


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 2077/2024

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

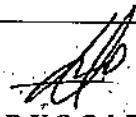
A - No 2077/2024  
Muhammad Azhar

V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-12
4.	Copy of notification No. SD (Policy) EV, AD/1-3/2020 dated 06/08/2020	B.	13-14
5.	Copy of Impugned Letter dated June 06th, 2023	C.	15-17
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	18-21
7.	Copy of Letter dated 23-08-2023	E.	22-23
8.	Copy of Impugned letter dated 07-09-202	F.	24-25
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	26 27-28
10.	Wakalat Nama		29

  
ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2077/2024

Muhammad Azhar Son of Muhammad Sulaiman Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Pagghwal Mera

.....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:-

**GROUND:-**

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

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

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

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

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


  
Appellant

**AFFIDAVIT:**

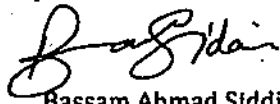
I Muhammad Azhar Son of Muhammad Sulaiman Resident of Tehsil & District Manshera do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

  
Deponent

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No \_\_\_\_\_ -P of 2024

In Ref to

Service Appeal No \_\_\_\_\_ /2024

MUHAMMAD AZHAR  
VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

**AFFIDAVIT:**

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

Deponent

Appellant

Through

Muhammad Muazzam Butt  
Advocate Supreme Court

Muhammad Adeel Butt  
Advocate High Court

6

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



Personal Information of Mr MUHAMMAD AZHAR d/w/s of MUHAMMAD SULEMAN

Personnel Number: 00218804 CNIC: 1350336122187 NTN:  
 Date of Birth: 15.03.1973 Entry into Govt. Service: 29.04.1993 Length of Service: 30 Years 09 Months 004 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80003206-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6145-Manshra

Payroll Section: 001 GPF Section: 001 Cash Center: 1

GPF A/C No: EDUMA009517 GPF Interest applied GPF Balance: 1,200,740.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 23

Wage type		Amount	Wage type		Amount
0001	Basic Pay	69,460.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	880.00
2199	Adhoc Relief Allow @10%	614.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,607.00	2347	Adhoc Rel Al 15% 22(PS17)	6,608.00
2378	Adhoc Relief All 2023 35%	23,618.00			0.00

**Deductions - General**

Wage type		- Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-2,712.00	3990	Emp. Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 42,159.19 Recovered till JAN-2024: 18,060.00 Exempted: 10539.69 Recoverable: 13,559.50

Gross Pay (Rs.): 118,931.00 Deductions: (Rs.): -8,937.00 Net Pay: (Rs.): 109,994.00

Payee Name: MUHAMMAD AZHAR

Account Number: PLS 7146-0

Bank Details: THE BANK OF KHYBER, 080017 MANSEHRA BRANCH MANSEHRA BRANCH, MANSEHRA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW.- Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: muhammadazhar8800@gmail.com

**ATTACHED**





INFORMATION ORDER (1974-75)

181 1074 5200  
182 1253 1500  
183 1200 1500  
184 157 45  
185 45

133	729	TARIC AKILAR MUHAMMAD RASHID	GPS HUSSAIN	BEHALI	MANSEHRA	GPS HUSSAIN
134	952	MUHAMMAD RASHID	GPS RATIAN	BEHALI	MANSEHRA	GPS RATIAN
135	853	MUHAMMAD FARVEZ MUHAMMAD TASLEEM	GPS DAHALI	BEHALI	MANSEHRA	GPS DAHALI
136	828	MUHAMMAD FARVEZ MUHAMMAD TASLEEM	GPS MATEHAL	BEHALI	MANSEHRA	GPS MATEHAL
137	1087	TARIC MEHMOOD	GPS POTH	BEHALI	MANSEHRA	GPS POTH
138	1407	AFTAB AHMAD	GPS OGRA	BEHALI	MANSEHRA	GPS OGRA
139	1422	M AZIZ	GPS DOSIRI	BEHALI	MANSEHRA	GPS DOSIRI
140	81	M ISHFAQ	GPS NO. 1 MANSEHRA	CITY NO 1	MANSEHRA	GPS NO. 1 MANSEHRA
141	1175	SHAHID JAMIL	GPS JARRI MANSEHRA NO.1	CITY NO 2	MANSEHRA	GPS JARRI MANSEHRA NO.1
142	130	SHAHID HUSSAIN	GPS BAWAN ABAD	CITY NO 3	MANSEHRA	GPS BAWAN ABAD
143	688	SUMRAT ALI KHAN	GPS ZAFAR MAIDAN	CITY NO 3	MANSEHRA	GPS ZAFAR MAIDAN
144	13	MUHAMMAD JAVED ABDUL HAMEED QURASHI	GPS LOHAN BANDA	CITY NO 4	MANSEHRA	GPS LOHAN BANDA
145	177	MUHAMMAD JAVED ABDUL HAMEED QURASHI	GPS CHITT DHERI	CITY NO 4	MANSEHRA	GPS CHITT DHERI
146	135	M JAVAD	GPS DATTA	DATTA	MANSEHRA	GPS DATTA
147	290	M RIAZ	GPS CHAKIA	DATTA	MANSEHRA	GPS CHAKIA
148	518	M NAZEM	GPS HARYALA	DATTA	MANSEHRA	GPS HARYALA
149	691	M KHALID FAROOQ	GPS GHAZI KOT GPS DATTA HAMEED ABAD	DATTA	MANSEHRA	GPS GHAZI KOT GPS DATTA HAMEED ABAD
150	1030	M ARIF KHAN	GPS DATTA HAMEED ABAD	DATTA	MANSEHRA	GPS DATTA HAMEED ABAD
151	165	BILAL AHMAD	GPS BORAJ	JALOO	MANSEHRA	GPS BORAJ
152	188	AZIZ ARBAT	GPS BASSUND	JALOO	MANSEHRA	GPS BASSUND
153	174	MUHAMMAD BAEED	GPS BAIORA	JALOO	MANSEHRA	GPS BAIORA
154	323	ABDUL RAZAQ S. SADIQ HUSSAIN GHANI	GPS DALAG PIAN	JALOO	MANSEHRA	GPS DALAG PIAN
155	377	S. SADIQ HUSSAIN GHANI	GPS GHAZOO	JALOO	MANSEHRA	GPS GHAZOO
156	388	S. SHAHID HUSSAIN SHA	GPS TANLIAN DE KASSI	JALOO	MANSEHRA	GPS TANLIAN DE KASSI
157	608	MUHAMMAD AYAZ	GPS MURAD ABAD	JALOO	MANSEHRA	GPS MURAD ABAD
158	787	MUHAMMAD IMTIAZ	GPS GULI MAN	JALOO	MANSEHRA	GPS GULI MAN
159	878	M SAJJID HUSSAIN	GPS CHANJA	JALOO	MANSEHRA	GPS CHANJA
160	897	MAZHAR UL ISLAM	GPS SHAILIA	JALOO	MANSEHRA	GPS SHAILIA

ATTESTED

PROMOTION ORDER NUMBER 2502/2013

باللغة  
فارسية

884	1282	MUHAMMAD ISMAIL	GPS BANDA BHEKMAN	MAT'S PUR	BAFFA	GPS NAGHARI
887	1284	AHMA BATTAR	GPS DANA BALAKOT	BALAKOT	BALAKOT	GPS HAKAKAWAJ
888	1279	MIRJUNAID	GPS LOHAR BANDA NO.3	CITY NO.4	MANSEHRA	GPS BINGALI
889	1288	MUHAMMAD NIAZ	GPS BAWAN BANDE	BALAKOT	MANSEHRA	GPS BAKARAR
890	1283	MUHAMMAD SIDDIQUE	GPS SAFA MERA NO.1	BAFFA	BAFFA	GPS SHAFI
891	1281	NARSERAJINES	GPS BAFFA MIRA NO.1	BAFFA	BAFFA	GPS PANJOL
892	1287	MUHAMMAD YOUNAS	GPS CHITTA BAJTA	BANISHAR SHAIKAT ABAD	MANSEHRA	GPS CHUKOT
893	1276	MUHAMMAD NAWAZ	GPS DAN KOT	BANISHAR SHAIKAT ABAD	BAFFA	GPS BATTARBORA
894	1248	M. TANABAS	GPS HUSRIYAN	BHALLI	MANSEHRA	GPS DHAKAL DALA
895	1248	ARIF HURBAIN	GPS TIBADA	BHALLI SHAIKAT ABAD	BAFFA	GPS NAWANSHER
896	1280	ABDUL REHMAN MOHAMMAD RADDAT	GMPS DATA	DATTA	MANSEHRA	GPS CHAPARI
897	1281	BAKHAWAT	GPS BHER KUND MIRA	BHER KUND	BAFFA	GPS HILL KOT
898	1284	BAKHAWAT	GMPS HARAYALLA	DATTA	MANSEHRA	GPS JEEGL
899	1285	BAJID HUBBAIN ASAD	GPS NARRAH	GARLAT	BALAKOT	GPS PUCOPAN
900	1286	MUHAMMAD MUBIN	GMPS AHMAD ABAD	MANSEHRA DILLI	MANSEHRA	GPS LIATDORA
901	1289	AJMAL NASHIED	GMPS QHARIN ABAD	MANSEHRA DILLI	MANSEHRA	GPS QIDDI BAGLA
902	1278	MIRAD KHAN	GMPS FARID ABAD BAFFA	BAFFA	BAFFA	GPS JAHOLI
903	1280	MUHAMMAD RANJIT	GPS BANJA	CHATTAR PLAIN	PIREERA	GPS SHOH BANOI
904	1285	MUHAMMAD NIAZ	GPS KALGAN	LAROKOT	MANSEHRA	GPS KARKA SYDAN
905	1411	MUHAMMAD HAN	GMPS DILNA	DATTA	MANSEHRA	GPS MALKANA
906	1429	MUHAMMAD SALFEM	GMPS LUNG	HAYAT ABAD	BAFFA	GPS SERI GALI
907	1428	MUHAMMAD BASHIR	GPS RAJNA	TANDA	BAFFA	GPS HARIAN FALA

Note:

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

**TERMS & CONDITIONS.**

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

Authoritatively signed  
K... .. of Mansehra

33

Stationery  
of Mansehra

**TESTED**

③

4

RECEIVED

Handwritten notes and dates, including "03009114011" and "25.12.2013".

SUB DIVISIONAL EDUCATION OFFICER (M.A.B) MANSBHRA

Handwritten signature of the Sub Divisional Education Officer.

Head in Stationary Man (M.A.B) Mansbhra

1. ASSTD (M) Child, 1. Mankori, 2. Karpur, 3. Phidali, 4. Ogul, 5. Bhegari, 6. Mansbhra, 7. Dalini, 8. Datta, 9. Dholali.
2. District Accounts Officer Mansbhra.
3. Dy. District Officer Finance & Planning Mansbhra.
4. D.A.O local office.
5. District Accounts Officer Mansbhra.
6. District Accounts Officer Mansbhra.
7. District Accounts Officer Mansbhra.
8. District Accounts Officer Mansbhra.
9. District Accounts Officer Mansbhra.

Copy forwarded for information and necessary action to: PS to Secretary to Government of Khyber Pakhtunkhwa, H.S. Department, Peshawar.

1. Na NADA is allowed for joining their duty.
2. Necessary entries in this effect should be recorded in their Register/Book.
3. Checking & verification of all the documents shall be done by the DPO concerned.
4. They will give an order taking to be received in their office book in the effect that any over payment is made to him in light of this order will be recovered and if it is not recovered it will be recovered.
5. Their honor-achonary on lower pay will remain intact.
6. Charge report should be submitted to all concerned with in a week of issuance of this order.

Stationary Man (M.A.B) Mansbhra

Final appointment order copy (11)

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

OFFICE ORDER:-27  
DATED:-27/04/1993

APPOINTMENT.

Consequent upon their selection on merit, the following P.T.O. Trained Candidates are hereby appointed in D.O's (No-7) Pt. 1085/00/1993 Plus usual allowances as admissible under the rules with effect from the Date of their taking over charge against the newly created/vacant posts in the School given against their names in the interest of public service.

S. NO.	NAME AND FATHER'S NAME	RESIDENCE	PLACE OF POSTING	REMARKS
1	MUHAMMAD AZHAR B/O MUHAMMAD BULEMIAN	BEHALI	MSQ: MARGWAR MERA	A NEWLY POS
2	MUHAMMAD REHAN B/O BRADAR KHAN	HAUGRAM	MSQ: BARGRAMA	A VACANT POS
3	MUHAMMAD SHAH B/O MUKADIS SHAH	MASHKANI	MSQ: BKIANA	A VACANT POS
4	MUHAMMAD AMJAD B/O MUHAMMAD ISHAQ	SHAKOOKI	MSQ: POONA	A NEWLY POS
5	BAGEED AHMAD B/O M. DAWOOD FAYYAZ	BEHALI	MSQ: GHAMMAN MERA	A NEWLY POS
6	MUHAMMAD BASHIR B/O GOHAR AMAN KHAN	MANWALI	MSQ: MISRI MAR	A VACANT POS
7	MUHAMMAD AFZAL B/O AZIZ-UR-REHMAN	KAFILAKIAN	MSQ: TUNAYMAR	A NEWLY POS
8	JAN MUHAMMAD B/O MASHAL KHAN	GITO (K.D)	MSQ: KAMAL BANDA	A NEWLY POS
9	MUHAMMAD SALEEM B/O MUHAMMAD AASHRAF	HAFIZBANDI	MSQ: SHEROD GALI	A NEWLY POS
10	WAQAR AHMAD B/O ZULFIQAR AHMAD	MANSEHRA	MSQ: BAGHCHA	A NEWLY POS
11	MUHAMMAD ISRAFIL B/O MUHAMMAD AFSAR	NEHAR	MSQ: NEHR KANDOW	A VACANT POS
12	MUHAMMAD NAWAZ B/O SHERDAD	BATJAGRAM	MSQ: UOHAR	A VACANT POS
13	GHULAM MUHAMMAD B/O MUHAMMAD HUSSAIN	BAZAR	MSQ: DEER KANDOW	A VACANT POS
14	ISHAD AHMAD B/O KHALIL UR REHMAN	DHODIAL	MSQ: DOMAR	A NEWLY POS
15	MUHAMMAD IJAZ B/O MUHAMMAD SADIQ	MANSEHRA	MSQ: CHERIAN S.KOT	A NEWLY POS
16	MAJEEB UR REHMAN B/O ABDUL WAHEED	JEROD	MSQ: DIAB BUREKANI	A VACANT POS
17	MUHAMMAD IJAZ B/O ABDUL WAHEED	JEROD	MSQ: PETOW NOGHAN	A VACANT POS
18	AFTAB AHMAD B/O MUNZOOB HUSSAIN	JEROD	MSQ: BANDU UMAR SHA	A VACANT POS
19	ABDUL RAHIM B/O ABU: HALEEM	BERGARH	MSQ: SPADAR	A VACANT POS
20	NASIB ROH KHAN B/O BAZIR KHAN	TRAND	MSQ: GUDGALRA (20)	A NEWLY POS
21	MUHAMMAD NAWAZ B/O MUHAMMAD YOUSUF	TEETAY	MSQ: CHIRAN PETOW	A VACANT POS
22	MUHAMMAD ISHAD B/O SHEER MUHAMMAD KHAN	ARRABOHNI	MSQ: KANDARALA PASHI	A VACANT POS
23		BATTAMOR		

TERMS & CONDITIONS:

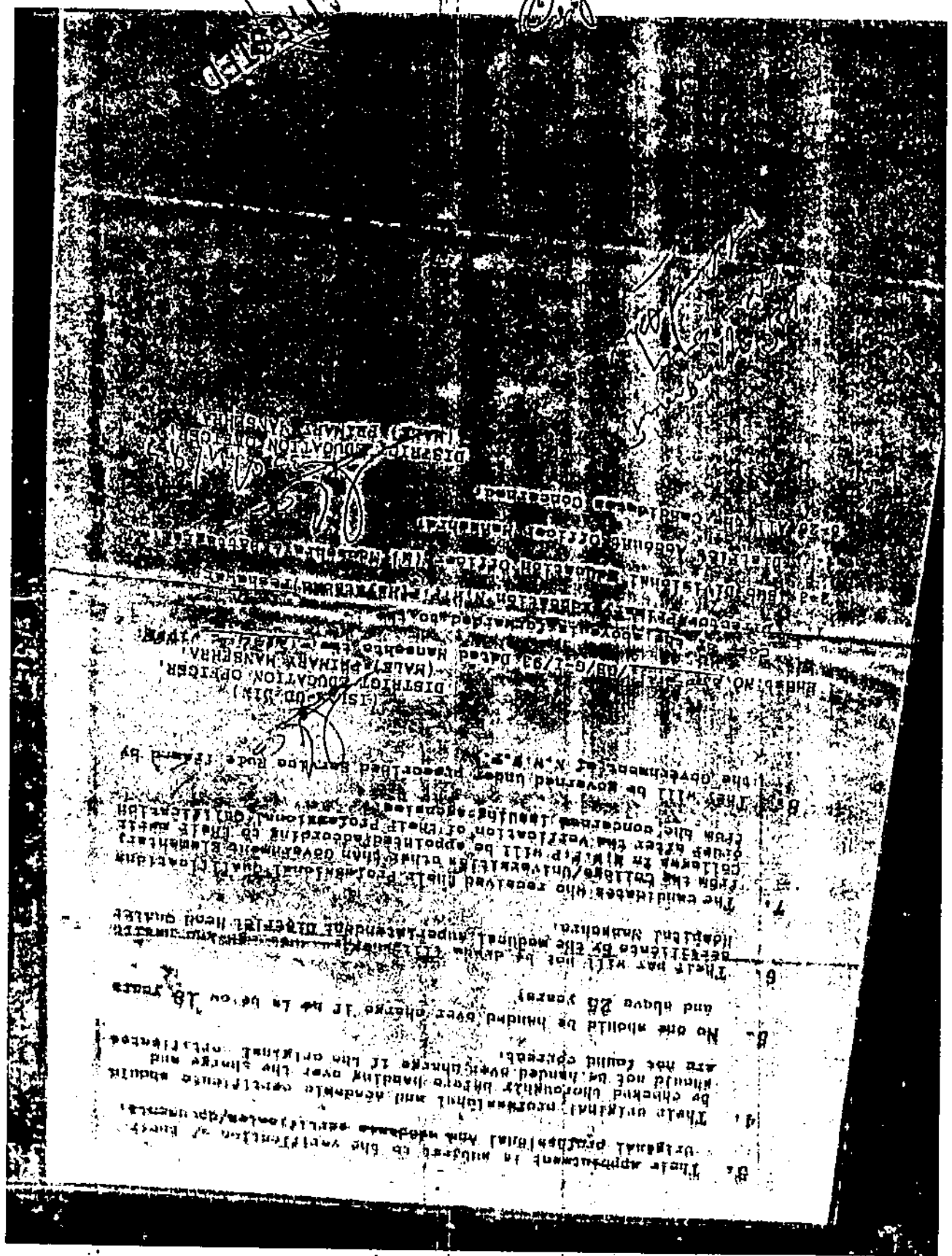
1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and can be terminated at any time without assigning any reason.

(CONTINUED ON PAGE-2)

*Handwritten signatures and stamps:*  
 - A large signature in the center, possibly "D. D. Mohanty".  
 - A circular stamp with text around the perimeter.  
 - A rectangular stamp with the word "APPROVED" or similar.  
 - Other illegible handwritten notes and initials.

APPROVED

12



DISTRICT OF COLUMBIA  
OFFICE OF THE DISTRICT ATTORNEY  
1100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004

THE DISTRICT OF COLUMBIA OFFICE OF THE DISTRICT ATTORNEY HAS REVIEWED THE DOCUMENTS SUBMITTED BY YOU AND HAS DETERMINED THAT THE DOCUMENTS ARE IN COMPLIANCE WITH THE REQUIREMENTS OF THE DISTRICT OF COLUMBIA BOARD OF PROFESSIONAL ACCOUNTANTS.

THESE DOCUMENTS WILL BE FILED WITH THE BOARD OF PROFESSIONAL ACCOUNTANTS AND WILL BE AVAILABLE TO THE PUBLIC FOR REVIEW.

IF YOU HAVE ANY QUESTIONS REGARDING THIS PROCESS, PLEASE CONTACT THE DISTRICT OF COLUMBIA OFFICE OF THE DISTRICT ATTORNEY AT (202) 725-6000.

DATE: 12/15/2011

SIGNATURE: [Signature]

12

Annexure - B

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION-WING)

**NOTIFICATION**

Dated Peshawar, the 06/8/2020

Subject: E&A/D-3/2020 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

NO. & 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.
- The Deputy Director (IT), E&A Department.  
All Section Officers in Establishment & Administration Department with the request to arrange 20 gazette copies.  
The Caretaker, Administration Department.

Stamp: 06/08/2020

(WALIDAH LATIF)  
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED

14

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~



~~ATTACHED~~

MEMORANDUM FOR THE SECRETARY OF DEFENSE

DATE: 10/10/01

John C. ... (Policy)

John C. ... (Policy)

- 1. To Special Security (High) Administration Department
- 2. To Additional Secretary (High), Establishment Department
- 3. To Deputy Secretary (Policy), Establishment Department

Copy forwarded to the:

Handwritten initials and numbers: 316, 155E

Yours faithfully,  
John C. ... (Policy)

1. Furthermore, these officers/officials who do not comply with permission order of the competent authority or try to evade permission through different means shall be proceeded against under Military Provisions (Civil Servants) (Discipline) Rules, 2011, please.

2. The basic rationale behind the decision of the IAS rule is aimed at preventing a well servern from (completion for IAS) rule by adding to a single executive position or to prevent those who tend to forge permission to evade punishment or show lack of capacity to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

3. 1989 stands deleted who this agreement and decision dated 04.08.2001 that, as (1) of Military Provisions Civil Servants (Promotion and Transfer) Rules, 1989

4. I am directed to refer to your letter No. SO(Training-MYR)2001-1000 dated 18.01.2002 on the subject noted above and to state that Sub-Rule (1) of Military Provisions Civil Servants (Promotion and Transfer) Rules, 1989 stands deleted who this agreement and decision dated 04.08.2001 that, as

Subject: ESTABLISHMENT DEPARTMENT, CIVIL SERVANTS (PROMOTION AND TRANSFER) RULES, 1989

The Government of India (Ministry of Defence),  
Department of Secondary Education Department.

67. ESTABLISHMENT DEPARTMENT  
No. SO(Training-MYR)2001-1000  
Dated: 10/10/01



Annexure - C

15



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.001-9223587)

No. SO (Primary-M)E&SE02-5/2023  
Dated Peshawar (In. June 26<sup>th</sup>. 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

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

I am directed to refer to the subject noted above and to enclose herewith  
a letter of Establishment Department letter No. SO (Policy)EBAD/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 (E&SE  
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]*

*[Handwritten Signature]*  
(MUHAMMAD SHAH)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

*[Handwritten mark]*

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

~~ALISTED~~

17  
B/c  
No 50 (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 25<sup>th</sup> 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 herewith a letter of Establishment Department Letter No. 50 (Policy) E&AD/1-3/2020 dated 06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at 11:00 AM in this department under the Chairmanship of Additional Secretary (Estab) E&SE Department in his office.

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

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).

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.

Amended  
D

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

- The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.
- After 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. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

ATTESTED

- B/c -

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

~~TESTED~~

~~ARRESTED~~

W-1402-2023 AZZULAH VA GOVT CP P040

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

Assistant Director (Exam A-1)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa  
12/1/2023

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

The case is submitted for period and necessary actions please.

Departmental Committee. Provided they, within, their written request prior to conduct of the meeting of Teachers Union. It may be required of applicants of the nomination in the rules laid (S) have affected negatively a large number of Female Teachers. Thus it is proposed that in view of the above, the office is of considered opinion that the decision of Rules been asked for submission of consolidated case. Chairman of Hon. Provincial Secretary Establishment at his office this office has that in the light of the minutes of meeting dated 6-07-2023 held under the (Priority-4) B&S/2/4/2023 dated 12-06-2023. The same was received by this office from your good office with letter No.50 civil servant in accept promotion under every condition. That there exists no provision to decline or forgo promotion. It is obligatory upon every (Wing) vide letter No.50 (Policy) B&A/D/1-1/2020 dated 6-06-2023 consequently stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.10 (Priority-4) B&S/2/4/2023 for necessary guidance. That your good office forwarded the case to the quarter concerned vide letter (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion. (i) Now it is being urged upon the civil servant to accept promotion in every condition. No.4927 dated 16-02-2023. That this office would guide you from your good office in the following words vide letter dated 06-08-2023. No.50-R-VI (S&A/D)/1-1/2020 dated 06-08-2023. That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing) dated Rule 7C) shall be Civil Servant (Appointment, promotion & Transfer Rules 1989) vide notification No.50-R-VI (S&A/D)/1-1/2020 dated 06-08-2023. I am directed to refer to the letter No.50/Priority-4/B&S/2/11 dated 10-07-2023 on the subject cited above and to present brief history of the meeting/PT/2023 dated 10-07-2023 in the background of the case as under:

The Gordon Officer (Primary-1st),  
Ministry of Secondary Education Department,  
Khyber Pakhtunkhwa

Subject - MINUTES OF THE MEETING

Dear Sir,



No. 8145

Khyber Pakhtunkhwa, Peshawar  
Date: 12/1/2023  
Phone No: 9711144  
Email: education@kpk.gov.pk

**ATTACHED**

WP443-2023 AZIZULAH VS GOVT OF PAK

Copy of the above to:  
1. Pt to Director Local Directorate  
2. Master Copy  
Richard Director  
Elementary & Secondary Education  
Hydrabad

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

That in light of the minutes of the meeting dated 6-07-2023  
held under the Chairmanship of Hon. Additional Secretary Education  
Department at his office. This office has been asked for submission of  
no provision to delete foreign provision, it is obligatory upon every civil  
servant to accept provision under any condition.  
That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)  
EGAD/1-2/2020 dated 6-06-2023 categorically stated that there exists  
no provision to delete foreign provision, it is obligatory upon every civil  
servant to accept provision under any condition.  
That your good office forwarded the same to quater concerned  
vide letter No. SO (Policy) EGAD/2-2/Department-2023 for necessary  
approval.  
That your good office forwarded the same to quater concerned  
vide letter No. SO (Policy) EGAD/2-2/Department-2023 for necessary  
approval.  
That the office sought guidance from your good office in the following  
vide notification No. No. SR-VI (EGAD)-1-3/2020 dated 06-08-2020.  
That Government of KP Establishment department (Regulation Wing)  
dated rule 7(S) in Civil servants (Appointment, promotion, transfer etc) present  
present brief history, about background of case as under:  
Minutes of meeting 18/7/2023 dated 10-7-2023 on subject cited above and to  
I am directed to refer to letter No. SO (Policy) EGAD/5-1/GMAB/  
Dear Sir,

Subject: Minutes of Meeting  
KPK, Peshawar  
Elementary & Secondary Education Department  
Section Officer (Primary-Male)  
Peshawar  
To:  
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK  
Peshawar  
(21-7-2023)

~~RECEIVED~~

WP442-2023 AZIZULLAH VS GOVT OF PKD

Scanned with CamScanner

SECTION OFFICER (PRIMARY MALE)

*[Signature]*

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

Copy forwarded to the:

SECTION OFFICER (PRIMARY MALE)

*[Signature]*

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

7. 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.

8. I am directed to refer to your letter No. SO(Policy)/ERAD/1-3/2020 dated 08 June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Service (Appointment, Promotion & Transfer Rules 1989) it has been indicated that those officers/officials who do not comply with promotion order of the competent authority or by to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Service (Efficiency & Discipline) Rules, 2011.

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

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

Annexure E

Ms. SO(Policy-M)/ERSED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> August, 2023

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

22



23

- B/c - - 2 -

No. 50 (Primary - M) E&SED / 8-21 /  
Appointment - Rule / 2023  
Peshawar Dated 23rd August, 2023.

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

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

Dear Sir,

I am directed to refer to your letter No. SA (Policy) / E&AD  
/ 1-3 / 2020 dated 6th June 2022 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa 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 Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

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

(Muhammad Ishaq)  
Section Officer (Primary)  
Male

~~ATTACHED~~

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(S) IN THE  
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,  
PROMOTION AND TRANSFER) RULES, 1982.

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

Yours faithfully,  
  
Section Officer (Policy)

Endst. Of even No & date.

Copy forwarded to the:-

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

ATTESTED

WP442-2023 AZIZULLAH VS GOVT OF PK

24

25

- 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)

Enclos. 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)

WP442-2023 AZIZULLAH VS GOVT OF PK

TESTED

To,

Dated: 28-01-2024

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

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

Sir/ Madam:-

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

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

Best Regards



Muhammad Azhar Son of Muhammad  
Sulaiman Resident of Tehsil & District  
Manshera

ATTESTED

WP4443-2023 AZIZULHAQ VS GOVT OF PCOB

Handwritten signature and date 08/11/23

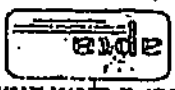
Main body of handwritten text in Urdu script, appearing to be a legal statement or affidavit.

Handwritten signature at the bottom of the main text block.

Annexure - H

Handwritten text below the annexure label.

APTA House, Govt. Primary School, Durbahar, Peshawar City.



Khyber Pakhtunkhwa

122, Third Floor, Peshawar, 01100, Pakistan. Email: info@apta.gov.pk

07.05.2024

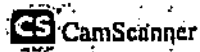


1. Learned counsel for the appellant present.
2. Let a pre-submission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.D.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

Date of Presentation of Application 18-5-24  
 Number of 57  
 Copies 57  
 Report 57  
 Total 57  
 Name of 18-5-24  
 Date of 17-5-24  
 Date of receipt of copy 17-5-24



~~ATTACHED~~

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD AZHAR  
Versus

Appellant

Government of KP & others

Respondents

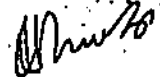
I (the Appellant)

do hereby appoint and retain

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


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

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



APPELLANT

ACCEPTED

  
MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court

  
MUHAMMAD ADEEL BUTT  
Advocate High Court

  
BASSAM AHMAD SIDDIQUI  
Advocate High Court