


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2071/2024

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 2071/2024
Zahid Dad

V/S

Government of KP & others

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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 9071 /2024

Zahid Dad Son of Pir Dad Resident of Buner

Designation: Primary School Head Teacher at GPS Gagar

.....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:-

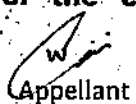
- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests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

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees


It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

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


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

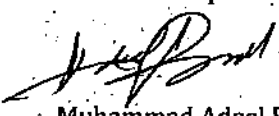

Appellant

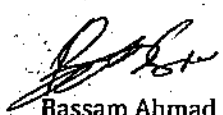
AFFIDAVIT:
I Zahid Dad Son of Pir Dad Resident of Buner do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

- 5 -

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Zahid Dad

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.


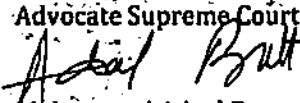
AFFIDAVIT

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 this Honorable Court.


Deponent


Appellant

Through -


Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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



Personal Information of Mr ZAHID DAD d/w/s of PIR DAD

Personnel Number: 00273854 CNIC: 1510105158087 NTN: 0
Date of Birth: 01.02.1967 Entry into Govt. Service: 01.12.1986 Length of Service: 37 Years 01 Months 001 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80641533-DISTRICT GOVERNMENT KHYBE
DDO Code: DD6231-District Buner
Payroll Section: 001 GPF Section: 001 Cash Center: 06
GPF A/C No: GPF Interest applied GPF Balance: 815,755.00 (provisional)
Vendor Number: -
Pay and Allowances: Pay scale: BPS For- 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 26

Wage type	Amount	Wage type	Amount
0001 Basic Pay	75,400.00	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	1911 Compen Allow 20% (1-15)	1,000.00
2148 15% Adhnc Relief All-2013	1,020.00	2199 Adhnc Relief Allow @10%	682.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	7,206.00
2347 Adhnc Rel Al 15% 22(PS17)	7,206.00	2378 Adhnc Relief All 2023 35%	25,697.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-3,690.00	3990 Emp.Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 57,794.88 Recovered till DEC-2023: 21,210.00 Exempted: 1448.18 Recoverable: 22,136.70

Gross Pay (Rs.): 129,355.00 Deductions: (Rs.): -9,915.00 Net Pay: (Rs.): 119,440.00

Payee Name: ZAHID DAD
Account Number: 7900495403
Bank Details: HABIB BANK LIMITED, 220932 SAWARI, BUNER, SAWARI, BUNER, BUNER

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: BUNER Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address: City: Email: zahid1dad745@gmail.com

ATTESTED

OFFICE ORDER

MEMORANDUM

The following appointments of untrained P.T.O teachers are hereby ordered in H.O. No. 7 of 560/-P.M plus usual allowances payable under the rules against vacant P.T.O posts in the schools mentioned against each with effect from the date of their taking over charge in the interest of public service.

No.	Name & Qualification.	Percentage.	Residence.	Name of School	Rank where appointed.
1.	Mohi Zahir, Mat.		Gaili, Utror.	Q.P. Sahil.	V. Post.
2.	Ohani Mohi, Mat.		Spool Kahl, Utror.	Q.P. Kandi.	-10-
3.	Gul Mohi, Mat.		Shroon, Jhoran.	Q.P. Kandi.	-10-
4.	Ihsanullah, Mat.		Makht Jaman, Gantil.	Q.P. Srovi.	-10-
5.	Mohi Aziz, Mat.		Deeraz, Utror.	Q.P. Srovi.	-10-
6.	Behran Khan, Mat.		Jahib Gul, Utror.	Q.P. Srovi.	-10-
7.	Chahar Khan, Mat.		Sail Bhahe, Utror.	Q.P. Srovi.	-10-
8.	Shah Iqbal Khan, Mat.		Shah Bha Khan, Matiltra.	Q.P. Srovi.	-10-
9.	Mohi Sail, Mat.		Zarwar Khan, Behrain.	Q.P. Srovi.	-10-
10.	Jahan Zeb, Mat.		Azir Khan, Krian.	Q.P. Srovi.	-10-
11.	Mohi Younsar, P.A.		Khuchab, Ghant-l-i.	Q.P. Srovi.	-10-
12.	Zaber Drot, P.A.		Dew Khan, Ghant-l-i.	Q.P. Srovi.	-10-
13.	Jamal Zeb, P.A.		Shah Zale Khan, Ghant-l-i.	Q.P. Srovi.	-10-
14.	Shir Jain Khan, P.A.		Taj Khan, Behrain.	Q.P. Srovi.	-10-
15.	Shah Jalal Khan, P.A.		Shir Ali Khan, Jhoran.	Q.P. Srovi.	-10-
16.	Ushair Khan, Mat.		Abdul Wahid, Jhoran.	Q.P. Srovi.	-10-
17.	Shir Bahar, Mat.		Sakhi Khan, Matiltra.	Q.P. Srovi.	-10-
18.	Yousaf Khan, Mat.		Rana Shah Zahir, K. Khala.	Q.P. Srovi.	-10-
19.	Malak Nawab, P.A.		Dalail Khan, Behrain.	Q.P. Srovi.	-10-
20.	Shahin Shah, P.A.		Sultana Khan, Behrain.	Q.P. Srovi.	-10-
21.	Jahanzir Khan, Mat.		Shah Yar Khan, Matiltra.	Q.P. Srovi.	-10-
22.	Khatir Ali, B.A.		Muzal Jaman, Gaili.	Q.P. Srovi.	-10-
23.	Shah Zeb, B.A.		Muzir Khan, Gaili.	Q.P. Srovi.	-10-
24.	Qawar Ali Khan, Mat.		Bakht Bahar, Behrain.	Q.P. Srovi.	-10-
25.	Mohi Ali Khan, Mat.		Shir Bahar, Behrain.	Q.P. Srovi.	-10-
26.	Mohi Ali Khan, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
27.	Mohi Bahar, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
28.	Sail Durrani Khan, Mat.		Jamal Khan, Behrain.	Q.P. Srovi.	-10-
29.	Mohi Zahar, Mat.		Zarwar Khan, Behrain.	Q.P. Srovi.	-10-
30.	Shir Bahar Khan, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
31.	Iqbal, P.A.		Qarri, Behrain.	Q.P. Srovi.	-10-
32.	Zarwar Khan, Mat.		Abdul Khan, Behrain.	Q.P. Srovi.	-10-
33.	Khan Zale, P.A.		Mohi Bahar, Behrain.	Q.P. Srovi.	-10-
34.	Mohi Bahar, P.A.		Shir Bahar Khan, Behrain.	Q.P. Srovi.	-10-
35.	Khurshid Khan, B.A.		Sultan Bahar, Behrain.	Q.P. Srovi.	-10-
36.	Shah Zale, P.A.		Shir Zaid, Behrain.	Q.P. Srovi.	-10-
37.	Iqbal, Mat.		Jamal Khan, Behrain.	Q.P. Srovi.	-10-
38.	Mohi Iqbal, P.A.		Abdul Jall, Behrain.	Q.P. Srovi.	-10-
39.	Shah Zale, P.A.		Taj Khan, Behrain.	Q.P. Srovi.	-10-
40.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
41.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
42.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
43.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
44.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
45.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
46.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
47.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
48.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
49.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-
50.	Shah Zale, P.A.		Muzal Khan, Behrain.	Q.P. Srovi.	-10-

ATTESTED

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| 67. Jalla Khan, Mat. | 68. Jalla Khan, Mat. | 69. Jalla Khan, Mat. | 70. Jalla Khan, Mat. | 71. Jalla Khan, Mat. | 72. Jalla Khan, Mat. | 73. Jalla Khan, Mat. | 74. Jalla Khan, Mat. | 75. Jalla Khan, Mat. | 76. Jalla Khan, Mat. | 77. Jalla Khan, Mat. | 78. Jalla Khan, Mat. | 79. Jalla Khan, Mat. | 80. Jalla Khan, Mat. | 81. Jalla Khan, Mat. | 82. Jalla Khan, Mat. | 83. Jalla Khan, Mat. | 84. Jalla Khan, Mat. | 85. Jalla Khan, Mat. | 86. Jalla Khan, Mat. | 87. Jalla Khan, Mat. | 88. Jalla Khan, Mat. | 89. Jalla Khan, Mat. | 90. Jalla Khan, Mat. | 91. Jalla Khan, Mat. | 92. Jalla Khan, Mat. | 93. Jalla Khan, Mat. | 94. Jalla Khan, Mat. | 95. Jalla Khan, Mat. | 96. Jalla Khan, Mat. | 97. Jalla Khan, Mat. | 98. Jalla Khan, Mat. | 99. Jalla Khan, Mat. | 100. Jalla Khan, Mat. |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-----------------------|

ARTICLE 2. OBJECTS.

1. To provide for the appointment of all officers in duplicate.
2. To provide for the transfer, promotion, discipline and control of all officers in duplicate.
3. To provide for the appointment of all officers in duplicate and subject to termination at any time without notice and for the purpose of providing for the appointment of all officers in duplicate to the Government in lieu thereof.
4. To provide for the appointment of all officers in duplicate and for the purpose of providing for the appointment of all officers in duplicate to the Government in lieu thereof.
5. To provide for the appointment of all officers in duplicate and for the purpose of providing for the appointment of all officers in duplicate to the Government in lieu thereof.
6. To provide for the appointment of all officers in duplicate and for the purpose of providing for the appointment of all officers in duplicate to the Government in lieu thereof.
7. To provide for the appointment of all officers in duplicate and for the purpose of providing for the appointment of all officers in duplicate to the Government in lieu thereof.

(SECRET-I-ROOM KHALI)
 DISTRICT JUDGE OFFICE (M.A.)
 DISTRICT JUDGE OFFICE

OFFICE OF THE DISTRICT JUDGE (M.A.)
 DISTRICT JUDGE OFFICE (M.A.)
 DISTRICT JUDGE OFFICE

Copy of the above is forwarded for information and
 for the purpose of providing for the appointment of all officers in duplicate to the Government in lieu thereof.

DISTRICT JUDGE (M.A.)
 DISTRICT JUDGE OFFICE (M.A.)
 DISTRICT JUDGE OFFICE

ATTESTED

ATTESTED

DEPUTY SECRETARY (POLICY)
(WAZIRIYA LAJNA)

ATTESTED



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
- 2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7. The Principal Secretaries in Khyber Pakhtunkhwa.
- 8. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 9. All District Commissioners in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 12. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 14. The Deputy Director (IT), E&A Department, Administration Department with the request to the Deputy Director (Admin), Administration Department.
- 15. The Section Officer (Admin), Administration Department.
- 16. The Section Officer (Admin), Administration Department.
- 17. The Section Officer (Admin), Administration Department.
- 18. The Section Officer (Admin), Administration Department.
- 19. The Section Officer (Admin), Administration Department.
- 20. The Section Officer (Admin), Administration Department.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

DATE: 02/08/2020

AMENDMENT

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

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION-WING)

Annexure-1 - B-

-10-

B/c

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

1. Additional Chief Secretary, Govt of Khyber Pakhtunkhwa. Planning & Development Department)
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration, Department.
15. The Section Officer (Admin), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED

MP-447-2023 AZIZULAH VS GOVT OF PUNJ

21.06.23

Secretary (Policy)

Secretary (Policy)

Yours faithfully,

- 1. PG to Special Secretary (Legal), Establishment Department.
- 2. PG to Additional Secretary (Legal), Establishment Department.
- 3. PG to Deputy Secretary (Policy), Establishment Department.

Copy forwarded to the
Under Secretary to the Govt

AS/E
2/16

2011, please.

I am directed to refer to your letter No. SO/Primary-MY/16-58/22-23 dated 18.04.2023 on the subject noted above and to state that Sub-Rule 2 of Rule 7 of Punjab Peshawar Civil Service (Appointment, Promotion and Transfer) Rules, 1989 stands deleted with effect from 06.08.2020. Thus, no provision exists to decline or forego promotion.

The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from competing for a higher grade by seeking a higher grade position or to prevent those who tend to forego promotion to evade post-employment or other benefits of equality to which they are entitled in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

Furthermore, those officers/employees who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Punjab Peshawar Civil Service (Disciplinary & Control) Rules, 2011, please.

Subject: PUNJAB PESHAWAR CIVIL SERVICE (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989

The Government of Punjab Peshawar

GOVERNMENT OF PUNJAB PESHAWAR
ESTABLISHMENT DEPARTMENT
No. SO/Policy/16/11-27/2023
Dated Peshawar the 20th June, 2023



62

Annexure - C

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

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

To

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

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

[Handwritten Signature]
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1988.

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

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

Encl: AA

[Handwritten Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

~~ALLEGED~~

- 13 -
B/c

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

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

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

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. SO (Policy)E&AD/1-3/2020 dated 05 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

(MURHAMMAD 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

- 14 -

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

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


Annexure
①

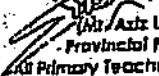
Sl	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Rafiq Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary)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

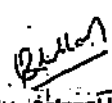
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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


(Mr. Fazal Wahid)
Deputy Director-1
ESSE Department


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


(Mr. Rafiq Ullah)
General Secretary APTA
Peshawar


(Muhammad Ishaq)
Section Officer (Primary-Male)
ESSE Department

(Abdulrahman)
Additional Secretary (Establishment)
ESSE Department

ATTESTED

-15-
-B/C-

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

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

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) EBSE 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
EBSE Department

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

(Muhammad Ishaq)
Section Officer (Primary-Male)
EBSE Department

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

WP 1442-2023 AZIZULLAH VS GOVT OF POK

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

1. PA to Director Local Directorate
2. Master Copy

Copy of this above is as:-

Assistant Director (Estab A-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
Date: 21/11/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

provided they submit their written request with to conduction of the meeting of Teachers below 17-16 may be exempted of implications of the amendment in the rules held 7(2) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that in view of the above, the office is of considered opinion that the violation of Rules been asked for abolition of consolidated case.

Chairman/Secretary of the Government of Khyber Pakhtunkhwa at his office. The following are the minutes of meeting held on 07-07-2023 held under the (Primary) E&SED-1/1/2020 dated 12-06-2023.

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

that there exists no provision in decline or forgo promotion. It is obligatorily stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No. SD/ (Primary) E&SED-1/1/2020 dated 10-07-2023 for necessary guidance.

that your 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 (i) Now it is obligatorily upon the civil servant to accept promotion in every condition. No. SD/ dated 16-07-2023.

That this office would guide from your good office in the following words vide letter dated 06-08-2020.

vide letter No. SD/VI (E&ED)/1/2020 dated 06-08-2020.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation No. SD/ dated 10-07-2023 dated 10-07-2023 on the subject shall above and to personal brief history obtain the background of the case as under.

Subject: **MINUTES OF THE MEETING**

The Station Officer (Primary-Holds),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa Government.

Door Sir,



No. 8145

Phone: 091-923344
E-mail: establishment@pk.gov.pk

Khyber Pakhtunkhwa Government
Date: 21/11/2023

-17-

-B/c-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR
(21-7-2023)

To:

Section Officer (Primary-Male)
Elementary & Secondary Education Department
KPK, Peshawar.

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/5-1/GAM/Min/Minutes of meeting/PST/2023 dated 20-7-2023 on subject cited above and to present brief history, about background of case as under.

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1987) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 5987 dated 06-07-2023.
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline /forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have affected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

ATTESTED



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

No. SO(Policy-M)E&SED/2-1/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Dear Sir,

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

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

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

WP4442-2823 AZIZULLAH VS GOVT CP PG43

ATTESTED

ATTENDED

2. PS to Secretary, E. G. SE Department of Kyba Pakhumbura
1. Director E. G. SE Kyba Pakhumbura.

Copy forwarded to:
(Muzummal Isah)
Section Officer (Army)
(Muzummal Isah)

In this connection it is submitted that in some cases daily teachers of primary level who avoid 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 lock teacher in primary schools.

Dear Sir,
I am directed to refer to your letter No. SA/Army (Policy) 124AD/1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(5) Kyba Pakhumbura (Civil Servant) (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 Kyba Pakhumbura (Civil Servant) (Efficiency and Discipline) Rule 2011.

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

The Secretary to Government of Kyba Pakhumbura
Establishment and Administration Department,
Reshwar.

No. SA (Army-M) E. G. SE/18-2/1
Appointment - Rule/2023
Reference Dated 23rd August, 2023.

-B/C-

Annexure - F



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

To

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

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

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

ATTESTED

WP-442-2023 AZIZULLAH VS GOVT OF PK-03

20-

-21-

- 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

22-

Annexure "G"

To,

Dated: 28-01-2024

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

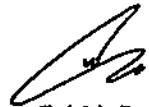
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA 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.

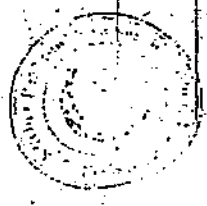
It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution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

Best Regards



Zahid Dad Son of Pir Dad
Resident of Buner

07.05.2024

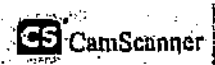


1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.D.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

[Handwritten signature]
13/5/24

Date of Presentation of Application 13-5-24
 Number of
 Copies 5
 Original 1
 Total 5
 Name of
 Date of 13-5-24
 Date of delivery of copy 13-5-24



APPEALED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ZAHID DAD

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

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

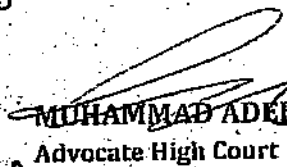
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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

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


APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court