - 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

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

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

Best Regards


Sajjad Ahmad Son of Abdur Rasheed
Resident of Tehsil & District Manshera

~~ACCEPTED~~

WORLD BANK GOVT OF INDIA

08/11/83
~~ACCEPTED~~
Handwritten signature and date

Handwritten text in Hindi, appearing to be a letter or official communication. The text is somewhat faint and difficult to read due to the quality of the scan.

Handwritten signature or name at the bottom of the main text block.

Annexure - H

Handwritten text in Hindi, possibly a title or reference number.

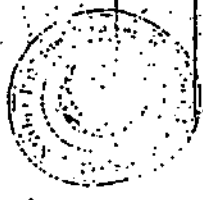
APTA House
Govt. Primary School, Mad.
Gudbhar, Peshawar City



Khyber Pakhtunkhwa

President
0 0333-041468
0333-0417300
0333-0417300

07.05.2024

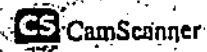


1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/corrections. Appellant is directed to deposit TCS expenses within three days. To come up for reply/corrections as well as preliminary hearing on 10.06.2024 before S.D. (P) given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]
13/5/24

Date of presentation of Application 10-5-24
 Number of 51
 Copies 51
 Report 51
 Total 51
 Name of 51
 Date of 18-6-24
 Date of delivery of copy 17-6-24



~~ACCEPTED~~

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SAJJAD AHMAD
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

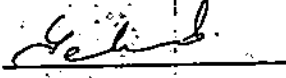
MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

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