


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2171/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/10/2024	<p>The appeal of Mst. Shazia Perveen presented today by Mr. Muhammad Adeel Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 31.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title:

SLAZIA PERVEEN VS COURT OF KPIC

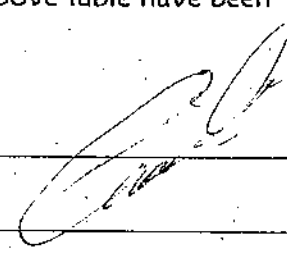
S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?		
3	Whether appeal is within time?		
4	Whether the enactment under which the appeal is filed mentioned?		
5	Whether the enactment under which the appeal is filed is correct?		
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent Oath Commissioner?		
8	Whether appeal/annexures are properly paged?		
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?		
11	Whether annexures are attested?		
12	Whether copies of annexures are readable/clear?		
13	Whether copy of appeal is delivered to AG/DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15	Whether numbers of referred cases given are correct?		
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this court?		
19	Whether requisite number of spare copies attached?		
20	Whether complete spare copy is filed in separate file cover?		
21	Whether addresses of parties given are complete?		
22	Whether index filed?		
23	Whether index is correct?		
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Signature: _____

Dated: _____



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2171 /2024

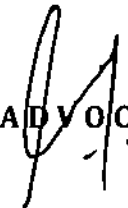
Shazia Parveen

versus

Secretary to Government of Khyber Pakhtunkhwa, & others

Index

S. No	Description of documents	Annex	Pages
1.	Appeal and Verification		1-4
2.	Application for suspension		5
3.	Copy of monthly salary slip	A	6-8
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06-08-2020	B	9-10
5.	Copy of impugned letter dated June 06 th , 2023	C	11-13
6.	Copy of minutes of meeting dated 06-07-2023	D	14-17
7.	Copy of letter dated 23.08.2023	E	18-19
8.	Copy of impugned letter dated 07.09.2023	F	20-21
9.	Copy of representation against the said notification and representation made by APTA President	G & H	22-23
10.	Wakalatnama		24


ADVOCATE

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2171 /2024

**Khyber Pakhtunkhwa
Service Tribunal**

Shazia Parveen wife of Muhammad Azam (PSHT BPS-15)
Pharhala, Tehsil and District Haripur

Diary No. 17310

Dated 29/10/24
.....Appellant

VERSUS

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

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974.
AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-
3/2020. DATED 06/08/2020. COMMUNICATED TO RESPONDENT NO. 2 VIDE
LETTER DATED 06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF
RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES. 1989 STANDS DELETED**

PRAYER:

**ON ACCEPTANCE OF INSTANT SERVICE APPEAL. THE IMPUGNED NOTIFICATION
BEARING NO: SO (POLICY) E&AD/1-3/2020. DATED 06/08/2020.
COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023.
MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND
ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL
PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.**

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

RESPECTFULLY SHEWETH:

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

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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

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

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

GROUNDS:-

- A. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- B. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period or 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 employees but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be set aside.

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

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

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

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

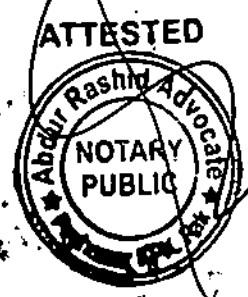
Affidavit
 I, (the appellant), solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Hon'ble Court.
 Deponent

Though

[Signature]
 Appellant

[Signature]
 Muhammad Muazzam Butt
 Advocate Supreme Court

[Signature]
 Muhammad Adeel Butt
 Advocate High Court



5

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No _____/2024

Shazia Parveen

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) 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 Hon'ble Court.

Shazia Parveen
Deponent

Though



Shazia Parveen
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

Anex "A" 6

Dist. Govt. KP-Provincial
District Accounts Office Haripur
Monthly Salary Statement (August-2024)



Personal Information of Miss SHAZIA PERVEEN w/w of ABDUR HAMID
Personnel Number: 00254324 CNIC: 1330204831370 NTN:
Date of Birth: 10.03.1974 Entry into Govt. Service: 23.04.1996 Length of Service: 31 Years 04 Months 010 Days

Employment Category: Active Permanent
Designation: PRIMARY SCHOOL HEAD TEACH 80002139-DISTRICT GOVERNMENT KHYBER
DDO Code: HR6110-DEPUTY DISTT EDUCATION OFFICER(F/P) HARIPUR
Payroll Section: 002 GPF Section: 001 Cash Center: 03
GPF A/C No: EDUIHR001250 GPF Interest applied GPF Balance: 1,077,552.00 (provisional)
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil OPS: 15 Pay Stage: 22

Wage type	Amount	Wage type	Amount
0001 Basic Pay	67,480.00	1001 House Rent Allowance 43%	3,524.00
1210 Convey Allowance 2005	2,556.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2143 15% Adhoc Relief All-2013	880.00
2199 Adhoc Relief Allow @10%	591.00	2316 Teaching Allowance 2021	3,223.00
2341 Dispr. Red All 15% 2022KP	6,408.00	2347 Adhoc Rel All 15% 22(PS17)	6,408.00
2378 Adhoc Relief All 2023 35%	22,925.00	2393 Adhoc Relief All 2024 25%	16,670.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-1,200.00	3501 Pension Fund	-1,200.00
3609 Income Tax	-5,555.00	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: 88,870.65 Recovered till AUG-2024, 11,110.00 Exempted, 22216.95 Recoverable, 55,543.70

Gross Pay (Rs.): 132,706.00 Deductions: (Rs.): -11,740.00 Net Pay: (Rs.): 120,926.00

Payee Name: SHAZIA PERVEEN
Account Number: 2001312137
Bank Details: THE BANK OF KHYBER, 050019 G.T.ROAD HARIPUR G.T.ROAD HARIPUR, HARIPUR

Leaves: Opening Balance: Aailed: Earned: Balance

Permanent Address: HAR
City: HARIPUR Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address: Email: shaziaperveen547@gmail.com
City:

[Signature]
ATTESTED

7

APPOINTMENTS.

Appointments of the following trained PTC candidates are hereby ordered against the PTC Post in HPN-7(1483-DI-2095) plus usual allowance are admissible under the rules in the interest of public service on the terms and conditions given at the end.

<u>S. NO.</u>	<u>Name/Father's Name</u>	<u>School where appointed.</u>
1.	Azad Helmuod S/O Ghulam Helmuod Vill: Kot Najibullah	PS Kotla Vacant post.
2.	Maqar Ahmad S/O Mohammad Gadiq Vill: Kowala	PS Rajpur Bheri "
3.	Muved Iqbal S/O Manzoor Elahi Vill: Kowala	PS Kotla "
4.	Achzar Niaz S/O NIAZ ALI Vill: Bundi Hunim	PS Bheri (Chhoti) "
5.	Mohammad Asif S/O Abdur Rehman Vill: Al-Jullah Gur	PS Rajpur "
6.	Fajid Khan S/O Malik Aman Vill: Kanya Colony	Hogga Christian School "
7.	Sajid Hussain Shah S/O Kala Shah Vill: Barket	PS Shah Faisal "
8.	Mohammad Ayub S/O Mohammad Akram Vill: Kot Najibullah	PS Pakpahi "
9.	Mohammad Arshad S/O Pahlwan Khan Vill: Najipur	PS Ghumman "
10.	Mohammad Shaukat S/O Hassan Ali Vill: Katali	PS Bheri "
11.	Fazlur Rahman S/O Mohammadur Rahman Vill: Jakes	PS Kotla "
12.	Imran Aslam S/O Mohammad Aslam Vill: Kot Najibullah	PS Jarbhot "
13.	Sher Azal S/O Khan Azal Vill: Dhera	PS Guja Hulla Newly Created Post
14.	Suhail Iqbal S/O Mohammad Iqbal Vill: Kot Najibullah	PS Rajpur "
15.	Ahmad Hamayun S/O Mohboob Elahi Vill: Kot Najibullah	PS Khol Hara Vacant Post
16.	S. Mohammad Ali Pasha S/O Biddar Hussian Shah Vill Hattar	PS Ahul Dara
17.	Mohammad Shoukat S/O Ali Akbar Vill: Saral Saleh	PS Dalian Newly Created Post
18.	Mawazish Mohboob S/O Mohboob Elahi Haripur	

Cont. . . . Next.


ATTESTED

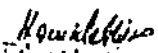
Sr.No:	Name/Address	Place where appointed.	Remarks
19).	Sajida Norin D/O Mohd Yaqub H.No: 719 Sec:1 KT Sh:	CGPS Shingri	Against newly created post.
20).	Lubna Shaheen D/O Mohd Ashraf Moh:Sadat, Vill:PO:Mankural	-do-	-do-
21).	Fozia Norin D/O Mohd Ibrar Vill:Car, S-Salah Haripur.	CGPS Ziarat Bala	-do-
22).	Bibi Shamim D/O Moor Ghulam Vill:PO:Chaintri Haripur	-do-	-do-
23).	Bushra Kazmi D/O Ibrar.H.Shah Vill:Hab, Moh:Afzalabad C/Jail	-CGPS Kotehra	-do-
24).	Najma Hamid, D/O Abdul Hamid Moh:Manazal, Daryvel, H.Pur	CGPS Bhaal	-do-
25).	Tehmina Bano D/O Abdur Razaq Vill: Sikandarapur Haripur	CGPS Pit Bandi	-do-
26).	Shazia Parveen D/O Abdul Hamid, Vill: Phrallah-H.Pur	CGPS Dehra	-do-
27).	Noshaba Kausar D/O Mohd Doran Vill:PO:Chaintri Haripur	CGPS Zaida	-do-
28).	Arifa Bibi D/O Manzoor Ellahi Vill & PO: Phrallah	CGPS Dehra	-do-
29).	Ibrat Naz D/O Faiz Alam Vill:PO:Salomkhand Ghazi H.Pur	CGPS Laqab	-do-
30).	Shazia Rashid D/O Abdul Rashid Vill: Talokar Moh: Dheri H.Pur	CGPS Gali Amzai	-do-
31).	Robina Gul D/O Roshan Din Vill & PO: Mong Haripur.	CGPS Dehra	-do-
32).	Nagina Bibi D/O Abdus Solem Moh: Pathana S-Salah Haripur	-do-	-do-
33).	Sughra Bibi D/O Muhammad Suleman Vill & PO: Phrallah Haripur	CGPS Kalliar.	-do-

TERMS / CONDITIONS

- 1) Before handing over charge their original certificates should be verified and attested photo copies placed on record.
- 2) The appointments is made purely on temporary basis & can be terminated without assigning any notice or reason.
- 3) They will given fifteen (15) days prior notice or forfeit one month pay/lieu if they desired to leave the post.
- 4) They will produce their health & age certificate from Medical Supdt: DHQ Hospital, Haripur with in a week from the date of taking over charge.
- 5) They are not allowed to take over charge if their age below & above than the prescribed limit of age for appointment against PTC post.
- 6) Their pay and allowance will be drawn by SDEO(F) Haripur being Drawing & Disbursing Officer subject to the confirmation of their charge against the above said post and satisfactory attendance/performance.
- 7) Charge report should be submitted to all concerned.
- 8) NO TA/DA is allowed being fresh appointment.
- 9) The candidates who fail to take over charge within 15 days shall automatically loss her right of appointment and her appointment stand automatically cancelled.

(Continued on page No:3)


ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

Annexure - B -

(9)

NOTIFICATION

Dated Peshawar, the 06/8/2020

In exercise of the powers conferred by section 25 of the

Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of

the Khyber Pakhtunkhwa) is pleased to direct that in the Khyber

Province the Chief Minister of Khyber Pakhtunkhwa, Promotion and Transfer) Rules, 1989, the

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

DATE AND EVEN DATE

Copies forwarded to:

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 Commissioners in Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. The Registrar, Peshawar High Court, Peshawar.
12. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
13. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
14. The Deputy Director (IT), E&A Department, Administration Department with the request to arrange 20 gazette copies.
15. The Section Officer (Admn), Administration Department, Peshawar.
16. The Section Officer in Establishment & Administration Department, Peshawar.
17. The Deputy Director (Admn), Administration Department, Peshawar.
18. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
19. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
20. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
21. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
22. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
23. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
24. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
25. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
26. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
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28. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
29. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
30. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
31. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
32. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
33. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
34. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
35. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
36. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
37. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
38. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
39. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
40. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
41. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
42. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
43. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
44. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
45. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
46. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
47. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
48. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
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98. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
99. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
100. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

DEPUTY SECRETARY (POLICY)
(KWA) (ADH LATER)

[Signature]

ATTESTED

ATTESTED



10

B/c

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 XVII) 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.

(WAHDAH LATIF
DEPUTY SECRETARY (POLICY)


ATTESTED

~~ATTESTED~~

Annexure - C



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

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Polcy-MYI&SHD/1-
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 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

Recd. Of given 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)

2023
21/6/23

ATTESTED

ATTESTED

12

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

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

[Handwritten Signature]
ATTESTED

[Handwritten Signature]
ATTESTED

(B)

B/c

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

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1909.

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)


ATTESTED


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
①

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-I
E&SE Department

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

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

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

ATTESTED

ATTESTED

15

- 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

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

[Signature]
ATTESTED

(Abdullah)

Additional Secretary (Establishment)

[Signature]
ATTESTED



No. 8145

Khyber Pakhtunkhwa, Peshawar

P.F. No. 31/SST/M/Government Cases

Dated: 21-7-2023

Phone: 091-9223344

Email: establishments@gnail.com

To

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

Subject: MINUTES OF THE MEETING


Dear Sir,

I am directed to refer to the letter No.SO(Primary-M)E&SED/3-1/
G.Misc/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and to
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-PI (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. 0987 dated 06-02-2023.
 - (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 your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/3-1/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/3-1/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Mr. 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(3) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPE-16 may be exempted of implications of the amendment in the rules 1(b) provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.


Assistant Director (Estab. M-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Encls. No. Copy of the above is to:-

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

Assistant Director (Estab. M-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED

ATTESTED

- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR (21-7-2023)

Section Officer (Primary-Male)

Elementary & Secondary Education Department

KPK, Peshawar

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/5-1/GM/17/2023 dated 30-7-2023 on subject cited above and to present brief history, along background of case as under:

- That Government of KP Establishment department (Regulation Wing) added rule 7(5) in Civil Servants (Appointment, Promotions, Transfer Rule 1999) vide notification No. No. SDR-VI (E&AD)-1-3/1020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6983 dated 06-08-2023.
- (i) Now it is obligatory upon civil servant to accept promotion.
- (ii) It is prerogative of civil servant to either accept/reject/forfeiture 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 accordingly stated that there exists no provision to decline/forfeiture 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 decision of Rules 7(5) have affected negatively a huge members of female teachers.

The case is submitted for perusal and necessary action please.

Copy of the above to:

1. PA to Director Local Directorate

2. Master Copy

Assistant Director

Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED

[Signature]

~~ATTESTED~~

18

-16-



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

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

Annexure
E

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated
05th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil
Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those
officers/officials who do not comply with promotion order of the competent authority or
try to evade promotion through different means shall be proceed under Khyber
Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.


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

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


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner


ATTESTED


ATTESTED

- B/c -

No. So (Primary - M) E&SE D/8-2/1
Appointment - Rule/2023
Peshawar Dated 23rd August, 2023.

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

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

Dear Sir,

I am directed to refer to your letter No. So (Primary) (Policy) /E&AD
/1-3/2020 dated 8th June 2023 and to state that after
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,
Promotion and Transfer Rules 1989) it has been intimated that
those officers/officials who do not comply with promotion order
of the competent authority or try to evade promotion through
different means shall be proceed under Khyber Pakhtunkhwa
Civil Servant (Efficiency and Discipline) Rule 2011.

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

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

Copy forwarded to;

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

(Muhammad Ishaq)
Section Officer (Primary
Male)

ATTESTED

ATTESTED

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)

Enclst. 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

ATTESTED

WP442-2023 AZIZULLAH VS GOVT OF PG

21

-19-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

To,

Dated: 26-02-2024

- 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.

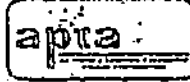
It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution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

Best Regards


ATTESTED

Shazia Parveen w/o Azam
(PSAT IBPS 15)
Nojwa


ATTESTED



آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - H




مہذب: میکر لی ڈپلٹری ۵ سیکڑی ایچ کمن خیبر پختونخوا
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جانب مال

گزارش ہے کہ پروسٹنٹ ہر ادارے میں ہوتے ہیں اور کہ سرکاری ادارے کی خواہش اسلی ہے پروسٹنٹ ایک سالن اور اگر چاہا کہ جو لازم ایک اگر کسی
پروسٹنٹ ایک سال پروسٹنٹ میں تو وہ ہر آٹھ ماہ سال تک پروسٹنٹ نہیں لے سکتے تھے مطلب پانچ سال تک ہر اس کی پروسٹنٹ نہیں اور کمن جس
ہر اس سالوں میں سرکاری رعایت کی گئی پانچ سالوں تک ہر ایک سال پروسٹنٹ نہ لیں تو دوسرے سال لے سکتے
تھیں اب ایک ہفتے پہلے ایک اور نوٹیفکیشن آ رہا ہے
جس کے مطابق اب ہر عام پروسٹنٹ سرورڈ لیں گے اگر نہیں لیں گے تو اس کے خلاف ایک سالوں تک دلائل کے مطابق کارروائی کر کے لیا گیا ہے
اور اسلے یہ آخری نوٹیفکیشن بنیادی اسالی منتول کی کل خلاف دلائی ہے سب سے کہ دور اور ہر ہائی ملازمتوں میں خاص کر خواتین اساتذہ کو انہالی شکایت کا
ماتہ کرنا ہے
بلکہ عام ملازمت میں کسی ذہنی پروسٹنٹ اور دور دورہ بیٹیاں بنیادی اسالی منتول کی خلاف ورزی ہے کہ کو خیبر پختونخوا میں پروسٹنٹ سے کارروائی و شفٹیں
کی گئی ہے ایسے حالات میں یہ نیا نوٹیفکیشن ہر E&SE کی کارروائی لیکر کی جواب میں کیا گیا ہے جو دہشتے اور بنیادی اسالی منتول کی خلاف ہے
ہم اس کے خلاف کارروائی ہر ہائی کون کون سی صورتوں میں
ہر عام آپ سے صورت اٹھل کرے ہیں کہ کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
رہدگیا پروسٹنٹ لینے کی ہولڈ ان کو سرٹس سے لینے دیا جائے
اور پروسٹنٹ لینے کی صورت میں ہر عام ہر ہائی لیا جائے لیں یہ رہدگیا نہ کی جائے
اس سلسلے میں آپنا ہر ہائی (DRO) کی ای اور کہ ایک قسم سے ہر عام ہر ہائی لیا جائے تاکہ اطلاع میں پ سلی / سبیل پرائمری اساتذہ کو ذہنی
البت اور ہر ہائی سے ہلایا جائے
کی کہ نوٹیفکیشن ہر ہائی اورے ہی پرائمری اساتذہ کو اپنی طور پر ہر ہائی لے کرے کا سلسلہ شروع ہو چکا ہے
ہر عام یہ حق رکھتے ہیں کہ آپ صاحبان کوئی ایکشن لے سب ہر کے پرائمری اساتذہ قسم سے سبیل پرائمری اساتذہ کو اس ضمنی البت سے بہت دلائل کے

شکر یہ
غزوانہ خان سرہانی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
021/77/83

ATTESTED

ATTESTED

قیمت 50 روپے	55822	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: محمد عدیل بٹ	بار کونسل ایسوسی ایشن نمبر: 3410662	  
	رابطہ نمبر: 0334-9166514	

بعدالت جناب:

مخاطب:	دعویٰ:
820310 Penveers	علت نمبر:
بنام	مورخہ:
Group of KPK	جرم:
	تھانہ:

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پیش در کیلئے محمد عدیل بٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوفی کو مقدمہ کی نقل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر نمائندگی و فیصلہ بر حلقہ دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل گزشتہ کی و نظر جانی و بیرونی اگر کسی کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ جیکے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار کارروائی کو اپنے ہمراہ یا اپنے ہیجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور وہ اپنے کام سلسلہ پر دائرہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوا کے مقدمہ کے سبب سے ہوگا یا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا جزیب ہوں گے کہ وہ پیروی مذکورہ کریں اور کالٹ نامہ لکھ دیا تاکہ سندر ہے

المرقوم: 29/10/2024

العواذ العواذ العواذ
مقام کے لئے منظور ہے۔

Accepted by

011/2024
P-FC12870-2023-1

محمد عدیل بٹ