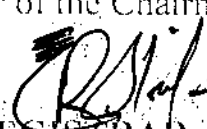


# FORM OF ORDER SHEET

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

Appeal No. 2128 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 01.11.2024. 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**

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

In Ref to

Service Appeal No 2128 2024

Shams Ul Haq

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

**INDEX**

S#	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary Account	A	6-9
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B	10-11
5.	Copy of Impugned Letter dated June 6 <sup>th</sup> , 2023	C	12-14
6.	Copy of Minutes of meeting dated 06-07-2023	D	15-18
7.	Copy of Letter dated 23-08-2023	E	19-20
8.	Copy of Impugned letter dated 07.09-2023	F	21-22
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	23 24-25
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ADVOCATE

M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2128 /2024

Shams Ul Haq Son of Molvi Mian Gul, PSHT (BPS-15)

Haji abad, PO Baleming, Baleming doem, Tehsil Bafa Pkhil, 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. WHEN 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 Primary School Head 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 Impugned notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and, therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

3

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

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

**GROUNDS:-**

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely affects 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 appellants are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3/2020 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

*[Signature]*  
 Appellant

Through

*[Signature]*  
 Muhammad Muazzam Butt  
 Advocate Supreme Court

*[Signature]*  
 Muhammad Adeel Butt  
 Advocate High Court

*[Signature]*  
 Bassam Ahmad Siddiqui  
 Advocate High Court  
 LL.M- Human Rights

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN**

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

In Ref to

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

Shams Ul Haq

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

**AFFIDAVIT**

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

Deponent

Through

Appellant

Muhammad Muazzam Butt  
Advocate Supreme Court

Muhammad Adeel Butt  
Advocate High Court

**ATTESTED**

**INFINIX S5 | 32MP  
AI QUAD CAMERA**

**ATTESTED**

Province: MANSHIRA  
 City: MANSHIRA  
 District: NW - Khyber Pakhtunkhwa  
 Homeing Status: No Children

Leaves: Opening Balance: Averted: Faced: Balance:

Bank Name: SHAMSULHAQ  
 Account Number: 1384003097204525  
 Bank Detail: NATIONAL BANK OF PAKISTAN, 23134 CHATTA MAIN CHATTA MAIN, MANSHIRA

Net Pay: (Rs.) 124,031.58  
 Gross Pay (Rs.) 136,204.88  
 Deductions: (Rs.) -12,173.30

Deductions - Income Tax: Recovered till September-2021: 17,844.00  
 Exampled: 23791.91  
 Recoverable: 57,971.12

Loan	Description	Principal amount	Deduction	Balance
3015	GPF Subscription	-1290.00		-1290.00
3029	Income Tax	-5948.00		-135.00
4004	R. Benefits & Death Comp.	-600.00		0.00

**Deductions - General**

Wage Type	Amount	Wage Type	Amount
0001 Basic Pay	69,460.00	1001 House Rent Allowance 45%	3,134.00
1210 Convey Allowance 20%	2,856.00	1300 Medical Allowance	1,500.00
1505 Child Allowance	40.00	1418 15% Allowance	1,500.00
2199 Allowance 10%	575.00	2116 Teaching Allowance 20%	1,500.00
2341 D. R. Allowance 15%	6,907.00	2317 Adm. Allowance 15%	6,753.00
2378 Allowance 35%	23,618.00	2393 Allowance 35%	17,844.00

**Pay and Allowances**

Pay Scale: BPS For - 2022  
 Pay Scale Type: Civil BPS-45  
 Pay Scale: 34

DDO Code: MA673-Mancher  
 Department: PRIMARY SCHOOL HEAD TEACH  
 Category: Active Temporary

Bank Name: Govt. Service (14117)  
 CNIC: 135079836575  
 Date of Birth: 04.04.1971

Director: Director of the SHAMSULHAQ DISTRICT GOVT. MANSHIRA  
 District: District Government, Manshira  
 Date: Govt. NWFP, Peshawar

DDO Code: MA673-Mancher  
 GPF Section: 001  
 GPF A/c No: IV EDU MAN  
 Interest Applied: Yes

Calc. Order: 6  
 GPF Balance: 1,493,370.00

2390949-DISTRICT GOVERNMENT KHYBB





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A QUAD CAMERA

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11895  
11900

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- 2. The report should be submitted to the appropriate...
- 3. The report should be submitted to the appropriate...
- 4. The report should be submitted to the appropriate...
- 5. The report should be submitted to the appropriate...
- 6. The report should be submitted to the appropriate...

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**NOTIFICATION:**

In pursuance of Government of Punjab Department Notification No 30 (B&A)/172 Notification No SO(FR)/PD/10-22(1)/2010 issued to the District Education Officer (Muz) Punjab dated 30/05/2017 the following Primary School Teachers (PST) are being promoted to the vacant post of PST (B-1b) with the following effect from the date of their taking over the post:

Sr. No.	NAME OF OFFICIAL	FROM	TO
1437	SHAFIQ UR RAHMAN	GPS KANOU	
1440	AH Q HUSSAIN	GPS KANOU	
1703	MUHAMMAD DAQUD	GPS KANOU	
1736	FALH MUHAMMAD	GPS KANOU	
1786	MUHAMMAD ASHRAF	GPS BATTAL HA A	
1803	ABDUL SALAM	GPS KANOU	
1814	AKHTAR ZAMAN	GPS KANOU	
1817	MUHAMMAD IQBAL	GPS KANOU	
1819	SHAFIQ UR REHMAN	GPS KANOU	
1821	SUMIR BALEH	GPS KANOU	
1822	BASHIR AHMED	GPS KANOU	
1823	KHIZER MEHMOOD	GPS KANOU	
1824	MUHAMMAD YOUNIS	GPS KANOU	
1826	M BASHIR	GPS KANOU	
1827	LIQAT ALI	GPS KANOU	
1829	RAJA NADEM NAZIR	GPS KANOU	
1831	NIJAZ MUHAMMAD	GPS KANOU	
1832	ABAR HUSAIN	GPS KANOU	
1833	MUHAMMAD SHAHID AWAN	GPS KANOU	
1834	MUHAMMAD TERHASIP	GPS KANOU	
1838	SABIR HUSSAIN	GPS KANOU	
1836	MUSHTAQ AHMAD	GPS KANOU	
1843	SALAR KHAN	GPS KANOU	
1844	GUL MUHAMMAD	GPS KANOU	
1848	TARIQ MEHMOOD	GPS KANOU	
1850	FAZAL DAD	GPS KANOU	
1853	SAJID ALI KHAN	GPS KANOU	
1854	BAHADAR KHAN	GPS KANOU	
1855	MUHAMMAD NASEEM	GPS KANOU	
1856	MUNIR AHMAD	GPS KANOU	
1857	UAMR KHAN	GPS KANOU	
1858	MOHAMD ARIF	GPS KANOU	
1860	MUHAMMAD JAMIL	GPS KANOU	
1862	AMJID HUSAIN	GPS KANOU	
1864	BABAR HUSSAIN	GPS KANOU	
1865	LIQAT ALI SAEED	GPS KANOU	
1868	FAZAL UR RAHN	GPS KANOU	
1868	M NAZIR	GPS KANOU	
1869	ANWAR ULLAH	GPS KANOU	
1871	SABIR HUSSAIN	GPS KANOU	
1876	MUHAMMAD RAFAQAT	GPS KANOU	
1878	MUHAMMAD WAHEED	GPS KANOU	
1881	MUHAMMAD IQBAL	GPS KANOU	
1882	AQDUR WAHEED	GPS KANOU	
1887	WAHEED QBAL	GPS KANOU	
1888	Y Q IQRALHU SAN	GPS KANOU	
1889	NIJAZ MUHAMMAD	GPS KANOU	
1890	MUHAMMAD ILIYAF	GPS KANOU	
1891	AMIAZ ALI SHAH	GPS KANOU	
1892	AGI KHAN	GPS KANOU	



1943	1943	ABDUL KARIM KHAN	GPS PUMPHARA	
1944	1944	AL FOUH REHMAN	GPS MAHA HATAM	
1945	1945	ABDUL KARIM KHAN	GPS PUMPHARA	
1946	1946	AL FOUH REHMAN	GPS MAHA HATAM	
1947	1947	GOHUR AMAN	GPS SUGDAR	
1948	1948	MUHAMMAD NABBER	GPS GANDIAN	
1949	1949	SAFED UR REHMAN	GPS SARWAI	
1950	1950	M WAJID	GPS TUMBARI	
1951	1951	SHAFQAT HUSSAIN	GPS GLARLAT	
1952	1952	MUHAMMAD RIAZ	GPS BANDA PINAN	
1953	1953	SAJJAD AHMAD	GPS KHU-HALA	
1954	1954	TARIQ AZIZ	GPS TIMBRI	
1955	1955	BAJID KHAN	GPS SHER PUR	
1956	1956	SHAHZAD JAMEEL	GPS SHARKOOL	
1957	1957	NAZ ALI SHAH	GPS SHINKARI	
1958	1958	NAVEED ALAM	GPS DHARYAL	
1959	1959	SHAH KHALID	GPS BH-RKUND	
1960	1960	AZIZ UR REHMAN	GPS KAITH	
1961	1961	IBRAR AHMED KHAN	GPS CHATTAR BLAIN	
1962	1962	FAKHR UD DIN	GPS PANO DHERI	
1963	1963	RAFIQ HUSSAIN	GPS BANKOT	
1964	1964	EJAZ BABAR	GPS TARNAIN	
1965	1965	DIL NAWAZ	GPS KOT	
1966	1966	ABEEM KHAN	GPS SHARKOT	
1967	1967	MOHAMD WAHEED	GPS BANDA GESUCH	
1968	1968	ABDUL RAZZAQ	GPS LABORKOT	
1969	1969	MOHAMD ARIF	GPS SUM	
1970	1970	AHMAD NAWAZ	GPS KHUMARIAN	
1971	1971	ABDUL HAMID	GPS BAILA TANDA	
1972	1972	AFZAL AHMAD	GPS REERH	
1973	1973	MOHAMD BASHARAT	GPS SUM	
1974	1974	ZULFIQAR	GPS CHATTA BATTA	
1975	1975	SHAMS UL HAQ	GPS BELA PARIS	
1976	1976	MUHAMMAD SHAFIQUE	GPS ROH	
1977	1977	MUHAMMAD SIRAJ	GPS ZAFFAR MAIDAN	
1978	1978	MOHAMD BASHER	GPS BASALA	
1979	1979	SHAD MUHAMMAD	GPS HANGARI	
1980	1980	MUHAMMAD AYAZ	GPS KANDI	
1981	1981	FAKHR UD DIN	GPS CHITTI DHERI	
1982	1982	ZAIN MUHAMMAD	GPS DHANNU	
1983	1983	DILDAR	GPS MANDARI	
1984	1984	PARISTAN	GPS PATI JARED	
1985	1985	IFTIKHAR AHMED	GPS CHAMBORA	
1986	1986	MILYAS	GPS KHERAR MERA	
1987	1987	MANZOOR AHMED	GPS TARNAIN	
1988	1988	LIQAT HUSSAIN SHAH	GPS DAMBORI	
1989	1989	WASIM HUSSAIN SHAH	GPS GALI BALIMONG	
1990	1990	MUHAMMAD NAZLER	GPS CHANAR KOT	
1991	1991	GUL MUHAMMAD	GPS DHARRA	
1992	1992	MUHAMMAD ASLAM	GPS TERHARI	
1993	1993	NIZAKAT HUSSAIN SHAH	GPS NAKHOLI	
1994	1994	SANDAR HUSSAIN SHAH	GPS SHARKOOL	
1995	1995	HAD MUHAMMAD	GPS TRADA	
1996	1996	MUHAMMAD MANZOOR	GPS MM POLE	
1997	1997	MUHAMMAD SHAH NAWAZ	GPS MADSERIAN	
1998	1998	MAN-HAL KHAN	GPS KACHAN	
1999	1999	MOH AYUL SHAH	GPS PATHAN COCON	
2000	2000	NADIR AHMED	GPS GHAZIKOT	
2001	2001	HAZAR AHMED	GPS BAJANAM RA	
2002	2002	AHR	GPS DHARHADANVA	
2003	2003		GPS PHAGIA	
2004	2004		GPS THAKUR MERA	
2005	2005		GPS MUMS MERA	

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**AI QUAD CAMERA**

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**ATTESTED**

**ATTESTED**



DEPUTY SECRETARY POLICY  
(MAJLIS AL-IQTISAD)

*[Handwritten signature]*

- 1. Additional Chief Secretary, Govt of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
- 2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
- 4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Govt of 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, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 11. The Secretary, Khyber Pakhtunkhwa Education Department, Peshawar.
- 12. The Deputy Director (IT, E&A Department, Administration Department with the request to All Section Officers in Establishment & Administration Department.
- 13. The Section Officer (Admn), Administration Department.
- 14. The Section Officer (Admn), Administration Department.
- 15. The Section Officer (Admn), Administration Department.
- 16. The Section Officer (Admn), Administration Department.

CHIEF SECRETARY  
GOVERNMENT OF THE ICHYBER PAKHTUNKHWA

INSTE. NO & REVEN DATE

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

**AMENDMENT**

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

**NOTIFICATION**

Dated: Peshawar, the 06/08/2020

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGISTRATION WING)

Annexure-1-B-

11

**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) (E&A) 11/3/2020  
Dated Peshawar the June 06, 2023

62

To: The 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, 1989.

Dear Sir,

I am directed to refer to your letter No. SO(Polcy-MY) 09/072-  
2/Appointment/2023 dated (6.04.2023) on the subject noted above and to state that Sub-Rule  
(S) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)  
Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no  
provision exists to decline or forgo promotion.

2. 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.

3. Furthermore, those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through different means shall be  
proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules,  
2011, please.

Yours faithfully,

(Ijaz Nadeem Khan)  
Section Officer (Policy)

ASSE  
7/6

Handwritten signature

Encls: Of even No & date.

Copy forwarded to:-

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

Handwritten initials/signature

Handwritten date: 21.6.23

Section Officer (Policy)

ATTESTED

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

No. SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar (ho. 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(6) 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**

B/c 14

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(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. 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)

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

Annexure  
①


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.

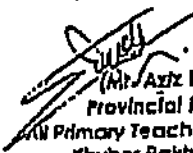
Sl	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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


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

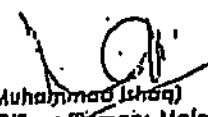
3. After thorough discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

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

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

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

  
(Mr. Razaqal Ullah)  
General Secretary APTA  
Peshawar

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

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

~~ATTESTED~~

16  
- 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 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 4443-2023 AZZULMAN VS GOVT CP P043

Assistant Director (Establishment)  
Elementary & Secondary Education  
Kyber Pakhtunkhwa

Assistant Director (Establishment)  
Elementary & Secondary Education  
Kyber Pakhtunkhwa  
21/7/2023

Endr: No. Copy of the above is to:-  
1. PA to Director, Local Directorate.  
2. Master Copy.

The copy is submitted for perusal and necessary actions please.

Departmental Promotion Committee.  
provided they will their written refusal prior to conduction of the meeting of  
Teachers below 10 may be exempted of implications of the amendment in the rules bid.  
7(5) have affected a huge number of Female Teachers. Thus it is proposed that  
in view of the above, this office is of considered opinion that the deletion of Rules  
has been asked for submission of consolidated case.  
Chairman/Secretary of Non-Additional Secretary Establishment at his office this office has  
Titled, in the minutes of meeting held 6-07-2023, held under the  
(Primary-M) & SED-2/Appointment/2023 dated 12-06-2023.  
The same was received by this office from your good office vide letter No. SO  
civil servant to accept promotion under every condition.  
that there exists no provision to decline or forgo promotion. It is obligatory upon every  
Wing) vide letter No. SO (Policy) & AD/1-3/2020 dated 6-06-2023 categorically stated  
That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation  
No. SO (Primary-M) & SED-2/Appointment/2023 for necessary guidance.  
The same was received by this office from your good office in the following words vide letter  
No. SO dated 04-07-2023.  
(i) Now it is obligatory upon the civil servant to accept promotion in every condition.  
(ii) It is the prerogative of the civil servant to either accept or turn down the offer of  
promotion.  
That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing)  
dated Rule 7(5) in the Civil Service (Appointment, Promotion & Transfer Rules 1989)  
vide notification No. No. SO-R-VI (S&AD)/1-3/2020 dated 06-08-2020.  
That this office through guidance from your good office in the following words vide letter  
No. SO dated 04-07-2023.

I am directed to refer to the letter No. SO Primary-10&SED/1-10  
Q. Miscellaneous of the Ministry dated 10-07-2023 on the subject cited above and in  
present brief history about the background of the case as under:

**MINUTES OF THE MEETING**

The Section Officer (Primary-Male),  
Elementary & Secondary Education Department,  
Kyber Pakhtunkhwa, Peshawar.

Dear Sir,

Ministry of Education, Government of Kyber Pakhtunkhwa, Peshawar.  
Phone: 091-9233111  
E-mail: education@kpk.gov.pk



- B/C -

## DIRECTORATE OF ELEMENTARY &amp; SECONDARY EDUCATION, KPK

To:

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

PESHAWAR  
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir,

I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/GM/14/Minister of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:

- That Government of KP Establishment department. (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1997) vide notification No. No. SOR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023.
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to:

1. PA to Director Local Directorate
2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

**ATTESTED**



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

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

Annexure  
E

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment & 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. SO(Policy)/ E&AD/ 1-3/2020 dated 06<sup>th</sup> 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 some officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

(MUHAMMAD ISHAK)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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

Scanned with ComScanner

WP4442-2023 AZIZULLAH VS GOVT CF PG43

ATTESTED

~~ATTACHED~~

WP 442-2023 (Public Administration)

(Muhimbi School)  
Section Officer (Primary)  
(Male)

1. Division E.G.S.E. Khyber Pakhtunkhwa  
2. PS to Secretary, E.G.S.E. Department (Khyber Pakhtunkhwa)

Copy forwarded to:

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.

9 am directed to refer to your letter No. S.O. (Primary) (Policy) / 12410 dated 04 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 2012.

Dear Sir,

Civil Servant (Appointment, Promotion & Transfer Rules 1989)

SUBJECT: Guidance regarding deletion of Rule 7(S) in the

Establishment and Administration Department,  
Peshawar.

The Secretary to Government of Khyber Pakhtunkhwa.

No. S (Primary-M) E.G.S.E. / 8-2 /  
Appointment - Rule / 2023  
Peshawar Dated 23rd August, 2023.

- B/c -

Annexure - F



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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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(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)

Encl. 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 AZIZUL LAH VS GOVT CP PG43

21

22

- 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)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

~~ATTESTED~~



## Annexure - G

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:-

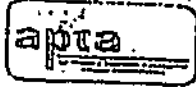
Your-Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against 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&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 and against the fundamental principles of natural justice.**

Dated 19/02/2024


SHAMS UL HAQ  
SON OF  
MOLVI MIAN GUL  
PSHT.

Aziz Ullah Khan  
Pratidatt  
0333-0114648  
azizullah1973@gmail.com  
apinkpki



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

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

بہاب: سیکرٹری وائس چانسلری ایجوکیشن خیبر پختونخوا  
بہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
جناب مال

گزارش ہے کہ پروسچوٹور دائرے میں ہے کہ سرکاری ملازم کی خواہش وہاں ہے پروسچوٹو ایک تارن ہوا کرتا کہ جو ملازم ایک آرگن  
پروسیج تحت ایک واپس پروسچوٹو نہیں تو وہ پھر آگے پاد سال تک پروسچوٹو نہیں لے سکتے تھے۔ مطلب پاد سال تک ہر اس کی پروسچوٹو نہیں ہو سکتی تھی  
پھر اس تارن میں ترمیمی روایت ملی گئی پاد سال ہاتھ عم کر دی گئی کہ اگر ایک ملازم ایک سال پروسچوٹو نہ لیں تو دوسرے سال لے سکتا ہے  
لیکن اب ایک واپس پاد ایک اور نوٹیفکیشن ہوا ہے  
جس کے مطابق اب ہر ملازم پروسچوٹو ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ای کے مطابق کارروائی کر کے لے گا کیا ہے  
دراصل یہ آرڈر نوٹیفکیشن ہجاری ایسوسی ایشن کی مکمل خلاف ورزی ہے۔ سب سے پہلے وہ ہجاری ملازموں میں خاص کر خواتین اساتذہ کی انتہائی مشکلات کا  
سامنا کرنا پڑے گا  
جو عام حالات میں بھی زیادتی پروسچوٹو اور دستاویز ہجاری ایسوسی ایشن کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بد قسمتی سے خواتین و شہریتوں  
کی ہولناکیاں ہوتی ہیں۔ ایسے حالات میں یہ نوٹیفکیشن جو DEOS کی کاپیوں میں لیز کی جناب میں کیا گیا ہے جو ہجاری ایسوسی ایشن کی خلاف ورزی  
ہم اس کے خلاف تارن ہوا، ہجاری ایسوسی ایشن کے ہجاری ملازموں کے لئے  
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Retraction) دیا جائے اور ان کو  
لبرٹی پروسچوٹو لینے کی ہجاری ایسوسی ایشن سے لینے دیا جائے  
اور پروسچوٹو لینے کی صورت میں اساتذہ کو لبرٹی دیا جائے لیکن یہ لبرٹی کا جائے  
اس سلسلے میں آپ سولہ ایسوسی ایشن (DEOS) ای او ای اور ایک شخص سے رابطہ ہوا کیا جائے تاکہ اساتذہ میں پمیل / ایسوسی ایشن پرائمری اساتذہ کو ذہن  
البت اور ہر جگہ سے پہلے جائے  
کیونکہ نوٹیفکیشن ہجاری اساتذہ کو اپنی خود پر ہر جگہ کے تسلط شروع ہو چکا ہے  
لہذا ہم یہ درخواست کرتے ہیں کہ آپ سامانہ کوئی ایجنٹ لبر سب سے پرائمری اساتذہ، خیبر پختونخوا میں پمیل پرائمری اساتذہ کو اس ایسوسی ایشن سے ہجاری ملازم کے

شکر ہے

Handwritten signature and date 08/11/23

مولا اللہ خان سرہانی صدر  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

ATTESTED

07.05.2024



1. Learned counsel for the appellant present.

2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/commitments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/commitments 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  
 Copies 1  
 Uper 1  
 Total 1  
 Name of ---  
 Date of 13-6-24  
 Date of 12-6-24

**ATTESTED**

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

SHAMS UL HAQ  
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