


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2172/2024

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 Mr. Jahangir Iqbal 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

Case Title: Jhangin iqbal ^{CHECK LIST} vs Court of KPK

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: M. Asad Bhatt

Signature: [Signature]

Dated: [Date]

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2172 /2024


Jahangir Iqbal

versus

Secretary to Government of Khyber Pakhtunkhwa, & others

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1.	Appeal and Verification		1-4
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5.	Copy of impugned letter dated June 06 th , 2023.	C	12-14
6.	Copy of minutes of meeting dated 06-07-2023	D	15-18
7.	Copy of letter dated 23.08.2023	E	19-20
8.	Copy of impugned letter dated 07.09.2023	F	21-22
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ADVOCATE

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2172 /2024

Khyber Pakhtunkhwa
Service Tribunal

Jahangir Iqbal son of Abdul Hameed (PSHT BPS-15)
Phurhala, tehsil and District Haripur

Diry No. 17309

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

Filed to-day
Registrar
29/10/24

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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 setaside.

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- 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.

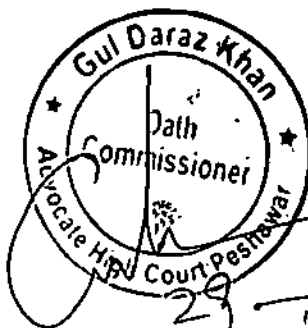
[Signature]
Deponent

Though

[Signature]
Appellant

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court



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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No _____/2024

Jahangir Iqbal

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.

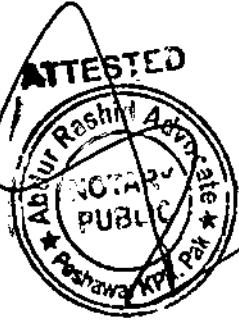
Respectfully Submitted:-

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.
Jahangir Iqbal
Deponent

Though



Jahangir Iqbal
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

6 Annex A

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



Personal Information of Mr JANGHIR IQBAL, d/o/s of ABDUL HAMID
 Personal Number: 00251023 CNIC: 13020108595 NTN:
 Date of Birth: 25/03/1971 Entry into Govt. Service: 12/10/1991 Length of Service: 32 years 10 Months 021 Days

Employment Category: Active Permanent
 Designation: PRIMARY SCHOOL HEAD TEACH 800213-DISTRICT GOVERNMENT - CIVIL
 DDO Code: HR68DP-DEPUTY DISTT. EDUCATION OFFICER(MP)/HARIPUR
 Payroll Section: 02 GFP Section: 01 Cash Center: 11
 GFP AC No: EDUHR00011 GFP Interest applied GFP Balance: - 696200 (gross total)
 Voucher Number: -

Pay and Allowances: Pay scale: BP5 for - 2022 Pay Scale Type: Civil BIS 15 Pay Scale 22

Wage type	Amount	Wage type	Amount
0001 Basic Pay	67,480.00	1001 House Rent Allowance 45%	1,521.00
1210 Convey Allowance 2015	2,856.00	1101 Akshaya Allowance	1,500.00
1305 Charge Allowance	40.00	2125 15% Adhoc Relief All-2021	810.00
2159 Adhoc Relief Allow 610%	500.00	2316 Teachers Allowance 2021	3,224.00
2411 Diaper Rel All 15% 2022KP	6,408.00	2347 Adhoc Rel All 15% 22105179	6,408.00
2438 Adhoc Relief All 2021 35%	22,925.00	2391 Adhoc Relief All 2021 25%	16,370.00

Deductions - General

Wage type	Amount	Wage type	Amount
0015 GFP Subscription	-4,250.00	3501 Benevolent Fund	-1,200.00
0000 Income Tax	-5,918.00	3901 Temp Edu Fund KPK	-138.00
0001 R Benefits & Death Comp	-400.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6804	GFP Loan Principal Instl	360000.00	-23,500.00	688,500.00

Deductions - Income Tax
 Payable 88,368.00 Exempted till AUG-2024 11,007.00 Exempted 22191.85 Exemptible 55,170.20

Gross Pay (RS): 1,32,649.00 Deductions (RS): -35,673.00 Net Pay (RS): 96,976.00

Payee Name: JANGHIR IQBAL
 Account Number: 009240011017674
 Bank Details: SRSP BANK LIMITED, 729024 HUB HARIPUR ISLAMIC HUB HARIPUR ISLAMIC HUB HARIPUR

Loans: Opening Balance Aailed. Earned. Balance.

Permanent Address: HR Domicile, NW - Khyber Pakhtunkhwa House Status: No Other
 City: HARIPUR
 Temp Address: Email: phangirghad566@gmail.com
 City:

ATTESTED

Salary generated by system on 2024-08-01 with GFPN 16129000523002024-01
 * All amounts are in PKR Rupees
 * Errors & omissions excepted (M/R/17/501/00/2024/02/04)

CS

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

OFFICE ORDER NO. 63 DATED HARIPUR 10.10.1994

APPOINTMENT

Appointment of the following trained PTC candidates are hereby ordered against the PTC post in BPS-7(14B-01-2695) plus usual allowances as admissible under the rules in the interest of public service on the terms and conditions given at the end:-

S.No.	Name/father's name & address	School where appointed.
	PF-39	
1.	Mohammad Ibrahim Shah s/o Sulman Shah Farid-Abad.	PS No.2 Panien newly created post.
2.	Asif Shah s/o Amin Shah New Balke.	Mosq:Kantar Abad vacant post.
3.	Abdul Khaliq s/o Abdul Jalil vill: Chajjian.	PS Sarrai vacant post.
4.	Mohammad Akbar s/o Mohammad Aslan Vill:Chaganwan	PS Perwari vacant post.
5.	Intiaz Shah s/o Akbar Shah vill: Dorkot.	PS Dorkot vacant post
6.	Raja Asmer Sultan s/o R.Farquraz Khan Vill: Dorkot.	Mosq: RexkhalaxililxHaretii vacant post.
7.	Javed Akhtar s/o Mahanna Ali Ahmad Vill:Gendan.	PS Bhera(Khanpur) newly crtd:post.
8.	Mohammad Shafique s/o Mohammad Akram Vill:Desra.	PS Bees Ban vacant post.
	Mohammad Hussain s/o Manzoor Elahi vill:Ket Najibullah.	PS Saradhana vacant post.
10.	Abdul Hafeez s/o Abdul Huzif vill:Bandi Gulu.	PS Sultanpur vacant post.
11.	Iqhtiaq Hussain s/o Arab Hussain vill:Dorkot.	PS Chaskian vacant post.
12.	Fahid Ahmad s/o AbdulSaghir vill:Najifpur	Mosq:Sabra vacant post.
13.	Intiaz Ahmad s/o Mushtaq Ahmad vill:Mang.	PS No.2 Khanpur newly crtd:post.
14.	Khalid Mehagood Khan s/o Sultan Mohammad Khan vill:Kalupind.	PS Kotla vacant post
15.	Masood Akhtar s/o Allah-Mal vill: Kamolpur(Hattar).	Mosq:Kanjor vacant po
16.	Mohammad Ijaz s/o Mohammad Ismail vill: Conjan I	PS Khido Pinjo vacant post.
17.	Asif Shah s/o Dilawar Shah vill:Gadwalian.	PS No:2 Kangra newly crtd:post
	PF-40	
18.	RexkhalaxililxHaretii	
10.	Zahid Abboss s/o Mohammad Sadiq vill:Mang	PS Chechian newly created post.
19.	Zarshad Ahmad s/o Kala Khan vill: Gadwalian.	PS Fakki Ban vacant post.
20.	Nasir Shah s/o Amin Sahabi vill: Gadwalian	PS Thali Kot vacant post.
21.	Shahzoda Khan s/o Ghulam Rasul vill:Kahol.	PS Sathana No.2 vacant post.
22.	Nasir Mahmood s/o Mohammad Younis vill:Serai-Salch.	PS Haina Ali Khan newly created post.

ATTESTE

- | | |
|---|--|
| 33. Mohammad Ajaib s/o Mohammad Ayub Vill: Nakhani Colony. | PS Dera |
| 34. Mohammad Aslam s/o Mohboobullah TBT Colony Haripur. | PS Dove vacant post |
| 35. Abdul Wahid s/o Abdul Qayyum Mohallah Khoo Haripur. | PS Torb Dhoko newly created post. |
| 36. Mohammad Shafiq ur Rehman s/o Fazalur Rehman Khoo Haripur. | PS Thundari vacant post. |
| 37. Abid Saad Khan s/o Moha us Saad Khan Vill: Serai Saleh. | Mosq: Kermani Shah vacant post. |
| 38. Ahmad Mehbod s/o Mohammad Sadiq Vill: Sikandarpur. | PS Kermani vacant post. |
| 39. Mohammad Asad s/o Mohammad Yousof Vill: Hanakia. | Mosq: Kanda Mansari vacant post. |
| 40. Mohammad Arniq s/o Moha mad Ashraf Vill: Doyan Ahi. | Mosq: Gwari (Ch 2) vacant post. |
| 41. Shapada Khan s/o Abdul Qayyum Vill: Malikyar. | PS Chhajaka vacant post. |
| 42. Umar Hayat s/o Shaikat Zaman Mohallah Khoo Haripur. | PS Dheri Sikandarpur newly crtd: post. |
| 43. Faiz Mohammad s/o Mohammad Mehfooz Vill: Pharchala. | PS Sawalmaira vacant post. |
| 44. Mohammad Saad s/o Mohammad Nazir Serai Saleh. | PS Koya vacant post. |
| 45. Mohammad Akhtar s/o Mohammad Farid Vill: Mohri. | PS Akhoo Bandi vacant post. |
| 46. Hashmat Hussain Niaz s/o Shafiq Hussain Malik Vill: Mirpur. | PS Noor Colony newly created post. |
| 47. Mohammad Zubair s/o Jehan Dad Vill: Talokar. | PS Balungi vacant post. |
| 48. Zahid Iqbal s/o Rashid Ahmad Haripur (Asifabad). | PS Dab Dheri vacant post. |
| 49. Shahid Mehbod s/o Ghulam Nabi Serai Saleh. | PS Chhachmaira newly crtd: post. |
| 50. Fida Moha s/o Roshan Din Vill: Jatti. | PS Sawabimaira vacant post. |
| 51. Sultan Shah s/o S. Sobir Hussain Shah Vill: Thi. | PS Gmzi vacant post. |
| 52. Jehangir Iqbal s/o Abdul Hamid Vill: Pharchala. | PS Salam Khand vacant post. |
| 53. Rashid Nawaz s/o Ghulam Farid Vill: Barthal. | PS Barwasa vacant post. |
| 54. Mohammad Iqbal s/o Taj Mohammad Vill: Malikyar. | PS Jhokra vacant post. |
| 55. Arshad Mehmood s/o Moha mad Mehfooz Pharchala. | PS No.1 Kalinjer |

PF-41

- | | |
|--|--------------------------------|
| 195 1. Ittikhar Ahmad s/o Abdul Qayyum Sector No. 3 K.T. ship. | Mosq: Lari Terli vacant post. |
| 2. Zohoor Khan s/o Daula Khan Vill: Chhohar. | PS Bajecda newly crpu: |
| 3. Sahibzoda Abid Maec s/o S. Mohammad Rasul Shah Vill: Khalabat Township. | PS Qazipur vacant post. |
| 4. Mohammad Ibrahim s/o Haider Zaman Khalabat T. Ship Sector-4. | Mosq: Bohdara vacant post. |
| 5. Mohammad Arshad s/o Hoorur Rahman Khalabat T. Ship Sector No. 1. | PS Cambadin vacant post. |
| 6. Mohammad Farid s/o Mohammad Zaman Khalabat T. Ship Sector-1. | PS Janjaka vacant post. |
| 7. Saad Athir s/o Mohammad Siddique Khalabat T. Ship Sector-1. | Mosq: Cham Chholi vacant post. |
| 8. Fida Moha s/o Mohammad T. Ship Sector-2 K.T.S. | PS Bandi |

ATTESTE!

- 54. Mohammad Din s/o Mohamad Miskeen
vill: Dalri. PS Dalri vacant post.
- 55. Mohammad Gulzar s/o Mohamad Miskeen
Khalabat Township: Moh: Darband. Hese: Phal vacant post.
- 56. Ziaur Rehman s/o Mohammadur Rahman
vill: Gandaf. PS Kherkot vacant post.
- 57. Tanveer Shah s/o Miskeen Shah
Vill: Collie (Sirikot). PS Dheri Bagarchian vacant post.
- 58. Mohammad Samrez s/o Sajawal Shah
vill: Sirikot. PS Umar Khana vacant post.
- 59. Nasir Shah s/o Muzamil Shah
vill: Ramdara (Sirikot). PS Kaji Kundi vacant post.
- 60. Saffar Shah s/o Akbar Shah
vill: Collie (Sirikot) Ex-Serviceman. PS Kothera vacant post.

TERMS AND CONDITIONS.

1. Thenevly appointed candidates are directed to produce their Age & Health certificate from DHO Haripur within 7 days from the date of taking-over charge.
2. Their appointment is purely on temporary basis and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their original academic and professional certificates/documents.
4. Their original/professional certificate should be checked thoroughly before handing-over the charge and should not be handed-over charge if their original certificate are not found correct.
5. No one should be handed-over charge if he is below 18 years and above 25 years (in case of over age 2 years are releasable).
6. ~~Only candidates who received their professional training from the College/University other than Govt: Elementary College in NWFP will be appointed according to their merit order after the verification of their professional qualification from the concerned issuing agency.~~ The candidate who received their professional training from the College/University other than Govt: Elementary College in NWFP will be appointed according to their merit order after the verification of their professional qualification from the concerned issuing agency.
7. They will be governed under prescribed service rules framed by the Govt: NWFP.
8. Charge report should be submitted in duplicate to all concerned.
9. DA is allowed on 1st appointment.

[Handwritten signature]

[Handwritten signature]
(RAB HANAZ KHAN)
DISTRICT EDUCATION OFFICER (H)
PRIMARY HARIPUR.

Endst: No. 2172-2392/F.No. 234/DCO/GE/ Apptt: Dated Haripur the 10/10/19...

Copy forward to the:-

1. Director Primary Education N.W.F.P. Hayat Abad Peshawar.
2. PS to Minister for Education (Primary) NWFP.
3. PS to Secretary to Govt: NWFP Education Deptt:.
4. Sub Divisional Education Officer (H) Haripur.
- 5-65. The Head Teachers concerned.
- 6-126. The candidate concerned.
7. Superintendent Local Office.

[Handwritten signature]
(RAB HANAZ KHAN)
DISTRICT EDUCATION OFFICER (H)
PRIMARY HARIPUR

[Handwritten signature]
ATTESTEL

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/8/2020

SUPP (E&A) 1-3/2020 In exercise of the powers conferred by section 26 of the
Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of
1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber
Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the
following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

ODD NO & EVEN DATE

Copy is forwarded to:

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

1267
09/08/2020

Wazir Khan
WAZIR KHAN LATIF
DEPUTY SECRETARY (POLICY)

ATTESTED

M. H. Latif
ATTESTED ATTESTED

B/c (11)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)

ATTESTEL

~~ATTESTED~~

ATTESTED

WP4442-2023 AZIZILLAH VS GOVT OF POK

ATTESTED

[Handwritten signature]

Section Officer (Policy)

[Handwritten signature]

Section Officer (Policy)

[Handwritten signature]

Yours faithfully,

- 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.

Copy forwarded to the:
Ruler, Govt. No. & Date

[Handwritten initials]

I am directed to refer to your letter No. S04/Timery-MYKAS/1172-13/2023 dated 18.04.2023 in the subject noted above and to state that Sub-Rule 13 of Rule-7 of Khyber Pkhtunkhwa Civil Services (Appointment, Promotion and Transfer) Rules, 1987 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

The basic rationale behind the deletion of the said rule is aimed at preventing a person from being promoted to a single lucrative position or to a post which is held in lieu of a single position or show lack of capacity to handle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

Furthermore, those 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 Services (Efficiency & Discipline) Rules, 2011, please.

Subject: GUIDANCE REGARDING DELETION OF RULE 7(13) IN THE KHYBER PAKHTUNKHWA CIVIL SERVICES (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1987.

The Government of Khyber Pkhtunkhwa, Timery & Secondary Education Department.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. S04/Timery/KAS/1172-13/2023
Dated Timery the June 06, 2023

67

Annexure - C

(12)

13



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No. 091-9221507)

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

[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 (Estab) E&SE Department in his office.

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

Encl: AA

[Handwritten initials]

[Signature]
(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

[Handwritten initials]

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

ATTESTED

ATTESTED

14
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

WP4442-2023 AZIZULLAH VS GOVT CP PG43


ATTESTED

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

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


Annexure
①


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 APFA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

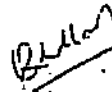
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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 APFA
Peshawar


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

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


ATTEST


ATTESTED

16

B/C

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

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

S/1	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)

[Signature]
ATTESTED

[Signature]
ATTESTED



Khyber Pakhtunkhwa, Peshawar

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/1-17/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) dated Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
 - That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-02-2023.
 - (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/2-2/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 to 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/2-2/Appointment/2023 dated 12-06-2023.
 - That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office, has been asked for submission of consolidated case.
- In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPs-16 may be exempted of implications of the amendment in the rules if they provided their written refusal prior to conduct of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

[Signature]
21/7/2023
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.

[Signature]
ATTESTED
Assistant Director (Estab M-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED

- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR
(21-7-2023)

To:

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/S-1/G/Mil/ Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history about background of case as under:-

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion & Transfer Rule 1989) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 5987 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/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E & SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E & AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.


ATTESTED

~~ATTESTED~~

19



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

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

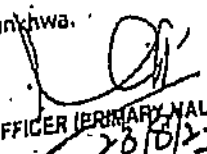
2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father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

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


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner


ATTESTED

~~ATTESTED~~

- B/c -

No. So (Primary - M) E & SE/S/9-2/
 Appointment - Rule/2023
 Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. So (Primary) (Policy) /E & AD
 /1-3/2020 dated 31st 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

ATTESTE

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

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

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

Yours faithfully,

Section Officer (Policy)

Enclst. Of even No & date

Copy forwarded to the:-

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

~~DELETED~~

WP442-2023 AZIZULLAH VS GOVT OF POK

22

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

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

[Signature]
ATTESTED

Section Officer (Policy)

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

JA
11-11-11
Hargis iqbal s/o
Abdullahomced
(PSSHIT) BPS-15/

ATTESTED

ATTESTED

WP442-2023 AZIZULLAH VS GOVT CP PG43

ATTESTED

Handwritten signature and text in Urdu.

Handwritten signature and date: 08/11/23

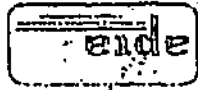
Main body of handwritten text in Urdu, appearing to be a legal document or affidavit.

Handwritten signature and text at the bottom of the main body.

Annexure - H

Handwritten text: اپنی شہادت پر (اپنی) شہادت پر




APTA House, Govt. Primary School No. 4, Gulshar Poshwar City.



Atty. General, Peshawar

Atty. General, Peshawar, 0333-0215541, 0333-0215542, 0333-0215543, 0333-0215544, 0333-0215545, 0333-0215546, 0333-0215547, 0333-0215548, 0333-0215549, 0333-0215550, 0333-0215551, 0333-0215552, 0333-0215553, 0333-0215554, 0333-0215555, 0333-0215556, 0333-0215557, 0333-0215558, 0333-0215559, 0333-0215560, 0333-0215561, 0333-0215562, 0333-0215563, 0333-0215564, 0333-0215565, 0333-0215566, 0333-0215567, 0333-0215568, 0333-0215569, 0333-0215570, 0333-0215571, 0333-0215572, 0333-0215573, 0333-0215574, 0333-0215575, 0333-0215576, 0333-0215577, 0333-0215578, 0333-0215579, 0333-0215580, 0333-0215581, 0333-0215582, 0333-0215583, 0333-0215584, 0333-0215585, 0333-0215586, 0333-0215587, 0333-0215588, 0333-0215589, 0333-0215590, 0333-0215591, 0333-0215592, 0333-0215593, 0333-0215594, 0333-0215595, 0333-0215596, 0333-0215597, 0333-0215598, 0333-0215599, 0333-0215600.

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50	55824	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈویکٹ: <u>محمد عیوب مٹ</u>	PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن نمبر: <u>136 109662</u>		
رابطہ نمبر: <u>9166514-5334</u>		

بعدالت جناب:

منجانب:	دعویٰ:
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بنام	مورخہ:
گورنمنٹ آف پاکستان	جرم:
	تھانہ:

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام _____ کیلئے _____ کو وکیل مقرر

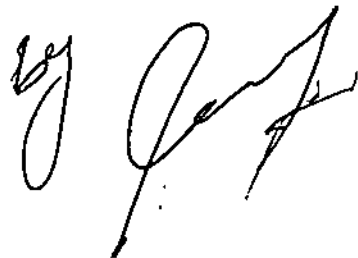
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر شناعت و فیصلہ برحلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از مہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل گزارائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا استعمال پر بلاخیز منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب سے مقدمہ کے سبب سے ہوگا کوئی تالیفی پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہون گئے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 10/20

العبد كواحد العبد

مقام _____ کے لئے منظور ہے۔

Accepted



محمد نذیر امین وکیل صاحب