


FORM OF ORDER SHEET

Court of _____

Appeal No. 2068 /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 - 2068/24


Sardar Bahadur

V/S

Government of KP & others

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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2068 /2024

Sardar Bahadur Son of Faqeer Muhammad Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Devli

.....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 appellants. It is not out of place to mention here that the appellants 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

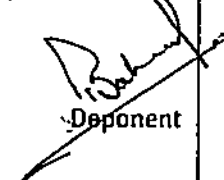
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1; vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

AFFIDAVIT:

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

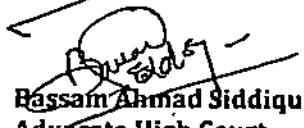

Deponent

Through


Appellant


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 PAKHTUNKHWA

CM No. _____ -P of 2024

In Ref to

Service Appeal No. _____ /2024

SARDAR BAHADUR

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) EAD/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, WIDE LETTER DATED 08/06/2023 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 lit. And if the notification bearing No. So (Policy) EAD/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Wide Letter Dated 06/06/2023, is not suspended the appellant would suffer irreparable loss.

4. That valuable rights of the appellant is involved in the case.

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

Appellant

Muhammad Huzefa Butt

Advocate Supreme Court

Muhammad Ades Butt

Advocate High Court

Through

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 the Honorable Court
Respondent

-6-

Dist. Govt. KP-Provincial
District Accounts Officer Manshera
Monthly Salary Statement (July-2023)



Personal Information of Mr SARDAR BAHADAR @/s/o of FAQIR SUDHANMAD
 Personnel Number: 81222254 CNIC: 1350105784107 NTN:
 Date of Birth: 04.05.1970 Entry into Govt. Service: 27.11.1999 Length of Service: 33 Years 08 Months 036 Days

Employment Category: Active Temporary
 Designation: PRIMARY SCHOOL HULAI7 TEACH1 HEADQUARTERS DISTRICT GOVERNMENT KHYBE
 DINI Code: MA0145-Manshera
 Payroll Section: (01) GPF Section: (01) Cash Center: 3
 GPF AC No: ED/MA/HR/176 GPF Interest applied: GPF Balance: 1,261,102.00 (approx)
 Vendor Number: 30235924 - BIMI RUQIA PRINCIPAL B-19 OGHS BAFFA
 Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 13 Pay Stage: 24

Wage type	Amount	Wage type	Amount
0001 Basic Pay	71,440.00	1001 House Rent Allowance 45%	3,324.00
1210 Convey Allowance 2025	2,856.00	1303 Medical Allowance	1,500.00
1504 Charge Allowance	40.00	1908 Incentive Allowance 20%	1,428.00
2134 15% Adhoc Relief AB 2021	918.00	2109 Adhoc Relief Allow 4010%	658.00
2316 Teaching Allowance 2021	1,224.00	2341 Diets. Res. AB 15% 2022KP	7,006.00
2347 Adhoc Rel A1 15% 25/5/17	7,007.00	2379 Adhoc Relief AB 2021 35%	25,054.00

Deductions - General

Wage type	Amount	Wage type	Amount
3035 GPF Subsidization	-4,290.00	3501 Recycled Fuel	-1,200.00
3409 Income Tax	-3,205.00	3990 Emp. Edu. Fund KPK	-135.00
4034 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 31,247.56 Recovered till F.Y. 2022: 1,205.00 Exempted 12816.00 Recoverable: 35,246.53

Gross Pay (Rs.): 124,178.00 Deductions: (Rs.): -9,438.00 Net Pay: (Rs.): 114,740.00

Payee Name: SAREHAR BAHADAR
 Account Number: PLS 2175-6
 Bank Details: NATIONAL BANK OF PAKISTAN, 211358 LASAN NAWAB LASAN NAWAB, MANSEHRA

Letters: Opening Balance: Aailed Earned Balance:

Permanent Address: MANSEHRA
 City: MANSEHRA Domestic: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email: sarbahadar14709@gmail.com

Statement generated automatically in accordance with APPM 4.6.12 (4/30/19) & 1/24/07/2023 (4/1/0)
 * All amounts are in Pak Rupees
 * Errors & omissions excepted (SL/1/1/07/2023/13-33/50)

ATTESTED



PSHT - BRS - 15

NOTIFICATION

In pursuance of Government of Khyber Pakhtunkhwa Peshawar Notification No SO(B&A)/1-18/PS&SE/2012 and Finance Department Notification No SO(FR)/FD/10-22(E)/2010 Dated 16/07/2012, and subsequently Notification Issued by the District Education Officer (Male) Mansehra Endst: No 3000-125 Notification PSHT Dated 27/02/2015 the following Primary School Head Teachers B16 are adjusted against vacant post of PSHT (B-15) with the following terms & conditions given below with effect from their taking over the charge.

S.#	S.L.N	Name of Teacher	Present School	Union Council	Adjusted School	Union Council
1	997 B	Aurangzeb	GPS Shah Kot	Behali	GPS Charach	Behali
2	1429	Saeed Isahaq	GPS Mohar Khurd	Sawan Mera	GPS Kangar Doga	Sawan Mera
3	1430	Muhammad Nawaz	GPS Chakil Ilyas	Lassan Nawab	GPS Chakil Ilyas	Lassan Nawab
4	1431	Muhammad Shoukat	GPS Kalih Sarash	Salbani	GPS Bela Sacha	Hangari
5	1432	Zakir Hussain	GPS Roh	G.H. Ullah	GPS Bakrian	Baltal
6	1433	Muhammad Aslam	GPS Kaghan	Kaghan	GPS Sarf Rajwal	Kaghan
7	1434	Muhammad Nazir	GPS Ghanoel	Ghanoel	GPS Paprang	Ghanoel
8	1436	Aurangzeb	GPS Makhan Gali	Karori	GPS Melhan Gali	Karori
9	1437	Shahin Ur Rahim	GPS Tamdini	Dhodlal	GPS Nindhar	Bhogranang
10	1444	Muhammad Nasir	GPS Dhorra	Dgali	GPS Jabul Bazargay	Dgali
11	1445	Muhammad Rizq	GPS Trnda	Hilkot	GPS Torhadda	Hilkot
12	1446	Muhammad Shafiqo	GPS Bandi Gula No 2	Sawan Mera	GPS Bandi Gula No 2	Sawan Mera
13	1447	Cham Ali Shah	GPS Kotil Bela	Ichrian	GPS Lammal	Ichrian
14	1447 B	Jam Muhammad	GPS Mori Dhamnala	Phulra	GPS Mori Dhamnala	Phulra
15	1449	Fala Johanna	GPS Sun	Sum	GPS Banda Sachan	Sachan
16	1450	Umair Zaman	GPS Khorian	Phulra	GPS Ghazikot	Phulra
17	1451	Muhammad Iqbal	GPS Jabul Yaqub	Lassan Nawab	GPS Jaba Yaqub	Lassan Nawab
18	1459	Imdad Hussain	GPS Khudlan	Lassan Nawab	GPS Khudlan	Lassan Nawab
19	1461	Ishtiaq Ahmad	GPS Savor	Hungral	GPS Chukana	Hungral
20	1463	Muhammad Khair	GPS Chan Gali	Kathal	GPS Banda Sydan	Kathal
21	1465	Muhammad Nawaz Khan	GPS Bherland	Bherkund	GPS Sikandra	Malik Pir
22	1467	Muhammad Asif	GPS Hassan	Talaha	GPS Gulsoi	Talaha
23	1468	Muhammad Hanayun	GPS Nawar Sher	Bandi Shungli	GPS Nawar Sher	Bandi Shungli
24	1469	Muhammad Usman	GPS Boln Paria	Hungral	GPS Kund	Hungral
25	1473	Zahid Khan	GPS M. Zoroon Shahzad	Sandser	GPS Nool Batta Pain	B/Shungli
26	1476	Muhammad Tariq	GPS Kangar Khola	Parlan	GPS Kangar Khola	Parlan
27	1477	Saim Mujtaba	GPS Kumar Daga	Mohandri	GPS Paitlan	Mohandri
28	1478	Azjad Ali	GPS Gurwal	Allarghisha	GPS Karori	Karori
29	1479	Muhammad Saleem	GPS Rizq Abad	Phothlud	GPS Bandi Kanli	Pherhina
30	1480	Umair Farooq	GPS Dulla Maira	Dhodlal	GPS Dadi Dil Bani	Bhogranang
31	1481	Delawar Khan	GPS Changali	Kathal	GPS Lamma Chikar	Kathal
32	1484	Saj Khan	GPS Borch	Kaghan	GPS Sochi	Kaghan
33	1486	Zulfiqar Khan	GPS Dulla Maira	Dhodlal	GPS Basol	Bhogranang
34	1487	Alan Zeh	GPS Oplra	Behali	GPS Lund Tari	Shergarh
35	1488	Niaz Muhammad	GPS Ichrian	Ichrian	GPS Karmang Bala	Baltal
36	1489	Muhammad Nouf	GPS Inayat Abad	Inayat Abad	GPS Kapdia	Baltal
37	1491	Saeed Ur Rehman	GPS Jaloo	Jaloo	GPS Murad Abadi	Jaloo
38	1492	Ghazi Khan	GPS M.M.Pala	Sandser	GPS Chakil Bala	B/Shungli
39	1502	Aftab Iqbal Khan	GPS Lassan Thakral	Lassan Thakral	GPS Khumlan	Shergarh
40	1503	Azmat Ali	GPS Chajari Bala	Baitan	GPS Chijri Pain	Baitan
41	1505	Nisar Ahmad	GPS Barhan	Dhodlal	GPS Chinyani	Jabari
42	1506	Roshan Khan	GPS Kura Dana	Mohandri	GPS Naka Jarood	Mohandri
43	1507	Azjad Khurshid	GPS Manshra No 1	City No 1	GPS Chappi	B/Shungli
44	1510	Muhammad Khan	GPS Pakha Timbari	Sum	GPS Koj Dalbani	Sum
45	1512	All Gohar	GPS Dohar	Nakka Pani	GPS Chomb	Nakka Pani
46	1513	Abdul Qayyum	GPS Amrahi Phand	Kaghan	GPS Rajwal	Kaghan
47	1514	Shabbir Ahmad	GPS Shafay No 2	Dhodlal	GPS Sundhi	Jabari
48	1516	Muhammad	GPS M.M. Baitan	Dhodlal	GPS Dabbar Katha	Jabari

ATTESTED

I am Sorry!!!!

1521	Muhammad Zaf	GPS Malokra	Shamdhra	GPS Lunda Tadi	Shamdhra
1522	Muhammad Zaf	GPS Jakkal	Nahara	GPS Deshwar	Kayal
1523	Muhammad Zaf	GPS Ghodim	Chanoel	GPS Katali	Kayal
1524	Muhammad Zaf	GPS Chappra Ghoshal	Hungai	GPS Hunhan	Kayal
1525	Muhammad Zaf	GPS Kulbary	Datta	GPS Baikni	Kayal
1526	Muhammad Zaf	GPS Badai Gran	Mahandhi	GPS Badai Gran	Kayal
1527	Muhammad Zaf	GPS Ghor Band	Shavool	GPS Pail Jaraed	Kayal
1528	Muhammad Zaf	GPS Jabri Khalil	Shahid Manzullah	GPS Phopara	Kayal
1529	Muhammad Zaf	GPS Jia Mara	Hansolalan	GPS Hamohitan	Kayal
1530	Muhammad Zaf	GPS Khala	Shavool	GPS Pailma Dhorl	Kayal
1531	Muhammad Zaf	GPS Nayari Sher	Bandi Shungli	GPS Nayari Sher	Kayal
1532	Muhammad Zaf	GPS Janai Matl	Kaghan	GPS Janai Matl	Kayal
1533	Muhammad Zaf	GPS Qghl No 1	Oghl	GPS Chankol	Kayal
1534	Muhammad Zaf	GPS Datta Kund	Kaghu	GPS Gokhar	Kayal
1535	Muhammad Zaf	GPS Challa Bala	Smulgar	GPS Damban	Kayal
1536	Muhammad Zaf	GPS Her Sun	Shahid Manzullah	GPS Sunj	Kayal
1537	Muhammad Zaf	GPS Kalyal	Phutra	GPS Alara Goll	Kayal
1538	Muhammad Zaf	GPS Kalla	Shanyaya	GPS Kalla	Kayal
1539	Muhammad Zaf	GPS Kalyal	Phutra	GPS Kausi Matl	Kayal
1540	Muhammad Zaf	GPS Rinz Abad	Phutra	GPS Phunkat	Kayal
1541	Muhammad Zaf	GPS Chakka	Phutra	GPS Phungai	Kayal
1542	Muhammad Zaf	GPS Palha	Phutra	GPS Jangi Payan	Kayal
1543	Muhammad Zaf	GPS Benda	Nakka Pail	GPS Ghazkol	Kayal
1544	Muhammad Zaf	GPS Qghl No. 1	Oghl	GPS Husain Bann	Kayal
1545	Muhammad Zaf	GPS Phutra	Phutra	GPS U. Khami Khil	Kayal
1546	Muhammad Zaf	GPS Jageen	Saltani	GPS Banna Manuar	Kayal
1547	Muhammad Zaf	GPS Ghassan Sol	Darbana	GPS Phuldar	Kayal
1548	Muhammad Zaf	GPS Madasani	Phutra	GPS Jakkal	Kayal
1549	Muhammad Zaf	GPS Unband	Darbana	GPS Mullan	Kayal
1550	Muhammad Zaf	GPS Sijlay	Sayan Mata	GPS Ghilac	Kayal
1551	Muhammad Zaf	GPS Ghaz Ghungu	Mahandhi	GPS Ghani Kama Han	Kayal
1552	Muhammad Zaf	GPS Nakka Pail	Nakka Pail	GPS Nakka Pail	Kayal
1553	Muhammad Zaf	GPS Hazari Khand	Shanyaya	GPS Dama	Kayal
1554	Muhammad Zaf	GPS Kiyara	Darbana	GPS Tani Mula	Kayal
1555	Muhammad Zaf	GPS Pail Jaraed	Hungai	GPS Ghani Han wala	Kayal
1556	Muhammad Zaf	GPS Ghani	Hungai	GPS Sullaba Pail	Kayal
1557	Muhammad Zaf	GPS Khaki	Darbana	GPS Makhyala	Kayal
1558	Muhammad Zaf	GPS New Darband	Darbana	GPS Dandi Kai	Kayal
1559	Muhammad Zaf	GPS Mandi	Saltani	GPS Dangi Sorl	Kayal
1560	Muhammad Zaf	GPS Saltani	Saltani	GPS Lohar Banna	Kayal
1561	Muhammad Zaf	GPS Manna Goll	Phutra	GPS Tarang	Kayal
1562	Muhammad Zaf	GPS Dropher	Nakka Pail	GPS Dekat Ghazkol	Kayal
1563	Muhammad Zaf	GPS Brother	Nakka Pail	GPS Angar Babu	Kayal
1564	Muhammad Zaf	GPS Galla	Phutra	GPS Chama Ghazkol	Kayal
1565	Muhammad Zaf	GPS Syarbol	Darbana	GPS Shalfool	Kayal
1566	Muhammad Zaf	GPS Desira	Karori	GPS Hai Dala	Kayal
1567	Muhammad Zaf	GPS Kalghan	Laharkol	GPS Tabara Lasa Haka	Kayal
1568	Muhammad Zaf	GPS Chora Kalan	Dilbari	GPS Ghinnan	Kayal
1569	Muhammad Zaf	GPS Tanda	Tanda	GPS Dasum	Kayal
1570	Muhammad Zaf	GPS Sumdhara	Shamdhra	GPS Charangada	Kayal
1571	Muhammad Zaf	GPS Afzal Abad	Shakal Abad	GPS Baran	Kayal
1572	Muhammad Zaf	GPS Gail Dadri	Shergarh	GPS Hirool	Kayal
1573	Muhammad Zaf	GPS Jhagan	Bherkund	GPS Rankol	Kayal
1574	Muhammad Zaf	GPS Sahkol	Kalipi	GPS Randra	Kayal
1575	Muhammad Zaf	GPS Bherkund	Bherkund	GPS Kharyala	Kayal
1576	Muhammad Zaf	GPS Trada Panjaci	Sachan	GPS Davil	Kayal
1577	Muhammad Zaf	GPS Bajna Mara	Tanda	GPS Jore Bolla	Kayal
1578	Muhammad Zaf	GPS Kail Nawaz Abad	Davil Jabar	GPS Halkal	Kayal
1579	Muhammad Zaf	GPS Banna	Saltani	GPS Boosan Phagal	Kayal
1580	Muhammad Zaf	GPS Karay	Ichiran	GPS Serl Bala	Kayal
1581	Muhammad Zaf	GPS Darra Batakol	Balokol	GPS Lasa Darband	Kayal
1582	Muhammad Zaf	GPS Chaman	Karori	GPS Haryala Shergarh	Kayal
1583	Muhammad Zaf	GPS Ghazkol	Dalla	GPS Haryala Manse	Kayal
1584	Muhammad Zaf	GPS Hassa	Sulol	GPS Sri Kaghan	Kayal
1585	Muhammad Zaf	GPS Kollay Pan	Chiran	GPS Charan	Kayal
1586	Muhammad Zaf	GPS Zalla Madan	Chir Har?	GPS Serl Dala	Kayal

ATTESTED

I am Sorry!!!!

1034	Arifud Din	GPS Dabran	Ghazal	GPS Phagn	Kaghan
1035	Mohammad Fayaz	GPS Mathil	Jheri	GPS Kanchapi	Mawazabad
1036	Atiq Ur Rehman	GPS Sari Mahar Gul	Karol	GPS Sari Mahar Gul	Karol
1037	Muhammad Sankool	GPS Qazilbad	Jheri	GPS Chakra Bala	Balal
1038	Syed Mansur Shafi	GPS Balidan	Balidan	GPS Darchar	Balidan
1039	Munir Ahmed	GPS Zeraori	Talita	GPS Pailan	B/Shargil

TERMS AND CONDITIONS:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the E&D Rule 2011, framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their inter-se Seniority on lower post will remain intact.
6. No TADA is allowed for joining his duty.
7. They will give an under taking to this effect to be recorded in their service Book.

Sd/-
**DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA**

Encls: No.3961-4081 Notification PSHT Dated 14/03/2015.

- Copy forwarded for information and necessary action to the:-

 1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
 2. The Deputy Commissioner Mansehra
 3. The District Monitoring Officer IMU Mansehra
 4. District Accounts Officer Mansehra.
 5. Deputy District Education Officer (Male) Mansehra.
 6. Sub Divisional Education Officer (Male) Mansehra.
 7. All ASDEO (M) Concerned
 8. Office order file.

[Handwritten Signature]
14/3/15
**DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA**
14-3-15

[Handwritten Signature]
ATHEERU

I am Sorry!!!!

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**

GEN. 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.

1267
04/08/2020

ATTESTED

**(WAJDAH LESTIJ)
DEPUTY SECRETARY (POLICY)**

ATTESTED

-12-

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

-14-



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

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

To

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

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

[Signature]
25/6/23

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 mark]

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

Copy forwarded to the:

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

[Handwritten mark]

[Signature]
SECTION OFFICER (PRIMARY MALE)
25/6/23

ATTESTED

-15-
B/c

No SO (Primary-M)/B&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, 1909.

I am directed to refer to the subject noted above and to enclose here with a letter of
Establishment Department letter No. SO (Policy)EEAD/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, B&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALE)

ATTESTED

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

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


Annexure
D


Sl No	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. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

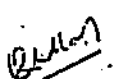
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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


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


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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


ATTESTED

-17-
-B/C-

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

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

VA GOVT CP FORM 10-2023

Assistant Director (Exhibit-1)
Ministry of Secondary Education
Kyber Pakhtunkhwa

Assistant Director (Exhibit A-1)
Ministry of Secondary Education
Kyber Pakhtunkhwa

17/07/2023

The form is submitted for permit and necessary actions please.

Departmental Promotion Committee.
provided they submit their written request prior to conclusion of the meeting of
Teachers Union No. 16 may be concerned of implications of the amendments in the rules bid
7(3) have affected adversely a huge number of female Teachers. Thus it is proposed that
in view of the above, this office is of considered opinion that the deletion of Rules
been asked for submission of consolidated case.
Chairmanship of Hon. Ministerial Secretary Establishment at his office this office has
That in the light of the minutes of meeting held 6-07-2023 held under the
(Primary-4) E&SD/2-1/Representation/2023 dated 12-06-2023.
The same was received by this office from your good office with letter No. SO
civil servant in accept promotion under every condition.
that there shall be no provision to decline or forgo promotion. It is obligatory upon every
Wing) vide letter No. SO (Policy) E&SD/1-1/2020 dated 6-06-2023 retroactively stated
That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation
No. SO (Primary-4) E&SD/2-1/Representation/2023 for necessary guidance.
The same was forwarded to the quarter concerned with letter
(ii) If it is the responsibility of the civil servant to either accept or forego the offer of
promotion.
(i) Now it is obligatory upon the civil servant to accept promotion in every condition
No. SO/2 dated 10-07-2023.
That this office sought guidance from your good office in the following words with letter
dated 05-08-2023.
The Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing)
dated 15th 7th 2023. In this case Government (Appointments, promotion & Transfer Rules 1989)
vide notification No. SOA-VI (E&SD)/1-1/2020 dated 05-08-2023.
That this office sought guidance from your good office in the following words with letter
No. SO/2 dated 10-07-2023.
I am directed to refer to the letter No. SO/Primary-4/05&SD/2-1/
Q.1/Representation of the Teachers Union No. 16 dated 10-07-2023 on the subject cited above and to
present brief history about the background of the case as under:

Subject: **MATTERS OF THE TEACHING**
Dear Sir,
The Section Officer (Primary-Wing),
Ministry of Secondary Education Department,
Kyber Pakhtunkhwa Province.



No. 2145

Phone No. 9222114

Email: education@pk.gov.pk

ATTESTED

WPA443-2023 AZIZULHAQ VS GOVT OF POK

2. Master Copy
1. PR to Director Local Directorate
Copy of the above to:
Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

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

no provision to during long period. It is obligatory upon every civil
servant to accept promotion under any condition.
That the government of KP-ED (Regulation W/19) vide letter No. SO (Policy)
EGAD/1-2/2020 dated 6-06-2023 categorically stated that there exists

That your good office forwarded the same to quater concerned
vide letter No. SO (Promotion) EGSED/2-2/11/2023 for necessary
guidance.

That the government of KP-ED (Regulation W/19) vide letter No. SO (Policy)
EGAD/1-2/2020 dated 6-06-2023 categorically stated that there exists
no provision to during long period. It is obligatory upon every civil
servant to accept promotion under any condition.

That the government of KP-ED (Regulation W/19) vide letter No. SO (Policy)
EGAD/1-2/2020 dated 6-06-2023 categorically stated that there exists
no provision to during long period. It is obligatory upon every civil
servant to accept promotion under any condition.

That the government of KP-ED (Regulation W/19) vide letter No. SO (Policy)
EGAD/1-2/2020 dated 6-06-2023 categorically stated that there exists
no provision to during long period. It is obligatory upon every civil
servant to accept promotion under any condition.

That the government of KP-ED (Regulation W/19) vide letter No. SO (Policy)
EGAD/1-2/2020 dated 6-06-2023 categorically stated that there exists
no provision to during long period. It is obligatory upon every civil
servant to accept promotion under any condition.

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EGAD/1-2/2020 dated 6-06-2023 categorically stated that there exists
no provision to during long period. It is obligatory upon every civil
servant to accept promotion under any condition.

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EGAD/1-2/2020 dated 6-06-2023 categorically stated that there exists
no provision to during long period. It is obligatory upon every civil
servant to accept promotion under any condition.

That the government of KP-ED (Regulation W/19) vide letter No. SO (Policy)
EGAD/1-2/2020 dated 6-06-2023 categorically stated that there exists
no provision to during long period. It is obligatory upon every civil
servant to accept promotion under any condition.

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

Suggested Minutes of Meeting

Dear Sir, I am directed to refer to letter No. SO (Promotion) EGSED/5-1/6/2023/

Minutes of meeting dated 30-7-2023 on subject cited above and to

present brief history, about background of case as under.

That Government of KP established department (Regulation W/19) dated 1987

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

Suggested Minutes of Meeting

Dear Sir, I am directed to refer to letter No. SO (Promotion) EGSED/5-1/6/2023/

Minutes of meeting dated 30-7-2023 on subject cited above and to

present brief history, about background of case as under.

That Government of KP established department (Regulation W/19) dated 1987



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

No. SO(Primary-M)EBSED/1-1/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.

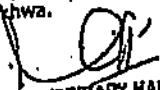
2. In this connection it is submitted that in some cases lady teacher of primary
level who avail such promotions have to face serious inconvenience while they have to
perform duties in the remotest station with no residential or transport facility. Most of
them are married with kids and elder father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

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


(MUHAMMAD USMAN)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

ATTESTED

ATTENDED

(Muhammad Ishaq)
Sector Officer (Army)
(Male)

1. Division EG SE Khyber Pakhtunkhwa
2. PS to Secretary, EG SE Department, Khyber Pakhtunkhwa

Copy forwarded to:
the staff of lady teacher in primary schools.
In view of above, the said amendment may be reconsidered to
effects on service delivery. Mother-in-law who need care in such cases there are negative
Most of them are married with kids and elder father of
In the remotest stations with no residential/transport facilities
fore serious inconvenience while they have to perform duties
teacher of primary level who avail such promotion have to
In this connection it is submitted that in some cases lady
Civil Servant (Efficiency and Discipline) Rule 2011.
different means shall be proceed under Khyber Pakhtunkhwa
of the competent authority or try to evade promotion through
those officers/officials who do not comply with promotion order
Promotion and Transfer Rules 1989) it has been intimated that
deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment,
11-2/2020 dated 21 June 2023 and to state that after
I am directed to refer to your letter No. SO/Army
(Policy) (E/AD)
Dear Sir,

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

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

To
No. 5 (Army-M) EG SE D/18-21
Appointment - Rule/2023
Reference Dated 29th August, 2023

-B/c-

Annexure - F



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

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

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


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

Yours faithfully,

Section Officer (Policy)

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.
- 

ATTESTED

09/09/2023 09:11:14 AM VS GOVT OF PK 03

-22-

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-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/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

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

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

Best Regards


Sardar Bahadur Son of Faqeer Muhammad
Resident of Tehsil & District Manshera

~~ATTESTED~~

WPA442-2023 AZZULAH VS COURT OF POKS

Handwritten signature and date: 08/11/23

Main body of handwritten text, appearing to be a legal document or affidavit, written in Arabic script.

Annexure - H

APTA House
Govt. Primary School Road,
Dulhooch Peshawar City.



Khayber Pakhtunkhwa

1st Floor
Peshawar
033-0414811
www.apta.com.pk

-26-

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

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 12-5-24

Number of 57

Copies 57

Urgent 57

Total 57

Name of 18-6-23

Date of 12-5-24

Date of Release of Copy 12-5-24

CamScanner

ATTESTED

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VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SARDAR BAHADUR

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

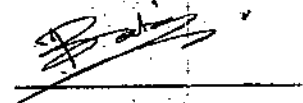
MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

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