


FORM OF ORDER SHEET

Court of _____

Appeal No. 2079 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 30.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A. No. 2079/2024
SAMA GUL

V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 279/2024

Saima Gul Daughter of Taj Muhammad, SPST
GGPS Parchian, Tehsil & District Mansehra

.....Appellant

VERSUS

- 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, Civil Secretariat Near MPA Hostel, Peshawar

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, 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/1-3/2020, 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 Senior Primary School Teacher.
Copy of Appointment letter 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 forego promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUNDS:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be 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/1-3/2020 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:

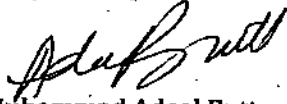
I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

CM No. _____ P of 2024

In Ref to

Service Appeal No. _____ /2024

SAMA GUL

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 IIs. 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

Sama Gul
Appellant

Through

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

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

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Personal Information of Miss SAIMA GUL d/w/s of TAJ MUHAMMAD

Personnel Number: 00516111 CNIC: 1350460674190 NTN:
Date of Birth: 04.08.1981 Entry into Govt. Service: 01.09.2010 Length of Service: 14 Years 05 Months 00 Days

Employment Category: Vocational Temporary
Designation: SENIOR PRIMARY SCHOOL TEA 80665855-DISTRICT GOVERNMENT KHYBE
DDO Code: MA6340-District Mansehra
Payroll Section: 001 GPF Section: 001 Cash Center: 12
GPF A/C No: GPF Interest applied GPF Balance: 489,569.00 (provisional)
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 12

Wage type	Amount	Wage type	Amount
0001 Basic Pay	43,410.00	1001 House Rent Allowance 45%	3,321.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1968 Incentive Allowance 20%	1,000.00	2148 15% Adhuc Relief All-2013	430.00
2199 Adhuc Relief Allow @ 10%	338.00	2316 Teaching Allowance 2021	3,036.00
2311 Dispr. Red All 15% 2022KP	4,032.00	2317 Adhuc Rel Al 15% 22(PS17)	4,032.00
2378 Adhuc Relief All 2023 35%	14,585.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-3,900.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-535.00	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: 8,344.35 Recovered till JAN-2024: 3,585.00 Exempted: 2085.80 Recoverable: 2,673.55

Gross Pay (Rs.): 78,540.00 Deductions (Rs.): -6,370.00 Net Pay (Rs.): 72,170.00

Payee Name: SAIMA GUL
Account Number: 7042-8
Bank Details: NATIONAL BANK OF PAKISTAN, 231349 SHERQARH SHERQARH, MANSEHRA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: City: MANSEHRA Domicile: - Housing Status: No Official
Temp. Address: City: Email: saimagul677@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(50199003/25.01.2024A.1.0)
All amounts are in Pak Rupees
Errors & omissions excepted (SERVICES-02.02.2024/21:39:42)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY MASHERA

ORDER

As approved by the Departmental Selection Committee, the competent authority has been pleased to appoint the following PSTY (TRAINED) DPS-7 (@ Rs.2940-160-7740) plus usual allowances as admissible under the rule & and NPS-9 (as per No. 1820-230-10720) of PAF'Se Second Division against vacant posts mentioned against each in the interest of Public Service with effect from the date of taking over their charge subject to the following terms & conditions.

OPEN MERIT

S.#	NAME	FATHER'S NAME	RESIDENCE	UNION COUNCIL	PLACE OF POSTING	REMARKS
1	SAEEDA NAZ	MUHD ASHRAF	JHANGER	PHULRA	GGPS SUM PHULRA	AV POST
2	HADIA RIAZ	MUHD RIAZ KHAN	BANDA LABYAL	CITY NO.4	GGPS GALI NAMSHERA	AGAINST N/C
3	TAMRA BIBI	YAR MUHD KHAN	TRANGRI BALA	TRANGRI S.SHAH	GGPS BARA JADEED	AGAINST N/C
4	AKEELA BIBI	RASHID MEHMOOD	DATTA	DATTA	GGPS KHARYALA	AV POST
5	TAMRA JABEEN	REHMAT	SHINKARI	SHINKARI	GGPS KHALIAN ARIAN	AV POST
6	SHAISTA RAMI	MUHD FAROOQ	KHAWARI	UTNAKRAL	GGPS GALI NAMSHERA	AGAINST N/C
7	IBTI SAMIA	MUHD RASHID	TERNA PAYEEN	TRANGRI S SHAH	GGPS BARA JADEED	AGAINST N/C
8	SANAM	MUHD SABIR	CHAKRA	DATTA	GGPS SHAKOORA BATTAL	AV POST
9	SAMERA	ABDUL SATTAR KHAN	BATTAL	BATTAL	GGPS JAGORI	AV POST
10	NOUSIWI ANHILJI	WALI MUJID	SUDKORI	UNAWAD	GGPS CHANDORI	AV POST
11	IBTI DUSHARA	MUJID HAMAYOON	DHARYAL	SUM	GGPS CHAFRO SHINGLI	AV POST
12	SEHRISHI ULDAR	OLDAR	KHAKI	BHERKUND	GGPS SHAKOOR	AV POST
13	SHAZIWA SYED	S.MUDARIK ALI SHAH	NOGOZI	CITY NO.2	GGPS GHAKARHARIAN	AGAINST N/C
14	AISHA BIBI	SUFI ABDUL SADIQ SHAHZADA KIBSRO FARIDOO	SALAYA PAYEEN	SAWAN MERA	GGPS DEHGRI	AGAINST N/C
15	IBTI SALMA		GIARSACHA	SACHAN	GGPS SUKIAN	AV POST

UNION COUNCIL WISE

S.#	NAME	FATHER'S NAME	RESIDENCE	UNION COUNCIL	PLACE OF POSTING	REMARKS
1	SUMERA BIBI	ABDUL OUDDUS	ARAB KHUN	ATTERSHISHA	GGPS JABBA	AV POST
2	SALMA WAHEED	ABDUL WAHEED	BANDI SHINGLI	BANDI SHINGLI	GGPS PHAGORA	AV POST
3	SHAMARA AZIZ	AZIZ UR REHMAN	NEEL BATLA	BANDI SHINGLI	GGPS BAI BALA	AV POST
4	SANJEEDA BIBI	FAZUL REHMAN	JEWAR BANDI	BANDI SHINGLI	GGPS ARAGHANAYA	AV POST
5	MEHNAZ	TAUS KHAN	BATTAL	BATTAL	GGPS JALGALI	AV POST
6	ADIDA NAZI	ABDUL WAKEEL	BATTAL	BATTAL	GGPS THALIAN	AV POST
7	AISHA BIBI	MUHD ISMAIL	KARMANG BALA	BATTAL	GGPS MATHRA JALGALI	AV POST

اسعدیہ فوٹو اسٹیشن بروری
سول سروس ڈیپارٹمنٹ

ATTESTED

BI SHAGUFTA	NAZAKAT HUSSAIN SHAH	DAMDHERI	CHATTER PLAIN	GGPS MOH: MUSSAR SHAH	AV POST
DUSHRA BIBI	HAYDER ZAMAN	DARBAND	DARBAND	GGPS BAGWAI	AV POST
10 SHAZIA HUMAYOON	MUHD YUMAYOON	BAGRIAN	DILBORI	GGPS CHANIAN	AV POST
11 NOSHEEN	S.TASSADAD HUSSAIN	BAGRIAN	DILBORI	GGPS GORIAN	AV POST
12 BIBI UZMA	S.TASSADAD HUSSAIN	BAGRIAN	DILBORI	GGPS GORIAN	AV POST
13 SAIRA BIBI	ABDUS SATTAR SHAH	MALODKRA	HILKOT	GGPS DOSAM BALIMONG	AV POST
14 NAZIA BIBI	S.AZAM SHAI	MALODKRA	HILKOT	GGPS DOSAM BALIMONG	AV POST
15 ZUBAIDA BIBI	MUHD ZAHIR SHAH	BALIMONG	HILKOT	GGPS KOTHRAY	AV POST
16 BIBI NAJMA RAFIQUE	MUHD RAFIQUE	MARI SHAHWALI	HUMSHERIAN	GGPS MASWAL	AV POST
17 USMA SHAHEEN	MUHD YAQDOB	KOTLI BALA	ICHRIAN	GGPS KOLIAN	AV POST
18 ISHRAT JEHAN	ANYAR ISLAM	ICHRIAN	ICHRIAN	GGPS KOLIAN	AV POST
19 SAIRA DAND	S.MIR ZALI SHAH	CHAPRA PAYEEN	ICHRIAN	GGPS CHAPRA BALA	AV POST
20 NARGIS BIBI	MUHD ALAM	JABBAR GALI	JABBAR DAVELI	GGPS CHANGARI	AV POST
21 SITARA JADEEN	M.MISKEEN	PANJODI	JABBAR DAVELI	GGPS BASO MUNDAGUCHA	AV POST
22 RUQIA BIBI	MUBARIK HUSSAIN SHAH	SERI PANJODI	JABBAR DAVELI	GGPS CHANGARI	AV POST
23 FOZIA TAJ	TAJ MUHD	KARORI	KARORI	GGPS SERI JAND	AV POST
24 ZAHIDA BIBI	ABDUR RAZAQA	MAKHAN GALI	KARORI	GGPS FATEH BANDI	AV POST
25 UZMA ZAMAN	MUHD ZAMAN	NELBORI	KARORI	GGPS BEERIAN	AV POST
26 FATIMA BIBI	GOHAR AMAN	KOLO BASTI	KARORI	GGPS KALO BASTI	AV POST
27 MUSSRAT SHAHEEN	ABDUR REHMAN	NELBORI	KARORI	GGPS AKHOON BANDI	AGAINST NIC
28 BIBI MARIAM	ABDUR RASHED	BEERIAN	KARORI	GGPS AKHOON BANDI	AGAINST NIC
29 BIBI MUSSRAT	GHULAM QADIR	CHANIAN	KARORI	GGPS MALHAR	AV POST
30 KANEZ BIBI	JEHAN ZEB	NAMBAL	KARORI	GGPS GALI NAMSHERA	AV POST
31 SAJIDA BIBI	S.HAIDER ALI SHAH	KHABAL BALA	KATHAI	GGPS NAMBAL KHABAL	AV POST
32 NAZIMA BIBI	MUHD AKBAR	FAQIR ABAD	KATHAI	GGPS JATIAN TONOLI	AV POST
33 MEHNAZ BIBI	PERVEZ	KHABAL BALA	KATHAI	GGPS CHAJAR BALA	AV POST

ATTESTED

36	HAT REEM	ABDUL KAREEM	BAI BOMAL	LINAWAB	GGPS JADA ILYAS	AV POST
37	SHAZIA BIBI	WALI MUHAMMAD	JISGRAN BALA	LINAWAB	GGPS SHAROTA	AV POST
38	MUSSRAT RASHID	MUHD RASHID	KARKALA	LINAWAB	GGPS SHAROTA	AV POST
39	SAMA SULTAN	SULTAN MUHAMMAD	SAFIDA	MANSEHRA DEH	GGPS HADO BANDI	AV POST
40	JEHANARA	ARBISTAN KHAN	JAREED	MOHANDRI	GGPS KATHA BARI	AV POST
41	FOZIA	ABDUR REHMAN	JAREED	MOHANDRI	GGPS DODONG	AV POST
42	ALIA BIBI	ALI KHAN	KAJLA	NIKKA PANI	GGPS BRATHER	AV POST
43	BIBI MUSSRAT	MUHD AYUD	CHAMARI	NIKKA PANI	GGPS BRATHER	AV POST
44	KIFFAT SHAHEEN	MUHD IQURSHID	NIKKA PANI	NIKKA PANI	GGPS NIKKA PANI	AV POST
45	SAIMA ZAMAN	MUHD ZAMAN	NIKKA PANI	NIKKA PANI	GGPS NIKKA PANI	AV POST
46	MADEENA EJAZ	EJAZ AHMAD	ROORIA	PERHINNA	GGPS SARAN KOT	AV POST
47	TAFRA MEMOOD	MEMOOD UR REHMAN	DARWAISH	PERHINNA	GGPS CHANYAL	AV POST
48	SODIA BIBI	ABDUR RASHED	ROORIA	PERHINNA	GGPS BEERDIAR	AV POST
49	ALYNA SAIYAN	ALI SAIYAN	ROORIA	PERHINNA	GGPS PERHINNA VILLAGH	AV (N/S)
50	HAJARA BIBI	HAIDER ZAMAN	PHULRA	PHULRA	GGPS BATTANGI	AV POST
51	NADIA REHMAN	GOMAR REHMAN	TIMBER	PHULRA	GGPS RUC CHOLDAGALI	AGAINST N/C
52	HABIA ZAMAN	ALI ZAMAN	PHULRA	PHULRA	GGPS RUC CHOLDAGALI	AGAINST N/C
53	GUL SHAD BIBI	MALIK AMAN	GOJRA	PHULRA	GGPS KARAN	AGAINST N/C
54	SURUYA BIBI	MUHD FARID	BARRI	PHULRA	GGPS KARAN	AGAINST N/C
55	JRUM BIBI	ALAM ZEB	PHULRA	PHULRA	GGPS KANDAR	AV POST
56	HASBUDA BIBI	CHAN ZEB	MONGAN	SANDASAR	GGPS BATRAIR	AV POST
57	TABUTA HAZ	S MUBARIX SHAH	TRAPPI	SAWAN MERA	GGPS NAKHAM	AV POST
58	NAJLA KHURSHID	KHURSHID KHAN	TRAPPI	SAWAN MERA	GGPS MANDI HOTER	AGAINST N/C
59	TUBI GHAZALA	KHURSHID KHAN	TRAPPI	SAWAN MERA	GGPS MANDI HOTER	AGAINST N/C
60	BIBI BUSHRA GILLANI	S.NOORAN SHAH GILLANI	TRAPPI	SAWAN MERA	GGPS DEHGRI	AGAINST N/C
61	HUKAISANA BIBI	MUSKEEN SIYAH	SAWAN MERA	SAWAN MERA	GGPS SAWAN MERA	AV POST

~~ATTESTED~~

60	NAZIA BIDI	MUHD AYUB	TRAPPI	SAWAN MERA	GGPS CHITTI MOHRI	AV POST
61	SIMISTA PERVEEN	FAZAL ELAH	SHAMDHARA	SHAMDHARA	GGPS HAWAGALI	AV POST
62	CHAND BIDI	MUHD DASIM	SHAMDHARA	SHAMDHARA	GGPS SHAIK ABAD	AV POST
63	AISHA YOUSAF	MUHD YOUSAF	UAI DAIYAL	SHANAYA	GGPS DAVIL	AV POST
64	SAMMEEA KALSOOM	ABDUL RAZAQUE	KALAS	SHANAYA	GGPS MANJEMANI	AGAINST N/C
65	SAIRA BANO	MUHD MUSHTAQ	KHAMARI	SHANAYA	GGPS MANJEMANI	AGAINST N/C
66	HIZWANA ZAMAN	HANIDER ZAMAN	HAZHAI	SHANAYA	GGPS SHANAYA BALA	AV POST
67	URDI ANWAR	MUHD ISHAD	KALAS	SHANAYA	GGPS KALAS	AV POST
68	NASREEN BIDI	KHAWAJ MUHD	CHAKLI PANSIAL	SHANAYA	GGPS SHANAYA BALA	AV POST
69	FARZANA	MUHD YOUNG	CHAKLI PANSIAL	SHANAYA	GGPS SHAIKOT	AV POST
70	NAZIA BIDI	SARIF HUSSAIN SHAH	SHERGARH	SHERGARH	GGPS PONDIAL	AV POST
71	HALOEEZ	MUHD MISKEEN	TENDU	SHERGARH	GGPS PONDIAL	AV POST
72	NUSRAT BIDI	MUHD YOUSAF	HARI MEHA	SHERGARH	GGPS PANCHIAN	AV POST
73	SARAF BIDI	MUHD YOUNG	SHERGARH	SHERGARH	GGPS PANCHIAN	AV POST
74	NOREEN GUL	ABDUL MUTTLIB	CHITTA ANDRA	SHERGARH	GGPS DATHARAN	AV POST
75	NAZIA BIDI	S. GUL QAD SIWAJ	QUTBI	SHERGARH	GGPS CHAKLI PANSIAL	AGAINST N/C
76	S. NAZIMA HUSSAIN	S. IMDAD HUSSAIN SHAH	DATTANG	SUM	GGPS TIMIRI	AV POST
77	BIUM SHAUZADI	RAJA SHAMROZ	DHARYAL	SUM	GGPS UALIAIB	AV POST
78	SABEETA KHATDON	FAZAL UR REHMAN	DHARYAL	SUM	GGPS SHAIKOT	AV POST
79	NEELAM BIDI	ABDUL DAYYAN	BARIA	TANDA	GGPS DAINA	AV POST
80	BECKESH GUL	PEITVEZ KHAN	ICHRIAN	ICHRIAN	GGPS KOTE CHATTA	AV POST
81	SADIA BIDI	MUHD IOBAL	HANIF ADAD	CITY NO. 1	GGPS SUKIAN	AV POST

TERMS & CONDITIONS

1. Their appointments are made on purely temporary basis and liable to termination at any stage without assigning any reason in force.
2. They will be governed by such rules and regulations enforce and as may be prescribed by the Govt. from time to time for the category of the Govt. servant which they belong.
3. In case any of the above candidate failed to assume the charge of his post within 15 days of his appointment, candidature will be stand automatically cancelled.

ATTESTED

ATTESTED

District Officer (Female)
KAS Education Manshura
[Signature]

District Officer (Male)
KAS Education Manshura
[Signature]

Form No. 15819-15922
PTCL (P) 2009, dated 14/09/2009, the
Copy furnished for information and necessary action to the
Director Schools & I.I. Department, NWFP Peshawar.

1. Secretary to Government of NWFP S&I, Department Peshawar.
2. Director Schools & I.I. Department, NWFP Peshawar.
3. District Officer (M) Manshura
4. District Account Officer Manshura
5. I.A. to District Co-ordination officer Manshura
6. Budget & Account Officer local office.
7. District Officer (M) Manshura
8. District Officer (M) Manshura

14. The Candidates are directed to take over charge w.e.f. 01/09/2009.
13. Charge report should be submitted (in duplicate) to all concerned.
12. No TADA is allowed.
11. The average candidates should not be handed over charge. The age limit is 18 to 35 years.
10. The DDO must check their original certificates/Degrees etc.
9. They should produce age and health certificate from the Medical Officer, District Hospital Manshura.
8. They should produce age and health certificate from the Medical Officer, District Hospital Manshura. They should produce age and health certificate from the Medical Officer, District Hospital Manshura. They should produce age and health certificate from the Medical Officer, District Hospital Manshura.
7. They should produce age and health certificate from the Medical Officer, District Hospital Manshura. They should produce age and health certificate from the Medical Officer, District Hospital Manshura.
6. They should produce age and health certificate from the Medical Officer, District Hospital Manshura. They should produce age and health certificate from the Medical Officer, District Hospital Manshura.
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4. They should produce age and health certificate from the Medical Officer, District Hospital Manshura. They should produce age and health certificate from the Medical Officer, District Hospital Manshura.
3. They should produce age and health certificate from the Medical Officer, District Hospital Manshura. They should produce age and health certificate from the Medical Officer, District Hospital Manshura.
2. They should produce age and health certificate from the Medical Officer, District Hospital Manshura. They should produce age and health certificate from the Medical Officer, District Hospital Manshura.
1. They should produce age and health certificate from the Medical Officer, District Hospital Manshura. They should produce age and health certificate from the Medical Officer, District Hospital Manshura.

Annexure 'B'

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/18/2020

Policy) E&A/1-3/2020: 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

LIST 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.
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.



(Signature)
WAJIAH LATIF
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

ATTESTED

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~

Annexure 'C'



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/HRAD/1-3/2020
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Polcy-MY/6501/2-
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 04.08.2020; thus, no
provision exists to decline or forgo promotion.

1. The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to
prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity
to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every
civil servant to accept promotion in every condition.

2. 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.

Yours faithfully,

(Ismat Akhter) (Chen)
Section Officer (Policy)

ASE
7/6

Instt. Of even No & Date

Copy forwarded to the:

1. PO to Special Secretary (Reg), Establishment Department.
2. PA to Additional Secretary (Reg-10), Establishment Department.
3. OS to Deputy Secretary (Policy), Establishment Department.

88/1/2023

21.8.23

ATTESTED



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

Mn.SO (Primary-MVE&SEO/2-6/2023
Dated Peshawar (th), June 26th, 2023

To

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

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

[Handwritten Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten mark]

[Handwritten Signature]
(MUHAMMAD ISHAQ)
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

ATTESTED
[Handwritten Signature]

- 16 -

B/c

No SO (Primary-M)/E&SD/2-5/2023
Dated Peshawar the June 25th 2023

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

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

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

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

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

Encl: AA

[MUHAMMAD ISHAQ]
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING OR 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

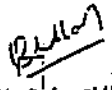
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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


(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 OF 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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ATTESTED



ATTESTED

WP 442-2023 AZIZULAH VS GOVT CP 043

Assistant Director (Ex-Officio)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Assistant Director (Ex-Officio)
Elementary & Secondary Education
Khyber Pakhtunkhwa
21/7/2023

1. PA to Director, Local Directorate.
2. Master Copy

Copy of the above is to:-

The copy is submitted for perusal and necessary actions please.

Departmental Liaison Officer.
provided they submit their written request prior to conclusion of the meeting of
Teachers below 105-16 may be exempted of implications of the amendment in the rules bid
7(2) have affected negatively a large number of Female Teachers. Thus it is proposed that
in view of the above, this office is of considered opinion that the decision of Rules
been asked for submission of consolidated case.
Chairman/Secretary, Khyber Pakhtunkhwa Education Board, Peshawar
That, in the light of the minutes of meeting held 6-07-2023 held under the
(Primary-M) E&SED/21/2023 dated 12-04-2023.
The same was received by this office from your good office vide letter No.50
civil servants (except 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) E&AD/1-2/2020 dated 6-06-2023 categorically stand
That the Government of Khyber Pakhtunkhwa Education Department (Regulation
No.50 (Primary-M) E&SED/21/2023 for necessary guidance.
That your office forwarded the same to the quarter concerned vide letter
promotion.
(ii) If it is not possible to either accept or turn down the offer of
(i) Now it is obligatory upon the civil servant to accept promotion in every condition
No.5987 dated 14-07-2023.
That this office sought guidance from your good office in the following words vide letter
vide notification No. No.50-R-VI (E&AD)/1-2/2020 dated 06-08-2020.
dated Rule 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules 1948)
That Government of Khyber Pakhtunkhwa Education Department (Regulation Wing)
present brief history about the background of the case as under:

MINUTES OF THE MEETING

The Section Officer (Primary-M),
Elementary & Secondary Education,
Khyber Pakhtunkhwa Education

Dear Sir,

No. 8145
Khyber Pakhtunkhwa Education
Date: 21/7/2023
Phone: 091-3233344
Email: khybered@khyber.gov.pk



ATTACHED

MP4443-2023 AZIZULHAN VS GOVT OF PAK

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

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

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

That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) E&AD/1-3/2020 dated 6-06-2023 approximately stated that there exists no provision to decline /for promotion, it is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the same to quarters concerned vide letter No. 50 (Promotion) E&SED/7-2/1/1/1/2023 for necessary guidance.

That this office sought guidance from your good office in the following vide notification No. No. SOR-VI (E&AD) 1-3/2020 dated 06-08-2020. Deleted rule 7(S) in Civil Servants (Appointment, Promotion, Transfer, etc) 1997.

That Government of KP Establishment department (Regulation Wing) present brief history, along background of case as under:
Minister of meeting 18/7/2023 on subject cited above and to
I am directed to refer to letter No. (50) Promotion - M) E&SED/5-1/6/1/2023

Subject: Minutes of Meeting
KPK, Peshawar
Section Officer (Primary-Male),
Elementary & Secondary Education Department
Peshawar (21-7-2023)

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
-B/C-
-20-



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

Annexure E

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

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

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

Dear Sir,

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

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

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT CP PG43

ATTESTED

-22-

-B/c-

No. 50 (Primary-M) E&SE/18-2/
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. 50 (Primary) /E&AD
/1-3/2023 dated 6th June 2023 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)

ATTESTED





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

Annexure 'F'

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

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

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

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

~~REGISTERED~~

WP/42-2023 AZIZULLAH VS GOVT OF PK

-23-

-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

-26-

Announe 4⁰ 6

To,

- 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

Subject: 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&AD/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 and against the fundamental principles of natural justice.

Dated 26/08/2024



Saima
SAIMA GUL
D/O TAJ MUHAMMAD
SPST

07.05.2024



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

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-6-24
 Number of 1
 Copying 5/-
 Urgent 5/-
 Total 5/-
 Name of ---
 Date of 13-6-24
 Date of delivery of copy 17-6-24

ATTESTED

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VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SAIMA GUL

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.

Saima

APPELLANT

ACCEPTED

[Signature]
MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

[Signature]
MUHAMMAD ADEEL BUTT
Advocate High Court

[Signature]
BASSAM AHMAD SIDDIQUI
Advocate High Court