


FORM OF ORDER SHEET

Court of _____

Appeal No. 2067/2024

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. Muhamimad 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 style="text-align: right;">By order of the Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A NO - 2067/24

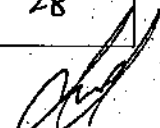
Muhammad Ayaz

V/S

Government of KP & others

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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2067 /2024

Muhammad Ayaz Son of Muhammad Abbas Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Nor sum

.....Appellant

V E R S U S

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

-3-

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the 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 set-aside.

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


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

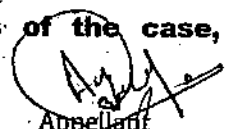
It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

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

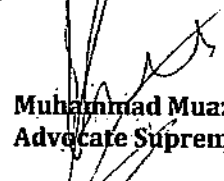
AFFIDAVIT:

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

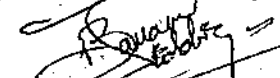

Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Afael Butt
Advocate High Court


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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

CM No _____ P of 2024

In Ref to

Service Appeal No _____ /2024

MUHAMMAD AYAZ
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 06/08/2023 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.

[Signature]
Appellant

AFFIDAVIT:

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

[Signature]
Deponent

Through

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court.

[Signature]
Muhammad Adeel Butt
Advocate High Court



Personal Information of: **Mrs. ARJAMIAAD AVAZ d/o Mrs. ARJAMIAAD ABDAS KHAN**

Registration Number: 00123456789 | CNIC: 13501129182011 | NTN: _____
Date of Birth: 13.08.1970 | Entry into Govt. Service: 25.03.1990 | Length of Service: 33 Years 10 Months 08 Days

Employment Category: **Active Temporary**
Designation: **PRIMARY SCHOOL HEAD TEACH**
D/O: **Cake, MARG17-District Muzaffargarh**

Payment Schedule: 001 | GPF Scheme: 001
BPF A/C No: **EDUAD00117** | GPF Interest applied
Vendor Number: _____
Pay and Allowances: **Pay scale BPS For - 2022** | Pay Scale Type: **Civil** | HPS: **15** | Pay Suggest: **26**

Sl. No.	Amount	Pay Type	Description
0001	75,000.00	Basic Pay	
1210	2,456.00	House Rent Allowance	House Rent Allowance 15%
1215	1,000.00	Medical Allowance	
1218	400.00	Conveyance Allowance	15% Adhoc Rebet All-2013
2102	652.00	Dearness Allowance	15% Adhoc Rebet All-2013
2341	7,200.00	Adhoc Rebet All-15% 2022	Adhoc Rebet All-15% 23(P517)
2378	25,007.00	Adhoc Rebet All-2022 35%	
Amount	35,515.00		

Sl. No.	Amount	Pay Type	Description
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0115	1,200.00	Arrears	Arrears
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0297	1,200.00	Arrears	Arrears
0298	1,200.00	Arrears	Arrears
0299	1,200.00	Arrears	Arrears
0300	1,200.00	Arrears	Arrears

Sl. No.	Amount	Pay Type	Description
0001	75,000.00	Basic Pay	
1210	2,456.00	House Rent Allowance	House Rent Allowance 15%
1215	1,000.00	Medical Allowance	
1218	400.00	Conveyance Allowance	15% Adhoc Rebet All-2013
2102	652.00	Dearness Allowance	15% Adhoc Rebet All-2013
2341	7,200.00	Adhoc Rebet All-15% 2022	Adhoc Rebet All-15% 23(P517)
2378	25,007.00	Adhoc Rebet All-2022 35%	
Amount	35,515.00		

Payable: 36,291.88 | Received: 36,291.88 | Balance: 0.00
 Gross Pay (Basic): 128,655.00 | Deductions: (HSR: 9,821.00) | Net Pay (Basic): 118,834.00
 Page Name: **MUHAMMAD AVAZ** | Account Number: **PLS 2111-1** | Head Office: **NATIONAL BANK OF PAKISTAN, 23065 GARHI HADWILLAH GARHI HADWILLAH MANSHERA**
 Leave: _____ | Opening Balance: _____ | Available: _____ | Earned: _____ | Balance: _____

Financial Address: **MANSHERA** | District: **Muzaffargarh** | District Office: **Muzaffargarh**
 City: _____ | Temp. Address: _____ | Email: _____
 Hearing Sheet No: **011111**

ATTESTED

State Government of Punjab, Lahore | All amounts are in Pak Rupees | Errors & omission excepted. (S.No. 02/2024/100)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANICHERA

946/11

NOTIFICATION

In pursuance of Government of Khyber Pakhtunkhwa Postwar Notification No. SQA/PA/11-18/1652/2012 Dated 11/07/2012 and subsequently Notification issued by the District Education Officer (Male) Manicera Endat: No 1711-850 dated 25/02/2013.

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

S.No	S.L.#	NAME OF OFFICIAL	NAME OF PRESENT SCHOOL	Circle No	Adjust in Circle	Place of Posting	REMARKS
1	6	MUHAMMAD TAYYAB	GPS SOBRIAN	1		GPS SOBRIAN	do
2	9	ABDUR RAUF	GPS KADLA	1		GPS KANSHARI	do
3	90	ABDUL MAHAN	GPS BOLI			GPS BOLI	do
4	92	MUHAMMAD FARID	GPS KANGRAH	1		GPS KANGRAH	do
5	100	MUHAMMAD FARID	GPS JAWRA KULI	1	2	GPS CHAMBER (SANGARI)	do
6	106	MUHAMMAD ILLYAS	GPS SUGDIAR	1		GPS SUGDIAR	do
7	105	SHAD MUHAMMAD	GPS SHOHAL HAJAF KHANI	1		GPS SHOHAL HAJAF KHANI	do
8	116	MUBARAK UH REHMAN	GPS BANPHORA	1		GPS BANPHORA	do
9	120	RAZA MUHAMMAD	GPS QADAR ABAD	1	2	GPS THANGAR	do
10	127	SARAJ AHMED	GPS TARIN BATTORA	1		GPS TARDI BATTORA	do
11	157	MUHAMMAD SADIQ	GPS KHANJARI	1	2	GPS DALA SACHA	do
12	160	MEHMOOD UH PEJMAN	GPS KHARGARI	1		GPS KHARGARI	do
13	162	MUHAMMAD HIAZ	GPS DISSIAN	1		GPS DISSIAN	do
14	163	MUHAMMAD ZAMOR	GPS SHOHAL MAZULLAH	1		GPS SHOHAL MAZULLAH	do
15	167	MUHAMMAD AKRAM	GPS DOGRA	1		GPS DOGRA	do
16	193	ABDUL RASHID	GPS KANJURIA	1		GPS NAWA PAPIS	do
17	206	MUHAMMAD SHAFIQ	GPS GUL NAHA	1		GPS GUL NAHA	do
18	231	ABDUL WAHID	GPS JAGHEER	1		GPS JAGHEER	do
19	255	ABDUL HAFIF	GPS BANPHORA	1		GPS THANDA PATHA	do
20	258	ABDUL JAUL	GPS GALI SHOHAL	1		GPS GALI SHOHAL	do
21	271	ABDUL SABOOR	GPS BALAKOT	1		GPS BALAKOT	do
22	272	ABDUL QAYYUM	GPS DISSIAN	1	2	GPS KIDLA	do
23	297	ISHFAQ AHMED	GPS CHAPRAW	1	2	GPS PHAGAL	do
24	309	SADIR HUSSAIN	GPS BURAJ	1		GPS BURAJ	do
25	319	MUHAMMAD QASIM	GPS GARUA	1		GPS DAT SANGRA	do
26	324	IFTIKHAR BASHIR	GPS LASMARA	1	2	GPS HAKA KATHER	do
27	324	MUHAMMAD ASHRAF	GPS SINGAL DHERI	1		GPS SINGAL DHERI	do
28	341	AHMED HAWAZ KHANI	GPS ROT BANALLAH	1		GPS ROT BANALLAH	do
29	343	GUL FARASH	GPS DATTANG PATSARY	1	2	GPS CHOWKVA	do
30	344	MUHAMMAD JAVED	GPS DATTANG	1		GPS DATTANG	do
31	357	SHAH HAWAZ KHAN	GPS DANNA JAGR NO.1	1		DANNA JAGR NO. 1	do

ATTESTED

PROMOTION ORDER PSHI (M) B-15 - 8-

		MUHAMMAD AFZAL	GPS BAGGAH	1	2	GPS NAKA JARED	****do****
73		ABDULLAH SHAH	GMPS CH.MAHMED	1	2	GPS SHOGRAN	****do****
774		MUHAMMAD YOUSAF	GPS ALLARI BALA	1		GPS ALLARI BALA	****do****
702		M.ISHFAQ	GPS PORE	1		GPS PORE	****do****
76	829	MUKHTIAR HUSSAIN	GPS DANDAR	1	2	GPS BUTA JARED	****do****
77	874	ABDUL WAHID	GMPS MANOO BAT SANGRA	1		GPS KANSHAIN BALA	****do****
78	877	MUHAMMAD TAHIR	GPS LUNDA	1		GPS CHAPRA CHOSHAIL	****do****
79	892	M.SADIR	GPS SERI KHAIR ABAD	1		GPS SERI KHAIR ABAD	****do****
80	903	FAKHARULIJAZ SHAH	GPS LASHAKIRA	1		GPS LASHAKIRA	****do****
81	917	MUHAMMAD JAVED	GPS KALISH	1		GPS KALISH	****do****
82	918	NIJAZ MUHAMMAD	GPS NARRAH	1	2	GPS THAWAN	****do****
83	930	ABDUL MALIK	GMPS KATHA BISSIAN	1	2	GPS BALA MANDOR	****do****
84	940	ABDU WAHID	GMPS ZIARAT TRANNA	1	2	GPS DAMDAMA	****do****
85	941	MUHAMMAD SALEEM	GMPS SHAHOTAR	1		GPS TANGRI	****do****
86	944	IJAZ AHMED	GPS SHAGAI NO.1	1	2	GPS LASSA MANDARI	****do****
87	946	MUHAMMAD AYAZ	GPS NOR SUM	1		GPS NOR SUM	****do****
88	948	MUHAMMAD JAVED	GMPS KATVI CHAR	1		GPS PATICAKA	****do****
89	949	IBRAR HUSSAIN	GPS SARWAI	1		GPS TALAHATA	****do****
90	952	GHULAM MUSTAFA	GPS MORI SHOHAL	1		GPS MORI SHOHAL	****do****
91	956	M.RAFIQUE	GPS BANNI KARNOL	1		GPS SIAAL	****do****
92	957	MUHAMMAD SALEEM	GPS NOKOT	1		GPS NOKOT	****do****
93	958	MUHAMMAD RAFIQUE	GPS DARRAH BALA KOT	1		GPS DARRAH BALA KOT	****do****
94	962	SHAMSUR REHMAN	GMKS MANGLI	1	2	GPS SANGARA	****do****
95	977	ABDUL GHANI	GPS BANNI KARNOL	1		GPS BANNI KARNOL	****do****
96	979	MCHIB HUSSAIN SHAH	GPS JAG KASHTRA	1		GPS PALAYAN	****do****
97	987	MUHAMMAD SAEED	GPS JAGIR	1	2	GPS DABRIAN	****do****
98	988	SAEED AHMAD	GPS HASSA PUL	1		GPS KANOCH	****do****
99	989	MUHAMMAD TAHIR	GPS BISSIAN	1		GPS BATORA	****do****
100	991	ISHTIAQ AHMED SHAH	GPS BAGAL CHAR BALA	1		GPS BAGAL CHAR BALA	****do****
101	993	MUHAMMAD ARIF	GPS JAGIR	1	2	GPS LOHARBANDA	****do****
102	1058	BASHIR AHMED	GPS KUMMI	1		GPS KUMMI	****do****
103	1071	M.ABDUL KARIM	GPS DANA M JAN	1		GPS DANA MUHAMMAD JAN	****do****
104	1075	GHULAM MUJTABA	GMPS HARI KHAN GIRI	1		GPS BATTANGI	****do****
105	1084	MUHAMMAD SHAFIQUE	GMPS HASSA	1	2	GPS BANDA MANDOR	****do****
106	1129	MUHAMMAD ISHAQ	GPS DAKKAN DIDAKI	1		GPS DAKKAN DIDAKI	****do****
107	1150	MUHAMMAD SAJD	GPS MORI SHOHAL	1	2	GPS CHOSHAL	****do****
108	1161	SHABIR HUSSAIN	GPS NAKA KAWARA	1		GPS NAKA KAWARA	****do****
109	1166	KHANI ZAMAN	GMPS KARMI DARPAH	1	2	GPS N. BADA	****do****
110	1177	MUHAMMAD ISRAR	GPS GARLAT	1	2	GPS NOORI	****do****
111	1187	AHMED HAWAZ	GPS DOGA	1	2	GPS SHANGRIAN	****do****

ATTESTED

PROMOTION ORDER PS/PT (M) 01-15

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

TERMS & CONDITIONS.

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their later-seniority on lower post will remain intact.
6. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light of this order will be recovered and if he is wrongly promoted he will be reversed.
7. Checking & verification of all the documents shall be ensure by the DDO concerned.
8. Necessary entries to this effect should be recorded in their S/Book.
9. No TA/DA is allowed for joining their duty's.

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

Encls: No. 779-1797 (Est: (M) Promotion: Primary School Head Teacher (M) Dated 21/3/2013.

Copy forwarded for information and necessary action to the-

1. PS to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director E&SE Department Khyber Pakhtunkhwa Peshawar.
3. ASDEO (M) Circle, 1 Balakot, 2 Kaghan, 3 Pishin, 4 Oghi, 5 Shergar, 6 Manshira, 7 Uattal, 8 Daffa, 9 Dhodial.
4. District Accounts Officer Manshira
5. Dy: District Officer Finance & Planning Manshira
6. B&AO local office.
7. Officials concerned.


 SUB DIVISIONAL EDUCATION OFFICER
 (MALE) MANSEHRA

ATTESTED

DIRECTOR OF THE DISTRICT EDUCATION OFFICER (MALE) MANSERHA.

O.O.No. 32

Dated. 25/3/1990.

APPOINTMENT.

On returned from PTC training, the following PTC trainees are hereby appointed as Primary School teachers against newly sanctioned PTC posts noted against each name in BPS-7 (Re. 750-31-) plus usual allowances as admissible to them under the rules in the interest of public service with the date of taking over charge with the following terms and conditions:-

S.No.	Name, fathers name & address.	School where appointed.	Remarks.
1.	S. Anwar Shah S/O Mardan shah R/O Kanshian.	GPS Bhattian.	Aget: Newly sanctioned Post.
2.	Mr. Niaz Mohammad S/O "bdur Rehman R/O Nerah.	--do--	-do-
3.	Mr. Mohammad Riaz S/O Mohammad Maqsood R/O Kanshian.	GPS Boli.	-do-
4.	Mohammad Javid S/O Ghulam Sarwar R/O Jabri Kakh.	---do--	-do-
5.	Mr. Juma S/O Shah Zaman R/O Kot Bahala.	GPS Noor Sum.	-do-
6.	Mohammad Hamayun S/O Sheikh Ahmed R/O Balakote.	---do--	-do-
7.	Mohammad Saleem S/O Ghulam Ali T/O Kanshian.	GPS Andaragi.	-do-
8.	Mr. Noorur Rehman S/O Faqir Ullah R/O Naran.	---do--	-do-
9.	Mohammad Abid S/O Mohammad Ayaz Khan R/O Balakote.	GPS Lohar Banda	-do-
10.	Mohammad Javid S/O Mohammad Sarwar R/O Shohel Mazullah.	---do--	-do-
11.	Mr. Injaz Ahmed S/O Ghulam Haider R/O Shohel.	GPS Kunhar.	-do-
12.	Mr. Ghulam Muetafa S/O Haji Ubaidullah R/O Shohel.	---do--	-do-
13.	Mr. Abdul Wahid S/O M. Saadur Rehman Shohel Mazullah.	Mosque School Machi Poora.	-do-
14.	Mr. Ibrar Hussain S/O Mohammad Rafique R/O Shohel Maidan.	Mosque School Bhangan Bhoonja	-do-
15.	Mohammad Iyaz S/O Mohammad Abbas Khan R/O Sh: Najif Khan.	Mosque School Sandoori.	-do-
16.	Mohammad Javid S/O Ghulam Qadir R/O Shohel.	Mosque School Rote Chanj Rejwal.	-do-
17.	S. Zahid Hussain shah S/O S. Tebarak Hussain shah R/O Sh: Najif Khan.	Mosque School Dooba Makhan Bala.	-do-
18.	Mohammad Iqbal S/O Mohd Daud R/O Kanshian.	Mosque School Dheri Zaman.	-do-

ATTESTED

TERMS & CONDITIONS.

1. Charge report should be submitted to all concerned.
2. No TA/DA etc is allowed to any one.
3. They should produced their age and health certificate from Medical Supdt:DHQ Hospital Mansehra.
4. Their original certificate may be checked before handing over charge.
5. They should not be handed over charge if their age is below 19 years and above 25 years.
6. The appointment is purely temporary & liable to be termination at any time without any reasons.

MLC

(KHURSHID AHMAD)
DISTRICT EDUCATION OFFICER
(MALT)MANSEHRA.

Order No. 3479-3518/147-III Dated Mansehra the 25/3/90.

Copy of the above is forwarded to the:-

1. Sub-Divisional Officer (Male) Mansehra.
2. A.S.D. F.O Circle Balakote.
- 3-21. All Head-Teacher Govt: Primary School/Mosque School noted above.
- 22-30. All the above mentioned candidates.
31. P.O. Malt.

MLC

DISTRICT EDUCATION OFFICER
(MALT)MANSEHRA.

ATTESTED

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

INDEX 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.

1257
09/08/2020

(WAJDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

Attested
ATTESTED

-13-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. 50(Policy)/KAD/1/2020
Dated Peshawar the June 06, 2023

62

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

Subject: CHANGES REGARDING REPELION OF RULE 7(3) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVICES (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,
I am directed to refer to your letter No. 50(Policy-M)/TAS/1022-
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(3) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this Department notification dated 04.02.2020; thus, no
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the (3) rule is aimed at preventing a
civil servant from temptation for (3) rule by seeking to a stopp (interim) post/position or to
prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity
to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every
civil servant to accept promotion in every condition.

3. Furthermore, those officers/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 Services (Efficiency & Discipline) Rules,
2011, please.

Yours faithfully,

(Ijaz Habibullah Khan)
Section Officer (Policy)

ASE
7/6

Encl. Of even No. & date

Copy forwarded to:-

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

16/6/23
21/6/23

Section Officer (Policy)

ATTESTED

-15-

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8223507)

Pn.SO (Primary-MY&SED/2-6/2023
Dated Peshawar the June 26th, 2023

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

[Signature]
26/6/23

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

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

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

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

Copy forwarded to the:

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

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

ATTESTED

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(5) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1989.

I am directed to refer to the subject noted above and to enclose here with a letter of
Establishment Department Order 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&SB 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 MALI)

Copy forwarded to the

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

SECTION OFFICER (PRIMARY MALI)

WP4443-2023 AZIZULLAH VS GOVT OF KP43

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(S) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Annexure
D


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.


SR	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 bled 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-1
E&SE Department


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED

-18-
-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(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

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

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

3. After 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-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



№ 2145

№ 1157/2023

Ministry of Secondary Education and Higher Education of Kyrgyzstan

The Deputy Director (Primary School) Ministry of Secondary Education and Higher Education of Kyrgyzstan

Subject: - INVITATION TO THE HEARING

Dear Sir,

I am directed to refer to the letter No. KSP/Primary-405455/23-11 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

The Government of Kyrgyz Republic Ministry of Secondary Education and Higher Education (Regulation Wings) dated Rule 71, in the Civil Service (Appointment, Promotion & Transfer Rules 1985) vide notification No. SOR-VI (S&AD)/1-27020 dated 05-08-2020. That the office sought guidance from your good office in the following words vide letter No. 6987 dated 19-02-2023.

(ii) If it is the prerogative of the civil servant to accept promotion in every condition. Now it is obligatory upon the civil servant to either accept or turn down the offer of promotion. That your good office forwarded the same to the quarter concerned vide letter No. 50 (Primary-4) S&AD/1-27020 dated 12-06-2023 for necessary guidance. That the Government of Kyrgyz Republic Ministry of Secondary Education and Higher Education (Regulation Wings) vide letter No. SOR-VI (S&AD)/1-27020 dated 05-08-2020 regarding the same. That in the light of the minutes of meeting held 07-07-2023 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 75) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers below the 16 may be exempted of the amendments in the rules. This provided that, if their written request is received prior to the commencement of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Attestment Director (Ex-104 A-1) Ministry of Secondary Education and Higher Education of Kyrgyzstan

Copy of the above is to: 1. PA to Director (Local Director) 2. Master Copy

Attestment Director (Ex-104 A-1) Ministry of Secondary Education and Higher Education of Kyrgyzstan

ATTESTED

WP 1443-2023 AZIMULIN VS GOVT CP PGO

-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/GM/BL/ Minutes of meeting PST/2023 dated 10-7-2023 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 199) vide notification No. No. SOR-VI(E&AD)1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-08-2023
 - (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 quoniam 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 6-06-2020 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 called 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

Asst. Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

ATTESTED



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9221587)

No. SO(Policy-M)EBSED/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ 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 ISMAIL)
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)
23/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

~~SECRET~~

2. PS to Secretary, E.G. SE Department, Kyrgyz Republic
1. Director E.G. SE Kyrgyz Republic
Copy forwarded to:
(Mikhailov Ilya)
Section Officer (Army)
(Mold)

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

Dear Sir,
I am directed to refer to your letter No. 50 (Army) (Policy) (E.G. AD) 14-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(5) Kyrgyz Republic 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 Kyrgyz Republic 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 Kyrgyz Republic
Establishment and Administration Department
Reshova
To

No. 50 (Army-M) E.G. SE 14-3/2023
Appointment - Rule 14-3/2023
Reference Dated 23rd August, 2023.
-8/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 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.

DELETED
www.es-edu.khyber.gov.pk

-24-

-B/C-

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

To

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

Subject:

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

To,

Dated: 22-01-2024

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

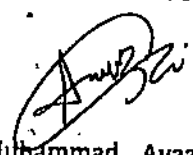
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/ Madam:-

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

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

Best Regards


Muhammad Ayaz Son of Muhammad
Abbas Resident of Tehsil & District
Manshera

ATTESTED

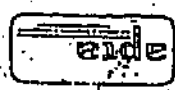
WP442-2023 AZIZULAH VS GOVT CR P043

Handwritten signature and date 08/11/23

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

Annexure - H

APTA House
Govt. Primary School No.4
Gudbazar Peshawar City



Khairpur Pakhtunkhwa

APTA (Punjab) Ltd
Punjab
0222-2612411
www.apta.com

07.05.2024



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

03. Along with 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 (S)

[Handwritten signature]
13/5/24

Date of Presentation of Application 13-5-24
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of 13-5-24
 Date of 13-5-24
 Date of receipt of copy 13-5-24



ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD AYAZ

Appellant

Versus

Government of KP & others

Respondents

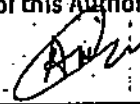
I (the Appellant)

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