


FORM OF ORDER SHEET

Court of _____

Appeal No. 2143 /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

Zulfiqar Ahmad

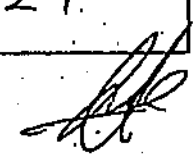
V/S

Government of KP & others

A No. 2143/24

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2143 /2024

Zulfiqar Ahmad Son of Abdul Rehman Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Bandi Murbaifiya

.....Appellant

V E R S U S

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

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

GROUND:-

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

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

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

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

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

AFFIDAVIT:

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

Zulfiqar
Deponent

Through

Zulfiqar
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

CM No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

**ZULFIQAR AHMAD
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

Zulfiqar Ahmad
Deponent

Through

Zulfiqar Ahmad
Appellant

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 Manshra
Monthly Salary Statement (January-2024)



Personal Information of Mr ZULFIQAR AHMAD d/w/s of ABDUL REHMAN

Personnel Number: 00218482 CNIC: 1350305818367 NTN:
 Date of Birth: 04.04.1971 Entry into Govt. Service: 28.02.1993 Length of Service: 30 Years 11 Months 005 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80003206-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6145-Mansehra

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

GPF A/C No: EDUMA009570 GPF Interest applied GPF Balance: 1,006,388.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 22

Wage type		Amount	Wage type		Amount
0001	Basic Pay	67,480.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	845.00
2199	Adhoc Relief Allow @10%	591.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,408.00	2347	Adhoc Rel Al 15% 22(PS17)	6,408.00
2378	Adhoc Relief All 2023 35%	22,925.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-2,419.00	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: 37,463.88 Recovered till JAN-2024: 16,006.00 Exempted: 9365.48 Recoverable: 12,092.40

Gross Pay (Rs.): 115,801.00 Deductions: (Rs.): -8,644.00 Net Pay: (Rs.): 107,157.00

Payee Name: ZULFIQAR AHMAD

Account Number: 93449

Bank Details: NATIONAL BANK OF PAKISTAN, 231372 DAB NO. 1 DAB NO. 1, MANSEHRA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: zulfiquarhmad794439@gmail.com

ATTESTED

NO	NAMA	GPS	NO	NAMA	GPS
295	MUHAMMAD IQBAL	GPS GURWAH	3		GPS GURWAH
296	AL SHAFIQUR REHMANI	GPS MANGYAL	3		GPS MANGYAL
297	HIDA KHANZAD	GPS CHAWAT	3		GPS CHAWAT
298	MUHAMMAD REHMANI	GPS LASSAN	3		GPS LASSAN
299	JALIL CAHUTTA	GPS TAMPIL	3		GPS TAMPIL
300	GHULAM MUHTASA	GPS CHAKULIYAS	3		GPS CHAKULIYAS
301	ALAM ZAIB	GPS BAI BOTAL	3		GPS BAI BOTAL
302	MUHAMMAD USMAN	GPS JISGRAN BALA	3		GPS JISGRAN BALA
303	MUHAMMAD ASLAM	GPS KANDAH	3		GPS KANDAH
304	MUHAMMAD ABLAM	GPS ENER BANDA	3		GPS ENER BANDA
305	HAJIBEM SHANI	GPS ANIL SERUI	3		GPS ANIL SERUI
306	HANZOOR AHMED	GPS LASSAN THAKRAL	3		GPS LASSAN THAKRAL
307	SHUKRAT HUSSAINI	GPS KHURDIAN	3		GPS KHURDIAN
308	DAJANAT HANI	GPS KHURDIAN	3		GPS KHURDIAN
309	MUHAMMAD PAYYAZ	GPS ANIL SERUI	3		GPS ANIL SERUI
310	ALI ANJAM	GPS RAZ AMAD	3		GPS RAZ AMAD
311	WAZIR GUL	GPS LONGRAN	3		GPS LONGRAN
312	ABDUL REHMANI	GPS BELA RADEED	3		GPS BELA RADEED
313	ABDUL HAZIQ	GPS DAVID GULO NO 2	3		GPS DAVID GULO NO 2
314	MUHAMMAD HANIF	GPS DAVID KARTH	3		GPS DAVID KARTH
315	MUHAMMAD SHAFIQ	GPS THAKR BARRA	3		GPS THAKR BARRA
316	ABDUL HASIB	GPS BATTAL PAKI	3		GPS BATTAL PAKI
317	ABDUL HASIB	GPS KOTARA	3		GPS KOTARA
318	MUHAMMAD SALAM	GPS JIANGI	3		GPS JIANGI
319	MUHAMMAD SUKHTAR	GPS KOTERIA SYDAN	3		GPS KOTERIA SYDAN
320	MUHAMMAD MUSTAQ	GPS LUKO KUND	3		GPS LUKO KUND
321	MUHAMMAD ANSARI	GPS DHAR	3		GPS DHAR
322	MUHAMMAD SAIED	GPS GALIAN	3		GPS GALIAN
323	ALTAF HUSSAINI	GPS FRUKOTE	3		GPS FRUKOTE
324	MUHAMMAD TAJREBI	GPS DEACA	3		GPS DEACA
325	GSIANI QURDAN	GPS MONYAN	3		GPS MONYAN
326	MUHAMMAD SAIED	GPS KOTLA SHIN	3		GPS KOTLA SHIN
327	IFTIKHAR AHMED	GPS TAJRABI	3		GPS TAJRABI
328	HAQ HAYAZ	GPS PASWAT	3		GPS PASWAT
329	SHAFIQUR REHMANI	GPS DARJAT	3		GPS DARJAT
330	QAZI SHAHABUD DIN	GPS GULJAN	3		GPS GULJAN
331	SHER AFGANI RIZVI	GPS HARAMA LUNDA	3		GPS HARAMA LUNDA
332	MUHAMMAD SALAM	GPS TENDER	3		GPS TENDER
333	MUHAMMAD JAVED	GPS KALA MEHA	3		GPS KALA MEHA
334	ABDUL REHMANI	GPS NAHA DOGA	3		GPS NAHA DOGA

Handwritten signature
S. P. S. & PARTNER

ATTESTED

1025	MUHAMMAD ZEEN	GPS HARAYALA	3	GPS HARAYALA
1049	MUHAMMAD HAFIQ	GPS CHAHRYAL	3	GPS CHAHRYAL
1053	MUHAMMAD JAVED	GPS BANDI GULO HOI	3	GPS BANDI GULO HOI
1054	MUHAMMAD IQBAL	GPS PALABALA	3	GPS JOCKAN
1055	USAM ZAMAN	GPS RAHIMDI	3	GPS RAHIMDI
1057	MUHAMMAD HADIS	GPS TAVBERI	3	GPS GILRA
1057	WAZIR MUHAMMAD	GPS JANBA	3	GPS HASSO
1187	MUHAMMAD IQBAL	GPS SHILYALA	3	GPS SHILYALA
1187	MUHAMMAD AHSAN	GPS SAHRI	3	GPS SAHRI
1189	ABDUL WAHEED	GPS CHANDORE	3	GPS SOHAI BARDI
1191	MUHAMMAD HUMAYOON	GPS MERA HAZAM	3	GPS MERA HAZAM
1251	MUHAMMAD AMEEN	GPS GALLI LASSAN	3	GPS GALLI LASSAN
1261	MUHAMMAD AMEEN	GPS BANDI MURDAPPA	3	GPS BANDI MURDAPPA
1265	LIADAT ALI	GPS TARIKALLA	3	GPS TARIKALLA
1265	SHAHIDUZZAM	GPS PHULRA	3	GPS PHULRA
1273	MUHAMMAD ASHRAF	GPS SAKKI BALA	3	GPS SAKKI BALA
1283	MUHAMMAD HASEED	GPS TUNIA	3	GPS CHONDAN
1285	MUHAMMAD HASEED	GPS SAWAN MARRA	3	GPS SAWAN MARRA
1289	ALI SHAIKHANI	GPS SUKZ ABAD	3	GPS CHACHAN
1411	MUHAMMAD ANJAD	GPS MANGAL DOSA	3	GPS MANGAL DOSA
1420	MUHAMMAD SAIDAN	GPS MOHAR	3	GPS MOHAR

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

TERMS & CONDITIONS

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

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

Date: 777-1707
Sub: (H) Promotion: Primary School Head Teacher (M) Dated 21/3/2013.

[Handwritten Signature]
Sd/-
(Umer Khan Kundi)

ATTESTED

CANDIDATE'S NAME	RESIDENCE	SCHOOL WHERE APPOINTED	REMARKS
1. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
2. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
3. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
4. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
5. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
6. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
7. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
8. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
9. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
10. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
11. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
12. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
13. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
14. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
15. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
16. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
17. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
18. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
19. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO
20. HSG MANSUR S/O SATTAR KHAN	R/O DANKOOR	HSG HATTI GANNA	AAA-VAC-RO

TERMS & CONDITIONS

1. They should submit their charge report to all concerned.
2. Their appointment is purely temporary basis and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their professional and academic certificates/documents.
4. Their original Professional and academic certificates should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
5. No one should be handed over charge if he is below 18 years and above 25 years.
6. Their pay will not be drawn till they produce their eye and health certificate by the medical Superintendent, District Head Quarter Hospital Manshehra.
7. The Candidates who obtained their professional Qualification from the colleges/Universities other than Govt. Elementary Colleges in NWFP will be appointed according to their merit order after the verification of their professional Qualification from the concerned issuing Agencies.
8. They will be Governed under prescribed services rule framed by the Government of NWFP.

(SHAFAQAT HUSSAIN)
 DISTRICT EDUCATION OFFICER
 (MALE) PRIMARY MANSEHRA

Dist: No. 160-61/GH/G.1/93. Dated Manshehra the 27/12/93
 Copy of the above is forwarded to the
 2. Sub Divisional Education Officer (Male) Primary Manshehra
 3. District Accounts Officer, Manshehra
 4. All the candidates concerned.

DISTRICT EDUCATION OFFICER
 (MALE) PRIMARY MANSEHRA

ATTACHED

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/18/2020

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 amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTE: NO & EVEN DATE

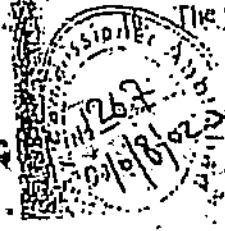
Copy is forwarded to:-

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 Registrar, 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

ATTESTED



12

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

~~TESTED~~

~~RESTRICTED~~

WFO4443-2023 AZ1211144 US GOVT CT PG13

21.06.23

21.06.23

(Scale of Merit Policy)

(Scale of Merit Policy)

Yours faithfully,

- 1. Copy to Special Secretary (Legal), Establishment Department
- 2. Copy to Additional Secretary (Legal), Establishment Department
- 3. Copy to Deputy Secretary (Legal), Establishment Department

Final. Claven M & date

ASL
2/6

2011, please

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 Service (Efficiency & Discipline) Rules, 2011, please

The basic rationale behind the definition of the bid rule is aimed at preventing a provision exists to decline or forgo promotion.

(5) of Rule-7 of Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer) Rules, 1989 stands deleted) who the department notified dated 00.08.2020 (i.e., an

Appointment dated 18.12.2022 in the subject noted above and to state that sub-rule 1 was deleted in letter to your letter No. SO(1)Wm-My/MA/1172-

Dear Sir,
Subject: CHANGING JURISDICTION OF WORK IN THE
ESTABLISHMENT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

The Government of Khyber Pakhtunkhwa,
The Secretary & Secretary (Establishment)

6.2
ESTABLISHMENT DEPARTMENT
No. SO(1)Wm-My/MA/1172-2020
dated 18.12.2022

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(1)Wm-My/MA/1172-2020
dated 18.12.2022

Amir Khan

13

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-0223507)

No. SO (Primary-M)/E&SED/2-6/2023
Lahore Peshawar (tho. 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, 1989.

I am directed to refer to the subject noted above and to enclose herewith 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 (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 initials]

[Handwritten signature]
(MUHAMMAD SHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

[Handwritten initials]

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

ATTESTED

15
B/c
No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(S) 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 deputa a representative of your respective Department to attend the meeting on a date, time & venue as mentioned above, please.

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~

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

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

Annexure
 0

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-
 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

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

ATTESTED

17
- B/C -

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING DELETION OF RULE 715 IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION
& TRANSFER RULES 1989).

A meeting regarding the subject matter was held on 05-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

WP4442-2023 AZIZULAH VS GOVT OF POK

Assistant Director (Establishment)
Ministry of Secondary Education
Hyderabad, Pakistan

1. PA to Director
2. Master Copy
Local Director

Copy of the above is for:

Assistant Director (Establishment)
Ministry of Secondary Education
Hyderabad, Pakistan

17/11/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

Teachers' Union (TU) may be exempted as per the provision of the amendment in the rules. Their written refusal to condition of the meeting of

7(5) have affected negatively a large number of Female Teachers. Thus it is proposed that

In view of the above, the office is of considered opinion that the decision of Rules

has been asked for submission of consolidated case.

Chairman of the Departmental Promotion Committee at his office. The office has

That, in the light of the number of meetings held under the

(Primary) No. 50/2023 dated 12-06-2023.

The same was received by the office from your good office vide letter No. 50/

will accept promotion under every condition.

that there shall be no provision to decline or forgo promotion. It is obligatory upon every

(Wing) vide letter No. 50/2023 dated 06-06-2023 categorically stated

That the Government of Hyderabad Establishment Department (Regulation

No. 50 (Primary) No. 50/2023 dated 12-06-2023 for necessary guidance.

That your good office forwarded the same to the quarter concerned vide letter

promotion.

(ii) It is the obligation of the civil servant to accept promotion in every condition.

No. 50/2023 dated 06-02-2023.

That the office has the guidance from your good office in the following words vide letter

vide No. SR-VI (E&AD)/1-2720 dated 06-08-2020.

dated Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer) Rules, 1980)

That Government of Hyderabad Establishment Department (Regulation Wing)

present brief history about the background of the case as under:

G. M. Khan of the following No. 50/2023 dated 10-07-2023 on the subject cited above and is

I am directed to refer to the letter No. 50/2023 dated 10-07-2023 on the subject cited above and is

Subject: MINUTES OF THE MEETING

The Section Officer (Primary-Wing),
Ministry of Secondary Education Department,
Hyderabad, Pakistan

Dear Sir,



No. 8145

Phone: 051-9922244

Email: establishment@pse.edu.pk

Hyderabad, Pakistan

~~ALISTED~~

WP442-2023 AZIRULAH VS GOVT OF PAK

Hassan Director
Elementary & Secondary Education
Hyderabad, Pakistan

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

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

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 (Public) E&SD/1-2/2020 dated 6-06-2023 accordingly 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 (Private) E&SD/1-2/Department-2023 for necessary guidance.

That this office sought guidance from your good office in the following vide notification No. 50 SR-VI (E&SD) 1-3/2020 dated 06-08-2020. (i) Now it is obligatory upon civil servant to accept promotion.

That Government of KP Establishment department (Regulation Wing) dated rule 7(s) in Civil Servants (Appointment, Promotion, Transfer Rule 1999) vide notification No. 50 SR-VI (E&SD) 1-3/2020 dated 06-08-2020.

I am directed to refer to letter No. 50 (Private) E&SD/1-2/6/2023 dated 30-7-2023 on subject cited above and to present brief history, about background of case as under:

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

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK,
PESHAWAR.
(21-7-2023)

-B/C-

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

CIVIL SECRETARIAT PESHAWAR

(Phone No.091-8222587)

No. 50(Pri/Secy-M)E/2-2/Appointment-Rule /2023

Peshawar Dated 23rd August, 2023

Annexure E

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

SUBJECT: GUIDANCE REGARDING DELETION OF RULE 7(S) IN THE CIVIL

SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES

1989).

Dear Sir,

I am directed to refer to your letter No. 50(Policy)/E/AD/1-3/2020 dated 07 June 2023 and to state that after deletion of rule 7(S) 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.

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

SECTION OFFICER (PRIMARY MALE)

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WP4412-2023 AZIZULAH VS GOVT OF PK43

ATTESTED

ATTESTED

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

(Muhammad Ishaq)
Section Officer (Army)
(Muz)

Copy forwarded to:
In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.
Effects on service delivery. Mother-in-law who need care. In such cases there are negative Most of them are married with kids and elder father of in the remotest stations with no residential/transport facilities. face serious inconvenience while they have to perform duties teacher of primary level who avail such promotion have to In this connection it is submitted that in some cases lady Civil servant (Efficiency and Discipline) Rule 2011. different means shall be proceed under Khyber Pakhtunkhwa of the competent authority or try to evade promotion through those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(S) Khyber Pakhtunkhwa Civil servant (Appointment), 1-3/2000 dated 8th June 2023 and to state that after 9 am directed to refer to your letter No. S.O. (Army) (Policy) /E&AD Dear Sir,

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

The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department,
Peshawar Dated 23rd August, 2023.
No. S (Army-M) E&SE D /A-21
Appointment - Rule / 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

ATTESTED

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 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-II). Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

UP442-2023 AZIZULLAH VS GOVT OF PK

27

- 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-II), Establishment Department
3. PS to Deputy Secretary (Policy), Establishment Department

Section Officer (Policy)

To,

Dated: 28-01-2024

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

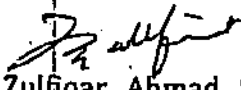
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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

Sir/ Madam:-

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

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

Best Regards


Zulfiqar Ahmad Son of Abdul Rehman
Resident of Tehsil & District Manshera



آل پرائمری ایجوکیشنل ایجنسی (ایچ اے) خیبر پختونخوا

Annexure - A

مقام: میگزین پرائمری ایجوکیشنل ایجنسی خیبر پختونخوا
مقام: آل پرائمری ایجوکیشنل ایجنسی خیبر پختونخوا
مقام: طالب

گزارش ہے کہ پروفیسر صاحبہ سے ملنے آیا کہ سرکاری اسکول کی فراہمی ہونے پر پروفیسر صاحبہ ایک سالہ لڑکی کو اسکول میں داخلہ دیا گیا ہے۔
پروفیسر صاحبہ نے ایک سالہ لڑکی کو اسکول میں داخلہ دیا ہے۔ اس سال تک اسکول میں داخلہ نہیں دیا گیا تھا۔
اس سال میں سرکاری اسکول میں داخلہ دیا گیا ہے۔ اس سال تک اسکول میں داخلہ نہیں دیا گیا تھا۔

اس کے علاوہ اب ہر عام پروفیسر صاحبہ سے ملنے آیا کہ سرکاری اسکول کی فراہمی ہونے پر پروفیسر صاحبہ ایک سالہ لڑکی کو اسکول میں داخلہ دیا گیا ہے۔
اس سال میں سرکاری اسکول میں داخلہ دیا گیا ہے۔ اس سال تک اسکول میں داخلہ نہیں دیا گیا تھا۔

پروفیسر صاحبہ سے ملنے آیا کہ سرکاری اسکول کی فراہمی ہونے پر پروفیسر صاحبہ ایک سالہ لڑکی کو اسکول میں داخلہ دیا گیا ہے۔
اس سال میں سرکاری اسکول میں داخلہ دیا گیا ہے۔ اس سال تک اسکول میں داخلہ نہیں دیا گیا تھا۔

اس کے علاوہ اب ہر عام پروفیسر صاحبہ سے ملنے آیا کہ سرکاری اسکول کی فراہمی ہونے پر پروفیسر صاحبہ ایک سالہ لڑکی کو اسکول میں داخلہ دیا گیا ہے۔
اس سال میں سرکاری اسکول میں داخلہ دیا گیا ہے۔ اس سال تک اسکول میں داخلہ نہیں دیا گیا تھا۔

اس کے علاوہ اب ہر عام پروفیسر صاحبہ سے ملنے آیا کہ سرکاری اسکول کی فراہمی ہونے پر پروفیسر صاحبہ ایک سالہ لڑکی کو اسکول میں داخلہ دیا گیا ہے۔
اس سال میں سرکاری اسکول میں داخلہ دیا گیا ہے۔ اس سال تک اسکول میں داخلہ نہیں دیا گیا تھا۔

اس کے علاوہ اب ہر عام پروفیسر صاحبہ سے ملنے آیا کہ سرکاری اسکول کی فراہمی ہونے پر پروفیسر صاحبہ ایک سالہ لڑکی کو اسکول میں داخلہ دیا گیا ہے۔
اس سال میں سرکاری اسکول میں داخلہ دیا گیا ہے۔ اس سال تک اسکول میں داخلہ نہیں دیا گیا تھا۔

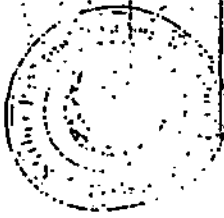
شکر ہے

Handwritten signature and date: 08/11/23

مقام: آل پرائمری ایجوکیشنل ایجنسی 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/corrections. Appellant is directed to deposit TCS expenses within three days. To come up for reply/corrections 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 (S)

[Handwritten signature]
13/5/24

Date of Presentation of Application *13-5-24*
 Number of *57-1*
 Copies *57-1*
 Total *57-1*
 Name of *13-f-23*
 Date of *17-f-24*
 Date of Release of Copy *17-f-24*

CS CamScanner

~~APPEALED~~

21
VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ZULFIQAR AHMAD

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM.

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

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



APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court